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April 10—May 4, 1995

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

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Ninety-second Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 10, 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 Father Donald P. Schmitt, St. Athanasuis Church, Jesup.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Father Donald P. Schmitt, Jesup.

The Journal of Thursday, April 6, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago, from twenty-four constituents favoring reinstatement funding for the Older Iowans Legislature.

By Nelson of Pottawattamie, from the Pottawattamie County Bar Association, favoring the establishment of an additional full-time district court judge for the Fourth Judicial District.

INTRODUCTION OF BILL

House File 561, by Siegrist and Schrader, a bill for an act relating to the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates.

Read first time and referred to committee on state government.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 117, a bill for an act adopting a new uniform anatomical gift Act and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-3222 filed by the committee on human resources and moved its adoption:

H-3222

- 1 Amend Senate File 117, as passed by the Senate, as
- 2 follows:

- 3 1. Page 1, by inserting after line 30 the
 4 following:
 5 "_. "Medical examiner" means an individual who
 6 is appointed as a medical examiner pursuant to section
 7 331.801 or 691.5."
 8 2. Page 4, by striking lines 15 and 16 and
 9 inserting the following: "anatomical gift made
 10 pursuant to section 142C.4."
 11 3. Page 4, by striking lines 23 and 24 and
 12 inserting the following:
 13 "12. A document of gift may be in the form of a
 14 specific donor card such as an eye donor card, a
 15 uniform donor card, a will, or any other written
 16 document executed pursuant to this chapter. A uniform
 17 donor card shall include the options of donating any
 18 and all parts, or any specific part or parts. A
 19 uniform donor card may, but is not required to be, in
 20 the following form."
 21 4. Page 6, by striking lines 3 through 32.
 22 5. By renumbering as necessary.

The committee amendment H-3222 was adopted.

Blodgett of Cerro Gordo offered the following amendment H-3520 filed by him and moved its adoption:

H-3520

- 1 Amend Senate File 117 as passed by the Senate as
 2 follows:
 3 1. Page 1, line 35, by striking the words
 4 "certified by" and inserting the following:
 5 "registered with".
 6 2. Page 2, line 2, by striking the figures and
 7 letters "42 U.S.C. § 273" and inserting the following:
 8 "42 C.F.R. § 485, subpt. D".

Amendment H-3520 was adopted.

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. 117)

The ayes were, 96:

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	Doderer	Drake	Drees

Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	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	Ertl	Hammitt	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 MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 117** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Connors of Polk presented to the House Dr. Li and Nurse Yan Yeng from Hehei, People's Republic of China. They are guests of the Sister City Program and Mercy Hospital Medical Center.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ertl of Dubuque, on request of Siegrist of Pottawattamie.

The House stood at ease at 1:20 p.m., until the fall of the gavel.

The House resumed session at 2:51 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Senate File 94, a bill for an act relating to reciprocal license fees for nonresident real estate brokers and salespersons, with report of

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

Disney of Polk offered the following amendment H-3280 filed by the committee on state government and moved its adoption:

H-3280

- 1 Amend Senate File 94, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "state" the following: "and that state charges a
- 5 nonresident a fee which is greater than that charged
- 6 by that state to a resident of that state".

The committee amendment H-3280 was adopted.

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. 94)

The ayes were, 98:

Arnold	Baker	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	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	Shultz	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 Ertl

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

Senate File 157, a bill for an act relating to solid waste by eliminating the polystyrene ban and providing an effective date, with report of committee recommending passage, 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?" (S.F. 157)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
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	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:

Fallon

Absent or not voting, 4:

Brammer Cataldo Ertl Renken

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, Cataldo of Polk refrained from voting.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 94 and 157.**

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

Churchill of Polk offered the following amendment H-3344 filed by him and moved its adoption:

H-3344

- 1 Amend Senate File 118 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by inserting after line 16 the
- 4 following:
- 5 "_. Orthopaedic system advisory council of the
- 6 American academy of orthopaedic surgeons, Iowa
- 7 representative."
- 8 2. By renumbering as necessary.

Amendment H-3344 was adopted.

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. 118)

The ayes were, 96:

Arnold	Baker	Bell	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	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	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	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Meyer

Absent or not voting, 3:

Brammer

Ertl

Rants

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 278**, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock, previously deferred and placed on the unfinished business calendar.

Bogges of Taylor offered the following amendment H-3575 filed by her and moved its adoption:

H-3575

- 1 Amend Senate File 278, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by inserting after line 12 the
- 4 following:
- 5 "Sec. ____ The department of agriculture and land
- 6 stewardship shall adopt rules providing for the
- 7 slaughter of ostriches, rheas, and emus under
- 8 voluntary inspection. The rules shall provide for
- 9 humane slaughter and include a fee schedule for such
- 10 inspections. In order to implement this Act, the
- 11 department shall adopt rules as required under this
- 12 section to be effective no later than January 1,
- 13 1996."
- 14 2. By renumbering as necessary.

Amendment H-3575 was adopted.

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

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

The ayes were, 97:

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	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	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
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:

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

Regular Calendar

Senate File 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, with report of committee recommending passage, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-3727 filed by him and Renken and moved its adoption:

H-3727

- 1 Amend Senate File 207, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 29, by striking the words "who is
- 4 engaged in" and inserting the following: "whose
- 5 principal business is".

Amendment H-3727 lost.

Cataldo 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. 207)

The ayes were, 82:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Burnett	Cataldo
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Huseman	Jacobs	Jochum	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	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
Sukup	Teig	Tyrell	Van Fossen
Warnstadt	Weidman	Weigel	Welter
Wise	Witt		

The nays were, 16:

Branstad	Brunkhorst	Carroll	Churchill
Daggett	Dinkla	Hurley	Klemme
Lord	Main	Meyer	Renken
Thomson	Vande Hoef	Veenstra	Van Maanen, Presiding

Absent or not voting, 2:

Brammer Ertl

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

HOUSE FILE 332 WITHDRAWN

Rants of Woodbury asked and received unanimous consent to withdraw House File 332 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 118, 207 and 278.**

REREFERRED TO COMMITTEE

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be rereferred to the committees as listed:

House Joint	State Government
Resolution 7	
House Joint	State Government
Resolution 9	
House Joint	State Government
Resolution 10	
House File 16	Judiciary
House File 18	Labor and Industrial Relations
House File 34	State Government
House File 50	Judiciary
House File 61	Labor and Industrial Relations
House File 88	Local Government
House File 121	Education
House File 130	Judiciary
House File 176	Judiciary
House File 199	State Government
House File 206	Technology
House File 220	Education
House File 239	Local Government
House File 249	Commerce-Regulation
House File 270	Judiciary
House File 304	Transportation
House File 308	Labor and Industrial Relations
House File 326	Judiciary
House File 329	Judiciary
House File 330	Labor and Industrial Relations
House File 343	Judiciary
House File 374	Education

House File 404	Education
House File 416	Local Government
House File 432	Education
House File 434	State Government
House File 435	Natural Resources
House File 440	State Government
House File 455	Education
House File 464	Local Government
House File 466	Local Government
House File 484	Judiciary
House File 488	Local Government
House File 493	Local Government
House File 495	Local Government
House File 498	Environmental Protection
House File 502	Human Resources
House File 509	Transportation
House File 510	Transportation
House File 513	Judiciary
House File 521	Agriculture
House File 523	Judiciary
House File 524	Judiciary
House File 526	Judiciary
House File 531	State Government
House File 537	Education
House File 538	Education

Senate File 178, a bill for an act relating to emergency medical services, with report of committee recommending passage, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-3683 filed by him and moved its adoption:

H-3683

- 1 Amend Senate File 178, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 5, line 29, by inserting after the word
- 4 "society," the following: "Iowa academy of family
- 5 physicians,".

Amendment H-3683 was adopted.

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. 178)

The ayes were, 96:

Arnold	Bell	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
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	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:

Baker	Brammer	Ertl	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.

Senate File 280, a bill for an act authorizing townships to provide emergency medical services, with report of committee recommending passage, 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?" (S.F. 280)

The ayes were, 95:

Arnold	Bell	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
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	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	Shultz
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, 5:

Baker	Brammer	Ertl	Grundberg
Houser			

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

Unfinished Business Calendar

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

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

On the question "Shall the bill pass?" (S.F. 440)

The ayes were, 98:

Arnold	Baker	Bell	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	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 Ertl

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: **Senate Files 178, 280 and 440.**

Regular Calendar

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

Coon of Warren offered amendment H-3660 filed by the committee on judiciary as follows:

H-3660

- 1 Amend Senate File 93, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 7, by inserting after the words
- 4 "to, a" the following: "juvenile who has been
- 5 adjudicated delinquent, but whose juvenile court
- 6 records have been sealed under section 232.150, and
- 7 a".
- 8 2. Page 1, by inserting after line 12 the
- 9 following:
- 10 "_. "Criminal justice agency" means an agency or
- 11 department of any level of government or an entity
- 12 wholly owned, financed, or controlled by one or more
- 13 such agencies or departments which performs as its
- 14 principal function the apprehension, prosecution,
- 15 adjudication, incarceration, or rehabilitation of
- 16 criminal offenders."
- 17 3. Page 2, by striking lines 1 through 4.
- 18 4. Page 2, by striking lines 6 through 12.
- 19 5. Page 4, line 16, by striking the word
- 20 "sheriff" and inserting the following: "court".
- 21 6. Page 4, line 19, by striking the word
- 22 "sheriff" and inserting the following: "court".
- 23 7. Page 5, line 18, by striking the words
- 24 "sheriff, warden," and inserting the following:
- 25 "warden".
- 26 8. Page 5, by striking lines 20 through 30 and
- 27 inserting the following: "do the following prior to
- 28 release or sentencing of the convicted person."
- 29 9. Page 5, line 31, by inserting after the word
- 30 "photograph" the following: "and the social security
- 31 number".
- 32 10. Page 6, by striking line 24 and inserting the
- 33 following: "incarcerated, the warden or
- 34 superintendent, or in the case of conviction without
- 35 incarceration, the court shall".
- 36 11. Page 6, by striking lines 26 through 28 and
- 37 inserting the following: "forms, and accept the forms
- 38 on behalf of the sheriff of the county of
- 39 registration. The warden or".
- 40 12. Page 6, line 29, by striking the words
- 41 "superintendent shall send a copy of" and inserting
- 42 the following: "the court shall send".
- 43 13. Page 6, line 30, by striking the word "form"
- 44 and inserting the following: "information".
- 45 14. Page 7, line 1, by striking the word
- 46 "sheriff" and inserting the following: "court".
- 47 15. Page 7, by striking lines 2 through 5 and
- 48 inserting the following: "the registration
- 49 information to the department and to the".
- 50 16. Page 7, line 8, by inserting after the word

Page 2

- 1 "FEES" the following: "AND CIVIL PENALTY".
- 2 17. Page 7, by striking lines 20 through 25 and
- 3 inserting the following:

4 "2. In addition to any other penalty, at the time
5 of conviction for a public offense committed on or
6 after the effective date of this Act which requires a
7 person to register under this chapter, the person
8 shall be assessed a civil penalty of two hundred
9 dollars, to be payable in the same manner as a fine.
10 The clerk of the district court shall transmit money
11 collected under this subsection each month to the
12 treasurer of state, who shall deposit the money in the
13 sex offender registry fund established under section
14 692A.11."

15 18. Page 7, line 26, by inserting after the word
16 "fees" the following: "and civil penalty".

17 19. Page 9, line 3, by inserting after the word
18 "name," the following: "the registrant's social
19 security number,".

20 20. Page 9, line 7, by inserting after the word
21 "photographs" the following: "but shall not include
22 information identifying the victim of the crime of
23 which the registrant was convicted".

24 21. Page 9, line 35, by striking the words "law
25 enforcement" and inserting the following: "criminal
26 justice agencies".

27 22. Page 10, line 32, by striking the words "law
28 enforcement" and inserting the following: "criminal
29 justice".

30 23. Page 11, line 2, by striking the words "law
31 enforcement" and inserting the following: "criminal
32 justice".

33 24. Page 11, line 4, by striking the words "
34 other than the identity of a victim of" and inserting
35 the following: "from the registry regarding".

36 25. Page 11, lines 15 and 16, by striking the
37 words "law enforcement" and inserting the following:
38 "criminal justice".

39 26. Page 12, by striking line 9 and inserting the
40 following:

41 "Criminal justice agencies, officials, and
42 employees of criminal justice".

43 27. Page 12, line 11, by striking the words "good
44 faith conduct under" and inserting the following:
45 "acts or omissions arising from a good faith effort to
46 comply with".

47 28. By numbering and renumbering as necessary.

Coon of Warren asked and received unanimous consent to withdraw amendment H-3686 filed by him and Kreiman of Davis on April 3, 1995.

Coon of Warren offered the following amendment H-3816, to the committee amendment H-3660, filed by him and Kreiman from the floor and moved its adoption:

H-3816

- 1 Amend the amendment, H-3660, to Senate File 93, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
- 4 1. Page 1, by inserting after line 7 the
 5 following:
 6 "_. Page 1, by striking line 9 and inserting
 7 the following: "judgment.""
 - 8 2. Page 1, by inserting after line 16 the
 9 following:
 10 "_. Page 1, by striking lines 15 through 18 and
 11 inserting the following:
 12 "(1) Kidnapping of a minor.
 13 (2) False imprisonment of a minor.""
 - 14 3. Page 2, line 2, by striking the figure "25"
 15 and inserting the following: "28".
 - 16 4. Page 2, line 12, by striking the words "the
 17 money in" and inserting the following: "ten percent
 18 of the moneys transmitted by the clerk into the court
 19 technology and modernization fund, for use for the
 20 purposes established in section 602.8108, subsection
 21 4, paragraph "a", and deposit the balance of the
 22 moneys transmitted by the clerk into".
 - 23 5. Page 2, by inserting after line 16 the
 24 following:
 25 "_. Page 7, line 31, by striking the word
 26 "Failure" and inserting the following: "A willful
 27 failure".
 - 28 __. Page 7, line 34, by striking the words "who
 29 fails" and inserting the following: "who willfully
 30 fails".
 - 31 __. Page 8, line 5, by inserting after the word
 32 "The" the following: "willful".
 - 33 6. By numbering and renumbering as necessary.

Amendment H-3816 was adopted, placing out of order lines 15 and 16, page 2 of amendment H-3660.

On motion by Coon of Warren, the committee amendment H-3660, as amended, was adopted.

Fallon of Polk offered amendment H-3294 filed by him as follows:

H-3294

- 1 Amend Senate File 93, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 7, by inserting after the word
 4 "officers." the following: "Rules adopted shall also
 5 include a procedure for removal of information from
 6 the registry upon the reversal or setting aside of a
 7 conviction of a person who is registered under this
 8 chapter."

Fallon of Polk asked and received unanimous consent to defer action on amendment H-3294.

Coon of Warren offered the following amendment H-3646 filed by Coon, et. al., and moved its adoption:

H-3646

- 1 Amend Senate File 93, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 26, by inserting after the word
- 4 "registry." the following: "The record of persons
- 5 requesting information from the registry is a
- 6 confidential record under section 22.7, subsection 9,
- 7 unless the person requesting the information from the
- 8 registry requests that the record of the information
- 9 request be a public record."

Amendment H-3646 was adopted.

The House considered amendment H-3294, previously deferred, filed by Fallon of Polk and found on page 1388 of the House Journal.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3824, to amendment H-3294, filed by him from the floor.

On motion by Fallon of Polk, amendment H-3294 was adopted.

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

On the question "Shall the bill pass?" (S.F. 93)

The ayes were, 97:

Arnold	Bell	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
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	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
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:

Baker Brammer Ertl

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 93** be immediately messaged to the Senate.

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

Harper of Black Hawk offered the following amendment H-3574 filed by her and moved its adoption:

H-3574

- 1 Amend Senate File 352, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by striking lines 6 through 12.
- 4 2. By renumbering and correcting internal
- 5 references as necessary.

A non-record roll call was requested.

The ayes were 23, nays 56.

Amendment H-3574 lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3549 filed by him on March 28, 1995.

Brand of Benton offered the following amendment H-3801 filed by him and moved its adoption:

H-3801

- 1 Amend Senate File 352, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by striking lines 13 through 35.
- 4 2. By renumbering and correcting internal
- 5 references as necessary.

Amendment H-3801 lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3550 filed by him on March 28, 1995.

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. 352)

The ayes were, 91:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	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, 6:

Bernau	Brand	Doderer	Fallon
Harper	Mascher		

Absent or not voting, 3:

Brammer

Ertl

Houser

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 352** be immediately messaged to the Senate.

HOUSE FILE 502 WITHDRAWN

Daggett of Union asked and received unanimous consent to withdraw House File 502 from further consideration by the House.

The House stood at ease at 5:37 p.m., until the fall of the gavel.

The House resumed session at 5:58 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 115, a bill for an act relating to rest areas by permitting refreshments during holiday periods and concerning the promotion of Iowa agricultural products.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 118, a bill for an act relating to compensation of volunteer fire fighters when subpoenaed as witnesses.

Also: That the Senate has on April 10, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 128, a bill for an act relating to administrative procedures of rural water districts.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 212, a bill for an act relating to the delegation of authority to an administrative agency of a city.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 277, a bill for an act concerning health care coverage availability to unemployed individuals.

Also: That the Senate has on April 10, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 289, a bill for an act relating to solid waste tonnage fees.

Also: That the Senate has on April 10, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 425, a bill for an act repealing air toxics fees.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 456, a bill for an act relating to grain transactions, by providing for credit-sale contracts.

Also: That the Senate has on April 10, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 475, a bill for an act relating to the state archivist's office.

Also: That the Senate has on April 10, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 10, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 504, a bill for an act relating to a motor vehicle owner's liability for damages caused by the driver.

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

Senate Concurrent Resolution 26, 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.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on Monday, April 10, 1995. Had I been present, I would have voted "aye" on Senate File 117.

HAMMITT of Harrison

I was necessarily absent from the House chamber on April 6, 1995. Had I been present, I would have voted "aye" on House File 177.

OLLIE of Clinton

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 327

Ways and Means: Nutt, Chair; Shultz and Van Fossen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 326.1 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 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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3811, April 6, 1995.

COMMITTEE ON COMMERCE-REGULATION

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.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

COMMITTEE ON HUMAN RESOURCES

Senate File 208, a bill for an act relating to child abuse and termination of parental rights provisions, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3815 April 6, 1995.

Senate File 354, a bill for an act relating to autopsies of certain children under the age of two years.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

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.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3813 April 6, 1995.

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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3814 April 6, 1995.

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.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

COMMITTEE ON JUDICIARY

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 pre-condition to the granting of parole or work release, and providing exceptions.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

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.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

Senate File 195, a bill for an act relating to the judicial department, including jurisdiction of district associate judges in domestic abuse cases.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3819, April 6, 1995.

Senate File 239, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3817, April 6, 1995.

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.

Fiscal Note is required.

Recommended Do Pass April 6, 1995.

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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3832, April 6, 1995.

Senate File 386, a bill for an act relating to restitution in certain traffic offenses which are simple misdemeanors.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

Senate File 409, a bill for an act relating to the activities of clerks of the district court, and providing additional court fees.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3820, April 6, 1995.

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.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-3818, April 6, 1995.

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.

Fiscal Note is not required.

Recommended Do Pass April 6, 1995.

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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3821, April 6, 1995.

AMENDMENTS FILED

H-3804	H.F.	522	Doderer of Johnson
H-3805	H.F.	522	Doderer of Johnson
H-3806	H.F.	522	Doderer of Johnson
H-3807	H.F.	522	Doderer of Johnson
H-3808	S.F.	150	Fallon of Polk
H-3809	S.F.	266	Witt of Black Hawk
			Murphy of Dubuque
			Jochum of Dubuque
			Running of Linn
			Cataldo of Polk
			Kremer of Buchanan
			Ertl of Dubuque
			McCoy of Polk
			O'Brien of Boone
			Kreiman of Davis

H-3810	S.F.	446	Witt of Black Hawk Welter of Jones
H-3811	S.F.	459	Committee on Appropriations
H-3812	S.F.	98	Drake of Pottawattamie
H-3813	S.F.	433	Committee on Human Resources
H-3814	S.F.	436	Committee on Human Resources
H-3815	S.F.	208	Committee on Human Resources
H-3817	S.F.	239	Committee on Judiciary
H-3818	S.F.	432	Committee on Judiciary
H-3819	S.F.	195	Committee on Judiciary
H-3820	S.F.	409	Committee on Judiciary
H-3821	S.F.	457	Committee on Judiciary
H-3822	S.F.	462	Fallon of Polk
H-3823	S.F.	462	Running of Linn
H-3825	S.F.	462	Boddicker of Cedar Bradley of Clinton Lord of Dallas O'Brien of Boone Schulte of Linn Vande Hoef of Osceola Running of Linn Hurley of Fayette Huseman of Cherokee Daggett of Union McCoy of Polk
			Salton of Palo Alto Carroll of Poweshiek Mundie of Webster Van Fossen of Scott Garman of Story Veenstra of Sioux Disney of Polk Harrison of Scott Kremer of Buchanan Mertz of Kossuth
H-3826	S.F.	436	Fallon of Polk
H-3827	S.F.	459	Fallon of Polk Kreiman of Davis
H-3828	S.F.	266	Jochum of Dubuque
H-3829	S.F.	315	Grundberg of Polk Houser of Pottawattamie
H-3830	S.F.	462	Running of Linn
H-3831	S.F.	462	Jochum of Dubuque
H-3832	S.F.	367	Committee on Judiciary
H-3833	H.F.	289	Senate amendment
H-3834	H.F.	504	Senate amendment
H-3835	H.F.	128	Senate amendment
H-3836	H.F.	387	Senate amendment
H-3837	H.F.	483	Senate amendment

H-3838	H.F.	297	Witt of Black Hawk Welter of Jones
H-3839	S.F.	290	Mundie of Webster
H-3840	S.F.	462	Vande Hoef of Osceola
H-3841	S.F.	462	Murphy of Dubuque
H-3842	S.F.	462	Murphy of Dubuque
H-3843	S.F.	432	Coon of Warren
H-3844	S.F.	462	Brand of Benton
H-3845	S.F.	462	Brand of Benton
H-3846	S.F.	462	Brand of Benton
H-3847	S.F.	462	Mundie of Webster
H-3848	S.F.	462	Running of Linn
H-3849	S.F.	433	Fallon of Polk
H-3850	S.F.	462	Murphy of Dubuque
H-3851	H.F.	512	Churchill of Polk Baker of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 6:00 p.m. until 8:45 a.m., Tuesday, April 11, 1995.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 11, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Thomas J. Bower, First Presbyterian Church, Marshalltown.

The Journal of Monday, April 10, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Arnold of Lucas from forty-two citizens of Keokuk County, favoring the issuance of driver's licenses in the County Treasurer's office of Keokuk County.

By Drake of Pottawattamie, from thirty-six constituents favoring the reinstatement of funding for the Older Iowans Legislature.

By Weidman of Cass from three hundred ten constituents of Montgomery County favoring issuance of driver's licenses in the County Treasurer's office.

HOUSE FILE 561 REREFERRED

The Speaker announced that House File 561, previously referred to committee on **state government**, was rereferred to committee on **ways and means**.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 385**, a bill for an act authorizing the appointment of a city board of review by certain cities, previously deferred and placed on the unfinished business calendar.

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

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

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	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	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 Dinkla Running

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

Regular Calendar

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

Blodgett of Cerro Gordo offered the following amendment H-3219 filed by the committee on human resources and moved its adoption:

H-3219

- 1 Amend Senate File 82, as amended, passed, and re-
- 2 printed by the Senate, as follows:

3 1. Page 1, line 11, by inserting after the words
4 "following the" the following: "month of the".

5 2. Page 1; by inserting after line 33 the
6 following:

7 "Sec. ____ Section 249A.12, subsection 3, Code
8 1995, is amended to read as follows:

9 3. If a county reimburses the department for
10 medical assistance provided under this section and the
11 amount of medical assistance is subsequently repaid
12 through a medical assistance income trust or a medical
13 assistance special needs trust as defined in section
14 633.707, the department shall reimburse the county on
15 a proportionate basis. The department shall adopt
16 rules to implement this subsection."

17 3. Page 2, by inserting after line 23 the
18 following:

19 "Sec. ____ Section 561.19, Code 1995, is amended
20 to read as follows:

21 561.19 EXEMPTION IN HANDS OF ISSUE.

22 Where the homestead descends to the issue of either
23 spouse the ~~same issue~~ shall be held ~~by such issue~~
24 exempt from any antecedent debts of ~~their the issue's~~
25 parents or their own antecedent debts of the issue,
26 except those of the owner thereof of the homestead
27 contracted prior to its acquisition of the homestead
28 or those created under section 249A.5 relating to the
29 recovery of medical assistance payments.

30 Sec. ____ Section 633.410, Code 1995, is amended
31 to read as follows:

32 633.410 LIMITATION ON FILING CLAIMS AGAINST
33 DECEDENT'S ESTATE.

34 All claims against a decedent's estate, other than
35 charges, whether due or to become due, absolute or
36 contingent, liquidated or unliquidated, founded on
37 contract or otherwise, are forever barred against the
38 estate, the personal representative, and the
39 distributees of the estate, unless filed with the
40 clerk within the later to occur of four months after
41 the date of the second publication of the notice to
42 creditors or, as to each claimant whose identity is
43 reasonably ascertainable, one month after service of
44 notice by ordinary mail to the claimant's last known
45 address. However, notice is not required to be given
46 by mail to any creditor whose claim will be paid or
47 otherwise satisfied during administration and the
48 personal representative may waive the limitation on
49 filing provided under this section. This section does
50 not bar claims for which there is insurance coverage,

Page 2

1 to the extent of the coverage, claims for debts
2 created under section 249A.5 relating to the recovery
3 of medical assistance payments, or claimants entitled
4 to equitable relief due to peculiar circumstances."

5 4. By renumbering as necessary.

The committee amendment H-3219 was adopted.

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. 82)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Branstad	Brauns	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	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
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brammer	Brunkhorst	Myers	Running
Veenstra			

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 141**, a bill for an act relating to notice for vacating and closing roads, previously deferred and placed on the unfinished business calendar.

Carroll of Poweshiek offered the following amendment H-3525 filed by him and moved its adoption:

H-3525

- 1 Amend Senate File 141, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "city" the following: "who own ten or more acres of
- 5 land".

Amendment H-3525 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?" (S.F. 141)

The ayes were, 94:

Arnold	Baker	Bell	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
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
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	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 4:

Brunkhorst	Grundberg	Main	Teig
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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 was agreed to.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Running of Linn, on request of Schrader of Marion.

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?" (S.F. 155)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Cataldo	Churchill	Cphoon
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	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
Running

Carroll

Drees

Moreland

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

HOUSE FILE 188 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 188 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 82, 141, 155 and 385.**

Appropriations Calendar

House File 512, 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, was taken up for consideration.

Churchill of Polk offered the following amendment H-3851 filed by him and Baker and moved its adoption:

H-3851

- 1 Amend House File 512 as follows:
- 2 1. Page 1, by striking everything after the
- 3 enacting clause and inserting the following:
- 4 "Section 1. There is appropriated from the general
- 5 fund of the state and other designated funds to the
- 6 department of economic development for the fiscal year
- 7 beginning July 1, 1995, and ending June 30, 1996, on
- 8 the conditions that the director shall submit to the
- 9 general assembly by December 1, 1995, a report
- 10 regarding the potential for increased efficiency and
- 11 cost savings from combining the workforce development
- 12 division with the workforce development initiative and
- 13 that the department shall not use any moneys
- 14 appropriated under this Act for further expansion of
- 15 industrial site locator programs until the industrial
- 16 site locator program at the university of northern
- 17 Iowa is completed and fully implemented and the
- 18 department and the university have reported to the
- 19 general assembly on plans for coordination and
- 20 cooperation between the department and the university,

21 including access by the department to the database and
 22 technology of the university program, the following
 23 amounts, or so much thereof as is necessary, to be
 24 used for the purposes designated:

25 1. ADMINISTRATIVE SERVICES DIVISION

26 a. General administration

27 For salaries, support, maintenance, miscellaneous
 28 purposes, provided the director shall take all
 29 reasonable efforts to reduce the number of staff and
 30 level of funding committed to activities of the
 31 director's office and general administration,
 32 including the transfer of staff and funds to the
 33 operational divisions of the department, and the
 34 consolidation of functions and reduction in department
 35 staff, and for providing that a business receiving
 36 moneys from the department for the purpose of job
 37 creation shall make available ten percent of the new
 38 jobs created for promise jobs program participants who
 39 are qualified for the jobs:

40 \$ 916,000
 41 FTEs 22.00

42 The director shall coordinate efforts with the
 43 workforce coordinator to implement the intent of the
 44 general assembly regarding businesses receiving job
 45 creation moneys and shall report to the joint economic
 46 development appropriations subcommittee regarding the
 47 number of jobs to be created by each business, the
 48 number of qualified promise jobs participants applying
 49 with the business, and the number of promise jobs
 50 participants hired.

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1 b. Primary research and computer center

2 For salaries, support, maintenance, miscellaneous
 3 purposes, and for not more than the following full-
 4 time equivalent positions:

5 \$ 300,000
 6 FTEs 5.50

7 The department shall report to the general assembly
 8 by December 1, 1995, on the available options and
 9 potential cost savings regarding privatizing computer
 10 services for primary research.

11 c. Film office

12 For salaries, support, maintenance, miscellaneous
 13 purposes, and for not more than the following full-
 14 time equivalent positions:

15 \$ 185,000
 16 FTEs 2.00

17 2. BUSINESS DEVELOPMENT DIVISION

18 a. Business development operations

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:

22 \$ 3,000,000
 23 FTEs 16.00

24 b. Small business programs

25	For salaries, support, maintenance, miscellaneous		
26	purposes, and for not more than the following full-		
27	time equivalent positions for the small business		
28	program, the small business advisory council, targeted		
29	small business program, business incubators, for		
30	providing 1.00 FTE for the targeted small business		
31	compliance officer who shall continue to work jointly		
32	with the department of management, for eliminating the		
33	position of small business resource office manager,		
34	implementing the small business resource office		
35	reorganization plan by July 1, 1995, and for reporting		
36	to the joint economic development appropriations		
37	subcommittee and the legislative fiscal bureau on the		
38	reorganization, and for deaf interpreters funded		
39	through the economic development deaf interpreters		
40	revolving fund established in section 15.108,		
41	subsection 7, paragraph "j":		
42	.....	\$	365,000
43	.....	FTEs	6.00
44	c. Federal procurement office		
45	For salaries, support, maintenance, miscellaneous		
46	purposes, and for not more than the following full-		
47	time equivalent positions:		
48	\$	90,000
49	FTEs	3.00
50	Notwithstanding section 8.33, moneys remaining		

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1	unencumbered or unobligated on June 30, 1996, shall		
2	not revert and shall be available for expenditure		
3	during the fiscal year beginning July 1, 1996, for the		
4	same purposes.		
5	d. Strategic investment fund		
6	For deposit in the strategic investment fund for		
7	salaries, support, and for not more than the following		
8	full-time equivalent positions:		
9	.....	\$	5,600,000
10	.....	FTEs	10.00
11	e. Targeted small business incubator		
12	Moneys appropriated for fiscal year 1994-1995 and		
13	not expended by June 30, 1995, shall not revert but		
14	shall be held by the department for funding, with		
15	local matching funds, the targeted small business		
16	incubator in Des Moines for the fiscal year beginning		
17	July 1, 1995, and ending June 30, 1996.		
18	f. Insurance economic development		
19	There is appropriated from moneys collected by the		
20	division of insurance in excess of the anticipated		
21	gross revenues under section 505.7, subsection 3, to		
22	the department for the fiscal year beginning July 1,		
23	1995, and ending June 30, 1996, the following amount,		
24	or so much thereof as is necessary, for insurance		
25	economic development and international insurance		
26	economic development:		
27	.....	\$	200,000
28	3. COMMUNITY DEVELOPMENT DIVISION		

29 a. Community assistance
 30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions for administration of the
 33 community economic preparedness program, the Iowa
 34 community betterment program, and the city development
 35 boards:
 36 \$ 615,000
 37 FTEs 7.50
 38 From the funds appropriated in this paragraph,
 39 \$50,000 shall be allocated for the junior olympics.
 40 b. Main street/rural main street program
 41 For salaries and support for not more than the
 42 following full-time equivalent positions:
 43 \$ 410,000
 44 FTEs 3.00
 45 Notwithstanding section 8.33, moneys committed to
 46 grantees under contract from the general fund of the
 47 state that remain unexpended on June 30 of the fiscal
 48 year shall not revert to any fund but shall be
 49 available for expenditure for purposes of the contract
 50 during the succeeding fiscal year.

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1 c. Rural development program
 2 For salaries, support, maintenance, miscellaneous
 3 purposes, for not more than the following full-time
 4 equivalent positions for rural resource coordination,
 5 rural community leadership, and the rural enterprise
 6 fund:
 7 \$ 600,000
 8 FTEs 4.50
 9 There is also appropriated from the rural community
 10 2000 program revolving fund established in section
 11 15.287 to the rural development program for the
 12 purposes of the program including the rural enterprise
 13 fund and collaborative skills development training:
 14 \$ 226,000
 15 Notwithstanding section 8.33, moneys committed to
 16 grantees under contract from the general fund of the
 17 state or through transfers from the Iowa community
 18 development loan fund or from the rural community 2000
 19 program revolving fund that remain unexpended at the
 20 end of the fiscal year shall not revert but shall be
 21 available for expenditure for purposes of the contract
 22 during the succeeding fiscal year.
 23 d. Community development block grant and HOME
 24 For administration and related federal housing and
 25 urban development grant administration for salaries,
 26 support, maintenance, miscellaneous purposes, and for
 27 not more than the following full-time equivalent
 28 positions:
 29 \$ 390,000
 30 FTEs 18.76
 31 e. Councils of governments
 32 There is appropriated from the rural community 2000

33	program revolving fund established in section 15.287		
34	to provide to Iowa's councils of governments funds for		
35	planning and technical assistance funds to assist		
36	local governments to develop community development		
37	strategies for addressing long-term and short-term		
38	community needs:		
39	.....	\$	178,000
40	f. Housing development fund		
41	For providing technical assistance to communities		
42	of all sizes and local financial institutions to help		
43	meet local housing needs:		
44	.....	\$	100,000
45	g. Community voice mail pilot project		
46	For a community voice mail pilot project at a		
47	homeless for emergency shelter or shelters, to be		
48	coordinated with the Iowa finance authority:		
49	\$	10,000
50	4. INTERNATIONAL DIVISION		

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1	a. International trade operations		
2	For coordinating and eliminating duplication of		
3	effort with the department of agriculture and land		
4	stewardship, conducting foreign trade missions on		
5	behalf of Iowa businesses, salaries, support,		
6	maintenance, miscellaneous purposes, for allocating		
7	\$33,500 and up to two full-time equivalent positions		
8	for the international development foundation which		
9	shall continue as a private entity, and for not more		
10	than the following full-time equivalent positions:		
11	.....	\$	757,500
12	..... FTEs		9.00

13 The international development foundation shall
14 notify the department of management by October 1,
15 1995, regarding whether the foundation will receive
16 federal funding during the state fiscal year beginning
17 July 1, 1995, and ending June 30, 1996. If, for the
18 federal fiscal year beginning October 1, 1995, and
19 ending September 30, 1996, no new federal funding will
20 be received by the foundation during the state fiscal
21 year beginning July 1, 1995, and ending June 30, 1996,
22 the balance of the funds allocated to the foundation
23 in this paragraph shall revert to the general fund of
24 the state. Notwithstanding section 8.33, if federal
25 funding will be received by the foundation moneys
26 allocated to the foundation that remain unexpended on
27 June 30 of the fiscal year shall not revert to any
28 fund but shall be available for expenditure for the
29 purposes of the foundation during the succeeding
30 fiscal year. It is the intent of the general assembly
31 that funding for the foundation shall cease after
32 fiscal year 1996-1997.

33 b. Foreign trade offices
34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37	.....	\$	590,000
38	c. Export trade assistance program		
39	For export trade activities, including a program to		
40	encourage and increase participation in trade shows		
41	and trade missions by providing financial assistance		
42	to businesses for a percentage of their costs of		
43	participating in trade shows and trade missions, by		
44	providing for the lease/sublease of showcase space in		
45	existing world trade centers, by providing temporary		
46	office space for foreign buyers, international		
47	prospects, and potential reverse investors, and by		
48	providing other promotional and assistance activities,		
49	provided that the department shall consult with the		
50	department of agriculture and land stewardship prior		

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1	to allocating export trade assistance program moneys,		
2	including salaries and support for not more than the		
3	following full-time equivalent positions:		
4	.....	\$	275,000
5	.....	FTEs	0.25
6	d. Agricultural product advisory council		
7	For support, maintenance, and miscellaneous		
8	purposes:		
9	.....	\$	1,300
10	e. For transfer to the partner state program which		
11	the department may use to contract with private groups		
12	or organizations which are the most appropriate to		
13	administer this program and the groups and		
14	organizations participating in the program shall, to		
15	the fullest extent possible, provide the funds to		
16	match the appropriation made in this subsection of the		
17	funds transferred:		
18	.....	\$	100,000
19	5. TOURISM DIVISION		
20	a. Tourism operations		
21	For salaries, support, maintenance, miscellaneous		
22	purposes, and for not more than the following full-		
23	time equivalent positions, provided that the		
24	appropriation shall not be used for advertising		
25	placements for in-state and out-of-state tourism		
26	marketing:		
27	.....	\$	716,000
28	.....	FTEs	17.77
29	b. Tourism advertising		
30	For contracting exclusively for tourism advertising		
31	for in-state and out-of-state tourism marketing		
32	services, tourism promotion programs, electronic		
33	media, print media, and printed materials and for		
34	allocating \$300,000 to develop brochures and		
35	television advertising to highlight the heritage		
36	tourism program and the sesquicentennial:		
37	.....	\$	2,687,000
38	The department shall not use the moneys		
39	appropriated in this lettered paragraph, except the		
40	\$300,000 allocated for heritage tourism and		

41 sesquicentennial advertising, unless the department
 42 develops public-private partnerships with Iowa
 43 businesses in the tourism industry, Iowa tour groups,
 44 Iowa tourism organizations, and political subdivisions
 45 in this state to assist in the development of
 46 advertising efforts. The department shall, to the
 47 fullest extent possible, develop cooperative efforts
 48 for advertising with contributions from other sources.
 49 c. Welcome center program
 50 To implement the recommendations of the statewide

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1 long-range plan for developing and operating welcome
 2 centers throughout the state and for planning for a
 3 welcome center at living history farms:
 4 \$ 240,000
 5 6. WORKFORCE DEVELOPMENT DIVISION
 6 a. Youth work force programs
 7 For purposes of the conservation corps, including
 8 salary, support, maintenance, miscellaneous purposes,
 9 and for not more than the following full-time
 10 equivalent positions:
 11 \$ 940,000
 12 FTEs 2.40
 13 Notwithstanding section 8.33, moneys committed to
 14 grantees under contract that remain unexpended on June
 15 30 of the fiscal year shall not revert to any fund but
 16 shall be available for expenditure for purposes of the
 17 contract during the succeeding fiscal year.
 18 b. Job retraining program
 19 For not more than the following full-time
 20 equivalent positions, including salaries and support:
 21 FTEs 1.31
 22 There is appropriated from the rural community 2000
 23 program revolving fund established in section 15.287
 24 to the community job training fund created in section
 25 260F.6, subsection 1, \$225,000. It is the intent of
 26 the general assembly that up to \$101,894 of all funds
 27 appropriated to the program and some or all of the
 28 full-time equivalent positions may be used for the
 29 administration of the Iowa small business new jobs
 30 training Act.
 31 c. Workforce investment program
 32 For allocating \$425,000 for funding, to the extent
 33 possible, the currently existing high technology
 34 apprenticeship programs, under section 260C.44 at the
 35 community colleges, and for the purposes of the
 36 workforce investment program, for a competitive grant
 37 program by the department in consultation with the
 38 state job training coordinating council for projects
 39 that increase Iowa's pool of available labor via
 40 training and support services with priority given to
 41 projects which serve displaced homemakers or welfare
 42 recipients, including salaries and support for not
 43 more than the following full-time equivalent
 44 positions:

45	\$	903,000
46	FTEs	0.90

47 The department shall develop new administrative
48 rules for distribution of apprenticeship funding for
49 fiscal years beginning July 1, 1996.
50 The department shall ensure that the workforce

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1 investment program is coordinated with services
2 provided under the federal Job Training Partnership
3 Act and that welfare recipients receive priority for
4 services under both programs.
5 The department and the community colleges shall
6 jointly review the Iowa small business new jobs
7 training Act, chapter 260F, including, but not limited
8 to, studying the funding of retraining programs
9 through consortia and supplier networks and entering
10 into multiple retraining agreements to the same
11 business. The report of the review shall be jointly
12 submitted to the joint economic development
13 appropriations subcommittee not later than January 10,
14 1996.

15 Notwithstanding section 8.33, moneys committed to
16 grantees under contract that remain unexpended at the
17 end of the fiscal year, shall not revert to any fund
18 but shall be available for expenditure for purposes of
19 the contract during the succeeding fiscal year.

20 d. Labor management councils

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-
23 time equivalent positions:

24	\$	100,000
25	FTEs	0.50

26 It is the intent of the general assembly that
27 funding for labor management councils shall be
28 privately financed after fiscal year 1996-1997. The
29 department shall not use moneys appropriated in this
30 lettered paragraph for grants to grantees who do not
31 facilitate the active participation of labor as
32 members of labor management councils or who fail to
33 make a good faith effort to either schedule meetings
34 during nonworking hours or obtain voluntary agreements
35 with employers to allow employees time off to attend
36 labor management council meetings with no loss of pay
37 or other benefits.

38 Notwithstanding section 8.33, moneys committed to
39 grantees under contract that remain unexpended on June
40 30 of the fiscal year shall not revert to any fund but
41 shall be available for expenditure for purposes of the
42 contract during the succeeding fiscal year.

43 Sec. 2. Notwithstanding section 15E.120,
44 subsections 5, 6, and 7, and section 15.287, there is
45 appropriated from the Iowa community development loan
46 fund all the moneys available during the fiscal year
47 beginning July 1, 1995, and ending June 30, 1996, to
48 the department of economic development for the rural

49 development program to be used by the department for
50 the purposes of the program.

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1 Sec. 3. Notwithstanding section 15.251, subsection
2 2, there is appropriated from the job training fund
3 created in the office of the treasurer of state to the
4 department of economic development for the fiscal year
5 beginning July 1, 1995, and ending June 30, 1996, the
6 following amounts, or so much thereof as is necessary,
7 to be used for the purposes designated:

8 1. For administration of chapter 260E, including
9 salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:

12	\$	160,000
13	FTEs	2.40

14 2. For the target alliance program:

15	\$	30,000
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16 Sec. 4. There is appropriated from the general
17 fund of the state to the Wallace technology transfer
18 foundation for the fiscal year beginning July 1, 1995,
19 and ending June 30, 1996, the following amount, or so
20 much thereof as is necessary, to be used for the
21 purposes designated:

22 For salaries, support, maintenance, and other
23 operational purposes, for reporting by December 1,
24 1995, to the joint economic development appropriations
25 subcommittee on a plan regarding restructuring the
26 foundation, merging with the department of economic
27 development in fiscal year 1996-1997, and for
28 transferring, all equity holdings to the Iowa seed
29 capital corporation, for administering the industrial
30 technology access program, for approving and
31 submitting to the governor and general assembly not
32 later than January 15 an annual report relating to
33 performance goals of and efforts by the foundation to
34 improve the modernization of industrial facilities,
35 for funding the small business innovation research
36 program, and for not more than the following full-time
37 equivalent positions:

38	\$	1,950,000
39	FTEs	4.00

40 The Iowa quality coalition shall submit a proposal
41 to the joint economic development appropriations
42 subcommittee and the legislative fiscal bureau by
43 December 1, 1995, regarding awarding funds for
44 productivity enhancement projects through a request
45 for proposal process.

46 Sec. 5. There is appropriated from the general
47 fund of the state to the Iowa seed capital corporation
48 fund established in section 15E.89, for not more than
49 the following full-time equivalent positions, and for
50 meeting the intent of the general assembly that the

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1 Iowa seed capital corporation may expend all funds
 2 remaining, on June 30, 1995, from the industrial
 3 technology access program for the purposes of the
 4 corporation:
 5 \$ 483,000
 6 FTEs 5.00

7 Sec. 6. There is appropriated from the general
 8 fund of the state to the Iowa state university of
 9 science and technology for the fiscal year beginning
 10 July 1, 1995, and ending June 30, 1996, the following
 11 amounts, or so much thereof as is necessary, to be
 12 used for the purposes designated:

13 1. For funding and maintaining in their current
 14 locations the existing small business development
 15 centers, for providing up to \$33,000, or so much
 16 thereof as is necessary, for salary increases of not
 17 more than three percent from all sources for
 18 nonuniversity employees provided that any amount not
 19 required for salary increases for nonuniversity
 20 employees shall revert to the general fund of the
 21 state, and for not more than the following full-time
 22 equivalent positions:
 23 \$ 1,185,000
 24 FTEs 6.07

25 2. For funding the institute for physical research
 26 and technology, provided that \$318,358 shall be
 27 allocated to the institute for physical research and
 28 technology industrial incentive program in accordance
 29 with the intent of the general assembly, and for not
 30 more than the following full-time equivalent
 31 positions:
 32 \$ 4,000,000
 33 FTEs 61.17

34 It is the intent of the general assembly that the
 35 incentive program focus on Iowa industrial sectors and
 36 seek contributions and in-kind donations from
 37 businesses, industrial foundations, and trade
 38 associations and that moneys for the institute for
 39 physical research and technology industrial incentive
 40 program shall only be allocated for projects which are
 41 matched by private sector moneys for directed contract
 42 research or for nondirected research. The match
 43 required of small businesses as defined in section
 44 15.102, subsection 4, for directed contract research
 45 or for nondirected research shall be \$1 for each \$3 of
 46 state funds. The match required for other businesses
 47 for directed contract research or for nondirected
 48 research shall be \$1 for each \$1 of state funds. The
 49 match required of industrial foundations or trade
 50 associations shall be \$1 for each \$1 of state funds.

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1 Iowa state university shall report annually to the
 2 joint economic development subcommittee of the senate
 3 and house appropriations committees the total amounts
 4 of private contributions, the proportion of
 5 contributions from small businesses and other
 6 businesses, and the proportion for directed contract
 7 research and nondirected research of benefit to Iowa
 8 businesses and industrial sectors.

9 Notwithstanding section 8.33, moneys appropriated
 10 for any fiscal year which remain unobligated and
 11 unexpended at the end of the fiscal year shall not
 12 revert but shall be available for expenditure the
 13 following fiscal year.

14 Sec. 7. There is appropriated from the general
 15 fund of the state to the state university of Iowa for
 16 the fiscal year beginning July 1, 1995, and ending
 17 June 30, 1996, the following amount, or so much
 18 thereof as is necessary, to be used for the purpose
 19 designated:

20 For funding the advanced drug development program
 21 at the Oakdale research park and for not more than the
 22 following full-time equivalent positions:

23	\$	309,000
24	FTEs	2.85

25 The board of regents shall submit a report on the
 26 progress of regents institutions in meeting the
 27 strategic plan for technology transfer and economic
 28 development to the chairpersons of the joint
 29 appropriations subcommittee on economic development,
 30 the joint appropriations subcommittee on education,
 31 the majority leader, and minority leader of the
 32 senate, the majority and minority leaders of the house
 33 of representatives, the secretary of the senate, the
 34 chief clerk of the house of representatives, and the
 35 legislative fiscal bureau by December 1, 1995.

36 Sec. 8. Not later than July 1, 1995, the
 37 department of economic development, with consultation
 38 and input from the general assembly, and
 39 representatives from business, labor, and education
 40 shall study and present recommendations to the general
 41 assembly which shall include but not be limited to the
 42 privatization and decentralization of Iowa's economic
 43 development efforts, the identification of areas
 44 appropriate to statewide economic development efforts
 45 and areas appropriate for regional economic
 46 development efforts, benchmark budgeting for statewide
 47 and regional efforts, the deregulation of economic
 48 development activities, and collaboration between
 49 public and private entities.

50 Sec. 9. DEPARTMENT OF EMPLOYMENT SERVICES. There

1 is appropriated from the general fund of the state,
 2 provided that the department not implement a
 3 reorganization plan, without prior approval of the
 4 general assembly, by concurrent resolution, to the
 5 department of employment services for the fiscal year
 6 beginning July 1, 1995, and ending June 30, 1996, the
 7 following amounts, or so much thereof as is necessary,
 8 for the purposes designated, including that the
 9 department of employment services, the department of
 10 personnel, and the department of management shall
 11 ensure that all nonsupervisory full-time equivalent
 12 positions authorized and funded for the department of
 13 employment services in this section will be utilized
 14 during the fiscal year beginning July 1, 1995, and
 15 ending June 30, 1996, and during future fiscal years,
 16 and will not be held vacant, to ensure that the
 17 backlog of cases in that department will be reduced as
 18 rapidly as possible:

19 1. DIVISION OF LABOR SERVICES

20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for not more than the following full-
 22 time equivalent positions contingent upon the
 23 enactment of section 10 of this Act and the provision
 24 which requires moneys appropriated from the special
 25 employment security contingency fund to first be used
 26 to fully fund the appropriation of \$296,000 to the
 27 division of labor services in subsection 1 of section
 28 11 of this Act prior to funding the appropriation in
 29 section 11 of this Act to the division of industrial
 30 services:

31	\$	2,466,000
32	FTEs	87.00

33 The division of labor services shall ensure all
 34 occupational safety and health personnel complete the
 35 department of employment services ambassador customer
 36 service classes. The division of labor shall ensure a
 37 customer satisfaction survey developed by the 1994
 38 focus group is completed and a written report
 39 containing the results of the survey is submitted to
 40 the department of management and the legislative
 41 fiscal bureau not later than October 1, 1995.

42 It is the intent of the general assembly that the
 43 division of labor services shall conduct all
 44 inspection functions in the division as efficiently as
 45 possible. The division shall, to the extent possible,
 46 eliminate duplicate travel to the same location for
 47 separate inspections made at different times, and
 48 shall consolidate such inspections in the same trip
 49 whenever possible.

50 From the contractor registration fees, the division

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1 of labor services shall reimburse the department of
2 inspections and appeals for all costs associated with
3 hearings under chapter 91C, relating to contractor
4 registration.

5 2. DIVISION OF INDUSTRIAL SERVICES

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-
8 time equivalent positions:

9	\$	2,106,000
10	FTEs	33.00

11 3. For salaries, support, maintenance,
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions for a
14 workforce development coordinator and council:

15	\$	114,000
16	FTEs	1.00

17 The workforce development coordinator shall
18 formulate a five-year written implementation plan for
19 the workforce development initiative and shall
20 implement a common intake, assessment, and client
21 tracking system by June 30, 1996, to determine the
22 economic impact of the workforce development system.

23 The coordinator shall annually provide a written
24 report no later than December 1 of each year to the
25 department of management and the legislative fiscal
26 bureau indicating all of the following:

27 a. The amounts of federal, state, and any other
28 funds expended to implement the workforce initiative.

29 b. The efficiencies achieved in terms of
30 administrative costs and other expenditures of the
31 departments involved.

32 c. The location of each workforce center, staffing
33 levels, and the number of clients served.

34 d. Any other information deemed necessary by the
35 coordinator related to the progress and success in
36 implementing the initiative.

37 e. By June 30, 1996, there shall be implemented a
38 common intake, assessment, and client tracking system
39 to determine the economic impact of the new workforce
40 development system. The tracking system shall be able
41 to track individuals who have received training or
42 retraining to determine whether the training or
43 retraining has resulted in increased wages for the
44 individuals, shall contain information on individuals
45 who have participated in or completed state subsidized
46 training or retraining programs more than once at a
47 particular community college or at different community
48 colleges and whether the training or retraining was
49 for the same business or different businesses, and
50 shall provide information regarding the number of

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1 individuals who have received training or retraining
 2 who are unemployed.
 3 4. For the workforce development initiative to be
 4 used to create model workforce development centers and
 5 provide an integrated management information system:

6 \$ 464,000

7 Sec. 10. ADMINISTRATIVE CONTRIBUTION SURCHARGE

8 FUND. There is appropriated from the administrative
 9 contribution surcharge fund of the state to the
 10 department of employment services for the fiscal year
 11 beginning July 1, 1995, and ending June 30, 1996, the
 12 following amount, or so much thereof as is necessary,
 13 for the purposes designated:

14 DIVISION OF JOB SERVICE

15 Notwithstanding section 96.7, subsection 12,
 16 paragraph "c", for salaries, support, maintenance,
 17 conducting labor availability surveys, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:

20 \$ 5,904,000

21 FTEs 149.72

22 1. The department of employment services shall
 23 provide services throughout the fiscal year beginning
 24 July 1, 1995, and ending June 30, 1996, in all
 25 communities in which workforce centers are operating
 26 on July 1, 1993. However, this provision shall not
 27 prevent the consolidation of multiple offices within
 28 the same city or the colocation of workforce centers
 29 with another public agency.

30 2. The division of industrial services shall not
 31 reduce the number of scheduled hearings of contested
 32 cases or eliminate the venue of such hearings, as
 33 established by the division for the period beginning
 34 January 1, 1995, and ending January 20, 1996. The
 35 division shall also establish a substantially similar
 36 schedule for such hearings for the period beginning
 37 January 20, 1996, and ending June 30, 1996. The
 38 division shall report to the legislative fiscal bureau
 39 concerning any modification of the established
 40 schedule, or any changes which the division determines
 41 are necessary in establishing the schedule for the
 42 period beginning January 20, 1996, and ending June 30,
 43 1996.

44 3. The division shall continue charging a \$65
 45 filing fee for workers' compensation cases. The
 46 filing fee shall be paid by the petitioner of a claim.
 47 However, the fee can be taxed as a cost and paid by
 48 the losing party, except in cases where it would
 49 impose an undue hardship or be unjust under the
 50 circumstances.

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1 Sec. 11. EMPLOYMENT SECURITY CONTINGENCY FUND.

2 There is appropriated from the special employment
3 security contingency fund to the department of
4 employment services for the fiscal year beginning July
5 1, 1995, and ending June 30, 1996, the following
6 amounts, or so much thereof as is necessary, for the
7 purposes designated and subject to the requirement
8 that the appropriation to the division of labor
9 services under this section be fully funded from the
10 special employment security contingency fund prior to
11 any amounts being used to fund the appropriation made
12 to the division of industrial services under this
13 section:

14 1. DIVISION OF LABOR SERVICES

15 For salaries, support, maintenance, and
16 miscellaneous purposes:

17 \$ 296,000

18 2. DIVISION OF INDUSTRIAL SERVICES

19 For salaries, support, maintenance, and
20 miscellaneous purposes:

21 \$ 175,000

22 Any additional penalty and interest revenue may be
23 used to accomplish the mission of the division.

24 Sec. 12. PUBLIC EMPLOYMENT RELATIONS BOARD. There

25 is appropriated from the general fund of the state to
26 the public employment relations board for the fiscal
27 year beginning July 1, 1995, and ending June 30, 1996,
28 the following amount, or so much thereof as is
29 necessary, for the purposes designated:

30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:

33 \$ 755,000

34 FTEs 12.80

35 Sec. 13. There is appropriated from the general
36 fund of the state to the Iowa finance authority for
37 the fiscal year beginning July 1, 1995, and ending
38 June 30, 1996, the following amount, or so much
39 thereof as is necessary, to be used for the purpose
40 designated:

41 For deposit in the housing improvement fund created
42 in section 16.100 for purposes of the fund:

43 \$ 510,000

44 Sec. 14. There is appropriated from the general
45 fund of the state to the division of insurance of the
46 department of commerce for the fiscal year beginning
47 July 1, 1995, and ending June 30, 1996, the following
48 amount, or so much thereof as is necessary, to be used
49 for the purpose designated provided that Senate File
50 347 is enacted:

1 For an actuarial study to determine the cost of
 2 requiring health insurance policies for individuals to
 3 include mental health and substance abuse treatment as
 4 covered items:

5 \$ 25,000

6 Sec. 15. Section 15.317, Code 1995, is amended by
 7 adding the following new subsection:

8 NEW SUBSECTION. 4. Assistance approved by the
 9 board shall be utilized by the business within two
 10 years of the date of the approval of the assistance.
 11 Funds not utilized in accordance with this subsection
 12 shall revert to the control of the board. The
 13 business may reapply for assistance in that case.

14 Sec. 16. FEDERAL GRANTS. All federal grants to
 15 and the federal receipts of agencies appropriated
 16 funds under this Act, not otherwise appropriated, are
 17 appropriated for the purposes set forth in the federal
 18 grants or receipts unless otherwise provided by the
 19 general assembly.

20 Sec. 17. BUDGET UNIT DESIGNATIONS. The department
 21 of management shall, prior to January 15, 1996,
 22 conform all budget unit designations to the
 23 designations used in the Code.

24 Sec. 18. Notwithstanding any other provision, any
 25 unencumbered or unobligated balance on June 30, 1995,
 26 in the targeted small business financial assistance
 27 program account created in section 15.247, including
 28 moneys remaining in any reserve account within the
 29 program account for guaranteed loans that have been
 30 repaid, shall be transferred out of the program
 31 account, including the appropriate reserve accounts,
 32 and deposited to the credit of the Iowa strategic
 33 investment fund created in section 15.313 and shall be
 34 appropriated to the department of economic development
 35 for purposes of the Iowa strategic investment fund
 36 targeted small business financial assistance program.

37 Sec. 19. Chapter 38, Code 1995, is repealed.

38 Sec. 20. EFFECTIVE DATE. The provisions relating
 39 to implementing the reorganization of the small
 40 business resource office in section 1, subsection 2,
 41 paragraph "b" of this Act, being deemed of immediate
 42 importance, take effect upon enactment."

43 2. Title page, line 2, by inserting after the
 44 word "development," the following: "the Iowa finance
 45 authority,".

46 3. Title page, line 2, by inserting after the
 47 word "foundation," the following: "division of
 48 insurance of the department of commerce, the Iowa seed
 49 capital corporation, the international development
 50 foundation,".

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- 1 4. Title page, line 4, by inserting after the
- 2 word "services" the following: ", making related
- 3 statutory changes,".

Siegrist of Pottawattamie asked and received unanimous consent to defer action on House File 512.

(Amendment H-3851 pending.)

Unfinished Business Calendar

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

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. 233)

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	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	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 Running

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

Regular Calendar

Senate File 162, a bill for an act eliminating the minimum amount which must be borrowed under a home equity line of credit, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 162)

The ayes were, 95:

Arnold	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	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
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, none.

Absent or not voting, 5:

Baker	Brammer	Eddie	Mertz
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: **Senate Files 162 and 233.**

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, with report of committee recommending passage, 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?" (S.F. 234)

The ayes were, 96:

Arnold	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	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef

Veenstra
Welter

Warnstadt
Wise

Weidman
Witt

Weigel
Mr. Speaker
Corbett

The nays were, none.

Absent or not voting, 4:

Baker

Brammer

Running

Sukup

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 375**, a bill for an act relating to abandoned property subject to control by the treasurer of state, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 375)

The ayes were, 97:

Arnold
Boddicker
Branstad
Carroll
Connors
Daggett
Drake
Fallon
Greiner
Hahn
Harper
Houser
Jochum
Kremer
Lord
May
Meyer
Murphy
Nutt
Renken
Shoultz
Thomson
Vande Hoef

Bell
Boggess
Brauns
Cataldo
Coon
Dinkla
Drees
Garman
Gries
Halvorson
Harrison
Hurley
Klemme
Lamberti
Main
McCoy
Millage
Myers
O'Brien
Salton
Siegrist
Tyrrell
Veenstra

Bernau
Bradley
Brunkhorst
Churchill
Cormack
Disney
Eddie
Gipp
Grubbs
Hammitt
Heaton
Huseman
Koenigs
Larkin
Martin
Mertz
Moreland
Nelson, B.
Ollie
Schrader
Sukup
Van Fossen
Warnstadt

Blodgett
Brand
Burnett
Cohoon
Cornelius
Doderer
Ertl
Greig
Grundberg
Hanson
Holveck
Jacobs
Kreiman
Larson
Mascher
Metcalf
Mundie
Nelson, L.
Rants
Schulte
Teig
Van Maanen
Weidman

Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Baker	Brammer	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.

Regular Calendar

Senate File 174, a bill for an act relating to health facilities under the purview of the department of inspections and appeals, with report of committee recommending passage, was taken up for consideration.

Martin 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. 174)

The ayes were, 92:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoön
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	Mascher	May	McCoy
Mertz	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schrader
Schulte	Shultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Corbett

The nays were, none.

Absent or not voting, 8:

Baker	Brammer	Larson	Martin
Metcalf	Running	Van Fossen	Veenstra

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

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, with report of committee recommending passage, 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?" (S.F. 175)

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	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 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: **Senate Files 174, 175, 234 and 375.**

Unfinished Business Calendar

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

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

On the question "Shall the bill pass?" (S.F. 159)

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	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 Running

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

HOUSE FILE 178 WITHDRAWN

Tyrrell of Iowa asked and received unanimous consent to withdraw House File 178 from further consideration by the House.

The House resumed consideration of **House File 479**, a bill for an act relating to the duties of the county treasurer and providing effective and applicability dates, previously deferred and placed on the unfinished business calendar.

Vande Hoef of Osceola offered the following amendment H-3794 filed by him and moved its adoption:

H-3794

- 1 Amend House File 479 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 321.40, unnumbered paragraph
- 5 2, Code 1995, is amended to read as follows:
- 6 On or before the fifteenth day of the month of
- 7 expiration of a vehicle's registration the county
- 8 treasurer shall send a statement by mail of fees due
- 9 to the appropriate owner of record. The statement
- 10 shall be mailed to the most current address of record,
- 11 showing information sufficient to identify the vehicle
- 12 and a listing of the various fees as appropriate.
- 13 Failure to receive a statement shall have no effect
- 14 upon the accrual of penalty at the appropriate date.
- 15 ~~This paragraph applies to counties with a population~~
- 16 ~~of one hundred thousand or more. This paragraph~~
- 17 ~~applies to any county with a population of less than~~
- 18 ~~one hundred thousand at the discretion of the county~~
- 19 ~~treasurer.~~
- 20 Sec. 2. Section 321.45, subsection 4, Code 1995,
- 21 is amended to read as follows:

22 4. ~~Within seven days of the sale and delivery of a~~
 23 ~~mobile home, the dealer making the sale shall certify~~
 24 ~~to the county treasurer of the county where the unit~~
 25 ~~is delivered, the name and address of the purchaser,~~
 26 ~~the point of delivery to the purchaser, and the make,~~
 27 ~~year of manufacture, taxable size, and identification~~
 28 ~~number of the unit. A mobile home dealer, as defined~~
 29 ~~in section 322B.2, shall within fifteen days of~~
 30 ~~acquiring a used mobile or manufactured home, titled~~
 31 ~~in Iowa, apply for and obtain from the county~~
 32 ~~treasurer of the dealer's county of residence a new~~
 33 ~~certificate of title for the mobile or manufactured~~
 34 ~~home.~~

35 Sec. 3. Section 331.506, subsection 1, Code 1995,
 36 is amended to read as follows:

37 1. Except as provided in subsections 2 and 3, the
 38 auditor shall sign or issue a county warrant only
 39 after approval of the board by recorded vote. Each
 40 warrant shall be numbered and the date, amount,
 41 number, ~~and the name of the person to whom issued, and~~
 42 ~~the purpose for which the warrant is issued,~~ shall be
 43 ~~recorded and filed in the auditor's office entered in~~
 44 ~~the county system.~~ Each warrant shall be made payable
 45 to the person performing the service or furnishing the
 46 supplies for which the warrant makes payment ~~and the~~
 47 ~~purpose for which the warrant is issued shall be~~
 48 ~~stated on it.~~

49 Sec. 4. Section 331.552, subsection 4, Code 1995,
 50 is amended to read as follows:

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1 4. Keep the official county seal provided by the
 2 county. The official seal shall be an impression seal
 3 on the face of which shall appear the name of the
 4 county, the word "county" which may be abbreviated,
 5 the word "treasurer" which may be abbreviated, and the
 6 word "Iowa". The impression of the seal shall be
 7 placed on each motor vehicle ~~registration~~ certificate
 8 ~~of title~~ signed by the treasurer.

9 Sec. 5. Section 331.553, Code 1995, is amended by
 10 adding the following new subsection:

11 **NEW SUBSECTION.** 4. Charge five dollars, as an
 12 administrative expense, for every rate, charge,
 13 rental, or special assessment certified as a lien to
 14 the treasurer for collection. This amount shall be
 15 added to the amount of the lien, collected at the time
 16 of payment from the payor, and credited to the county
 17 general fund.

18 Sec. 6. Section 331.554, subsections 1, 3, and 4,
 19 Code 1995, are amended to read as follows:

20 1. Upon receipt of a warrant, scrip, or other
 21 evidence of the county's indebtedness, the treasurer
 22 shall endorse on it the date of its receipt, ~~from whom~~
 23 ~~it is received, and the amount which the treasurer~~
 24 ~~paid on it payment.~~

25 3. The treasurer shall keep a record of all

26 warrants issued by the auditor and presented for
27 payment in a warrant book enter into the county system
28 the warrant number, date paid, and interest paid, if
29 any. The treasurer shall record for each warrant its
30 number, date, principal, name of the drawee, when
31 paid, to whom paid, and the amount of interest paid.

32 4. The treasurer shall return the paid warrants to
33 the auditor. The treasurer shall compare the warrants
34 with the warrant book and the word "canceled" shall be
35 written over the minute of the proper numbers in the
36 warrant book. The original warrant shall be preserved
37 for at least two years. The treasurer shall make
38 monthly reports to show for each warrant the number,
39 date, drawee's name, when paid, to whom paid, original
40 amount, and interest.

41 Sec. 7. Section 331.554, subsection 2, Code 1995,
42 is amended by striking the subsection.

43 Sec. 8. Section 384.65, subsection 6, Code 1995,
44 is amended to read as follows:

45 6. Any After December 1, if a special assessment
46 is not delinquent, a property owner may elect to pay
47 one-half or all of any the next annual installment of
48 principal and interest of a special assessment in
49 advance, with the second semiannual payment of
50 ordinary taxes collected in the year preceding the due

Page 3

1 date of such installment prior to the delinquency date
2 of the installment. When the next installment has
3 been paid in full, successive principal installments
4 may be prepaid. The county treasurer shall accept
5 such partial payment the payments of the special
6 assessment, and shall credit the next annual
7 installment or future installments of such the special
8 assessment to the extent of such the payment or
9 payments, and shall remit the payments to the city.
10 If a property owner elects to pay one or more
11 principal installments in advance, the pay schedule
12 shall be advanced by the number of principal
13 installments prepaid.

14 Sec. 9. Section 384.84, subsection 4, Code 1995,
15 is amended to read as follows:

16 4. A lien shall not be imposed pursuant to this
17 section for a delinquent charge of less than five
18 dollars. The governing body of the city utility or
19 enterprise may charge up to five dollars, and the
20 county treasurer may charge up to two five dollars, as
21 an administrative expense of certifying and filing
22 this lien, which amounts shall be added to the amount
23 of the lien to be collected at the time of payment of
24 the assessment from the payor. Administrative
25 expenses collected by the county treasurer on behalf
26 of the city utility or enterprise shall be paid to the
27 governing body of the city utility or enterprise, and
28 those collected by the county treasurer on behalf of
29 the county shall be credited to the county general

30 fund. The lien has equal precedence with ordinary
31 taxes, may be certified to the county treasurer and
32 collected in the same manner as taxes, and is not
33 divested by a judicial sale.

34 Sec. 10. Section 435.1, subsection 4, unnumbered
35 paragraph 1, Code 1995, is amended by striking the
36 unnumbered paragraph and inserting in lieu thereof the
37 following:

38 "Mobile home park" means a site, lot, field, or
39 tract of land upon which three or more mobile homes,
40 manufactured homes, or modular homes, or a combination
41 of any of these homes are placed on developed spaces
42 and operated as a for-profit enterprise with water,
43 sewer or septic, and electrical services available.

44 Sec. 11. Section 445.1, subsection 6, Code 1995,
45 is amended to read as follows:

46 6. "Taxes" means an annual ad valorem tax, a
47 special assessment, a drainage tax, a rate or charge,
48 and taxes on mobile homes pursuant to chapter 435
49 which are collectible by the county treasurer.

50 Sec. 12. Section 445.3, Code 1995, is amended by

Page 4

1 adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. This section is remedial
3 and shall apply to all delinquent taxes included in a
4 tax sale certificate of purchase issued to a county.

5 Upon assignment of a county-held tax sale certificate,
6 this section shall not apply to the assignee.

7 Sec. 13. Section 445.4, Code 1995, is amended by
8 adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. This section is remedial
10 and shall apply to all delinquent taxes included in a
11 tax sale certificate of purchase issued to a county.

12 Upon assignment of a county-held tax sale certificate,
13 this section shall not apply to the assignee.

14 Sec. 14. Section 445.16, Code 1995, is amended by
15 adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. If the treasurer
17 determines that it is impractical to pursue collection
18 of the total amount due through the tax sale and the
19 personal judgment remedies, the treasurer shall make a
20 written recommendation to the board of supervisors to
21 abate the amount due. The board of supervisors shall
22 abate, by resolution, the amount due and direct the
23 treasurer to strike the amount due from the county
24 system.

25 Sec. 15. Section 445.37, unnumbered paragraph 1,
26 Code 1995, is amended to read as follows:

27 If the semiannual installment of any tax has not
28 been paid before October 1 succeeding the levy, that
29 amount becomes delinquent from October 1 after due
30 unless, including those instances when the last day of
31 September is a Saturday or Sunday in which case the
32 amount of these taxes becomes delinquent from the
33 following Tuesday. If the second installment is not

34 paid before April 1 succeeding its maturity, it
35 becomes delinquent from April 1 after due ~~unless,~~
36 including those instances when the last day of March
37 is a Saturday or Sunday ~~in which case the amount of~~
38 ~~that installment becomes delinquent from the following~~
39 Tuesday. This paragraph ~~does not apply~~ applies to
40 special assessments or rates or charges all taxes as
41 defined in section 445.1, subsection 6.

42 Sec. 16. Section 446.15, Code 1995, is amended to
43 read as follows:

44 446.15 OFFER FOR SALE.

45 The county treasurer shall, offer for sale, on the
46 day of the sale ~~offer for sale,~~ each parcel
47 separately, for the total amount due against each
48 parcel advertised for sale.

49 Sec. 17. Section 446.16, Code 1995, is amended to
50 read as follows:

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1 446.16 BID — PURCHASER.

2 The person who offers to pay the total amount due,
3 which is a lien on any parcel, for the smallest
4 percentage of the parcel is the purchaser, and when
5 the purchaser designates the percentage of any parcel
6 for which the purchaser will pay the total amount due,
7 the percentage thus designated shall give the person
8 an undivided interest upon the issuance of a
9 treasurer's deed, as provided in chapter 448. If two
10 or more persons have placed an equal bid and the bids
11 are the smallest percentage offered, the county
12 treasurer shall use a random selection process to
13 select the bidder to whom a certificate of purchase
14 will be issued.

15 PARAGRAPH DIVIDED. The delinquent tax lien
16 transfers with the tax sale certificate, whether held
17 by the county or purchased by an individual, through
18 assignment or direct purchase at the tax sale. The
19 delinquent tax sale lien expires when the tax sale
20 certificate expires.

21 Sec. 18. Section 446.19, unnumbered paragraph 1,
22 Code 1995, is amended to read as follows:

23 When a parcel is offered at a tax sale under
24 section 446.18, and no bid is received, or if the bid
25 received is less than the total amount due, the county
26 in which the parcel is located, through its ~~board of~~
27 ~~supervisors~~ county treasurer, shall bid for the parcel
28 a sum equal to the total amount due. Money shall not
29 be paid by the county or other tax-levying or tax-
30 certifying body for the purchase, but each of the tax-
31 levying and tax-certifying bodies having any interest
32 in the taxes shall be charged with the total amount
33 due the tax-levying or tax-certifying body as its just
34 share of the purchase price.

35 Sec. 19. Section 446.20, Code 1995, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 3. This section is remedial and

38 shall apply to all delinquent taxes included in a tax
 39 sale certificate of purchase issued to a county. Upon
 40 assignment of a county-held tax sale certificate, this
 41 section shall not apply to the assignee.

42 Sec. 20. Section 446.31, unnumbered paragraph 1,
 43 Code 1995, is amended to read as follows:

44 The certificate of purchase is assignable by
 45 endorsement and entry in the county system in the
 46 office of county treasurer of the county from which
 47 the certificate was issued, and when the assignment is
 48 so entered and the assignment transaction fee paid, it
 49 shall vest in the assignee or legal representatives of
 50 the assignee all the right and title of the assignor.

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1 The statement in the treasurer's deed of the fact of
 2 the assignment is presumptive evidence of that fact.
 3 For each assignment transaction, the treasurer shall
 4 charge the assignee an assignment transaction fee of
 5 ten dollars to be deposited in the county general
 6 fund. The assignment transaction fee shall not be
 7 added to the amount necessary to redeem.

8 PARAGRAPH DIVIDED. When the county acquires a
 9 certificate of purchase, the board of supervisors
 10 county may assign the certificate for the total amount
 11 due as of the date of assignment or compromise the
 12 total amount due and assign the certificate. A An
 13 assignment or a compromise and assignment shall be by
 14 written agreement. A copy of the agreement shall be
 15 filed with the treasurer. For each assignment
 16 transaction, the treasurer shall collect from the
 17 assignee an assignment transaction fee of ten dollars
 18 to be deposited in the county general fund. The
 19 assignment transaction fee shall not be added to the
 20 amount necessary to redeem. All money received from
 21 the assignment of county-held certificates of purchase
 22 shall be apportioned to the tax-levying and certifying
 23 bodies in proportion to their interests in the taxes
 24 for which the parcel was sold with all interest, fees,
 25 and costs deposited in the county general fund. After
 26 assignment of a certificate of purchase which is held
 27 by the county, section 446.37 applies. In that
 28 instance, the three-year requirement shall be
 29 calculated from the date of the assignment is recorded
 30 by the treasurer in the county system. When the
 31 assignment is entered and the assignment transaction
 32 fee is paid, all of the rights and title of the
 33 assignor shall vest in the assignee or the legal
 34 representative of the assignee. The statement in the
 35 treasurer's deed of the fact of the assignment is
 36 presumptive evidence of that fact.

37 Sec. 21. Section 447.9, unnumbered paragraph 2,
 38 Code 1995, is amended to read as follows:

39 Service of the notice shall also be made by mail on
 40 any mortgagee having a lien upon the parcel, a vendor
 41 of the parcel under a recorded contract of sale, a

42 lessor who has a recorded lease or memorandum of a
 43 recorded lease, and any other person who has an
 44 interest of record, at the person's last known
 45 address, and on the state of Iowa in case of an old-
 46 age assistance lien by service upon the state
 47 department of human services. The notice shall also
 48 be served on any city where the parcel is situated.
 49 Notice shall not be served after the filing of the
 50 affidavit required by section 447.12. Only those

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1 persons who are required to be sent served the notice
 2 of expiration as provided in this section or who have
 3 acquired an interest in or possession of the parcel
 4 subsequent to the filing of the notice of expiration
 5 of the right of redemption are eligible to redeem a
 6 parcel from tax sale.

7 Sec. 22. Section 448.3, Code 1995, is amended to
 8 read as follows:

9 448.3 EXECUTION AND EFFECT OF DEED.

10 The deed shall be signed by the county treasurer as
 11 such, and acknowledged by the treasurer before some
 12 officer authorized to take acknowledgments, and when
 13 substantially thus executed and recorded in the proper
 14 record in the office of the recorder of the county in
 15 which the parcel is situated, shall vest in the
 16 purchaser all the right, title, interest, and estate
 17 of the former owner in and to the parcel conveyed,
 18 subject to all restrictive covenants, resulting from
 19 prior conveyances in the chain of title to the former
 20 owner, all the right and interest of a holder of a
 21 certificate of purchase from a tax sale occurring
 22 after the tax sale for which the deed was issued, and
 23 all the right, title, interest, and claim of the state
 24 and county to the parcel. The issuance of the deed
 25 shall operate to cancel all suspended taxes.

26 Sec. 23. Section 448.15, unnumbered paragraph 2,
 27 Code 1995, is amended to read as follows:

28 State of Iowa,)
 29 County.) ss.

30 I,, being first duly sworn, on oath
 31 depose and say that on (date) the county
 32 treasurer issued a tax deed to (grantee) for
 33 the following described parcel:; that the
 34 tax deed was filed for record in the office of the
 35 county recorder of county, Iowa, on
 36 (date), and appears in the records of the office in
 37 county as recorded in Book ... Page ... of the
 38 Records; and that ~~is now in possession~~
 39 ~~of the parcel and claims title to an undivided~~
 40 ~~percent interest in the parcel by virtue of the tax~~
 41 ~~deed, or purported tax title.~~

42 Sec. 24. Section 468.57, subsection 2, unnumbered
 43 paragraph 1, Code 1995, is amended to read as follows:

44 To pay the assessments in not less than ten nor
 45 more than twenty equal installments, with the number

46 of payments and interest rate determined by the board,
 47 notwithstanding chapter 74A. The first installment of
 48 each assessment, or the total amount if less than one
 49 hundred dollars, is due and payable on July 1 next
 50 succeeding the date of the levy, unless the assessment

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1 is filed with the county treasurer after May 31 in any
 2 year. The first installment shall bear interest on
 3 the whole unpaid assessment from the date of the levy
 4 as set by the board to the first day of December
 5 following the due date. The succeeding annual
 6 installments, with interest on the whole unpaid
 7 amount, to the first day of December following the due
 8 date, are respectively due on July 1 annually, and
 9 must be paid at the same time and in the same manner
 10 as the first semiannual payment of ordinary taxes.
 11 All future installments of an assessment may be paid
 12 on any date by payment of the then outstanding balance
 13 plus interest accrued to the date of payment. Each
 14 installment of an assessment with interest on the
 15 unpaid balance is delinquent from October 1 after its
 16 due date, unless including those instances when the
 17 last day of September is a Saturday or Sunday, in
 18 ~~which case the installment becomes delinquent from the~~
 19 ~~following Tuesday,~~ and bears the same delinquent
 20 interest as ordinary taxes. When collected, the
 21 interest must be credited to the same drainage fund as
 22 the drainage special assessment.

23 Sec. 25. EFFECTIVE DATES.

24 1. This section and sections 17, 18, 20, and 21 of
 25 this Act, being deemed of immediate importance, take
 26 effect upon enactment.

27 2. The remaining sections of this Act take effect
 28 July 1, 1995.

29 Sec. 26. APPLICABILITY DATE. Section 10 of this
 30 Act applies to the tax year beginning July 1, 1995,
 31 for which taxes are payable during the fiscal year
 32 beginning July 1, 1996, and ending June 30, 1997.

33 Sec. 27. POLITICAL SUBDIVISIONS RESPONSIBLE FOR

34 ADDED COSTS. Except as otherwise provided in this
 35 Act, the state shall not pay any additional costs
 36 incurred by a political subdivision as a result of
 37 this Act."

Amendment H-3794 was adopted, placing out of order amendment
 H-3754, filed by Brauns of Muscatine.

SENATE FILE 458 SUBSTITUTED FOR HOUSE FILE 479

Vande Hoef of Osceola asked and received unanimous consent to
 substitute Senate File 458 for House File 479.

Senate File 458, a bill for an act relating to the duties of the county treasurer and providing effective and applicability dates, was taken up for consideration.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-3762 filed by her on April 5, 1995.

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?" (S.F. 458)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	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	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, none.

Absent or not voting, 3:

Brammer	Brauns	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.

HOUSE FILE 479 WITHDRAWN

Vande Hoef of Osceola asked and received unanimous consent to withdraw House File 479 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 458** be immediately messaged to the Senate.

Brunkhorst of Bremer in the chair at 10:25 a.m.

Regular Calendar

Senate File 214, a bill for an act to provide greater protection for consumers who purchase or lease motor vehicles and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Welter of Jones offered the following amendment H-3767 filed by the committee on transportation and moved its adoption:

H-3767

- 1 Amend Senate File 214, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 12, by striking the words "~~or~~
- 4 and" and inserting the following: "or".
- 5 2. Page 4, line 2, by striking the words "center
- 6 of the right side of the".
- 7 3. Page 4, line 9, by inserting after the word
- 8 "type" the following: "and located on the center of
- 9 the right side of the registration receipt".
- 10 4. Page 8, line 17, by striking the word and
- 11 figures "January 1, 1996" and inserting the following:
- 12 "on the date the state department of transportation
- 13 prescribes the appropriate forms or January 1, 1996,
- 14 whichever date is earlier".

The committee amendment H-3767 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?" (S.F. 214)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	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	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	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Brunkhorst, Presiding	

The nays were, none.

Absent or not voting, 5:

Baker	Brammer	Harrison	Martin
Running			

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

Speaker Corbett in the chair at 10:35 a.m.

Unfinished Business Calendar

The House resumed consideration of **Senate File 247**, a bill for an act relating to plastic garbage can liners with recycled content, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 247)

The ayes were, 96:

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	Salton	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Schrader

Absent or not voting, 3:

Brammer

Running

Veenstra

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

HOUSE FILE 278 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 278 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 214 and 247.**

Regular Calendar

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

Welter of Jones offered amendment H-3640 filed by the committee on transportation as follows:

H-3640

- 1 Amend Senate File 290, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 27.
- 4 2. By striking page 1, line 35 through page 2,
- 5 line 14.
- 6 3. Page 3, by inserting after line 34 the
- 7 following:
- 8 "Sec. ____ NEW SECTION. 321.20A CERTIFICATE OF
- 9 TITLE — COMMERCIAL MOTOR VEHICLES.
- 10 1. Notwithstanding other provisions of this
- 11 chapter, the owner of a commercial motor vehicle with
- 12 a gross vehicle weight rating of twenty-six thousand
- 13 one pounds or more, subject to the proportional
- 14 registration provisions of chapter 326, may make
- 15 application to the department for a certificate of
- 16 title. The application for certificate of title shall
- 17 be made within fifteen days of purchase or transfer
- 18 and accompanied by a ten dollar title fee and
- 19 appropriate use tax.
- 20 2. A commercial motor vehicle issued a certificate
- 21 of title under this section shall not be subject to
- 22 registration fees until the commercial motor vehicle
- 23 is driven upon the highways. The registration fee due
- 24 shall be prorated for the remaining unexpired months
- 25 of the registration year. Ownership of a commercial
- 26 motor vehicle issued a certificate of title under this
- 27 section shall not be transferred until registration
- 28 fees have been paid to the department.
- 29 3. The certificate of title provision for
- 30 commercial motor vehicles with a gross vehicle weight
- 31 rating of twenty-six thousand one pounds or more shall
- 32 apply to owners with fleets of more than fifty
- 33 commercial motor vehicles based in Iowa under the
- 34 proportional registration provisions of chapter 326.
- 35 The original certificate of title shall be delivered
- 36 to the owner if no security interest or encumbrance
- 37 appear on the certificate, otherwise the certificate
- 38 of title shall be delivered by the department to the
- 39 person holding the first security interest or

40 encumbrance as shown on the certificate of title.”
 41 4. Page 4, by inserting after line 24 the
 42 following:
 43 “Sec. ____ Section 321.34, subsection 4, Code
 44 1995, is amended to read as follows:
 45 4. MULTIYEAR PLATES. In lieu of issuing annual
 46 registration plates for trailers and semitrailers, the
 47 department may issue a multiyear registration plates
 48 plate for a three-year period or a ~~six-year period~~
 49 permanent registration plate for trailers and
 50 semitrailers licensed under chapter 326 upon payment

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1 of the appropriate registration fee. Payment of fees
 2 to the department for a permanent registration plate
 3 may be made at five-year intervals. Fees from three-
 4 year and ~~six-year~~ five-year payments shall not be
 5 reduced or prorated.”
 6 5. By striking page 5, line 34 through page 7,
 7 line 3.
 8 6. Page 7, by inserting after line 14 the
 9 following:
 10 “Sec. ____ Section 321.40, Code 1995, is amended
 11 by adding the following new unnumbered paragraph:
 12 NEW UNNUMBERED PARAGRAPH. The county treasurer may
 13 refuse to renew the registration of a motor vehicle of
 14 a person when notified that the person has abandoned a
 15 motor vehicle and that the proceeds of the sale of the
 16 abandoned vehicle were insufficient to pay the costs
 17 of disposal. A county treasurer may renew the
 18 registration of a motor vehicle when notified by the
 19 police authority, in accordance with section 321.89,
 20 that all of the expenses related to the abandonment of
 21 the motor vehicle have been paid.”
 22 7. Page 9, by inserting after line 6 the
 23 following:
 24 “Sec. ____ Section 321.52A, Code 1995, is amended
 25 to read as follows:
 26 321.52A CERTIFICATE OF TITLE SURCHARGE.
 27 In addition to the fee required for the issuance of
 28 a certificate of title under section 321.20, 321.20A,
 29 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or
 30 321.52, a surcharge of five dollars shall be required.
 31 Of each surcharge collected under those sections, the
 32 county treasurer shall remit five dollars to the
 33 office of treasurer of state for deposit in the
 34 general fund of the state.”
 35 8. Page 10, by inserting after line 16 the
 36 following:
 37 “Sec. ____ Section 321.89, subsection 4, Code
 38 1995, is amended by adding the following new
 39 unnumbered paragraph:
 40 NEW UNNUMBERED PARAGRAPH. A police authority may
 41 notify the county treasurer of the county of residence
 42 of the owner or owners of the abandoned vehicle of the
 43 amount of the unpaid disposal expenses. Notification

44 shall be made by the end of the month following the
45 month of disposal of the abandoned motor vehicle. All
46 costs incurred by the police authority and costs which
47 are paid from the road use tax fund under this
48 subsection are an obligation of the last registered
49 owner or owners, jointly and severally. The police
50 authority shall immediately notify the county

Page 3

1 treasurer if the owner or owners pay the disposal
2 expenses."

3 9. Page 12, by inserting after line 23 the
4 following:

5 "Sec. ____ Section 321.105, unnumbered paragraph
6 4, Code 1995, is amended to read as follows:

7 In addition to the payment of an annual
8 registration fee for each trailer and semitrailer to
9 be issued an Iowa annual registration plate, an
10 additional registration fee may be paid for a period
11 of two or five ~~four~~ subsequent registration years.

12 Sec. ____ Section 321.122, subsection 2, Code
13 1995, is amended to read as follows:

14 2. a. For semitrailers the annual registration
15 fee is ten dollars which shall not be reduced or
16 prorated under chapter 326. ~~However, if the~~
17 ~~registration fee is paid for a six year period, the~~
18 ~~total fee is fifty dollars which shall not be reduced~~
19 ~~or prorated under chapter 326.~~

20 b. For trailers and semitrailers licensed under
21 chapter 326, the annual registration fee for the
22 permanent registration plate shall be ten dollars
23 which shall not be reduced or prorated under chapter
24 326. The registration fees for a permanent
25 registration plate may be remitted to the department
26 at five-year intervals."

27 10. Page 13, by striking lines 16 through 29.

28 11. Page 14, by inserting after line 21 the
29 following:

30 "Sec. ____ Section 321.372, subsection 1,
31 unnumbered paragraph 1, Code 1995, is amended to read
32 as follows:

33 The driver of a school bus used to transport
34 children to and from a public or private school shall,
35 when stopping to receive or discharge pupils, turn on
36 flashing warning lamps at a distance of not less than
37 three hundred feet nor more than five hundred feet
38 from the point where the pupils are to be received or
39 discharged from the bus if the speed limit at that
40 point is forty-five miles per hour or greater and
41 shall turn on flashing warning lamps at a distance of
42 not less than one hundred fifty feet from the point
43 where the pupils are to be received or discharged from
44 the bus if the speed limit at that point is less than
45 forty-five miles per hour. At the point of receiving
46 or discharging pupils the driver of the bus shall
47 bring the bus to a stop, turn off the amber flashing

48 warning lamps, turn on the red flashing warning lamps,
 49 and extend the stop arm. After receiving or
 50 discharging pupils, the bus driver shall turn off all

Page 4

1 flashing warning lamps, retract the stop arm and
 2 proceed on the route. Except to the extent that
 3 reduced visibility is caused by fog, snow or other
 4 weather conditions, a school bus shall not stop to
 5 receive or discharge pupils unless there is at least
 6 three hundred feet of unobstructed vision in each
 7 direction. However, the driver of a school bus is not
 8 required to use flashing warning lamps and the stop
 9 arm when receiving or discharging pupils at a
 10 designated loading and unloading zone at a school
 11 attendance center or at extracurricular or educational
 12 activity locations where students exiting the bus do
 13 not have to cross the street or highway."

14 12. Page 16, by inserting after line 10 the fol-
 15 lowing:

16 "Sec. ____ Section 321E.11, unnumbered paragraph
 17 1, Code 1995, is amended to read as follows:

18 Movements by permit in accordance with this chapter
 19 shall be permitted only during the hours from sunrise
 20 to sunset unless the issuing authority determines that
 21 the movement can be better accomplished at another
 22 period of time because of traffic volume conditions or
 23 the vehicle subject to the permit has an overall
 24 length not to exceed one hundred feet, an overall
 25 width not to exceed eleven feet, and an overall height
 26 not to exceed fourteen feet, four inches, and the
 27 permit requires the vehicle to operate only on the
 28 those highways designated highway system by the
 29 department. Additional safety lighting and escorts
 30 may be required for movement at night."

31 13. Page 20, by striking line 5 and inserting the
 32 following:

33 "Sec. ____ Section 321F.7, Code 1995, is".

34 14. Page 20, by striking lines 7 through 15.

35 15. Title page, line 5, by inserting after the
 36 word "lights," the following: "flashing warning lamps
 37 on a school bus,".

38 16. By renumbering as necessary.

Mundie of Webster asked and received unanimous consent to with-
 draw amendment H-3839, to the committee amendment H-3640, filed
 by him on April 10, 1995.

Welter of Jones offered the following amendment H-3671, to the
 committee amendment H-3640, filed by him and moved its adoption:

H-3671

1 Amend the amendment, H-3640, to Senate File 290, as
 2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 2, line 3, by striking the word "may" and
- 5 inserting the following: "shall, at the option of the
- 6 registrant,".
- 7 2. Page 2, line 3, by inserting after the word
- 8 "intervals" the following: "or on an annual basis".
- 9 3. Page 3, line 25, by striking the word "may"
- 10 and inserting the following: "shall, at the option of
- 11 the registrant,".
- 12 4. Page 3, line 26, by inserting after the word
- 13 "intervals" the following: "or on an annual basis".

Amendment H-3671 was adopted.

Warnstadt of Woodbury offered the following amendment H-3684, to the committee amendment H-3640, filed by him and Welter and moved its adoption:

H-3684

- 1 Amend the amendment, H-3640, to Senate File 290, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 8 through 21.
- 5 2. By striking page 2, line 35 through page 3,
- 6 line 2.
- 7 3. By renumbering as necessary.

Amendment H-3684 was adopted.

On motion by Welter of Jones, the committee amendment H-3640, as amended, was adopted.

Harper of Black Hawk offered the following amendment H-3702 filed by her and moved its adoption:

H-3702

- 1 Amend Senate File 290, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 32 the
- 4 following:
- 5 "Sec. ____ Section 321.18, subsection 7, Code
- 6 1995, is amended to read as follows:
- 7 7. Any school bus in this state used exclusively
- 8 for the transportation of pupils to and from school or
- 9 a school function or for the purposes provided in
- 10 section 285.1, subsection 1, and section 285.10,
- 11 subsection 9, or used exclusively for the
- 12 transportation of children enrolled in a federal head
- 13 start program. Upon application the department shall,
- 14 without charge, issue a registration certificate and

15 shall also issue registration plates which shall have
 16 imprinted thereon the words "Private School Bus" and a
 17 distinguishing number assigned to the applicant. Such
 18 plates shall be attached to the front and rear of each
 19 bus exempt from registration under this subsection."
 20 2. By renumbering as necessary.

Amendment H-3702 was adopted.

Welter of Jones asked and received unanimous consent to withdraw amendment H-3685 filed by him and Myers of Johnson on April 3, 1995.

Welter of Jones offered the following amendment H-3760 filed by him and moved its adoption:

H-3760

1 Amend Senate File 290, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 20, by inserting after line 20 the
 4 following:
 5 "Sec. ____ EFFECTIVE DATE. Sections 7, 16, and 18
 6 of this Act take effect on January 1, 1997."
 7 2. By renumbering as necessary.

Amendment H-3760 was adopted.

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?" (S.F. 290)

The ayes were, 96:

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	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
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	Houser	Myers	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 **Senate File 290** be immediately messaged to the Senate.

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, with report of committee recommending passage, 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?" (S.F. 271)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	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

Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	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, none.

Absent or not voting, 4:

Brammer	Larson	Myers	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 **Senate File 271** be immediately messaged to the Senate.

Unfinished Business Calendar

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

Churchill 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. 274)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	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
Salton	Schrader	Schulte	Shultz
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	Connors	Disney	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.

Rants of Woodbury in the chair at 11:25 a.m.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 274** be immediately messaged to the Senate.

Appropriations Calendar

The House resumed consideration of **House File 512**, 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, previously deferred and amendment H-3851, found on pages 1406 through 1422 of the House Journal, pending.

Fallon of Polk offered the following amendment H-3855, to amendment H-3851, filed by him from the floor and moved its adoption:

H-3855

- 1 Amend the amendment, H-3851, to House File 512 as
- 2 follows:
- 3 1. Page 16, line 7, by striking the word

- 4 "subsection" and inserting the following:
 5 "subsections".
 6 2. Page 16, by inserting after line 13 the fol-
 7 lowing:
 8 "NEW SUBSECTION. 5. Assistance shall not be
 9 provided to a business which has solicited or
 10 advertised for permanent replacement employees during
 11 a labor dispute within the last ten years."

Roll call was requested by Fallon of Polk and Connors of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-3855, to amendment H-3851, be adopted?" (H.F. 512)

The ayes were, 44:

Arnold	Baker	Bell	Bernau
Brand	Brunkhorst	Burnett	Cataldo
Cohoon	Connors	Coon	Cormack
Cornelius	Disney	Doderer	Drees
Fallon	Grundberg	Harper	Holveck
Jochum	Koenigs	Kreiman	Lamberti
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Teig
Warnstadt	Weigel	Wise	Witt

The nays were, 53:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Carroll	Churchill
Corbett, Spkr.	Daggett	Dinkla	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants			
Presiding			

Absent or not voting, 3:

Brammer	Running	Van Fossen
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Amendment H-3855 lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3857, to amendment H-3851, filed by him from the floor.

Koenigs of Mitchell offered amendment H-3856, to amendment H-3851, filed by him from the floor as follows:

H-3856

- 1 Amend the amendment, H-3851, to House File 512 as
- 2 follows:
- 3 1. Page 16, by inserting after line 13 the
- 4 following:
- 5 "Sec. ____ Section 15E.112, subsection 3, Code
- 6 1995, is amended to read as follows:
- 7 3. Payments of interest, recaptures of awards, or
- 8 repayments of moneys loaned under the value-added
- 9 agricultural products and processes financial
- 10 assistance program shall be deposited into the fund.
- 11 ~~Section 8.33 does not apply to any moneys in the fund.~~
- 12 Unencumbered or unobligated moneys in the fund derived
- 13 from moneys deposited pursuant to section 423.24,
- 14 ~~which are in excess of three million six hundred fifty~~
- 15 ~~thousand dollars of unencumbered or unobligated moneys~~
- 16 ~~in the fund deposited pursuant to that section, which~~
- 17 ~~are remaining on June 30 of each fiscal year, shall be~~
- 18 ~~credited on August 31 to the road use tax fund as~~
- 19 ~~created in section 312.1."~~
- 20 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-3856 was not germane, to amendment H-3851.

The Speaker ruled the point well taken and amendment H-3856 not germane, to amendment H-3851.

Koenigs of Mitchell moved to suspend the rules to consider amendment H-3856.

Roll call was requested by Schrader of Marion and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-3856?" (H.F. 512)

The ayes were, 32:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Drees	Fallon	Harper	Holveck

Jochum	Koenigs	Kreiman	Larkin
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Schrader	Shoultz
Warnstadt	Weigel	Wise	Witt

The nays were, 62:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
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.	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Rants		
	Presiding		

Absent or not voting, 6:

Boddicker	Brammer	Doderer	Grubbs
Mascher	Running		

The motion to suspend the rules lost.

Churchill of Polk offered the following amendment H-3862, to amendment H-3851, filed by Churchill, Baker and Brand from the floor and moved its adoption:

H-3862

- 1 Amend the amendment, H-3851, to House File 512, as
- 2 follows:
- 3 1. Page 4, line 5, by striking the word "and".
- 4 2. Page 4, line 6, by inserting after the word
- 5 "fund" the following: ", and for \$50,000 to be
- 6 allocated competitively to ten to twenty communities
- 7 for direct purchase of services or goods that meet
- 8 local development needs or to enhance heritage and
- 9 tourism efforts from state and private sources".
- 10 3. Page 9, line 36, by inserting after the word
- 11 "program," the following: "for transferring up to
- 12 \$30,000 of the funds appropriated in this section to
- 13 the Iowa quality coalition, on the condition that the

- 14 coalition first expend all existing moneys, for
 15 productivity enhancement projects.”
 16 4. Page 15, line 23, by striking the word
 17 “division” and inserting the word “department”.

Amendment H-3862 was adopted..

On motion by Churchill of Polk, amendment H-3851, as amended, was adopted, placing out of order the following amendments:

- H-3757 filed by Fallon of Polk on April 5, 1995.
 H-3758 filed by Fallon of Polk on April 5, 1995.
 H-3737 filed by Baker of Polk, et. al., on April 4, 1995.
 H-3764 filed by Baker of Polk and Nelson of Marshall on April 5, 1995.
 H-3738 filed by Baker of Polk, et. al., on April 4, 1995.
 H-3756 filed by Fallon of Polk on April 5, 1995.
 H-3795 filed by Fallon of Polk on April 6, 1995.
 H-3670 filed by Fallon of Polk on March 31, 1995.
 H-3797 filed by Koenigs of Mitchell on April 6, 1995.

Churchill 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. 512)

The ayes were, 87:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Garman	Gipp
Greiner	Grundberg	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	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	Ollie	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, 4:

Drees	Fallon	Kreiman	O'Brien
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Absent or not voting, 9:

Blodgett	Brammer	Brunkhorst	Daggett
Greig	Gries	Grubbs	Hahn
Renken			

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 512** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on judiciary in Room 1, upon recess.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 11, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 11, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 161, a bill for an act relating to the fee which may be charged by an Iowa communications network receiving site.

Also: that the Senate has on April 11, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 337, a bill for an act to amend the criteria and procedures necessary to establish a person is seriously mentally impaired for purposes of involuntary hospitalization.

Also: That the Senate has on April 11, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 447, a bill for an act relating to certain state purchasing procedures and publications involving the department of general services.

Also: That the Senate has on April 11, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 256, a bill for an act providing for notification of the application of pesticides.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 256, by committee on agriculture, a bill for an act providing for notification of the application of pesticides.

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

On motion by Siegrist of Pottawattamie, the House was recessed at 1:05 p.m., until 2:45 p.m.

AFTERNOON SESSION

The House reconvened at 3:10 p.m., Speaker Corbett in the chair.

CONSIDERATION OF BILLS

Appropriations Calendar

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

The House stood at ease at 3:29 p.m., until the fall of the gavel.

The House resumed session at 4:45 p.m., Speaker Corbett in the chair.

House of Pottawattamie offered amendment H-3765 filed by the committee on appropriations as follows:

H-3765

- 1 Amend Senate File 462, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 13 through 29 and
- 4 inserting the following:
- 5 "10. a. Beginning September 1, 1995, the
- 6 department may require prior authorization for any
- 7 brand name prescription drug which has an "A" rated
- 8 generic bioequivalent as determined by the federal
- 9 food and drug administration and which is recommended
- 10 for prior authorization by the drug utilization review

11 commission. The department shall establish an
 12 educational program through the drug utilization
 13 review commission to review and encourage the use of
 14 these "A" rated generic equivalents within the medical
 15 assistance program. The department shall adopt
 16 administrative rules to implement the prior
 17 authorization provisions of this paragraph. Beginning
 18 January 1, 1996, prior authorization shall not be
 19 required for clozapine. The department shall consider
 20 expert medical opinion in revising administrative
 21 rules applicable to clozapine.

22 b. The department of human services shall, when it
 23 is economically beneficial, implement maximum
 24 allowable costs for multiple source drugs in
 25 accordance with federal guidelines.

26 c. The department shall require prior
 27 authorization for full therapeutic dose levels of
 28 histamine H2 receptor antagonists and sucralfate
 29 beyond 60 days of therapy.

30 d. The department shall review the feasibility of
 31 assuming responsibility for administratively pursuing
 32 reimbursement for pharmacy services for which a
 33 recipient of medical assistance also has third-party
 34 coverage. The department shall submit a report of the
 35 department's findings and recommendations to the
 36 chairpersons and ranking members of the joint
 37 appropriations subcommittee on human services on or
 38 before January 15, 1996."

39 2. Page 10, by striking line 12 and inserting the
 40 following:

41 " \$ 7,740,000"

42 3. Page 11, line 10, by inserting after the
 43 figure "12." the following: "The department may adopt
 44 emergency rules to implement the provisions of this
 45 lettered paragraph."

46 4. Page 12, line 5, by striking the figure
 47 "640,270" and inserting the following: "636,641".

48 5. Page 12, line 11, by striking the figure
 49 "1,679,769" and inserting the following: "1,676,139".

50 6. Page 16, by striking line 13 and inserting the

Page 2

1 following:

2 " \$ 13,480,000"

3 7. Page 16, by striking line 18 and inserting the
 4 following:

5 " \$ 4,980,000"

6 8. Page 16, by striking line 23 and inserting the
 7 following:

8 " \$ 8,500,000"

9 9. Page 17, by striking line 7 and inserting the
 10 following:

11 " \$ 83,380,000"

12 10. Page 21, lines 12 and 13, by striking the
 13 words "a portion may be used" and inserting the

14 following: "\$1,000,000 is allocated".

15 11. Page 21, line 16, by inserting after the word
16 "placement." the following: "On or before January 4,
17 1996, the department shall review the use of the
18 funding allocated in this subsection and project
19 whether an amount of the funding will be unused by the
20 close of the fiscal year. If an amount is projected,
21 the department shall transfer the projected amount to
22 the appropriation in this Act for family support
23 subsidy for use to provide assistance to additional
24 families who would otherwise remain on the waiting
25 list for that program. The department shall work with
26 the Iowa governor's planning council for developmental
27 disabilities, the arc of Iowa, the Iowa respite
28 coalition, and the Iowa family support initiative to
29 review use of the program funded in this section and
30 develop recommendations for consideration in the 1996
31 legislative session. The recommendations shall
32 address how much of the funding should be directed to
33 families trying to keep their children with
34 disabilities in the family home, potential
35 administrative rule revisions to improve the program,
36 and actions for the department to take to inform
37 families about the program."

38 12. Page 23, by striking line 19 and inserting
39 the following:

40 " \$ 2,620,000"

41 13. Page 23, line 21, by striking the figure
42 "756,048" and inserting the following: "754,000".

43 14. Page 23, line 31, by striking the figure
44 "300,000" and inserting the following: "298,000".

45 15. Page 24, line 32, by striking the figure
46 "732,789" and inserting the following: "731,014".

47 16. Page 25, line 1, by striking the figure
48 "100,000" and inserting the following: "98,000".

49 17. Page 27, by striking line 30 and inserting
50 the following:

Page 3

1 " \$ 43,190,000"

2 18. Page 27, by striking line 35 and inserting
3 the following:

4 " \$ 14,840,000"

5 19. Page 28, by striking line 3 and inserting the
6 following:

7 " \$ 6,000,000"

8 20. Page 28, by striking line 6 and inserting the
9 following:

10 " \$ 17,590,000"

11 21. Page 28, by striking line 9 and inserting the
12 following:

13 " \$ 4,760,000"

14 22. Page 28, by striking line 29 and inserting
15 the following:

16 " \$ 66,260,000"

17 23. Page 28, by striking line 34 and inserting

18 the following:
 19 " \$ 35,830,000"
 20 24. Page 29, by striking line 2 and inserting the
 21 following:
 22 " \$ 30,430,000"
 23 25. Page 29, by striking lines 8 through 11.
 24 26. Page 30, by striking line 3 and inserting the
 25 following:
 26 " \$ 1,110,000"
 27 27. Page 30, by striking line 33 and inserting
 28 the following:
 29 " \$ 5,470,000"
 30 28. Page 31, by striking line 8 and inserting the
 31 following:
 32 " \$ 16,230,000"
 33 29. Page 31, line 9, by striking the figure
 34 "15,888,182" and inserting the following:
 35 "15,630,138".
 36 30. Page 32, by inserting after line 17 the
 37 following:
 38 " . Of the funds appropriated in this section,
 39 not more than \$248,862 shall be provided to those
 40 counties having supplemental per diem contracts in
 41 effect on June 30, 1995, which were originally
 42 initiated under 1993 Iowa Acts, chapter 172, section
 43 16, subsection 2. The amount provided to each county
 44 shall be equal to the amount the county would be
 45 eligible to receive under the supplemental per diem
 46 contracts in effect on June 30, 1995, if the contracts
 47 were continued in effect for the entire fiscal year
 48 beginning July 1, 1995."
 49 31. Page 35, by striking lines 1 through 4 and
 50 inserting the following: "served under the pilot

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1 project or the waiver."
 2 32. Page 35, by striking line 35 and inserting
 3 the following:
 4 " \$ 38,146,205"
 5 33. Page 36, by inserting after line 1 the
 6 following:
 7 "The department may exceed the quantity of full-
 8 time equivalent positions authorized in this section
 9 by up to 8.5 FTEs as necessary to increase services
 10 for the permanent placement of children for whom
 11 parental rights have been terminated and who are under
 12 the guardianship of the department."
 13 34. Page 36, by striking line 33 and inserting
 14 the following:
 15 " \$ 919,000"
 16 35. Page 39, by inserting after line 34 the
 17 following:
 18 "c. The department revises the reimbursement rates
 19 due to implementation of a redesigned purchase of
 20 services system."
 21 36. By striking page 40, line 34 through page 41,

22 line 5 and inserting the following:
23 “_. The department shall modify reimbursement
24 provisions applicable to agencies providing services
25 under the department’s rehabilitative treatment
26 program for children and their families. The
27 modification shall address the service utilization
28 reimbursement rates under the program to include the
29 time a child is away from the agency for good cause.”
30 37. Page 41, by striking lines 8 through 12.

Jochum of Dubuque offered the following amendment H-3858, to the committee amendment H-3765, filed by her from the floor and moved its adoption:

H-3858

1 Amend the amendment, H-3765, to Senate File 462, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 “_. Page 1, by inserting after line 34 the
7 following:

8 “_. The department shall research the
9 feasibility of establishing a program of developing
10 community-based residential facilities or “second
11 chance homes” for young mothers and children. The
12 research shall consider potential benefits of second
13 chance homes including the potential effects of
14 deterring child abuse by use of the homes. The
15 research is subject to all of the following
16 provisions:

17 a. The department shall consider developing the
18 home in a manner to provide supervision by mature
19 adult couples. The program should coordinate
20 comprehensive services for pregnant or parenting
21 teens, including but not limited to educational
22 services, vocational services, personal and family
23 counseling, parent education classes, and assistance
24 in developing independent living and homemaking
25 skills.

26 b. The department shall consider various options
27 for designing second chance homes so that the homes
28 will not necessarily be government-operated
29 institutions. The options considered shall include
30 operation by churches and community groups with state
31 guidance through administrative rules. If the program
32 is implemented, administrative rules will delineate
33 how the homes will be structured and specify the
34 combination of support, services, and participant
35 obligations to help teenage mothers to become good
36 mothers, finish school, and gain adequate skills to
37 support their children.

38 c. The department shall consider a design which
 39 provides incentive grants to communities that pledge
 40 private funding and in-kind services equal to at least
 41 one-half of the cost of operating a second chance
 42 home. In addition, operating expenses could be
 43 supported in part by participants' welfare payments,
 44 food stamps, housing assistance, and other forms of
 45 public assistance for which participants are eligible,
 46 as well as a commitment from communities.
 47 d. The department shall submit a report to the
 48 general assembly on or before January 8, 1996,
 49 concerning the research conducted pursuant to this
 50 subsection."

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1 2. By renumbering as necessary.

Amendment H-3858 lost.

Houser of Pottawattamie offered the following amendment H-3860, to the committee amendment H-3765, filed by him from the floor and moved its adoption:

H-3860

1 Amend the amendment, H-3765, to Senate File 462, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 17, by inserting after the word
 5 "paragraph." the following: "The department shall not
 6 expand the requirement of prior authorization for
 7 drugs other than the "A" rated generic bioequivalents
 8 authorized under this paragraph, without prior
 9 approval of the general assembly for such expansion."
 10 2. Page 1, by inserting after line 21 the
 11 following:
 12 "aa. The department shall amend the contract with
 13 the department's fiscal agent regarding prior
 14 authorization of prescription drugs to provide for
 15 review by the fiscal agent of inquiries for prior
 16 authorization during pharmacy business hours,
 17 evenings, Saturdays and during pharmacy peak business
 18 hours on Sundays, and shall consider providing for
 19 review by the fiscal agent of inquiries on a seven-
 20 day-per-week, 24-hour-per-day basis.
 21 aaa. (1) The department of human services shall
 22 conduct a study of the prior authorization program
 23 based upon the program data collected during fiscal
 24 year 1994-1995, including a review of a sampling of
 25 specific drugs for which prior authorization is
 26 required. The study shall be completed by October 1,
 27 1995, and a report of the findings of the study shall
 28 be submitted to the chairpersons and ranking members
 29 of the senate and house appropriations committees, to

30 the chairpersons and ranking members of the joint
31 human services appropriations committee, and to the
32 legislative fiscal bureau. The study shall address
33 and include information and recommendations regarding
34 all of the following:

35 (a) A comparison of the costs associated with the
36 prescribing of generic drugs rather than brand name
37 drugs, taking into consideration any rebates or other
38 cost reductions associated with the use of brand name
39 drugs.

40 (b) A review of the time associated with the prior
41 authorization process including telephone
42 communications between providers and the department's
43 prior authorization fiscal agent and with delays for
44 either party. The review shall include an analysis of
45 the average time associated with each inquiry by
46 classification of drug.

47 (c) A review of the number of denials of
48 authorization by classification of drug by the fiscal
49 agent and the rationale for the denials.

50 (d) A review of the actual and projected cost

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1 savings and workability of the prior authorization
2 program.

3 (e) A review of the services provided by the
4 fiscal agent including a comparison of the services of
5 the fiscal agent with private pay insurers in
6 providing a similar service, and an evaluation of the
7 current availability of the fiscal agent and any
8 improvements to the program which might result from
9 increased availability.

10 (f) A review of the volume of inquiries for prior
11 authorization during a weekly period including an
12 analysis of the days and times of peak volume as
13 compared with the availability of the fiscal agent for
14 responding to inquiries.

15 (g) An analysis of the time which elapses between
16 the submission of a bill to the department for
17 reimbursement and actual reimbursement.

18 (2) Following receipt of the report from the
19 department, the legislative fiscal bureau shall review
20 the study. The review shall include all of the
21 following:

22 (a) An evaluation of the cost and savings
23 methodology utilized by the department, including an
24 analysis of whether all governmental costs and savings
25 were included or adequately addressed in the savings
26 methodology used during fiscal year 1994-1995. If the
27 legislative fiscal bureau determines that the cost and
28 savings methodology utilized by the department or the
29 fiscal agent did not include or adequately address all
30 governmental costs, the legislative fiscal bureau
31 shall provide recommendations to the general assembly

32 to improve the cost and savings methodology for future
33 application.
34 (b) An individualized assessment of the prior
35 authorization program based on a random sample of not
36 more than 50 individual prior authorization actions,
37 of which one-half shall be approval actions and one-
38 half shall be denial actions. The random sample shall
39 be provided by the department to the legislative
40 fiscal bureau based upon a random sampling methodology
41 submitted by the legislative fiscal bureau. All data
42 deemed necessary by the legislative fiscal bureau to
43 conduct the assessment shall be provided by the
44 department including but not limited to the date and
45 time of the prior authorization contact between the
46 fiscal agent and the provider; the name, address, and
47 telephone number of the provider; and the
48 classification of the drug for which prior
49 authorization was sought. If the action was an
50 approval action, the department shall provide a

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1 statement of the actual cost associated with the
2 substituted drug and the cost associated with the
3 alternative drug. If the action was a denial action,
4 the department shall provide the rationale for the
5 denial.”
6 3. Page 1, by striking lines 26 through 29.
7 4. Page 1, by striking lines 30 through 38 and
8 inserting the following:
9 “ . The department shall develop a plan to
10 administratively pursue reimbursement for pharmacy
11 services for which a recipient of medical assistance
12 also has third-party coverage. The department shall
13 develop the plan in cooperation with the insurance
14 division of the department of commerce and with
15 representatives of the Iowa pharmacists association.
16 The department shall submit the plan to the general
17 assembly on or before January 1, 1996, and shall
18 implement the plan on or before May 1, 1996. The
19 department shall also include a preliminary estimate
20 of the costs of administratively pursuing
21 reimbursement for pharmacy services in the budget
22 submitted to the council of human services for fiscal
23 year 1996-1997.”
24 5. By relettering as necessary.

Amendment H-3860 was adopted.

Houser of Pottawattamie offered the following amendment H-3853,
to the committee amendment H-3765, filed by him from the floor and
moved its adoption:

H-3853

1 Amend the amendment, H-3765, to Senate File 462, as

2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 49 the
5 following:

6 " Page 14, by striking line 1 and inserting
7 the following:

8 "..... \$ 6,390,000"

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

11 " Page 18, line 1, by striking the word
12 "administrative" and inserting the following:
13 "emergency".

14 3. Page 3, line 35, by striking the figure
15 "15,630,138" and inserting the following:
16 "15,951,138".

17 4. Page 3, line 41, by striking the figure "1995"
18 and inserting the following: "1994".

19 5. Page 3, line 46, by striking the figure "1995"
20 and inserting the following: "1994".

21 6. Page 4, by striking line 4 and inserting the
22 following:

23 ""..... \$ 38,140,000"

24 7. Page 4, by inserting after line 30 the
25 following:

26 " Page 45, by striking lines 17 through 19
27 and inserting the following: "this Act, relating to
28 any prior authorization, and".

Amendment H-3853 was adopted.

Millage of Scott offered the following amendment H-3861, to the committee amendment H-3765, filed by him from the floor and moved its adoption:

H-3861

1 Amend the amendment, H-3765, to Senate File 462, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 37 the
5 following:

6 " Page 23, by striking lines 15 and 16 and
7 inserting the following:

8 "For community-based programs directed to child
9 abuse prevention and adolescent pregnancy prevention,
10 including salaries, support".

11 2. Page 2, by striking lines 47 and 48 and
12 inserting the following:

13 " By striking page 24, line 35, through page
14 25, line 3, and inserting the following:

15 " Moneys appropriated in this section which
16 are otherwise unallocated shall be distributed among
17 the allocations specified in this section. The
18 distribution shall be made based upon the specific
19 allocation's proportion of the total amount allocated

20 in this section. Moneys distributed in accordance
 21 with this subsection shall be used for the purposes
 22 designated in the specific subsection.””
 23 3. By renumbering as necessary.

Amendment H-3861 was adopted, placing out of order amendment H-3825 filed by Boddicker of Cedar, et. al., on April 10, 1995.

Houser of Pottawattamie offered the following amendment H-3876, to the committee amendment H-3765, filed by him from the floor and moved its adoption:

H-3876

1 Amend the amendment, H-3765, to Senate File 462, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 35 the
 5 following:
 6 “_. Page 31, by striking lines 11 and 12 and
 7 inserting the following: “mental health and
 8 developmental disabilities services. The moneys shall
 9 be”.
 10 _. Page 31, by striking lines 22 and 23 and
 11 inserting the following: “persons with a disability,
 12 as defined in section 255C.2. However, no more”.
 13 _. Page 31, by striking line 28 and inserting
 14 the following: “services provided to persons with a
 15 disability.”
 16 _. Page 32, line 11, by striking the word
 17 “MI/MR/DD/BI” and inserting the following: “a
 18 disability”.
 19 _. Page 32, by striking line 13 and inserting
 20 the following:
 21 “b. County expenditure reports for services
 22 provided to persons with a disability for the prior.”
 23 2. By renumbering as necessary.

Amendment H-3876 was adopted.

Running of Linn offered the following amendment H-3793, to the committee amendment H-3765, filed by him and moved its adoption:

H-3793

1 Amend the amendment, H-3765, to Senate File 462, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 48 the
 5 following:
 6 “_. By striking page 34, line 14, through page
 7 35, line 26, and inserting the following:
 8 “Sec. 100. PERSONAL ASSISTANCE SERVICES.
 9 1. The department of human services, in

10 consultation with the personal assistance and family
 11 support services council created in section 225C.48,
 12 shall submit a request to the United States department
 13 of health and human services to amend the mental
 14 retardation and the ill and handicapped home and
 15 community-based services waivers to include the
 16 provision of consumer-directed attendant care as a
 17 fundable service under the medical assistance home and
 18 community-based services waiver. If approved, the
 19 consumer-directed attendant care services portion of
 20 the waiver as provided in 1994 Iowa Acts, chapter
 21 1041, section 5, shall be implemented immediately
 22 following approval.

23 2. The department of human services, in
 24 consultation with the personal assistance and family
 25 support services council created in section 225C.48,
 26 shall submit a waiver request to the United States
 27 department of health and human services for approval
 28 of funding of services provided to persons with
 29 physical disabilities through the medical assistance
 30 home and community-based services waiver, including
 31 consumer-directed attendant care services. If
 32 approved, the services, as provided in 1994 Iowa Acts,
 33 chapter 1041, section 5, shall be implemented
 34 immediately following approval. The department shall
 35 use existing state funds to draw down federal funds
 36 for the consumer-directed attendant services. The
 37 department shall not propose or implement the medical
 38 assistance home and community-based waiver for
 39 services for persons with physical disabilities in a
 40 manner which would require county funding to match
 41 federal funding. The nonfederal funding match shall
 42 be provided only through expenditure of state funds
 43 from existing human services programs, including but
 44 not limited to the in-home-health-related program and
 45 other programs which are funded solely through
 46 expenditure of state funds.

47 Sec. 200. PERSONAL ASSISTANCE SERVICES —
 48 APPROPRIATION. There is appropriated from the general
 49 fund of the state to the department of human services
 50 for the fiscal year beginning July 1, 1995, and ending

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1 June 30, 1996, the following amount, or so much
 2 thereof as is necessary, to be used for the purpose
 3 designated:

4 For the personal assistance services program
 5 created in section 225C.46:
 6 \$ 2,889,723”

7 2. Page 4, by inserting after line 30 the
 8 following:

9 “_. Page 45, line 19, by inserting after the
 10 word “retarded,” the following: “sections 100 and 200

- 11 of this Act relating to personal assistance
- 12 services, ”.”
- 13 3. -By renumbering as necessary.

Amendment H-3793 lost.

Vande Hoef of Osceola offered the following amendment H-3840, to the committee amendment H-3765, filed by him and moved its adoption:

H-3840

- 1 Amend the amendment, H-3765, to Senate File 462, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by striking line 30.

Amendment H-3840 was adopted.

On motion by Houser of Pottawattamie, the committee amendment H-3765, as amended, was adopted.

Running of Linn asked and received unanimous consent to defer action on amendment H-3842.

Houser of Pottawattamie offered the following amendment H-3803 filed by him and moved its adoption:

H-3803

- 1 Amend Senate File 462, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 21 the
- 4 following:
- 5 “_ . The department of human services shall
- 6 consult with the department of inspections and
- 7 appeals, the Iowa state association of counties, and
- 8 the Iowa association of rehabilitation and residential
- 9 facilities in adopting administrative rules
- 10 identifying optimum staffing ratios for intermediate
- 11 care facilities for the mentally retarded (ICFMR).
- 12 The administrative rules shall be implemented on or
- 13 before January 1, 1996.”
- 14 2. By renumbering as necessary.

Amendment H-3803 was adopted.

Fallon of Polk offered amendment H-3822 filed by him as follows:

H-3822

- 1 Amend Senate File 462, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 21 the

4 following:

5 "Sec. 200. The department of human services shall
6 seek federal approval on or before July 1, 1995, for
7 the implementation of a pilot program to allow medical
8 assistance program reimbursement for payment of
9 services provided by persons who provide a home and
10 services to persons who currently reside in or who
11 would otherwise be placed in nursing homes but for the
12 alternative offered under this subsection. The
13 department, in cooperation with the department of
14 elder affairs, shall develop a program which will
15 result in a cost savings to the state or in cost
16 neutrality, and shall develop parameters for the
17 program which shall include but are not limited to all
18 of the following:

19 a. A maximum income eligibility level which
20 applies to persons providing a home and services and
21 seeking reimbursement through the medical assistance
22 program.

23 b. An evaluative component which enables the
24 department to measure the financial and quality of
25 life aspects of the pilot program in comparison with
26 placement of a person in a nursing home.

27 c. A maximum reimbursement rate of \$15,000,
28 annually, for housing and services provided by the
29 home provider under the pilot program.

30 d. Any other criteria necessary to implement the
31 pilot program including but not limited to
32 implementation in a manner which targets current or
33 prospective nursing home residents in both rural and
34 urban areas of the state."

35 2. Page 45, line 17, by inserting after the word
36 "authorization," the following: "section 200 relating
37 to the nursing home waiver pilot program,".

38 3. By renumbering as necessary.

Fallon of Polk offered the following amendment H-3871, to amend-
ment H-3822, filed by him from the floor and moved its adoption:

H-3871

1 Amend the amendment, H-3822, to Senate File 462, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 6, by striking the word "July"
5 and inserting the following: "August".

6 2. Page 1, by striking lines 10 through 12 and
7 inserting the following: "services to a total of
8 seventy-five persons who currently reside in nursing
9 homes. The".

10 3. Page 1, line 19, by inserting after the word
11 "level" the following: ", established by the
12 department,".

13 4. Page 1, line 32 and 33, by striking the words
14 "or prospective".

Amendment H-3871 was adopted.

On motion by Fallon of Polk, amendment H-3822, as amended, was adopted.

Running of Linn offered the following amendment H-3823 filed by him and moved its adoption:

H-3823

- 1 Amend Senate File 462 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 21 the
- 4 following:
- 5 "_. Medical assistance funding shall not be
- 6 provided to a nursing facility licensed pursuant to
- 7 chapter 135C, if the nursing facility segregates
- 8 residents within the facility based upon source of
- 9 payment of the resident's cost of care."
- 10 2. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Blodgett of Cerro Gordo.

On the question "Shall amendment H-3823 be adopted?" (S.F. 462)

The ayes were, 32:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Weigel	Wise	Witt

The nays were, 65:

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	Mundie	Nelson, B.
Nutt	Rants	Renken	Salton

Schulte
Thomson
Vande Hoef
Mr. Speaker
Corbett

Siegrist
Tyrrell
Veenstra

Sukup
Van Fossen
Weidman

Teig
Van Maanen
Welter

Absent or not voting, 3:

Brammer

McCoy

Warnstadt

Amendment H-3823 lost.

Heaton of Henry in the chair at 5:23 p.m.

Running of Linn asked and received unanimous consent to withdraw amendment H-3830 filed by him on April 10, 1995.

Brand of Benton offered the following amendment H-3845 filed by him and moved its adoption:

H-3845

- 1 Amend Senate File 462, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 21 the
- 4 following:
- 5 "15. Notwithstanding the limitations of section
- 6 249A.3, subsection 4, discretionary medical assistance
- 7 shall be provided to individuals who are receiving
- 8 care in a nursing home who meet all eligibility
- 9 requirements for federal supplemental security income
- 10 except that their income exceeds the allowable maximum
- 11 but is insufficient to meet the full cost of their
- 12 care in the nursing home on the basis of standards
- 13 established by the department."
- 14 2. By renumbering as necessary.

Amendment H-3845 lost.

Murphy of Dubuque offered the following amendment H-3841 filed by him and moved its adoption:

H-3841

- 1 Amend Senate File 462 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 2, by inserting after the word
- 4 "plan." the following: "The department shall submit a
- 5 report on a quarterly basis to the general assembly
- 6 during the months in which the general assembly is in
- 7 session and to the fiscal committee of the legislative
- 8 council during the months in which the general
- 9 assembly is not in session, describing the progress
- 10 and activities of the prepaid mental health services
- 11 plan."

Amendment H-3841 was adopted.

Brand of Benton offered the following amendment H-3844 filed by him and moved its adoption:

H-3844

- 1 Amend Senate File 462 as amended, passed, and
- 2 reprinted by the Senate as follows;
- 3 1. Page 12, line 31, by striking the figure
- 4 "11,935,189" and inserting the following:
- 5 "12,277,189".
- 6 2. Page 13, by inserting after line 27 the
- 7 following:
- 8 "_. Of the funds appropriated in this section,
- 9 \$342,000 shall be used for increasing postsecondary
- 10 education services for family investment agreement
- 11 participants."
- 12 3. Page 36, line 10, by striking the figure
- 13 "10,907,951" and inserting the following:
- 14 "10,565,951".
- 15 4. Page 36, by inserting after line 14 the
- 16 following:
- 17 "The amount of the appropriation in this section
- 18 has been established so as to require the department
- 19 to reduce its projected expenditures for personal
- 20 services by 1 percent and for office supplies by 5
- 21 percent, resulting in an estimated reduction of
- 22 \$342,000."

Roll call was requested by Brand of Benton and Schrader of Marion.

On the question "Shall amendment H-3844 be adopted?" (S.F. 462)

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, B.	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Weigel	Wise	Witt	

The nays were, 63:

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	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
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	Heaton,	
		Presiding	

Absent or not voting, 2:

Brammer Warnstadt

Amendment H-3844 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Warnstadt of Woodbury on request of Schrader of Marion.

Brand of Benton offered the following amendment H-3846 filed by him and moved its adoption:

H-3846

- 1 Amend Senate File 462, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, line 4, by striking the words and
- 4 figure "limited to \$872,500" and inserting the
- 5 following: "20 percent of the total cost of the
- 6 establishment, improvements, operation, and
- 7 maintenance of the homes".

A non-record roll call was requested.

The ayes were 34, nays 55.

Amendment H-3846 lost.

Mundie of Webster offered the following amendment H-3847 filed by him and moved its adoption:

H-3847

- 1 Amend Senate File 462, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by inserting after line 9 the
- 4 following:
- 5 "___ The department, in cooperation with
- 6 interested social service providers, shall study the

- 7 feasibility of expanding existing confidentiality
 8 provisions to allow social service providers to form
 9 local teams to discuss provision of the most
 10 appropriate services in individual cases."
 11 2. By renumbering as necessary.

Amendment H-3847 was adopted.

Murphy of Dubuque offered amendment H-3850 filed by him, and requested division as follows:

H-3850

- 1 Amend Senate File 462, as amended, passed, and
 2 reprinted by the Senate, as follows:

H-3850A

- 3 1. Page 23, by inserting after line 9 the
 4 following:
 5 "100. Notwithstanding section 234.39, if a child
 6 was removed from the child's home and placed in foster
 7 care during the fiscal year beginning July 1, 1994,
 8 based upon an allegation of child abuse that was
 9 subsequently determined to be unfounded, a support
 10 obligation shall not be established for the child's
 11 parent or guardian for the cost of the foster care."

H-3850B

- 12 2. Page 45, line 17, by inserting after the word
 13 "authorization," the following: "section 10,
 14 subsection 100, relating to support obligations for
 15 certain foster care placements."
 16 3. By renumbering as necessary.

On motion by Murphy of Dubuque, amendment H-3850A was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-3850B, filed by him on April 10, 1995.

Jochum of Dubuque offered the following amendment H-3831 filed by her and moved its adoption:

H-3831

- 1 Amend Senate File 462, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 41, by inserting after line 12 the
 4 following:
 5 "Sec. ____ STANDARDS FOR CASELOADS AND
 6 REIMBURSEMENT.
 7 1. The department of human services shall develop
 8 a plan for meeting national standards on caseloads for

- 9 the department's social workers.
- 10 2. The department shall also develop a plan for
11 improving the adequacy of reimbursement for family
12 foster care. The foster care reimbursement rate
13 improvement provisions shall provide for basing the
14 reimbursement rates on at least 75 percent of the
15 United States department of agriculture estimate of
16 the costs to raise a child in the calendar year
17 immediately preceding the fiscal year. In addition
18 the family foster care provisions of the plan shall
19 address additional reimbursement for respite care,
20 including in-home respite care, and adequate
21 allowances for clothing and school expenses. The
22 clothing allowance upon a child's initial placement
23 shall be at least \$250 and at least \$50 per month for
24 the remainder of the placement. School expenses shall
25 be reimbursed for elementary and developmental
26 preschool children at not more than \$50 per semester
27 and for grades seven through twelve at not more than
28 \$100 per semester. Driver's education expenses shall
29 be reimbursed in full.
- 30 3. The department shall submit the planning
31 provisions required by this section to the members of
32 the joint appropriations subcommittee on human
33 services of the senate and house of representatives on
34 or before January 8, 1996."
- 35 2. By renumbering as necessary.

Amendment H-3831 was adopted.

Running of Linn offered the following amendment H-3848 filed by him and moved its adoption:

H-3848

- 1 Amend Senate File 462, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 44, by inserting after line 35 the
4 following:
5 "Sec. ____ Section 249A.3, subsection 9, Code
6 1995, is amended to read as follows:
7 9. Beginning October 1, ~~1990~~ 1995, in determining
8 the eligibility of an institutionalized individual for
9 assistance under this chapter, the department shall
10 establish a minimum community spouse resource
11 allowance amount of ~~twenty-four thousand dollars~~ which
12 is the maximum amount allowed to be retained for the
13 benefit of the institutionalized individual's
14 community spouse in accordance with the federal Social
15 Security Act, section 1924(f) as codified in 42 U.S.C.
16 § 1396r-5(f)."
17 2. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Cataldo of Polk.

On the question "Shall amendment H-3848 be adopted?" (S.F. 462)

The ayes were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
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	Weigel
Wise	Witt		

The nays 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	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit	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	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Heaton,	
		Presiding	

Absent or not voting, 3:

Brammer	Doderer	Warnstadt
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Amendment H-3848 lost.

Murphy of Dubuque offered the following amendment H-3842, previously deferred, filed by him and moved its adoption:

H-3842

- 1 Amend Senate File 462, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 7, line 12, by inserting after the figure
- 4 "1995." the following: "The department of human
- 5 services shall submit a report on a quarterly basis to
- 6 the general assembly during the months in which the
- 7 general assembly is in session and to the fiscal

- 8 committee of the legislative council during the months
- 9 in which the general assembly is not in session,
- 10 describing the progress and activities of the
- 11 integrated substance abuse managed care program.”

Amendment H-3842 was adopted.

MOTIONS TO RECONSIDER PREVAIL

Siegrist of Pottawattamie called up for immediate consideration the motion to reconsider the committee amendment H-3765 to Senate File 462, filed by him from the floor, and moved to reconsider the vote by which the committee amendment H-3765 was adopted by the House on April 11, 1995.

The motion prevailed and the House reconsidered the committee amendment H-3765, found on pages 1455 through 1457 of the House Journal.

Siegrist of Pottawattamie called up for immediate consideration the motion to reconsider amendment H-3858, to the committee amendment H-3765, to Senate File 462, filed by him from the floor, and moved to reconsider the vote by which amendment H-3858, to the committee amendment H-3765, was adopted by the House.

The motion prevailed and the House reconsidered amendment H-3858, to the committee amendment H-3765, found on pages 1459 through 1460 of the House Journal.

On motion by Jochum of Dubuque amendment H-3858, to the committee amendment H-3765, was adopted.

On motion by Houser of Pottawattamie, the committee amendment H-3765, as amended, was adopted.

RULES SUSPENDED

Jochum of Dubuque asked and received unanimous consent to suspend the rules for the immediate consideration of amendment H-3852.

Jochum of Dubuque offered the following amendment H-3852 filed by her from the floor and moved its adoption:

H-3852

- 1 Amend Senate File 462, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by inserting after line 9 the
- 4 following:
- 5 “_. The department shall continue to make
- 6 adoption presubsidy and adoption subsidy payments to

- 7 adoptive parents at the beginning of the month for the
 8 current month."
 9 2. By renumbering as necessary.

Amendment H-3852 was adopted.

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?" (S.F. 462)

The ayes were, 82:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kremer	Lamberti	Larson	Lord
Main	Martin	Mascher	May
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	Weidman	Weigel	Welter
Witt	Mr. Speaker		
	Corbett		

The nays were, 16:

Baker	Bell	Bernau	Brand
Cohoon	Connors	Drees	Grubbs
Kreiman	Larkin	McCoy	Mertz
Metcalf	Schrader	Shoultz	Wise

Absent or not voting, 2:

Brammer Warnstadt

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 462 be immediately messaged to the Senate.

SPONSOR ADDED
(Amendment H-3809 to Senate File 266)

Mertz of Kossuth requested to be added as a sponsor of amendment H-3809 to Senate File 266.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the afternoon of April 11, 1995. Had I been present, I would have voted "aye" on House File 512.

BLODGETT of Cerro Gordo

I was necessarily absent from the House chamber on Tuesday, April 11, 1995. Had I been present, I would have voted "aye" on House File 512.

DAGGETT of Union

I was necessarily absent from the House chamber on April 10, 1995. Had I been present, I would have voted "aye" on Senate Files 93, 94, 117, 118, 157, 178, 207, 278, 280, 352 and 440.

ERTL of Dubuque

I was necessarily absent from the House chamber on April 11, 1995. Had I been present, I would have voted "aye" on House File 512.

RENKEN of Grundy

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 154, an act relating to the exemption of certain dentists and dental hygienists from state licensing requirements.

House File 515, 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.

PRESENTATION OF VISITORS

Halvorson of Clayton presented to the House the following former members of the House: Bill Harbor, representing Mills County; Bill Royer, representing Page County; and Bill Scherle, representing Fremont County.

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

Thirteen third, fourth, and fifth grade students from Prairie City Elementary, Prairie City, accompanied by Mary Elrod, Sid Graham, and Nancy Isgrig. By Bell of Jasper.

Forty-five fifth grade students from Mt. Ayr Elementary, Mt. Ayr, accompanied by Cindy Stevens. By Daggett of Union.

Fourteen high school students from West High School, Iowa City, accompanied by Gary Neuzil. By Myers, Doderer and Mascher of Johnson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 326.1

Judiciary: Hurley, Chair; Kreiman and Schulte.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 328 Ways and Means

Relating to regulation of food establishments and providing for fees and penalties.

H.S.B. 329 Ways and Means

Relating to the gross premiums tax on insurance contracts of fraternal beneficiary associations.

COMMITTEE RECOMMENDATIONS

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 AGRICULTURE

Senate File 402, a bill for an act relating to brands registered by the department of agriculture and land stewardship and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 326.1), 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.

Fiscal Note is not required.

Recommended Do Pass April 11, 1995.

RESOLUTION FILED

SCR 26, by committee on state government, 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.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3854	H.F.	553	Weigel of Chickasaw
H-3863	H.F.	41	Senate amendment
H-3864	H.F.	545	Rants of Woodbury
H-3865	H.F.	553	Weigel of Chickasaw
H-3866	S.F.	266	Nelson of Pottawattamie Myers of Johnson Gries of Crawford Cohon of Des Moines
H-3867	S.F.	446	Wise of Lee Larkin of Lee
H-3868	S.F.	459	Millage of Scott
H-3869	S.F.	459	Bell of Jasper
H-3870	S.F.	433	Fallon of Polk
H-3872	S.F.	459	Murphy of Dubuque Bell of Jasper
H-3873	H.F.	552	Halvorson of Clayton
H-3874	H.F.	553	Koenigs of Mitchell
H-3875	S.F.	459	Garman of Story
H-3877	S.F.	315	Harper of Black Hawk
H-3878	S.F.	459	Harper of Black Hawk
H-3879	H.F.	553	Murphy of Dubuque
H-3880	S.F.	266	Mascher of Johnson
H-3881	S.F.	266	Brand of Benton Running of Linn
			Shoultz of Black Hawk Harper of Black Hawk Mascher of Johnson Weigel of Chickasaw
			May of Worth
			Bell of Jasper
			Ollie of Clinton

Larkin of Lee			Nelson of Pottawattamie
Cphoon of Des Moines			Drees of Carroll
H-3882	H.F.	553	Murphy of Dubuque
H-3883	H.F.	553	Witt of Black Hawk
H-3884	H.F.	553	Mascher of Johnson
H-3885	H.F.	553	Murphy of Dubuque
H-3886	H.F.	553	Murphy of Dubuque
H-3887	H.F.	553	Burnett of Story
McCoy of Polk			Witt of Black Hawk
Murphy of Dubuque			Mascher of Johnson
O'Brien of Boone			Mundie of Webster
Drees of Carroll			Nelson of Pottawattamie
Weigel of Chickasaw			Doderer of Johnson
Jochum of Dubuque			Myers of Johnson
Kreiman of Davis			Koenigs of Mitchell
May of Worth			Larkin of Lee
Running of Linn			Shoultz of Black Hawk
Mertz of Kossuth			Connors of Polk
Ollie of Clinton			Fallon of Polk
Harper of Black Hawk			Moreland of Wapello
Cphoon of Des Moines			Brand of Benton
Schrader of Marion			Bell of Jasper
Cataldo of Polk			Baker of Polk
Holveck of Polk			Bernau of Story
H-3888	S.F.	459	Kreiman of Davis
			Fallon of Polk
H-3889	S.F.	459	Millage of Scott
H-3890	H.F.	553	Mertz of Kossuth
H-3891	S.F.	60	Metcalf of Polk
H-3892	S.F.	266	Witt of Black Hawk
Mascher of Johnson			Myers of Johnson
Burnett of Story			Shoultz of Black Hawk
Harper of Black Hawk			Bernau of Story
Doderer of Johnson			
H-3893	S.F.	256	Weigel of Chickasaw
H-3894	S.F.	256	Weigel of Chickasaw
H-3895	S.F.	256	Weigel of Chickasaw
H-3896	H.F.	553	Hahn of Muscatine

On motion by Siegrist of Pottawattamie, the House adjourned at 6:52 p.m. until 8:45 a.m., Wednesday, April 12, 1995.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 12, 1995

The House met pursuant to adjournment at 8:55 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend John C. Koedyker, Community Reformed Church, Clinton.

The Journal of Tuesday, April 11, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Houser of Pottawattamie, from twenty-eight constituents favoring retaining the issuance of driver's licenses in the office of the County Treasurer.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Warnstadt of Woodbury, until his arrival, on request of Schrader of Marion.

CONSIDERATION OF BILLS

Regular Calendar

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

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

On the question "Shall the bill pass?" (S.F. 9)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boggess	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
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	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 9:

Boddicker	Bradley	Brammer	Brand
Grubbs	Grundberg	Halvorson	Nutt
Warnstadt			

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

HOUSE FILE 45 WITHDRAWN

Klemme of Plymouth asked and received unanimous consent to withdraw House File 45 from further consideration by the House.

Unfinished Business Calendar

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

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?" (S.F. 215)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boguess	Brand	Branstad

Brauns	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	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	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	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, 1:

Brunkhorst

Absent or not voting, 6:

Boddicker	Bradley	Brammer	Grubbs
Halvorson	Warnstadt		

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

HOUSE FILE 465 WITHDRAWN

Vande Hoef of Osceola asked and received unanimous consent to withdraw House File 465 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 9 and 215.**

The House resumed consideration of **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, with report of committee recommending passage, previously deferred and placed on the unfinished business calendar.

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

On the question "Shall the bill pass?" (S.F. 298)

The ayes were, 84:

Arnold	Baker	Bernau	Blodgett
Boguess	Brand	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Hahn	Hammitt
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Kreiman	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
Schrader	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Wise	Mr. Speaker Corbett

The nays were, 5:

Burnett	Doderer	Holveck	Koenigs
Shoultz			

Absent or not voting, 11:

Bell	Boddicker	Bradley	Brammer
Grubbs	Grundberg	Halvorson	Hanson
Murphy	Warnstadt	Witt	

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

HOUSE FILE 501 WITHDRAWN

Welter of Jones asked and received unanimous consent to withdraw House File 501 from further consideration by the House.

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

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

On the question "Shall the bill pass?" (S.F. 255)

The ayes were, 94:

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	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
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	Van Maanen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 6:

Boddicker	Brammer	Grubbs	Grundberg
Halvorson	Warnstadt		

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

HOUSE FILE 245 WITHDRAWN

Klemme of Plymouth asked and received unanimous consent to withdraw House File 245 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 255 and 298.**

The House resumed consideration of **Senate File 333**, a bill for an act relating to notice requirements required for work involving drainage and levee districts and water districts, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 333)

The ayes were, 93:

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	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	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
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Boddicker	Brammer	Grubbs	Grundberg
Halvorson	Shoultz	Warnstadt	

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

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

Holveck of Polk offered the following amendment H-3514 filed by him and moved its adoption:

H-3514

- 1 Amend Senate File 320, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 30, by striking the words "the
- 4 superintendent or".
- 5 2. Page 117, by inserting after line 6 the
- 6 following:
- 7 "Sec. ____ Section 524.211, subsection 2C, as
- 8 enacted in this Act, shall not apply to the individual
- 9 who is serving as the superintendent of banking on
- 10 March 1, 1995."
- 11 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 17, nays 47.

Amendment H-3514 lost.

Holveck of Polk offered the following amendment H-3515 filed by him and moved its adoption:

H-3515

- 1 Amend Senate File 320, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 97, line 23, by inserting after the word
- 4 "property." the following: "If the plan provides that
- 5 the shares of each bank are to be converted, in whole
- 6 or in part, into cash or other property, the plan
- 7 shall provide an option for converting such shares
- 8 into shares, obligations, or other securities of the
- 9 resulting bank or of any other corporation and that
- 10 the manner in which the shares are to be converted
- 11 under the plan shall be at the option of the
- 12 shareholder."

Amendment H-3515 lost.

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?" (S.F. 320)

The ayes were, 95:

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
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	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Boddicker	Brammer	Grundberg	Halvorson
Warnstadt			

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

HOUSE FILE 231 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 231 from further consideration by the House.

INTRODUCTION OF BILLS

House File 562, by committee on judiciary, a bill for an act 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.

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

House File 563, by Siegrist and Schrader, a bill for an act relating to the merit system classification of employees of statewide elected officials.

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

House File 564, by Siegrist and Schrader, a bill for an act relating to the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates.

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 320 and 333**.

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

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-3742 filed by him on April 4, 1995.

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. 341)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	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
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	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 7:

Brammer	Brand	Doderer	Grundberg
Halvorson	Veenstra	Warnstadt	

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

HOUSE FILE 279 WITHDRAWN

Metcalf of Polk asked and received unanimous consent to withdraw House File 279 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 341** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 377**, a bill for an act relating to the payment of patronage dividends by cooperative associations which are public utilities, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 377)

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
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	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	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brammer Grundberg Halvorson Warnstadt

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 377** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar and Halvorson of Clayton, on request of Siegrist of Pottawattamie.

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

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?" (S.F. 272)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Metcalf	Meyer	Millage
Moreland	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
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 6:

Branstad	Fallon	Garman	Klemme
Mertz	Mundie		

Absent or not voting, 4:

Brammer	Grundberg	Halvorson	Warnstadt
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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 209 WITHDRAWN

Metcalf of Polk asked and received unanimous consent to withdraw House File 209 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 272 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of Schrader of Marion.

Regular Calendar

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

Wise of Lee offered the following amendment H-3867 filed by him and Larkin and moved its adoption:

H-3867

- 1 Amend Senate File 446, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 32 through 35 and
- 4 inserting the following: "~~and~~."
- 5 2. Page 4, by striking lines 23 through 27 and
- 6 inserting the following: "~~for the occurrence from~~
- 7 ~~which the arrest arose~~. The court shall immediately
- 8 require".
- 9 3. Page 5, line 22, by striking the word "the"
- 10 and inserting the following: "any".
- 11 4. Page 6, line 2, by striking the word "the" and
- 12 inserting the following: "any".
- 13 5. Page 6, line 13, by striking the word "the"
- 14 and inserting the following: "any".
- 15 6. Page 6, line 33, by striking the word "the"
- 16 and inserting the following: "any applicable".
- 17 7. Page 16, by striking lines 14 through 18 and
- 18 inserting the following:
- 19 "2. A person whose motor".
- 20 8. Page 16, line 28, by inserting after the word
- 21 "period" the following: "of time as any applicable
- 22 period".
- 23 9. Page 17, by striking lines 28 through 32 and
- 24 inserting the following:
- 25 "2. A person whose license or".

- 26 10. Page 19, line 10, by striking the word "the"
 27 and inserting the following: "any applicable".
 28 11. Page 22, line 15, by striking the word "the"
 29 and inserting the following: "any applicable".
 30 12. Page 22, line 24, by striking the word "the"
 31 and inserting the following: "any applicable".
 32 13. Page 22, line 28, by striking the word "the"
 33 and inserting the following: "any applicable".

Roll call was requested by Gipp of Winneshiek and Van Maanen of Marion.

On the question "Shall amendment H-3867 be adopted?" (S.F. 446)

The ayes were, 13:

Brand	Cohoon	Drees	Holveck
Larkin	Murphy	Nelson, L.	Ollie
Running	Schrader	Shoultz	Weigel
Wise			

The nays were, 80:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Fallon	Garman	Gipp
Greig	Gries	Grubbs	Hahn
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larson
Lord	Main	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Moreland	Mundie	Myers
Nelson, B.	Nutt	O'Brien	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Witt	Mr. Speaker Corbett

Absent or not voting, 7:

Brammer	Ertl	Greiner	Grundberg
Halvorson	Mertz	Warnstadt	

Amendment H-3867 lost.

Garman of Story asked and received unanimous consent to withdraw amendment H-3642 filed by her on March 30, 1995.

Witt of Black Hawk asked and received unanimous consent to withdraw amendment H-3810 filed by him and Welter of Jones on April 10, 1995.

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. 446)

The ayes were, 93:

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	Gries	Grubbs	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
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	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Brammer	Greiner	Grundberg	Halvorson
Mertz	Running	Warnstadt	

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 446** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Eddie of Buena Vista presented to the House Alexander Muravsky, member of the Parliament of Muldova. Mr. Muravsky is from Kishiner, Moldova and is Vice-chairman of the Economy, Industry and Privatization Commission.

The House rose and expressed its welcome.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 198, a bill for an act creating a lien arising from the care and feeding of livestock in a custom cattle feedlot.

Also: That the Senate has on April 12, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 12, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 346, a bill for an act relating to the verification and defendant's signature required for uniform citations and complaints.

Also: That the Senate has on April 12, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 12, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 490, a bill for an act relating to limited liability companies.

Also: That the Senate has on April 12, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 12, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 117, a bill for an act adopting a new uniform anatomical gift Act and providing a penalty.

Also: That the Senate has on April 12, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 12, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 178, a bill for an act relating to emergency medical services.

Also: That the Senate has on April 12, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 278, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 11:50 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened at 1:15 p.m., Speaker Corbett in the chair.

INTRODUCTION OF BILL

House File 565, by committee on appropriations, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

CONSIDERATION OF BILLS

Appropriations Calendar

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

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House resumed session at 3:13 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Garman of Story offered amendment H-3811 filed by the committee on appropriations and requested division as follows:

H-3811

- 1 Amend Senate File 459, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-3811A

- 3 1. Page 1, line 10, by striking the figure
- 4 "5,242,801" and inserting the following: "5,142,801".

H-3811B

- 5 2. Page 1, line 19, by striking the figure
- 6 "175,000" and inserting the following: "122,415".

H-3811C

- 7 3. By striking page 4, line 22, through page 5,
- 8 line 7.
- 9 4. Page 7, by inserting after line 25 the
- 10 following:
- 11 "Moneys received by the department of corrections
- 12 as reimbursement for services provided to the Clarinda
- 13 youth corporation are appropriated to the department
- 14 and shall be used for the purpose of operating the
- 15 Clarinda correctional facility."

H-3811D

- 16 5. By striking page 8, line 16, through page 9,
- 17 line 35.

H-3811E

- 18 6. Page 10, by striking lines 20 through 26.

H-3811C

- 19 7. Page 11, by inserting after line 18 the
 20 following:
 21 "7. For educational programs for inmates at state
 22 penal institutions:
 23 \$ 1,850,600
 24 It is the intent of the general assembly that
 25 moneys appropriated in this subsection shall be used
 26 solely for the purpose indicated and that the moneys
 27 shall not be transferred for any other purpose."
 28 8. Page 16, by inserting after line 12 the
 29 following:
 30 "7. In addition to the requirements of section
 31 8.39, the department of corrections shall not make an
 32 intradepartmental transfer of moneys appropriated to
 33 the department, unless notice of the intradepartmental
 34 transfer is given prior to its effective date to the
 35 legislative fiscal bureau. The notice shall include
 36 information on the department's rationale for making
 37 the transfer and details concerning the work load and
 38 performance measures upon which the transfers are
 39 based."
 40 9. Page 22, line 34, by inserting after the word
 41 "surveillance" the following: "or safety".
 42 10. Page 26, line 28, by striking the figure
 43 "8,330,089" and inserting the following: "8,808,350".
 44 11. Page 26, line 29, by striking the figure
 45 "166.00" and inserting the following: "180.00".
 46 12. Page 27, by striking lines 26 through 35 and
 47 inserting the following: "6."
 48 13. Page 29, by striking lines 1 and 2.
 49 14. Page 29, by inserting before line 3 the
 50 following:

Page 2

- 1 "Sec. ____ NEW SECTION. 80.41 HIGHWAY SAFETY
 2 PATROL FUND.
 3 A highway safety patrol fund is created as a
 4 separate fund in the state treasury. Interest and
 5 other moneys earned by the fund shall be deposited in
 6 the fund. The fund shall include moneys credited from
 7 the use tax as allocated under section 423.24,
 8 subsection 2. The moneys credited to the fund for the
 9 fiscal year beginning July 1, 1995, and ending June
 10 30, 1996, shall be appropriated as follows:
 11 1. Thirty-three million two hundred ten thousand
 12 four hundred sixty-seven dollars shall be appropriated
 13 to the division of highway safety, uniformed force,
 14 and radio communications of the department of public
 15 safety to be used for salaries, support, maintenance,
 16 and miscellaneous purposes, including workers'

H-3811C

17 compensation expenses and the state's contribution to
18 the peace officers' retirement, accident, and
19 disability system provided in chapter 97A in the
20 amount of eighteen percent of the salaries for which
21 the funds are appropriated.

22 2. Sufficient moneys for the division of highway
23 safety, uniformed force, and radio communications of
24 the department of public safety shall be appropriated
25 for salary adjustment moneys.

26 3. Any revenues remaining shall be credited to the
27 road use tax fund created under section 312.1.

28 It is the intent of the general assembly that
29 moneys be appropriated from the general fund of the
30 state to partially fund the division of highway
31 safety, uniformed force, and radio communications of
32 the department of public safety by fiscal year 1997
33 and to fully fund the division by fiscal year 2001 and
34 each fiscal year thereafter. It is further intended
35 that the fund created in this section be repealed when
36 the highway patrol is fully funded from the general
37 fund of the state and all use tax receipts designated
38 in section 423.24, subsection 2, are deposited in the
39 road use tax fund."

H-3811F

40 15. Page 29, line 8, by striking the words "full
41 cost of auditing" and inserting the following: "cost
42 of auditing salaries for no more than two special
43 agents and no more than four gaming enforcement
44 officers for each excursion gambling boat for".

45 16. Page 29, by striking lines 12 through 14 and
46 inserting the following: "salary costs shall be
47 limited to sixty-five percent of the salary costs for
48 special agents and sixty-five percent of the salary
49 costs for gaming enforcement for personnel assigned to
50 excursion gambling boats who enforce laws and rules

Page 3

1 adopted by the".

H-3811C

2 17. Page 29, by inserting after line 15 the
3 following:

4 "Sec. ____ Section 423.24, subsection 2, Code
5 1995, is amended to read as follows:

6 2. Twenty percent of all revenue derived from the
7 use tax on motor vehicles, trailers, and motor vehicle
8 accessories and equipment as collected pursuant to
9 section 423.7 shall be deposited in the GAAP deficit

H-3811C

10 ~~reduction account established in the department of~~
11 ~~management pursuant to section 8.57, subsection 2,~~
12 highway safety patrol fund created in section 80.41.
13 and shall be used in accordance with the provisions of
14 that section."

15 18. By striking page 31, line 5, through page 32,
16 line 1.

17 19. Page 32, by inserting before line 2 the
18 following:

19 "Sec. ____ Section 904.105, subsection 9, Code
20 1995, is amended by striking the subsection.

21 Sec. 100. NEW SECTION. 904.311A PRISON RECYCLING
22 FUND.

23 The Iowa prison recycling fund is created and
24 established as a separate and distinct fund in the
25 state treasury. All moneys remitted to the department
26 for recycling operations in each fiscal year
27 commencing with the fiscal year beginning July 1,
28 1994, shall be deposited in the fund. Notwithstanding
29 section 12C.7, subsection 2, interest or earnings on
30 moneys deposited in the fund shall be credited to the
31 fund. Notwithstanding section 8.33, moneys in the
32 fund shall not revert to the general fund of the state
33 at the close of a fiscal year but shall remain in the
34 fund and be used as directed in this section in the
35 succeeding fiscal year. The treasurer of state shall
36 act as custodian of the fund and disburse moneys from
37 the fund as directed by the department for the purpose
38 of payment of operating expenses for recycling.

39 Sec. ____ NEW SECTION. 904.508A INMATE TELEPHONE
40 REBATE FUND.

41 The department is authorized to establish and
42 maintain an inmate telephone rebate fund in each
43 institution for the deposit of moneys received for
44 inmate telephone rebates. All funds deposited in this
45 fund shall be used for the benefit of inmates. The
46 director shall adopt rules providing for the
47 disbursement of moneys from the fund."

48 20. Page 32, by inserting after line 6 the
49 following:

50 "Sec. ____ INTERIM STUDY COMMITTEE. The

Page 4

1 legislative council is requested to authorize an
2 interim study committee concerning the enforcement of
3 activities on excursion gambling boats."

4 21. Page 32, by striking lines 16 through 19.

5 22. Page 32, by inserting after line 24 the
6 following:

7 "6. Section 100 of this Act, dealing with the Iowa

H-3811C

- 8 prison recycling fund, takes effect upon enactment and
 9 is retroactively applicable to July 1, 1994.”
 10 23. By renumbering, relettering, or redesignating
 11 and correcting internal references as necessary.

Millage of Scott offered the following amendment H-3868, to the committee amendment H-3811A, filed by him and moved its adoption:

H-3868

- 1 Amend the amendment, H-3811, to Senate File 459, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 4, by striking the figure
 5 “5,142,801” and inserting the following: “5,042,801”.

Amendment H-3868 lost.

Garman of Story moved the adoption of the committee amendment H-3811A.

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question “Shall the committee amendment H-3811A be adopted?” (S.F. 459)

The ayes were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	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	

The nays were, 37:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Dinkla	Doderer	Drees	Fallon
Grubbs	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	Brunkhorst	Greiner	Grundberg
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The committee amendment H-3811A was adopted.

The House considered the committee amendment H-3811B.

Garman of Story moved the adoption of the committee amendment H-3811B.

Roll call was requested by Siegrist of Pottawattamie and Rants of Woodbury.

On the question "Shall the committee amendment H-3811B be adopted?" (S.F. 459)

The ayes were, 61:

Arnold	Blodgett	Boddicker	Boggess
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
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
Dinkla	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie

Murphy
Ollie
Warnstadt

Myers
Running
Weigel

Nelson, L.
Schradler
Wise

O'Brien
Shoultz

Absent or not voting, 4:

Brammer

Grundberg

Hurley

Witt

The committee amendment H-3811B was adopted.

The House considered the committee amendment H-3811C.

Dinkla of Guthrie offered the following amendment H-3906, to the committee amendment H-3811C, filed by him from the floor and moved its adoption:

H-3906

- 1 Amend the amendment, H-3811, to Senate File 459, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 39 the
- 5 following:
- 6 "_. Page 17, by striking lines 23 through 29
- 7 and inserting the following: "reporters to be
- 8 assigned pursuant to section 602.6201."
- 9 2. Page 1, by inserting before line 40 the
- 10 following:
- 11 "_. By striking page 17, line 33, through page
- 12 18, line 2, and inserting the following: "reporters
- 13 to be assigned pursuant to section 602.6301."
- 14 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 30, nays 57.

Amendment H-3906 lost.

Murphy of Dubuque offered the following amendment H-3872, to the committee amendment H-3811C, filed by him and Bell and moved its adoption:

H-3872

- 1 Amend the amendment, H-3811, to Senate File 459, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking lines 19 and 20.

Amendment H-3872 was adopted.

On motion by Garman of Story, the committee amendment H-3811C, as amended, was adopted.

Garman of Story moved the adoption of the committee amendment H-3811D.

Roll call was requested by Wise of Lee and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall the committee amendment H-3811D be adopted?" (S.F. 459)

The ayes were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Coon	Corbett, Spkr.	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
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, 36:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Cormack	Doderer	Drees	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Main	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 Churchill Grundberg

The committee amendment H-3811D was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Grundberg of Polk, on request of Daggett of Union; Churchill of Polk on request of Gipp of Winneshiek.

Garman of Story moved the adoption of the committee amendment H-3811E.

Roll call was requested by Murphy of Dubuque and Running of Linn.

On the question "Shall amendment H-3811E be adopted?" (S.F. 459)

The ayes were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
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

The nays were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cphoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 6:

Brammer	Churchill	Corbett, Spkr.	Greig
Grundberg	Moreland		

The committee amendment H-3811E was adopted.

The House considered the committee amendment H-3811F.

Garman of Story moved the adoption of the committee amendment H-3811F.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 43.

The committee amendment H-3811F was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone, on request of Schrader of Marion.

Fallon of Polk offered amendment H-3827 filed by him and Kreiman as follows:

H-3827

1 Amend Senate File 459, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting after line 19 the
4 following:

5 "It is the intent of the general assembly that as a
6 condition of receiving the appropriation provided in
7 this subsection, the department of corrections shall
8 not permit the sale or allow the use of any tobacco
9 products in any correctional facility under the
10 department's control."

11 2. Page 29, by inserting after line 15 the
12 following:

13 "Sec. ____ Section 356.36, unnumbered paragraph 1,
14 Code 1995, is amended to read as follows:

15 The Iowa department of corrections, in consultation
16 with the Iowa state sheriff's association, the Iowa
17 association of chiefs of police and peace officers,
18 the Iowa league of municipalities, and the Iowa board
19 of supervisors association, shall draw up minimum
20 standards for the regulation of jails, alternative
21 jails, facilities established pursuant to chapter 356A
22 and municipal holding facilities. The standards shall
23 include a prohibition on the sale and use of tobacco
24 products within the jails and facilities. When

25 completed by the department, the standards shall be
26 adopted as rules pursuant to chapter 17A."

27 3. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-3888, to amendment H-3827, filed by him and Fallon and moved its adoption:

H-3888

1 Amend the amendment, H-3827, to Senate File 459, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, line 8, by striking the words "not
- 5 permit" and inserting the following: "adopt rules
- 6 necessary to implement, by January 1, 2000, a ban on".
- 7 2. Page 1, line 8, by striking the words "allow
- 8 the".
- 9 3. Page 1, line 9, by inserting after the word
- 10 "any" the following: "building located in a".
- 11 4. Page 1, by striking lines 11 through 27.

Amendment H-3888 was adopted.

Speaker Corbett in the chair at 5:24 p.m.

On motion by Fallon of Polk, amendment H-3827, as amended,
lost.

Bell of Jasper offered the following amendment H-3869 filed by
him and moved its adoption:

H-3869

- 1 Amend Senate File 459 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 25, line 6, by striking the figure
- 4 "15,000" and inserting the following: "30,000".

Amendment H-3869 was adopted.

Garman of Story offered the following amendment H-3875 filed by
her and moved its adoption:

H-3875

- 1 Amend Senate File 459, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 28, by inserting after line 22 the
- 4 following:
- 5 "9. The division of highway safety, uniformed
- 6 force, and radio communications may expend an amount
- 7 proportional to the costs that are reimbursable from
- 8 the highway safety patrol fund created in section
- 9 80.41, as enacted by this Act. Spending for these
- 10 costs may occur from any unappropriated funds in the
- 11 state treasury upon a finding by the department of
- 12 management that all of the amounts requested and
- 13 approved are reimbursable from the highway safety
- 14 patrol fund. Upon payment to the highway safety
- 15 patrol fund, the division of highway safety, uniformed
- 16 force, and radio communications shall credit the
- 17 payments necessary to reimburse the state treasury.
- 18 10. In addition to other amounts appropriated, for
- 19 payment to the department of personnel for expenses
- 20 incurred in administering the merit system on behalf

21 of the division of highway safety, uniformed force,
 22 and radio communications:
 23 \$ 88,390"

Amendment H-3875 was adopted.

Harper of Black Hawk offered amendment H-3878 filed by her as follows:

H-3878

- 1 Amend Senate File 459, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 29, by inserting after line 15 the
- 4 following:
- 5 "Sec. ____ Section 356.36, unnumbered paragraph 1,
- 6 Code 1995, is amended to read as follows:
- 7 The Iowa department of corrections, in consultation
- 8 with the Iowa state sheriff's association, the Iowa
- 9 association of chiefs of police and peace officers,
- 10 the Iowa league of municipalities, and the Iowa board
- 11 of supervisors association, shall draw up minimum
- 12 standards for the regulation of jails, alternative
- 13 jails, facilities established pursuant to chapter 356A
- 14 and municipal holding facilities. The standards shall
- 15 include a requirement that jails and facilities with
- 16 two hundred or more inmate beds employ a mental health
- 17 professional on the staff of that jail or facility.
- 18 When completed by the department, the standards shall
- 19 be adopted as rules pursuant to chapter 17A."
- 20 2. By renumbering as necessary.

Garman of Story rose on a point of order that amendment H-3878 was not germane.

The Speaker ruled the point well taken and amendment H-3878 not germane.

Millage of Scott offered amendment H-3889 filed by him as follows:

H-3889

- 1 Amend Senate File 459, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 30, by striking lines 11 through 18 and
- 4 inserting the following:
- 5 "b. For each fiscal year, a judicial collection
- 6 estimate for that fiscal year shall be equally and
- 7 proportionally divided into a quarterly amount. The
- 8 judicial collection estimate shall be calculated by
- 9 using the state revenue estimating conference estimate
- 10 made by December 15 pursuant to section 8.22A,
- 11 subsection 3, of the total amount of fines, fees,
- 12 civil penalties, costs, surcharges, and other revenues

13 collected by judicial officers and court employees for
 14 deposit into the general fund of the state. The
 15 revenue estimating conference estimate shall be
 16 reduced by the maximum amounts allocated to the Iowa
 17 prison infrastructure fund pursuant to section
 18 602.8108A, and the court technology fund pursuant to
 19 section 602.8108, and the remainder shall be the
 20 judicial collection estimate."

21 2. Page 30, line 19, by striking the word and
 22 figure "subsection 1."

23 3. Page 30, line 24, by inserting after the
 24 figure "602.8108A" the following: "and into the court
 25 technology fund pursuant to section 602.8108".

26 4. Page 30, line 31, by inserting after the word
 27 "fund." the following: "If the revenue estimating
 28 conference agrees to a different estimate at a later
 29 meeting which projects a lesser amount of revenue than
 30 the initial estimate amount used to calculate the
 31 judicial collection estimate, the director of revenue
 32 and finance shall recalculate the judicial collection
 33 estimate accordingly."

Millage of Scott offered the following amendment H-3904, to amend-
 ment H-3889 filed by him from the floor and moved its adoption:

H-3904

1 Amend the amendment, H-3889, to Senate File 459, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 33, by inserting the word
 5 "accordingly." the following: "If the revenue
 6 estimating conference agrees to a different estimate
 7 at a later meeting which projects a greater amount of
 8 revenue than the initial estimate amount used to
 9 calculate the judicial collection estimate, the
 10 director of revenue and finance shall recalculate the
 11 judicial collection estimate accordingly but only to
 12 the extent that the greater amount is due to an
 13 increase in the fines, fees, civil penalties, costs,
 14 surcharges, or other revenues allowed by law to be
 15 collected by judicial officers and court employees."

Amendment H-3904 was adopted.

On motion by Millage of Scott, amendment H-3889, as amended,
 was adopted.

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

On the question "Shall the bill pass?" (S.F. 459)

The ayes were, 63:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Carroll	Cataldo	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	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	

The nays were, 31:

Bernau	Brand	Burnett	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	

Absent or not voting, 6:

Brammer	Brunkhorst	Churchill	Grundberg
Hahn	O'Brien		

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 459** be immediately messaged to the Senate.

Speaker pro tempore Van Maanen of Marion in the chair at 5:48 p.m.

House File 553, 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, was taken up for consideration.

Hahn of Muscatine offered amendment H-3896 filed by him as follows:

H-3896

- 1 Amend House File 553 as follows:
- 2 1. Page 1, line 14, by striking the figure
- 3 "45.45" and inserting the following: "46.45".
- 4 2. Page 9, line 34, by striking the word
- 5 "expenses" and inserting the following: "one-time
- 6 expenses to improve technician efficiency".
- 7 3. Page 10, by striking lines 13 through 15 and
- 8 inserting the following: "loess hills development and
- 9 conservation fund created in section 161D.2, for
- 10 purposes specified in section 161D.1."
- 11 4. Page 10, line 16, by striking the word
- 12 "REDISTRIBUTION" and inserting the following: "LIMIT
- 13 ON LAND ACQUISITION."
- 14 5. By striking page 10, line 19, through page 11,
- 15 line 8, and inserting the following: "30, 1996, not
- 16 more than thirty percent of the amount allocated to
- 17 the open spaces account of the resources enhancement
- 18 and protection fund provided in section 455A.19,
- 19 subsection 1, paragraph "a", shall be used for the
- 20 acquisition of land."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gipp of Winneshiek, until his return, on request of Siegrist of Pottawattamie.

Mascher of Johnson offered the following amendment H-3909, to amendment H-3896, filed by Mascher, McCoy, Mertz, Burnett, Witt, Cataldo, Fallon, Koenigs, Schrader and May from the floor and moved its adoption:

H-3909

- 1 Amend the amendment, H-3896, to House File 553, as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 20 and
- 4 inserting the following:
- 5 "_. By striking page 10, line 16, through page
- 6 11, line 8."
- 7 2. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-3909, to amendment H-3896, be adopted?" (H.F. 553)

The ayes were, 36:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Coohon	Connors
Dinkla	Doderer	Drees	Fallon
Halvorson	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Wise	Witt

The nays were, 57:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Disney	Drake	Eddie
Ertl	Garman	Greig	Greiner
Gries	Grubbs	Hahn	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Main
Martin	Metcalf	Meyer	Millage
Mundie	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	Branstad	Churchill	Gipp
Grundberg	Lord	O'Brien	

Amendment H-3909 lost.

On motion by Hahn of Muscatine, amendment H-3896 was adopted.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3854 filed by him on April 11, 1995.

Weigel of Chickasaw offered amendment H-3865 filed by him as follows:

H-3865

- 1 Amend House File 553 follows:
- 2 1. Page 3, line 15, by striking the figure
- 3 "5,456,854" and inserting the following: "5,621,854".
- 4 2. Page 3, line 16, by striking the figure

- 5 "169.80" and inserting the following: "176.30".
 6 3. Page 3, line 17, by inserting before the word
 7 "Of" the following: "(1)".
 8 4. Page 3, by inserting after line 22 the
 9 following:
 10 "(2) Of the amount appropriated and the number of
 11 full-time equivalent positions allocated in this
 12 paragraph "a", \$165,000 and 6.50 FTEs shall be used to
 13 provide that 13 part-time field office secretary I
 14 positions are made full-time positions."

Weigel of Chickasaw offered the following amendment H-3911, to amendment H-3865 filed by him from the floor and moved its adoption:

H-3911

- 1 Amend the amendment, H-3865, to House File 553, as
 2 follows:
 3 1. Page 1, by striking lines 2 and 3.
 4 2. Page 1, by inserting after line 14 the
 5 following:
 6 "_. Page 9, line 35, by striking the figure
 7 "500,000" and inserting the following: "335,000".
 8 _. Page 9, by inserting after line 35 the
 9 following:
 10 "_. To the division of soil conservation of the
 11 department of agriculture and land stewardship for
 12 salaries and support of the division:
 13 \$ 165,000"

Amendment H-3911 was adopted.

On motion by Weigel of Chickasaw, amendment H-3865, as amended, was adopted.

Vande Hoef of Osceola asked and received unanimous consent to defer action on amendment H-3759.

Burnett of Story offered the following amendment H-3887 filed by Burnett, et. al., and moved its adoption:

H-3887

- 1 Amend House File 553 as follows:
 2 1. Page 9, line 12, by striking the figure
 3 "7,000,000" and inserting the following: "8,000,000".

Roll call was requested by Burnett of Story and Shoultz of Black Hawk.

Rule 75 was invoked.

On the question "Shall amendment H-3887 be adopted?" (H.F. 553)

The ayes were, 39:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohoon
Connors	Coon	Dinkla	Doderer
Drees	Fallon	Hanson	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Running
Schrader	Schulte	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 53:

Blodgett	Boddicker	Boguess	Bradley
Brauns	Brunkhorst	Carroll	Corbett, Spkr.
Cormack	Cornelius	Daggett	Disney
Drake	Eddie	Ertl	Garman
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Siegrist
Sukup	Teig	Thomson	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 8:

Brammer	Branstad	Churchill	Gipp
Grundberg	Lord	O'Brien	Tyrrell

Amendment H-3887 lost.

The following amendments were deferred by unanimous consent:

H-3879 filed by Murphy of Dubuque.

H-3874 filed by Koenigs of Mitchell.

H-3882 filed by Murphy of Dubuque.

Witt of Black Hawk offered the following amendment H-3883 filed by him and moved its adoption:

H-3883

- 1 Amend House File 553 as follows:
- 2 1. Page 10, by striking lines 5 through 15.
- 3 2. By renumbering as necessary.

Roll call was requested by Witt of Black Hawk and Fallon of Polk.

On the question "Shall amendment H-3883 be adopted?" (H.F. 553)

The ayes were, 38:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Coon	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moseland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Ollie	Running	Schrader	Shultz
Sukup	Van Fossen	Warnstadt	Weigel
Wise	Witt		

The nays were, 56:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
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	Main	Martin	Metcalf
Meyer	Millage	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Teig	Thomson	Tyrrell	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 6:

Brammer	Branstad	Churchill	Grundberg
Lord	O'Brien		

Amendment H-3883 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-3884 filed by her on April 11, 1995.

Murphy of Dubuque offered amendment H-3885 filed by him as follows:

H-3885

- 1 Amend House File 553 as follows:
- 2 1. By striking page 12, line 30, through page 13,
- 3 line 16.
- 4 2. By renumbering as necessary.

Murphy of Dubuque offered the following amendment H-3917, to amendment H-3885, filed by him from the floor and moved its adoption:

H-3917

- 1 Amend the amendment, H-3885, to House File 553 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 " Page 1, line 13, by striking the figure
- 6 "1,846,079" and inserting the following:
- 7 "1,900,105".
- 8 2. By renumbering as necessary.

Amendment H-3917 was adopted.

On motion by Murphy of Dubuque amendment H-3885, as amended, lost.

Murphy of Dubuque offered the following amendment H-3886 filed by him and moved its adoption:

H-3886

- 1 Amend House File 553 as follows:
- 2 1. Page 16, by striking lines 5 through 16.
- 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 25, nays 52.

Amendment H-3886 lost.

Mertz of Kossuth offered amendment H-3890 filed by her as follows:

H-3890

- 1 Amend House File 553 as follows:
- 2 1. Page 18, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ Section 8.60, Code 1995, is amended to
- 5 read as follows:
- 6 8.60 USE OF DESIGNATED MONEYS.
- 7 Moneys credited to or deposited in the general fund
- 8 of the state on or after July 1, 1993, which under law
- 9 were previously collected to be used for specific
- 10 purposes, or to be credited to, or be deposited to a
- 11 particular account or fund shall only be used for the
- 12 purposes for which the moneys were collected,
- 13 including but not limited to moneys collected in
- 14 accordance with any of the following provisions:
- 15 1. Pari-mutuel regulation fund created in section

- 16 99D.17, Code Supplement 1993.
 17 2. Excursion boat gambling special account
 18 pursuant to section 99F.4, subsection 2, Code
 19 Supplement 1993.
 20 ~~3. Milk fund created in section 192.111, Code~~
 21 ~~Supplement 1993.~~
 22 ~~4. Dairy trade practices trust fund pursuant to~~
 23 ~~section 192A.30, Code Supplement 1993.~~
 24 ~~5. Commercial feed fund created in section 198.9,~~
 25 ~~Code Supplement 1993.~~
 26 ~~6. Fertilizer fund created in section 200.9, Code~~
 27 ~~Supplement 1993.~~
 28 ~~7. Pesticide fund created in section 206.12, Code~~
 29 ~~Supplement 1993.~~
 30 ~~8. 3. Motor vehicle fraud account pursuant to~~
 31 ~~section 312.2, subsection 13, Code Supplement 1993.~~
 32 ~~9. 4. Public transit assistance fund pursuant to~~
 33 ~~section 312.2, subsection 15, and section 324A.6, Code~~
 34 ~~Supplement 1993.~~
 35 ~~10. 5. Salvage vehicle fee paid to the Iowa law~~
 36 ~~enforcement academy pursuant to section 321.52, Code~~
 37 ~~Supplement 1993.~~
 38 ~~11. 6. Railroad assistance fund created in section~~
 39 ~~327H.18, Code Supplement 1993.~~
 40 ~~12. 7. Special railroad facility fund created in~~
 41 ~~section 327I.23, Code Supplement 1993.~~
 42 ~~13. 8. State aviation fund created in section~~
 43 ~~328.36, Code Supplement 1993.~~
 44 ~~14. Marine fuel tax fund created in section~~
 45 ~~452A.79, Code Supplement 1993.~~
 46 ~~15. 9. Public outdoor recreation and resources~~
 47 ~~fund pursuant to section 461A.79, Code Supplement~~
 48 ~~1993.~~
 49 ~~16. 10. Energy research and development fund~~
 50 ~~created in section 473.11, Code Supplement 1993.~~

Page 2

- 1 ~~17. 11. Utilities trust fund created in section~~
 2 ~~476.10, Code Supplement 1993.~~
 3 ~~18. 12. Banking revolving fund created in section~~
 4 ~~524.207, Code Supplement 1993.~~
 5 ~~19. 13. Credit union revolving fund created in~~
 6 ~~section 533.67, Code Supplement 1993.~~
 7 ~~20. 14. Professional licensing revolving fund~~
 8 ~~created in section 546.10, Code Supplement 1993."~~
 9 2. Page 18, by inserting after line 25 the
 10 following:
 11 "Sec. ____ Section 192.111, subsection 3, Code
 12 1995, is amended by striking the subsection.
 13 Sec. ____ **NEW SECTION. 192.112 MILK FUND.**
 14 1. A milk fund is established in the state
 15 treasury under the control of the department. The
 16 fund shall consist of any money appropriated by the
 17 general assembly and any other moneys available to and
 18 obtained or accepted by the department from the
 19 federal government or private sources for placement in

20 the fund. Fees collected under sections 192.111,
21 192.133, 194.14, 194.19, 194.20, and 195.9 shall be
22 deposited in the fund. All moneys deposited under
23 this section are appropriated to the department for
24 the costs of inspection, sampling, analysis, and other
25 expenses necessary for the administration of this
26 chapter and chapters 194 and 195.

27 2. In each fiscal year, the secretary shall
28 calculate the balance of funds deposited under this
29 section by subtracting all moneys expended for the
30 costs of inspection, sampling, analysis, and other
31 expenses necessary for the administration of this
32 chapter and chapters 194 and 195. If the calculation
33 shows a balance of funds deposited under this section
34 on June 30 of any fiscal year equal to or exceeding
35 one hundred fifty thousand dollars, the secretary
36 shall reduce the fees provided for in section 192.111
37 and section 194.20 for the next fiscal year in an
38 amount which will result in an ending estimated
39 balance of such funds for June 30 of the next fiscal
40 year of one hundred fifty thousand dollars.

41 3. All moneys in the milk fund are subject to
42 audit by the auditor of state. The milk fund is
43 subject at all times to warrants by the director of
44 revenue and finance, drawn upon written requisition of
45 the secretary. Notwithstanding section 8.33, moneys
46 in the milk fund shall remain in the milk fund and
47 shall not revert to the general fund of the state.
48 Notwithstanding section 12C.7, subsection 2, interest
49 or earnings on moneys deposited in the milk fund shall
50 be credited to the milk fund.

Page 3

1 Sec. ____ Section 192.133, Code 1995, is amended
2 to read as follows:

3 192.133 LICENSE TERM — FEES.

4 A license, unless earlier revoked, is valid until
5 July 1 after the date of its issuance. The maximum
6 fee for a license is twenty-five dollars, which shall
7 be paid before the license is issued, and standard
8 test bottles and pipettes shall be furnished at actual
9 cost. Fees collected under this section shall be
10 deposited and used as required in section 192.111 in
11 the milk fund established in section 192.112.

12 Sec. ____ Section 192A.30, Code 1995, is amended
13 to read as follows:

14 192A.30 PERMIT FEES.

15 For the purpose of administering and enforcing this
16 chapter, a processor or a person purchasing milk
17 products from a processor for wholesale distribution
18 shall obtain a permit, as provided by departmental
19 rule, before milk products are sold by the person or
20 wholesale purchaser in this state. The processor or
21 wholesale purchaser shall pay to the secretary a
22 permit fee in an amount set by the secretary, not to
23 exceed five mills per hundredweight on milk processed

24 into dairy products as defined in section 192A.1, and
 25 sold within the state of Iowa. However, the permit
 26 fee for the sale of ice cream or an additive variant
 27 of ice cream or nonmilk-fat imitation shall not exceed
 28 three mills per gallon. Products upon which fees have
 29 been paid are exempt from further fees in successive
 30 transactions. The fees for each month thus computed
 31 shall be paid to the secretary on or before the
 32 twenty-fifth day of the following month. The fees
 33 shall be deposited in the milk fund established in
 34 section 192.112.

35 ~~Fees paid to the secretary shall be deposited into~~
 36 ~~the general fund of the state and shall be subject to~~
 37 ~~the requirements of section 8.60.~~

38 Sec. ____ Section 194.14, Code 1995, is amended to
 39 read as follows:

40 194.14 LICENSE TERM — FEES.

41 A milk grader's license, unless sooner revoked, is
 42 valid until July 1 after the date of issuance. The
 43 maximum fee for each license is ten dollars, which
 44 shall be paid before the license is issued. Fees
 45 collected under this section shall be deposited and
 46 ~~used as required in section 192.111 in the milk fund~~
 47 established pursuant to section 192.112.

48 Sec. ____ Section 194.19, unnumbered paragraph 1,
 49 Code 1995, is amended to read as follows:

50 A vehicle used for the collection of milk for

Page 4

1 manufacture of dairy products shall first be licensed
 2 by the department. A license, unless earlier revoked,
 3 is valid until July 1 after the date of its issuance.
 4 The maximum fee for a license is twenty-five dollars,
 5 which shall be paid before the license is issued. A
 6 fee shall not be imposed under this section if the
 7 vehicle or its operator has paid the fee imposed upon
 8 milk haulers under section 192.111. Fees collected
 9 under this section shall be deposited and used as
 10 ~~required in section 192.111 in the milk fund~~
 11 established in section 192.112. This section does not
 12 apply to individuals transporting their own dairy
 13 products.

14 Sec. ____ Section 194.20, Code 1995, is amended to
 15 read as follows:

16 194.20 INSPECTION FEES — GRADE "B" MILK.

17 A purchaser of milk from a grade "B" milk producer
 18 shall pay an inspection fee not greater than one-half
 19 cent per hundredweight. The fee is payable monthly to
 20 the department at a time prescribed by the department.
 21 Fees collected under this section shall be deposited
 22 ~~and used as required in section 192.111 in the milk~~
 23 fund established in section 192.112.

24 Sec. ____ Section 195.9, Code 1995, is amended to
 25 read as follows:

26 195.9 LICENSE TERM — FEES.

27 A license, unless sooner revoked, is valid until

28 July 1 after the date of its issuance. The maximum
29 fee for a license is twenty-five dollars which shall
30 be paid before the license is issued. Fees collected
31 under this section shall be deposited and used as
32 required in section 192.111 in the milk fund
33 established in section 192.112.

34 Sec. ____ Section 198.9, subsection 3, Code 1995,
35 is amended to read as follows:

36 3. Fees collected shall be deposited in the
37 ~~general fund of the state and shall be subject to the~~
38 ~~requirements of section 8.60 commercial feed trust~~
39 ~~fund established in section 198.9A.~~ Moneys deposited
40 ~~under this section shall be used for the payment of~~
41 ~~the costs of inspection, sampling, analysis,~~
42 ~~supportive research, and other expenses necessary for~~
43 ~~the administration of this chapter.~~

44 ~~If there is an unencumbered balance of funds from~~
45 ~~the fees deposited under this section on June 30 of~~
46 ~~any fiscal year equal to or exceeding one hundred~~
47 ~~thousand dollars, the secretary of agriculture shall~~
48 ~~reduce the per ton fee provided for in subsection 1~~
49 ~~for the next fiscal year in such amount as will result~~
50 ~~in an ending estimated balance of the fees deposited~~

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1 ~~less costs paid for from those fees for June 30 of the~~
2 ~~next fiscal year of one hundred thousand dollars.~~
3 ~~The secretary shall publish a report not later than~~
4 ~~September 1 of each year. The report shall provide a~~
5 ~~detailed accounting of all sources of revenue~~
6 ~~deposited under and all dispositions of funds expended~~
7 ~~under this section. The report shall detail full-time~~
8 ~~equivalent positions used in fulfilling the~~
9 ~~requirements of this chapter. The report shall also~~
10 ~~indicate to what extent any full-time equivalent~~
11 ~~positions are shared with other programs. Copies of~~
12 ~~the report issued by the secretary pursuant to this~~
13 ~~subsection shall be delivered each year to the members~~
14 ~~of the house of representatives and senate standing~~
15 ~~committees on agriculture.~~

16 Sec. ____ NEW SECTION. 198.9A COMMERCIAL FEED
17 TRUST FUND.

18 1. A commercial feed trust fund is established in
19 the state treasury under the control of the
20 department. The fund shall consist of any moneys
21 appropriated to the fund by the general assembly and
22 any other moneys available to and obtained or accepted
23 by the department from the federal government or
24 private sources for placement in the fund. Fees
25 collected under section 198.9 shall be deposited in
26 the fund. Moneys deposited in the fund shall be used
27 for the payment of the costs of inspection, sampling,
28 analysis, supportive research, and other expenses
29 necessary for the administration of this chapter.

30 2. If there is an unencumbered balance of moneys
31 in the fund on June 30 of any fiscal year equal to or

32 exceeding one hundred thousand dollars, the secretary
 33 of agriculture shall reduce the per ton fee provided
 34 for in section 198.9, subsection 1, for the next
 35 fiscal year in such amount as will result in an ending
 36 estimated balance of the fees deposited less costs
 37 paid for from those fees for June 30 of the next
 38 fiscal year of one hundred thousand dollars.

39 3. The secretary shall publish a report not later
 40 than September 1 of each year. The report shall
 41 provide a detailed accounting of all sources of
 42 revenue deposited under and all dispositions of moneys
 43 deposited in the fund. The report shall detail full-
 44 time equivalent positions used in fulfilling the
 45 requirements of this chapter. The report shall also
 46 indicate to what extent any full-time equivalent
 47 positions are shared with other programs. Copies of
 48 the report issued by the secretary pursuant to this
 49 subsection shall be delivered each year to the members
 50 of the standing committees on agriculture of the house

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1 of representatives and the senate.

2 Sec. ____ Section 200.4, subsection 1, Code 1995,
 3 is amended to read as follows:

4 1. Any person who manufactures, mixes, blends,
 5 mixes to customers order, offers for sale, sells, or
 6 distributes any fertilizer or soil conditioner in Iowa
 7 must first obtain a license from the secretary of
 8 agriculture and shall pay a ten-dollar license fee for
 9 each place of manufacture or distribution from which
 10 fertilizer or soil conditioner products are sold or
 11 distributed in Iowa. ~~Such~~ The license fee shall be
 12 paid annually on July 1 of each year. The license fee
 13 shall be deposited in the fertilizer fund established
 14 in section 200.9.

15 Sec. ____ Section 200.8, subsection 3, Code 1995,
 16 is amended by striking the subsection.

17 Sec. ____ Section 200.9, Code 1995, is amended to
 18 read as follows:

19 200.9 FERTILIZER FEES FUND.

20 1. A fertilizer fund is established in the state
 21 treasury under the control of the department of
 22 agriculture and land stewardship. The fund shall
 23 consist of any moneys appropriated by the general
 24 assembly and any other moneys available to and
 25 obtained or accepted by the department from the
 26 federal government or private sources for placement in
 27 the fund. Fees collected for licenses and inspection
 28 fees under sections 200.4 and 200.8, with the
 29 exception of those fees collected for deposit in the
 30 agriculture management account of the groundwater
 31 protection fund, shall be deposited in the general
 32 fund of the state and shall be subject to the
 33 requirements of section 8.60. Fees collected pursuant
 34 to chapter 201 shall also be deposited in the fund.
 35 ~~Moneys deposited under this section to~~ into the

36 general fund from fees collected pursuant to this
37 chapter shall be used only by the department for the
38 purpose of inspection, sampling, analysis,
39 preparation, and publishing of reports and other
40 expenses necessary for administration of this chapter
41 and chapter 201. The secretary may assign moneys to
42 the Iowa agricultural experiment station for research,
43 work projects, and investigations as needed for the
44 specific purpose of improving the regulatory functions
45 for enforcement of this chapter.

46 2. If there is an unencumbered balance of moneys
47 deposited in the fund from fees collected pursuant to
48 this chapter on June 30 of any fiscal year equal to or
49 exceeding three hundred fifty thousand dollars, the
50 secretary of agriculture shall reduce the per ton fee

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1 provided for in subsection 1 and the annual license
2 fee established pursuant to section 201.3 for the next
3 fiscal year in such amount as will result in an ending
4 estimated balance of such funds for June 30 of the
5 next fiscal year of three hundred fifty thousand
6 dollars.

7 3. All moneys in the fund are subject to audit by
8 the auditor of state. The fund is subject at all
9 times to warrants by the director of revenue and
10 finance, drawn upon written requisition of the
11 secretary. Notwithstanding section 8.33, moneys in
12 the fertilizer fund shall remain in the fertilizer
13 fund and shall not revert to the general fund of the
14 state. Notwithstanding section 12C.7, subsection 2,
15 interest or earnings on moneys deposited in the
16 fertilizer fund shall be credited to the fertilizer
17 fund.

18 Sec. ____ Section 201.13, Code 1995, is amended to
19 read as follows:

20 201.13 MONEYS TO GENERAL THE FERTILIZER FUND —
21 PERIODIC REPORT.

22 The moneys received under this chapter shall be
23 deposited in the general fund of the state and shall
24 be subject to the requirements of section 8.60.
25 Moneys deposited under this section shall be used by
26 the department of agriculture and land stewardship
27 only for the purpose of inspection, sampling,
28 analyzing, preparing and publishing of reports, and
29 other expenses necessary for the administration of
30 this chapter fertilizer fund as provided in section
31 200.9. The secretary shall issue an annual report
32 showing a statement of moneys received from license
33 and testing fees, and a biennial report which shall be
34 made available to the public showing the
35 certifications of the effective calcium carbonate
36 equivalent for all agricultural lime, limestone, or
37 aglime certified as provided in this chapter. The
38 report shall list the manufacturers and producers and
39 their locations. Copies of all reports issued by the

40 secretary pursuant to this section shall be sent to
41 the members of the house of representatives and senate
42 standing committees on agriculture.
43 Sec. ____ Section 206.12, subsection 3, Code 1995,
44 is amended to read as follows:
45 3. The registrant, before selling or offering for
46 sale any pesticide for use in this state, shall
47 register each brand and grade of such pesticide with
48 the secretary upon forms furnished by the secretary,
49 and the secretary shall set the registration fee
50 annually at one-fifth of one percent of gross sales

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1 within this state with a minimum fee of two hundred
2 fifty dollars and a maximum fee of three thousand
3 dollars for each and every brand and grade to be
4 offered for sale in this state except as otherwise
5 provided. The annual registration fee for products
6 with gross annual sales in this state of less than one
7 million five hundred thousand dollars shall be the
8 greater of two hundred fifty dollars or one-fifth of
9 one percent of the gross annual sales as established
10 by affidavit of the registrant. The secretary shall
11 adopt by rule exemptions to the minimum fee. Fifty
12 dollars of each fee collected shall be deposited in
13 ~~the general fund of the state, shall be subject to the~~
14 ~~requirements of section 8.60, and shall be used only~~
15 ~~for the purpose of enforcing the provisions of this~~
16 ~~chapter pesticide fund established in section 206.12A.~~
17 and the remainder of each fee collected shall be
18 placed in the agriculture management account of the
19 groundwater protection fund.
20 Sec. ____ NEW SECTION. 206.12A PESTICIDE FUND.
21 1. A pesticide fund is established in the state
22 treasury under the control of the department. The
23 fund shall consist of any moneys appropriated to the
24 fund by the general assembly and any other moneys
25 available to and obtained or accepted by the
26 department from the federal government or private
27 sources for placement in the fund. Fees collected
28 under section 206.12 shall be deposited in the fund.
29 The moneys in the fund shall be used only for the
30 purpose of enforcing the provisions of this chapter.
31 2. All moneys in the pesticide fund are subject to
32 audit by the auditor of state. The fund is subject at
33 all times to warrants by the director of revenue and
34 finance, drawn upon written requisition of the
35 secretary. Notwithstanding section 8.33, moneys in
36 the pesticide fund shall remain in the fund and shall
37 not revert to the general fund of the state.
38 Notwithstanding section 12C.7, subsection 2, interest
39 or earnings on moneys deposited in the pesticide fund
40 shall be credited to the pesticide fund.

41 Sec. ____ Section 452A.79, unnumbered paragraph 2,
42 and subsections 1, 2, 3, 4, and 5, Code 1995, are
43 amended to read as follows:

44 All moneys derived from the excise tax on the sale
45 of motor fuel used in watercraft shall be deposited in
46 the general marine fuel tax fund of the state
47 established in section 452A.83. Moneys deposited to
48 the general fund under this section and section
49 452A.84 are subject to the requirements of section
50 8.60 and are subject to appropriation by the general

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1 assembly to the department of natural resources for
2 use in its recreational boating program, which may
3 include but is not limited to:

4 1. Dredging and renovation of natural lakes of
5 this state.

6 2. Acquisition, development and maintenance of
7 access to public boating waters.

8 3. Development and maintenance of boating
9 facilities and navigation aids.

10 4. Administration, operation, and maintenance of
11 recreational boating activities of the department of
12 natural resources.

13 5. Acquisition, development and maintenance of
14 recreation facilities associated with recreational
15 boating.

16 Sec. ____ NEW SECTION. 452A.83 MARINE FUEL TAX
17 FUND.

18 1. A marine fuel tax fund is established in the
19 state treasury under the control of the department.
20 The fund shall consist of any moneys appropriated to
21 the fund by the general assembly and any other moneys
22 available to and obtained or accepted by the
23 department from the federal government or private
24 sources for placement in the fund. Moneys collected
25 pursuant to section 452A.79 shall be deposited in the
26 fund. Moneys collected pursuant to this chapter from
27 the motor fuel tax fund shall be transferred to the
28 fund as provided in section 452A.84.

29 2. Moneys deposited or transferred into the fund
30 are subject to appropriation by the general assembly
31 to the department of natural resources for its
32 recreational boating program which may include, but is
33 not limited to:

34 a. Dredging and renovation of natural lakes of
35 this state.

36 b. Acquisition, development, and maintenance of
37 access to public boating waters.

38 c. Development and maintenance of boating
39 facilities and navigation aids.

40 d. Administration, operation, and maintenance of
41 recreational boating activities of the department of

42 natural resources.
 43 e. Acquisition, development, and maintenance of
 44 recreation facilities associated with recreational
 45 boating.
 46 3. All moneys in the marine fuel tax fund are
 47 subject to audit by the auditor of state. The fund is
 48 subject at all times to warrants by the director of
 49 revenue and finance, drawn upon written requisition of
 50 the department. Notwithstanding section 8.33, moneys

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1 in the marine fuel tax fund shall remain in the fund
 2 and shall not revert to the general fund of the state.
 3 Notwithstanding section 12C.7, subsection 2, interest
 4 or earnings on moneys deposited in the marine fuel tax
 5 fund shall be credited to the marine fuel tax fund.
 6 Sec. ____ Section 452A.84, Code 1995, is amended
 7 to read as follows:
 8 452A.84 TRANSFER TO STATE GENERAL MARINE FUEL TAX
 9 FUND.

10 The treasurer of state shall transfer from the
 11 motor fuel tax fund to the general marine fuel tax
 12 fund of the state established pursuant to section
 13 452A.83, that portion of moneys collected under this
 14 chapter attributable to motor fuel used in watercraft
 15 computed as follows:

16 1. Determine monthly the total amount of motor
 17 fuel tax collected under this chapter and multiply the
 18 amount by nine-tenths of one percent.

19 2. Subtract from the figure computed pursuant to
 20 subsection 1 of this section three percent of the
 21 figure for administrative costs and further subtract
 22 from the figure the amounts refunded to commercial
 23 fishers pursuant to section 452A.17, subsection 13.
 24 All moneys remaining after claims for refund and the
 25 cost of administration have been made shall be
 26 transferred to the general marine fuel tax fund of the
 27 state."

28 3. Page 20, by inserting after line 20 the
 29 following:

30 " ____ Sections 8.60, 192.111, 192.133, 192A.30,
 31 194.14, 194.19, 194.20, 195.9, 198.9, 198.9A, 200.4,
 32 200.8, 200.9, 201.13, 206.12, 206.12A, 452A.79,
 33 452A.83, and 452A.84, Code 1995, as amended or enacted
 34 by this Act take effect July 1, 1996."

35 4. By renumbering as necessary.

Hahn of Muscatine rose on a point of order that amendment H-3890 was not germane.

The Speaker ruled the point well taken and amendment H-3890 not germane.

Vande Hoef of Osceola asked and received unanimous consent to withdraw amendment H-3759, previously deferred, filed by him on April 5, 1995.

Murphy of Dubuque asked and received unanimous consent to defer action on amendments H-3879 and H-3882, previously deferred.

Koenigs of Mitchell called up for consideration amendment H-3874, previously deferred, filed by him as follows:

H-3874

1 Amend House File 553 as follows:
 2 1. Page 9, by striking lines 25 through 35 and
 3 inserting the following:
 4 "_. To the department of natural resources for
 5 purposes of conducting a study of ten animal feeding
 6 operations and their structures, including confinement
 7 feeding operations and confinement feeding operation
 8 structures, and manure management and disposal systems
 9 used by such operations:
 10 \$ 200,000
 11 __. To the department of natural resources for
 12 deposit into the Iowa resources enhancement and
 13 protection fund created pursuant to section 455A.18,
 14 of which all money shall be reallocated as provided in
 15 section 455A.19:
 16 \$ 300,000"

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-3898, to amendment H-3874, filed by him from the floor.

Koenigs of Mitchell offered the following amendment H-3919, to amendment H-3874 filed by him from the floor and moved its adoption:

H-3919

1 Amend the amendment, H-3874, to House File 553, as
 2 follows:
 3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:
 5 "_. Page 9, line 30, by inserting after the
 6 figure "2." the following: "a."
 7 2. Page 1, by striking line 4 and inserting the
 8 following:
 9 "_. Page 9, by inserting after line 35 the
 10 following:
 11 "_. Of the amount allocated in paragraph "a" of
 12 this subsection, the division of soil conservation
 13 shall transfer \$200,000 to the department of natural
 14 resources. The department of natural resources shall
 15 use the moneys for".
 16 3. Page 1, by striking lines 9 through 16 and
 17 inserting the following: "used by such operations.""

Amendment H-3919 was adopted.

Koenigs of Mitchell moved the adoption of amendment H-3874, as amended.

A non-record roll call was requested.

The ayes were 34, nays 51.

Amendment H-3874 lost.

Murphy of Dubuque asked and received unanimous consent to withdraw the following amendments, previously deferred, filed by him on April 11, 1995: H-3879 and H-3882.

RULE 31.8 SUSPENDED

Hahn of Muscatine asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-3916.

Objection was raised.

RULES SUSPENDED

Hahn of Muscatine moved to suspend the rules for the immediate consideration of amendment H-3916.

A non-record roll call was requested.

The ayes were 52, nays 19.

The motion to suspend the rules prevailed.

Hahn of Muscatine offered amendment H-3916 filed by him from the floor as follows:

H-3916

- 1 Amend House File 553 as follows:
- 2 1. Page 6, line 33, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 7, by inserting after line 1 the
- 5 following:
- 6 "b. For allocation to the public water supply
- 7 system account established pursuant to section
- 8 455B.183A for purposes of supporting the program to
- 9 assist supply systems, as provided in section
- 10 455B.183B:
- 11 \$ 625,000"
- 12 3. Page 18, by inserting after line 25 the following:
- 13 "Sec. ____ Section 455B.183A, Code 1995, is amended
- 14 to read as follows:
- 15 455B.183A WATER QUALITY PROTECTION
- 16 FUND.
- 17 1. A water quality protection fund

18 is created in the state
19 treasury under the control of the
20 department. The fund
21 consists of moneys appropriated to the
22 fund by the general
23 assembly, ~~moneys deposited into the fund~~
24 ~~from fees described~~
25 ~~in subsection 2,~~ and other moneys
26 available to and obtained or
27 accepted by the department from the
28 United States government
29 or private sources for placement in the
30 fund. The fund is
31 divided into two accounts, including the
32 administration
33 account and the public water supply
34 system account. Moneys in
35 the administration account shall be used
36 for purposes of
37 carrying out the provisions of this
38 division, which relate to
39 the administration, regulation, and
40 enforcement of the federal
41 Safe Drinking Water Act. Moneys in the
42 public water supply
43 system account shall be used to support
44 the program to assist
45 supply systems, as provided in section
46 455B.183B.
47 ~~2. The commission shall adopt fees~~
48 ~~as required pursuant to~~
49 ~~section 455B.105 for permits required~~
50 ~~for public water supply~~

Page 2

1 ~~systems as provided in sections 455B.174~~
2 ~~and 455B.183. Fees~~
3 ~~paid pursuant to this section shall not~~
4 ~~be subject to the~~
5 ~~sales or services tax. The fees shall~~
6 ~~be for each of the~~
7 ~~following:~~
8 ~~a. The construction, installation,~~
9 ~~or modification of a~~
10 ~~public water supply system. The amount~~
11 ~~of the fees may be~~
12 ~~based on the type of system being~~
13 ~~constructed, installed, or~~
14 ~~modified.~~
15 ~~b. The operation of a public water~~
16 ~~supply system,~~
17 ~~including any part of the system. The~~

18 fees may be based on
19 the type and size of community served by
20 the system. The
21 commission shall adopt a fee schedule.
22 The commission shall
23 calculate all fees in the schedule to
24 produce total revenues
25 equaling four hundred seventy-five
26 thousand dollars for the
27 fiscal year beginning July 1, 1994, and
28 ending June 30, 1995,
29 seven hundred thousand dollars for the
30 fiscal year beginning
31 July 1, 1995, and ending June 30, 1996,
32 nine hundred thousand
33 dollars for the fiscal year beginning
34 July 1, 1996, and ending
35 June 30, 1997, and one million two
36 hundred thousand dollars
37 for each subsequent fiscal year. For
38 the fiscal year
39 beginning July 1, 1994, and ending June
40 30, 1995, twenty-five
41 thousand dollars shall be deposited in
42 the administration
43 account and four hundred fifty thousand
44 dollars shall be
45 deposited in the public water supply
46 system account. For each
47 subsequent fiscal year, one-half of the
48 fees shall be
49 deposited into the administration
50 account and one-half of the

Page 3

1 fees shall be deposited into the public
2 water supply system
3 account. By May 1 of each year, the
4 department shall estimate
5 the total revenue expected to be
6 collected from the
7 overpayment of fees, which are all fees
8 in excess of the
9 amount of the total revenues which are
10 expected to be
11 collected under the current fee
12 schedule, and the total
13 revenue expected to be collected from
14 the payment of fees
15 during the next fiscal year. The
16 commission shall adjust the
17 fees if the estimate exceeds the amount
18 of revenue required to

19 ~~be deposited in the fund pursuant to~~
20 ~~this paragraph.~~
21 3. 2. Moneys in the fund are subject to
22 an annual audit by
23 the auditor of state. The fund is
24 subject to warrants by the
25 director of revenue and finance, drawn
26 upon the written
27 requisition of the department.
28 4. 3. Section 8.33 does not apply to
29 moneys in the fund.
30 Moneys earned as income, including
31 interest from the fund,
32 shall remain in the fund until expended.
33 5. 4. On or before November 15 of each
34 fiscal year, the
35 department shall transmit to the
36 department of management and
37 the legislative fiscal bureau
38 information regarding the fund
39 and accounts, including all of the
40 following:
41 a. The balance of unobligated and
42 unencumbered moneys in
43 each account as of November 1.
44 b. A summary of revenue deposited in
45 and expenditures from
46 each account during the current fiscal
47 year.
48 c. Estimates of revenues expected to
49 be deposited into the
50 public water supply system account

Page 4

1 during the current fiscal
2 year, and an estimate of the expected
3 balance of unobligated
4 and unencumbered moneys in the account
5 on June 30 of the
6 current fiscal year."
7 4. By renumbering as necessary.

Schrader of Marion rose on a point of order that amendment H-3916 was not germane.

The Speaker ruled the point well taken and amendment H-3916 not germane.

Hahn of Muscatine asked for unanimous consent to suspend the rules to consider amendment H-3916.

Objection was raised.

Hahn of Muscatine moved to suspend the rules to consider amendment H-3916.

A non-record roll call was requested.

The ayes were 53, nays 13.

The motion to suspend the rules prevailed.

On motion by Hahn of Muscatine, amendment H-3916 was adopted.

Hahn 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. 553)

The ayes were, 61:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Coon	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			

The nays were, 35:

Baker	Bell	Bernau	Brand
Branstad	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	

Absent or not voting, 4:

Brammer	Churchill	Grundberg	O'Brien
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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 553** 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 12, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 512, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, division of insurance of the department of commerce, the Iowa seed capital corporation, the international development foundation, the public employment relations board, and the department of employment services, making related statutory changes, and providing an immediate effective date.

Also: That the Senate has on April 12, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 141, a bill for an act relating to notice for vacating and closing roads.

Also: That the Senate has on April 12, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 12, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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 April 12, 1995. Had I been present, I would have voted "aye" on Senate Files 9, 215 and 298.

BRADLEY of Clinton

I was necessarily absent from the House chamber on April 11, 1995. Had I been present, I would have voted "aye" on Senate File 458.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on April 11, 1995. Had I been present, I would have voted "aye" on Senate Files 174 and 271.

LARSON of Linn

I was necessarily absent from the House chamber on April 12, 1995. Had I been present, I would have voted "nay" on Senate File 459 and House File 553.

O'BRIEN of Boone

PROOF OF PUBLICATION (House File 562)

Published copy of House File 562 and verified proof of publication of said bill in the Oskaloosa Herald, a daily newspaper printed and published in Mahaska County, Iowa on April 6, 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:

Forty high school students from Waco High School, Wayland, accompanied by Greg Thomas. By Heaton of Henry.

Forty-one high school students from Youth Association for Disabled Citizens-West Delaware High School, Manchester, accompanied by Mrs. Marilyn Bunting. By Kremer of Buchanan.

Eighteen Seniors from Highland High School, Riverside, accompanied by Lisa Brenneman. By Greiner of Washington.

Forty-nine fifth grade students from Hanawalt, Des Moines, accompanied by Karen Bush, Karla Willoughby and Barb McIntosh. 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\185 Kathy Glawe, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\186 Alan Yu, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\187 Shelly Sarin, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\188 Jessica Reynolds, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\189 Andria Patti, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\190 Megan McCrindle, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\191 Amanda Knief, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\192 Amir Islami, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\193 Dianne Tullis, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\194 Anthony So, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\195 Monisha Shah, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\196 Marsha Sanborn, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\197 Ryan Creery, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\198 Libby Kappmeyer, Waterloo – For receiving a Division I at the State Speech Contest.
- 1995\199 Barbara Bloom, Wall Lake – For being the 1995 Iowa Reading Teacher of the Year.
- 1995\200 Chad Crouse, Ft. Dodge – For being the outstanding psychology graduate student at Middle Tennessee State University with a 4.0 average.

- 1995\201 Roger Friedrichsen, Ute – For recognition for his retirement from Charter Oak-Ute Community Schools and appreciation for 35 years as teacher, coach, principal, and administrator.
- 1995\202 Curtis Stender, Denison – For his retirement from Ar-We-Va Community Schools after 32 years.
- 1995\203 Joan Smalley, Cedar Falls – For teaching four winning students at the Iowa Music Teacher Association Piano Auditions.
- 1995\204 Melissa Witcombe, Hudson – For winning Level E at the Iowa Music Teacher Association Piano Auditions.
- 1995\205 Nicholas Lake, Cedar Falls – For winning Level A1 at the Iowa Music Teacher Association Piano Auditions.
- 1995\206 Warren and Aredith Davison, Council Bluffs – For celebrating their 60th anniversary.
- 1995\207 Charlie and Marsella Samson, Newton – For celebrating their 60th anniversary.
- 1995\208 Mary S. Fox, Council Bluffs – For celebrating her 90th birthday.
- 1995\209 Brent Perry, New Providence – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

House File 472 Reassigned

Appropriations: Metcalf, Chair; Gipp and Murphy.

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 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.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3903 April 11, 1995.

Committee Bill (Formerly House File 539), establishing a school-to-work planning and implementation program focusing on career pathways for students and making an appropriation.

Fiscal Note is not required.

Recommended Amend and Do Pass April 11, 1995.

AMENDMENTS FILED

H-3897	S.F.	266	Lord of Dallas
			Teig of Hamilton
			Ertl of Dubuque
			Weidman of Cass
			Houser of Pottawattamie
			Cormack of Webster
			Sukup of Franklin
			Hurley of Fayette
			Hahn of Muscatine
			Veenstra of Sioux
			Meyer of Sac
			Nutt of Woodbury
			Main of Jefferson
H-3899	H.F.	490	Senate amendment
H-3900	S.F.	60	Metcalf of Polk
H-3901	S.F.	266	Baker of Polk
H-3902	H.F.	346	Senate amendment
H-3903	S.F.	427	Committee on Appropriations
H-3905	S.F.	431	McCoy of Polk
H-3907	H.F.	164	Halvorson of Clayton
H-3908	S.F.	189	Moreland of Wapello
H-3910	S.F.	462	Senate amendment
H-3912	S.F.	400	Ertl of Dubuque
H-3913	S.F.	266	Brauns of Muscatine
			Myers of Johnson
			Hurley of Fayette
			Doderer of Johnson
			Brunkhorst of Bremer
H-3914	H.F.	482	Cormack of Webster
			Wise of Lee
			Myers of Johnson
H-3915	S.F.	226	Disney of Polk
H-3918	S.F.	208	Murphy of Dubuque
H-3920	S.F.	85	Salton of Palo Alto
H-3921	H.F.	387	Grubbs of Scott

H-3922	S.F.	422	Rants of Woodbury
H-3923	S.F.	422	Rants of Woodbury
H-3924	S.F.	422	Rants of Woodbury
H-3925	H.F.	387	Greig of Emmet
H-3926	S.F.	266	Mertz of Kossuth
			Wise of Lee
			Drees of Carroll
			Burnett of Story
			Larkin of Lee
			Koenigs of Mitchell
H-3927	S.F.	79	Brand of Benton
			Weigel of Chickasaw
			Kreiman of Davis
			Schrader of Marion
			May of Worth
			Mascher of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 8:50 p.m. until 9:15 a.m., Thursday, April 13, 1995.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 13, 1995

The House met pursuant to adjournment at 9:15 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Dr. Craig Bex, Community Church, Kamar.

The Journal of Wednesday, April 12, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Corbett on request of Van Maanen of Marion.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 116, a bill for an act authorizing certain persons to access dependent adult abuse information, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 116)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Hammitt	Garman	Gipp	Greig
Gries	Grubbs	Grundberg	Hahn
Halvorson	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	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	Brand	Brunkhorst	Corbett, Spkr.
Greiner	McCoy		

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

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, with report of committee recommending passage, 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?" (S.F. 132)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	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	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.

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

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

On the question "Shall the bill pass?" (S.F. 147)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunckhorst
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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 116, 132 and 147.**

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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 358** be deferred and that the bill be placed on the **unfinished business calendar.**

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, 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. 88)

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	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	Shultz	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, 3:

Brammer Corbett, Spkr. Van Fossen

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

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

Boddicker of Cedar offered the following amendment H-3814 filed by the committee on human resources and moved its adoption:

H-3814

- 1 Amend Senate File 436, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word
- 4 "subparagraph" and inserting the following:

5 "subparagraphs".

6 2. Page 1, by inserting after line 13 the
7 following:

8 "NEW SUBPARAGRAPH. (12) To an administrator of an
9 agency certified by the department of human services
10 to provide services under a medical assistance home
11 and community-based services waiver, if the
12 information concerns a person employed by or being
13 considered by the agency for employment."

14 3. Page 1, by inserting after line 23 the
15 following:

16 "Sec. ____ Section 235B.6, subsection 2, paragraph
17 c, Code 1995, is amended by adding the following new
18 subparagraph:

19 NEW SUBPARAGRAPH. (5) To an administrator of an
20 agency certified by the department of human services
21 to provide services under a medical assistance home
22 and community-based services waiver, if the
23 information concerns a person employed by or being
24 considered by the agency for employment.

25 Sec. ____ NEW SECTION. 249A.29 HOME AND
26 COMMUNITY-BASED SERVICES WAIVER PROVIDERS — RECORDS
27 CHECKS.

28 1. For purposes of this section unless the context
29 otherwise requires:

30 a. "Consumer" means an individual approved by the
31 department to receive services under a waiver.
32 b. "Provider" means an agency certified by the
33 department to provide services under a waiver.
34 c. "Waiver" means a home and community-based
35 services waiver approved by the federal government and
36 implemented under the medical assistance program.

37 2. If a person is being considered by a provider
38 for employment involving direct responsibility for a
39 consumer or with access to a consumer when the
40 consumer is alone, and if the person has been
41 convicted of a crime or has a record of founded child
42 or dependent adult abuse, the department shall perform
43 an evaluation to determine whether the crime or
44 founded abuse warrants prohibition of employment by
45 the provider. The department shall conduct criminal
46 and child and dependent adult abuse record checks of
47 the person in this state and may conduct these checks
48 in other states. The record checks and evaluations
49 required by this section shall be performed in
50 accordance with procedures adopted for this purpose by

Page 2

1 the department.

2 3. If the department determines that a person
3 employed by a provider has committed a crime or has a
4 record of founded abuse, the department shall perform
5 an evaluation to determine whether prohibition of the

6 person's employment is warranted.

7 4. In an evaluation, the department shall consider
8 the nature and seriousness of the crime or founded
9 abuse in relation to the position sought or held, the
10 time elapsed since the commission of the crime or
11 founded abuse, the circumstances under which the crime
12 or founded abuse was committed, the degree of
13 rehabilitation, the likelihood that the person will
14 commit the crime or founded abuse again, and the
15 number of crimes or founded abuses committed by the
16 person involved. The department may permit a person
17 who is evaluated to be employed or to continue to be
18 employed by the provider if the person complies with
19 the department's conditions relating to the
20 employment, which may include completion of additional
21 training.

22 5. If the department determines that the person
23 has committed a crime or has a record of founded abuse
24 which warrants prohibition of employment, the person
25 shall not be employed by a provider."

26 4. Title page, line 1, by striking the words "the
27 child abuse registry" and inserting the following:
28 "certification and employment provisions involving"
29 state abuse registries".

30 5. Title page, line 3, by striking the word
31 "and".

32 6. Title page, line 4, by inserting after the
33 word "employers" the following: ", and requiring
34 records checks for purposes of employment by certain
35 medical assistance program service providers".

The committee amendment H-3814 was adopted.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3826 filed by him on April 10, 1995.

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. 436)

The ayes were, 98:

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	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, 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: **Senate Files 88 and 436.**

Senate File 152, a bill for an act relating to the name of those persons who engage in the practice of podiatry, with report of committee recommending passage, was taken up for consideration.

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

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

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohon
Connors	Coon	Cormack	Cornelius

Daggett	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	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	Shoultz	Siegrist
Sukup	Teig	Thomson	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 5:

Brunkhorst	Dinkla	Grundberg	Meyer
Tyrrell			

Absent or not voting, 2:

Brammer	Corbett, Spkr.
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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 152** be immediately messaged to the Senate.

Senate File 149, a bill for an act relating to child support recovery, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 149)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley

Brand	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	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	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Van Maanen, Presiding		

The nays were, 3:

Doderer	Holveck	Kreiman
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Absent or not voting, 3:

Brammer	Corbett, Spkr.	Witt
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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 149** be immediately messaged to the Senate.

Senate File 60, a bill for an act relating to establishing a linked investment program for speculative building development, with report of committee recommending passage, was taken up for consideration.

Metcalf of Polk offered amendment H-3891, filed by her as follows:

H-3891

- 1 Amend Senate File 60, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the

4 following:

5 "Section 1. Section 12.32, Code 1995, is amended
6 to read as follows:

7 **12.32 DEFINITIONS.**

8 As used in this division, unless the context
9 otherwise requires:

10 1. "Eligible borrower" means any person who is in
11 the business or is entering the business of producing,
12 processing, or marketing horticultural crops or
13 nontraditional crops in this state or any person in
14 this state who is qualified to participate in one of
15 the programs in this division.

16 2. "Eligible lending institution" means a
17 financial institution that is empowered to make
18 commercial loans, and is eligible pursuant to chapter
19 12C to be a depository of state funds, and agrees to
20 participate in the linked investments for tomorrow
21 program.

22 3. "Linked investment" means a certificate of
23 deposit placed pursuant to this division by the
24 treasurer of state with an eligible lending
25 institution, at an interest rate not more than three
26 two percent below current market rates on the
27 condition that the institution agrees to lend the
28 value of the deposit, according to the investment
29 agreement provided in section ~~12.37~~ 12.35, to an
30 eligible borrower at a rate not to exceed four percent
31 above the rate paid on the certificate of deposit.

32 Sec. ____ Section 12.34, Code 1995, is amended to
33 read as follows:

34 **12.34 LINKED INVESTMENTS — LIMITATIONS.**

35 1. The treasurer of state may invest up to ten
36 percent of the ~~balance of the state pooled money fund~~
37 average balance of the pooled money investment fund
38 for the previous fiscal year in certificates of
39 deposit in eligible lending institutions pursuant to
40 this division.

41 2. Certificates of deposit placed by the treasurer
42 on or after July 1, 1995, pursuant to this division
43 may be renewed at the option of the treasurer but the
44 length of time from the beginning of the initial
45 certificate of deposit for a given borrower until the
46 maturity of the final renewal shall not exceed six
47 years.

48 3. A preference shall be given to those persons
49 who are less able than other persons to secure funds
50 without participation in the linked investment

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1 program.

2 ~~2. 4.~~ The treasurer shall adopt rules pursuant to
3 chapter 17A to implement this division ~~including, but~~
4 ~~not limited to, rules identifying horticultural crops~~
5 ~~and nontraditional crops for which the linked~~
6 ~~investments may be loaned.~~

7 Sec. ____ Section 12.35, Code 1995, is amended to
8 read as follows:

9 12.35 APPLICATION.

10 1. An eligible lending institution that desires to
11 receive a linked investment shall enter into an
12 agreement with the treasurer of state, which shall
13 include requirements necessary to carry out this
14 division.

15 ~~1. 2. An eligible lending institution that desires~~
16 ~~to receive a linked investment shall accept and review~~
17 ~~applications for loans from eligible borrowers. The~~
18 ~~lending institution shall apply all usual lending~~
19 ~~standards to determine the credit worthiness of each~~
20 ~~eligible borrower and shall determine whether the~~
21 ~~applicant is an eligible borrower. Loan applications~~
22 ~~shall be for the purchase or lease of land, machinery,~~
23 ~~equipment, seed, fertilizer, direct marketing~~
24 ~~facilities, or new or expanding processing facilities~~
25 ~~for horticultural crops or nontraditional crops. The~~
26 ~~maximum size of a loan is two hundred thousand dollars~~
27 ~~per borrower for a production loan and five hundred~~
28 ~~thousand dollars for processing or marketing~~
29 ~~facilities.~~

30 ~~2. 3. The eligible financial institution shall~~
31 ~~forward to the state treasurer of state a linked~~
32 ~~investment loan package in the form and manner as~~
33 ~~prescribed by the treasurer of state. The package~~
34 ~~shall include information required by the treasurer of~~
35 ~~state, including but not limited to the amount of the~~
36 ~~loan requested and the purpose of the loan. The~~
37 ~~institution shall certify that the applicant is an~~
38 ~~eligible borrower and shall certify the present~~
39 ~~borrowing rate applicable to the specific eligible~~
40 ~~borrower.~~

41 Sec. ____ Section 12.36, Code 1995, is amended to
42 read as follows:

43 12.36 ACTIONS BY TREASURER — AGREEMENT.

44 1. The treasurer of state shall accept or reject a
45 linked investment loan package or any portion of the
46 package based on the type or terms of the loan
47 involved, the availability of state funds, or the
48 compliance of the eligible borrower or eligible
49 lending institution.

50 2. Upon acceptance of the linked investment loan

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1 package or any portion of the package, the treasurer
2 of state shall place certificates of deposit with the
3 eligible lending institution at a rate not more than
4 three two percent below the current market rate.
5 ~~After July 1, 1992, the~~ The treasurer of state shall
6 not place a certificate of deposit with an eligible
7 lending institution pursuant to this division, unless
8 the certificate of deposit earns a rate of interest of
9 at least two percent. ~~When necessary, the treasurer~~
10 ~~may place certificates of deposit prior to acceptance~~

11 ~~of a linked investment loan package. Certificates of~~
12 ~~deposits placed by the treasurer of state shall mature~~
13 ~~in three hundred sixty-five days or less. Interest~~
14 ~~earned on the certificate of deposit and principal not~~
15 ~~renewed shall be remitted to the treasurer of state at~~
16 ~~the time the certificate of deposit matures.~~
17 ~~Certificates of deposit placed pursuant to this~~
18 ~~division are not subject to a penalty for early~~
19 ~~withdrawal.~~

20 ~~3. The eligible lending institution shall enter~~
21 ~~into an investment agreement with the treasurer of~~
22 ~~state, which shall include requirements necessary to~~
23 ~~carry out this division. The requirements shall~~
24 ~~reflect the market conditions prevailing in the~~
25 ~~eligible lending institution's lending area. The~~
26 ~~agreement may include a specification of the period of~~
27 ~~time in which the lending institution is to lend funds~~
28 ~~upon the placement of a linked investment, and shall~~
29 ~~include provisions for the certificates of deposit to~~
30 ~~be placed for one-year maturities that may be renewed~~
31 ~~for eight additional one-year periods. Interest shall~~
32 ~~be paid at the times determined by the treasurer of~~
33 ~~state.~~

34 Sec. ____ Section 12.38, Code 1995, is amended to
35 read as follows:

36 12.38 REPORTS.

37 By February 1 of each year, the treasurer of state
38 shall report on the linked investments for tomorrow
39 program, the rural small business transfer linked
40 investment loan program, the targeted small business
41 linked investments program, and the main street linked
42 investments loan program programs for the preceding
43 calendar year to the governor, the department of
44 economic development, the speaker of the house of
45 representatives, and the president of the senate. The
46 speaker of the house shall transmit copies of this
47 report to the house co-chair of the the joint economic
48 development appropriations subcommittee and the chairs
49 of the standing committees in the house which
50 customarily consider legislation regarding agriculture

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1 and commerce, and the president of the senate shall
2 transmit copies of this report to the senate co-chair
3 of the joint economic development appropriations
4 subcommittee and the chairs of the standing committees
5 in the senate which customarily consider legislation
6 regarding agriculture and commerce. The report shall
7 set forth the linked investments made by the treasurer
8 of state under the program during the year, the date
9 of the investments, the total amount deposited, the
10 number of deposits, and an estimate of foregone
11 interest, the borrowing rate applicable to each
12 borrower, and shall include information regarding the
13 nature, terms, and amounts of the loans upon which the
14 linked investments were based and the eligible

15 borrowers to which the loans were made.
 16 Sec. ____ Section 12.40, Code 1995, is amended to
 17 read as follows:
 18 12.40 RURAL SMALL BUSINESS TRANSFER LINKED
 19 INVESTMENT LOAN PROGRAM.

20 The treasurer of state shall adopt rules consistent
 21 with this division to implement a rural small business
 22 transfer linked investment loan program to maintain
 23 and expand existing employment opportunities and the
 24 provision of retail goods in small rural communities
 25 by assisting in the transfer of ownership of retail-
 26 oriented businesses which, in the absence of
 27 sufficient financial assistance, may close. The rules
 28 shall be in accordance with the following:

29 1. As used in this section, "rural small business"
 30 means an existing rural small business, for which
 31 local competition does not exist in the principal
 32 realm of business activity of that business, and the
 33 loss of which will work a hardship on the rural
 34 community. A rural small business may include a
 35 grocery store, drug store, gasoline station,
 36 convenience store, hardware business, or farm supply
 37 store. A rural small business does not include a new
 38 business.

39 2. ~~The treasurer of state shall adopt rules~~
 40 ~~consistent with this division to implement a rural~~
 41 ~~small business transfer linked investment loan program~~
 42 ~~to further the following purposes:~~

43 ~~a. To promote the business prosperity and economic~~
 44 ~~welfare of Iowa through promoting the prosperity and~~
 45 ~~economic welfare of rural Iowa.~~

46 ~~b. To maintain and expand existing employment~~
 47 ~~opportunities and the provision of retail goods on a~~
 48 ~~local level in small rural communities by assisting in~~
 49 ~~the transfer of ownership of retail-oriented~~
 50 ~~businesses where, in the absence of sufficient~~

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1 ~~financial assistance, the businesses may close.~~
 2 3. ~~2. Upon the placement of linked investment~~
 3 ~~moneys with an eligible lending institution, the~~
 4 ~~institution is required to lend money to a person~~
 5 ~~purcuant to rules adopted by the treasurer of state~~
 6 ~~for the transfer of a rural small business. The In~~
 7 ~~order to qualify as an eligible borrower, the rural~~
 8 ~~small business must be located in a city with a~~
 9 ~~population of five thousand or less. A city located~~
 10 ~~in a county with a population in excess of three~~
 11 ~~hundred thousand, if the city is contiguous to another~~
 12 ~~city in the county and that other city is contiguous~~
 13 ~~to the largest city in that county, shall be~~
 14 ~~considered as having a population in excess of five~~
 15 ~~thousand ineligible to qualify as a borrower.~~
 16 4. ~~3. The In order to qualify as an eligible~~
 17 ~~borrower, the transfer of the rural small business~~
 18 ~~must be by purchase, lease-purchase, or contract of~~

19 sale. The purchase must be for a portion of the
20 business which is essential to its continued
21 viability, including real estate where the business is
22 located, fixtures attached to the real estate,
23 equipment relied upon by the business, and inventory
24 for sale by the business.

25 ~~5. The eligible lending institution shall apply~~
26 ~~all usual lending standards to determine the~~
27 ~~creditworthiness of each eligible borrower. The~~
28 ~~lending institution shall forward to the treasurer of~~
29 ~~state all information or any certification relating to~~
30 ~~the loan required and in a manner prescribed by this~~
31 ~~division and rules which shall be adopted by the~~
32 ~~treasurer of state.~~

33 6. 4. A In order to qualify as an eligible
34 borrower, a borrower and the seller of the rural small
35 business shall not be within the third degree of
36 consanguinity or affinity.

37 5. Loan proceeds shall not be used to refinance
38 existing debt, including credit card debt. However,
39 proceeds may be used to refinance a short-term bridge
40 loan made in anticipation of the treasurer's approval
41 of the linked investment loan package.

42 ~~7. 6. The maximum loan amount that a borrower may~~
43 ~~receive under this program shall not be more than be~~
44 ~~fifty thousand dollars.~~

45 ~~8. Not more than one-third of the amount of the~~
46 ~~percentage authorized in section 12.34 may be used for~~
47 ~~purposes of supporting this program and the main~~
48 ~~street linked investment loan program under section~~
49 ~~12.51.~~

50 Sec. . NEW SECTION. 12.41 HORTICULTURAL AND

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1 NONTRADITIONAL CROPS LINKED INVESTMENT LOAN PROGRAM.

2 The treasurer of state shall adopt rules to
3 implement a horticultural and nontraditional crops
4 linked investment loan program to provide statewide
5 availability of lower cost funds for lending that will
6 stimulate existing or encourage new businesses in the
7 areas of producing, processing, or marketing
8 horticultural or nontraditional crops. The rules
9 shall be in accordance with the following:

10 1. In order to qualify as an eligible borrower,
11 the loan application shall be for the purchase or
12 lease of land, machinery, equipment, or the purchase
13 of other inputs used in the business of producing,
14 processing, or marketing horticultural or
15 nontraditional crops as defined by the treasurer.

16 2. Loan proceeds shall not be used to refinance
17 existing debt, including credit card debt. However,
18 proceeds may be used to refinance a short-term bridge
19 loan made in anticipation of the treasurer's approval
20 of the linked investment loan package.

21 3. The maximum loan amount that an eligible
22 borrower may receive under this program is one hundred

23 thousand dollars.

24 Sec. ____ Section 12.43, Code 1995, is amended to
25 read as follows:

26 12.43 TARGETED SMALL BUSINESS LINKED INVESTMENTS

27 LOAN PROGRAM CREATED—DEFINITIONS.

28 The treasurer of state shall adopt rules to
29 implement a targeted small business linked ~~investments~~
30 investment loan program to increase the availability
31 of lower cost funds to inject needed capital into
32 small businesses owned and operated by women or
33 minorities, which is the public policy of the state.

34 The rules shall be in accordance with the following:

35 1. "Targeted small business" means a business as
36 defined in section 15.102, subsection 5.

37 2. ~~A linked investment shall only be approved in~~
38 ~~connection with a loan application for a~~ In order to
39 qualify as an eligible borrower, the targeted small
40 business which has been ~~must be~~ certified pursuant to
41 section 10A.104, subsection 8.

42 3. In order to qualify as an eligible borrower,
43 the net worth of the targeted small business shall not
44 exceed four hundred thousand dollars.

45 ~~3. 4. Loan applications for a targeted small~~
46 ~~business shall be for business expenses, including,~~
47 ~~but not limited to, the purchase of land, machinery,~~
48 ~~equipment, or licenses, or patent, trademark, or~~
49 ~~copyright fees and expenses.~~

50 5. Loan proceeds shall not be used to refinance

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1 existing debt, including credit card debt. However,
2 proceeds may be used to refinance a short-term bridge
3 loan made in anticipation of the treasurer's approval
4 of the linked investment loan package.

5 4. 6. The maximum size of a targeted small
6 business loan is two hundred ~~fifty~~ thousand dollars
7 per borrower."

8 2. Page 1, by inserting after line 25 the
9 following:

10 "Sec. ____ Sections 12.33, 12.51, and 12.52, Code
11 1995, are repealed."

12 3. Title page, line 1, by inserting after the
13 word "to" the following: "the linked investments for
14 tomorrow Act, including who may be an eligible
15 borrower, limitation on the amount which may be
16 invested by the treasurer of state, program criteria
17 under the Act and".

18 4. By renumbering as necessary.

Metcalfe of Polk offered the following amendment H-3900, to amend-
ment H-3891, filed by her and moved its adoption:

H-3900

1 Amend the amendment, H-3891, to Senate File 60, as
2 passed by the Senate, as follows:

3 1. Page 7, by inserting after line 7 the
 4 following:
 5 "5. 7. A preference shall be given to those
 6 persons who are less able than other persons to secure
 7 funds for a targeted small business without
 8 participation in the targeted small business linked
 9 investment program."

Amendment H-3900 was adopted.

On motion by Metcalf of Polk, amendment H-3891, as amended, was adopted.

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?" (S.F. 60)

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	Shultz	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, as amended, was agreed to.

Senate File 87, a bill for an act relating to nonsubstantive Code corrections, and providing effective and applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Dinkla of Guthrie offered the following amendment H-3659 filed by the committee on judiciary and moved its adoption:

H-3659

- 1 Amend Senate File 87, as amended, passed, and
- 2 reprinted, by the Senate, as follows:
- 3 1. By striking page 4, line 2, through page 5,
- 4 line 18.
- 5 2. Page 11, line 32, by striking the words "~~and~~
- 6 ~~the permit~~" and inserting the following: ", and the
- 7 permit".
- 8 3. Page 11, by striking line 33 and inserting the
- 9 following: "requires the vehicle to operate only on
- 10 the those highways designated highway".
- 11 4. Page 11, line 34, by inserting after the word
- 12 "~~system~~" the following: "by the department".
- 13 5. By renumbering as necessary.

The committee amendment H-3659 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?" (S.F. 87)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	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	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:

Brammer Corbett, Spkr. Grubbs

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

Senate File 66, a bill for an act relating to cruelty to police service dogs and providing for enhanced penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Greiner of Washington offered the following amendment H-3786 filed by the committee on judiciary and moved its adoption:

H-3786

- 1 Amend Senate File 66, as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 1, by striking the figures and
- 4 word "1 and 2" and inserting the following: "1, 2,
- 5 and 3".
- 6 2. Page 1, by inserting after line 20 the
- 7 following:
- 8 "3. As used in this section, "police service dog"
- 9 means a dog used by a peace officer or correctional
- 10 officer in the performance of the officer's duties,
- 11 whether or not the dog is on duty."

The committee amendment H-3786 was adopted.

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

On the question "Shall the bill pass?" (S.F. 66)

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
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	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:

Doderer

Absent or not voting, 3:

Brammer Corbett, Spkr. Halvorson

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: **Senate Files 60, 66 and 87.**

Unfinished Business Calendar

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

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 416 be deferred and that the bill retain its place on the **unfinished business calendar**.

Regular Calendar

Senate File 79, a bill for an act relating to the transfer of dogs to educational and scientific institutions by pounds, with report of committee recommending passage, was taken up for consideration.

Brand of Benton offered amendment H-3927 filed by him as follows:

H-3927

- 1 Amend Senate File 79, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 162.21 RABIES
- 6 VACCINATIONS — CERTIFICATION BY THE DEPARTMENT.
- 7 The department shall adopt rules to provide that a
- 8 commercial breeder or commercial kennel shall be
- 9 certified to provide rabies vaccinations, upon
- 10 conditions and terms required by the department."
- 11 2. Title page, line 1, by inserting before the
- 12 words "the transfer" the following: "dogs and cats
- 13 kept in facilities, and providing for".

Bernau of Story rose on a point of order that amendment H-3927 was not germane.

The Speaker ruled the point well taken and amendment H-3927 not germane.

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

On the question "Shall the bill pass?" (S.F. 79)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	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	Hammitt	Hanson	Harper

Harrison	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, 2:

Brauns Hurley

Absent or not voting, 4:

Brammer Corbett, Spkr. Halvorson Heaton

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

Senate File 226, a bill for an act relating to the disposition of valueless mobile homes, modular homes, and manufactured homes, with report of committee recommending passage, was taken up for consideration.

Disney of Polk offered amendment H-3915 filed by him as follows:

H-3915

- 1 Amend Senate File 226, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 19 and 20, by striking the words
- 4 and figures "or the home has been abandoned as defined
- 5 in section 562B.27".
- 6 2. Page 2, lines 1 and 2, by striking the words
- 7 and figures "a judgment of abandonment pursuant to
- 8 chapter 555B or".

Disney of Polk offered the following amendment H-3929, to amendment H-3915, filed by him from the floor and moved its adoption:

H-3929

- 1 Amend the amendment, H-3915, to Senate File 226, as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, by striking lines 3 through 8 and
 5 inserting the following:
 6 " Page 1, by striking lines 17 through 20 and
 7 inserting the following:
 8 "a. The home has been abandoned as defined in
 9 section 562B.27, subsection 1, and the home has not
 10 been removed after the right to possession of the
 11 underlying real estate has been terminated pursuant to
 12 chapter 648."
 13 " Page 2, lines 1 and 2, by striking the words
 14 and figure "a judgment of abandonment pursuant to
 15 chapter 555B or" and inserting the following: "a
 16 determination of abandonment in accordance with
 17 section 562B.27, subsection 1, and".
 18 2. By renumbering as necessary.

Roll call was requested by Fallon of Polk and McCoy of Polk.

On the question "Shall amendment H-3929, to amendment H-3915, be adopted?" (S.F. 226)

The ayes were, 76:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Cohoon	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Main
May	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	Rants
Renken	Running	Salton	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 17:

Bernau	Burnett	Connors	Doderer
Fallon	Holveck	Jochum	Kreiman
Mascher	McCoy	O'Brien	Ollie
Schrader	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 7:

Baker	Brammer	Churchill	Corbett, Spkr.
Grundberg	Martin	Mertz	

Amendment H-3929 was adopted.

On motion by Disney of Polk, amendment H-3915, as amended, was adopted.

On motion by Holveck of Polk, the following amendment H-3930 filed by him from the floor, was adopted by unanimous consent:

H-3930

- 1 Amend Senate File 226, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 21, by striking the word "actual".

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. 226)

The ayes were, 80:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	Metcalfe	Meyer
Millage	Mundie	Myers	Nelson, B.
Nelson, L.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 15:

Baker	Bernau	Doderer	Drees
Fallon	Holveck	Kreiman	McCoy

Moreland
Schrader

O'Brien
Shoultz

Ollie
Weigel

Running

Absent or not voting, 5:

Brammer
Murphy

Corbett, Spkr.

Grundberg

Mertz

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: **Senate Files 79 and 226.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, on request of Schrader of Marion.

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

Kremer of Buchanan offered the following amendment H-3788 filed by the committee on judiciary and moved its adoption:

H-3788

- 1 Amend Senate File 439, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 13 through 16 and
- 4 inserting the following:
- 5 "2. A person who telephones an emergency 911
- 6 communications".
- 7 2. Page 1, line 20, by inserting after the word
- 8 "who" the following: "knowingly".
- 9 3. Page 1, line 20, by inserting after the word
- 10 "information" the following: "to a law enforcement
- 11 officer who enters the information".

The committee amendment H-3788 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?" (S.F. 439)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
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
Metcalf	Meyer	Millage	Moreland
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	Witt	Van Maanen, Presiding

The nays were, 2:

Doderer Fallon

Absent or not voting, 6:

Brammer	Corbett, Spkr.	Drake	Mertz
Mundie	Wise		

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

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

Moreland of Wapello offered the following amendment H-3908 filed by him and moved its adoption:

H-3908

- 1 Amend Senate File 189, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 30, through page 2,
- 4 line 14.
- 5 2. Title page, by striking lines 3 and 4 and
- 6 inserting the following: "tax."

Amendment H-3908 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?" (S.F. 189)

The ayes 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	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	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	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Churchill	Corbett, Spkr.	Mertz
Wise			

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

Senate File 402, a bill for an act relating to brands registered by the department of agriculture and land stewardship and providing for penalties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 402)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	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	McCoy	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	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Doderer	Mertz
Nelson, B.			

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: **Senate Files 189, 402 and 439.**

Senate File 164, a bill for an act relating to the meetings of the commission on the status of African-Americans, with report of committee recommending passage, 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?" (S.F. 164)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	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
Halvorson	Hammitt	Hanson	Harper
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	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	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Brauns	Corbett, Spkr.	Hahn
Harrison	Mertz	Veenstra	

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

Senate File 229, a bill for an act eliminating certain requirements regarding the purchase of coal by public agencies, with report of committee recommending passage, 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?" (S.F. 229)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boguess	Bradley	Brand
Branstad	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
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	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	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	Kreiman
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Absent or not voting, 7:

Boddicker	Brammer	Brauns	Coon
Corbett, Spkr.	Holveck	Mertz	

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

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, 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?" (S.F. 206)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunckhorst
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	McCoy	Metcalfe	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	Veenstra
Warnstadt	Weidman	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 2:

Doderer Weigel

Absent or not voting, 4:

Brammer Corbett, Spkr. Mertz 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: **Senate Files 164, 206 and 229.**

Unfinished Business Calendar

The House resumed consideration of **Senate File 423**, a bill for an act relating to delayed deposit services businesses and providing penalties, previously deferred and placed on the unfinished business calendar.

Metcalf of Polk offered the following amendment H-3709 filed by her and moved its adoption:

H-3709

- 1 Amend Senate File 423, as passed by the Senate, as
- 2 follows:
- 3 1. Page 6, by inserting after line 15 the
- 4 following:
- 5 "_. The annual percentage rate on the first
- 6 hundred dollars on the face amount of the check which
- 7 the fee represents, and the annual percentage rate on
- 8 subsequent one hundred dollar increments which the fee
- 9 represents, if different."
- 10 2. Page 6, line 20, by inserting after the word
- 11 "upon." the following: "A penalty to be charged
- 12 pursuant to this section shall only be collected by
- 13 the licensee once on a check no matter how long the
- 14 check remains unpaid. A penalty to be charged
- 15 pursuant to this section is a licensee's exclusive
- 16 remedy and if a licensee charges a penalty pursuant to
- 17 this section no other penalties under this chapter or
- 18 any other provision apply."
- 19 3. Page 9, line 32, by inserting after the word
- 20 "LICENSE" the following: "-- INJUNCTION".
- 21 4. Page 10, line 2, by inserting after the word
- 22 "misdemeanor." the following: "In addition to the
- 23 criminal penalty provided for in this section, the
- 24 superintendent may also commence an action to enjoin
- 25 the operation of the business."
- 26 5. By relettering as necessary.

Amendment H-3709 was adopted.

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

On the question "Shall the bill pass?" (S.F.423)

The ayes were, 84:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	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	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Rants
Renken	Salton	Shultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Warnstadt	Weidman
Wiegel	Wise	Witt	Van Maanen, Presiding

The nays were, 13:

Baker	Doderer	Drees	Fallon
Harper	Holveck	McCoy	Ollie
Running	Schrader	Schulte	Veenstra
Welter			

Absent or not voting, 3:

Brammer	Corbett, Spkr.	Mertz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

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

Boddicker of Cedar offered the following amendment H-3813 filed by the committee on human resources:

H-3813

1 Amend Senate File 433, 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 237A.1, subsection 8,
6 paragraph b, Code 1995, is amended to read as follows:

7 b. "Group day care home" means a facility
8 providing child day care for more than six but less
9 than twelve children, or for less than sixteen
10 children at any one time as authorized in accordance
11 with section 237A.3, subsection 3, provided each child
12 in excess of six children is attending school in
13 kindergarten or a higher grade level or the facility
14 complies with the requirements of section 237A.3,
15 subsection 2A.

16 Sec. ____ Section 237A.3, Code 1995, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 2A. A registered group day care
19 home may provide care for more than six children who
20 are not attending school in kindergarten or a higher
21 grade level if the home has at least two adults
22 providing care when such children are present."

23 2. Page 1, line 20, by inserting after the word
24 "section." the following: "However, implementation of
25 the additional waiver requests to change the food
26 stamp and medical assistance programs is subject to
27 enactment of legislative approval of the changes."

28 3. Page 3, by striking lines 13 and 14 and
29 inserting the following: "applies.

30 c. If the family investment program eligible group
31 includes a minor parent living with the minor parent's
32 adult parent who receives family investment program
33 benefits and both the minor parent and the adult
34 parent are responsible for developing a family
35 investment agreement, each parent is responsible for a
36 separate family investment agreement, and the limited
37 benefit plan shall be applied as follows:"

38 4. By striking page 8, line 35, through page 9,
39 line 19.

40 5. Title page, line 2, by inserting after the
41 word "by" the following: "revising certain group day
42 care home requirements and".

43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

The committee amendment H-3813 was adopted.

Fallon of Polk offered amendment H-3849 filed by him as follows:

H-3849

1 Amend Senate File 433 as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. NEW SECTION. 730.6 CHILD CARE —
- 6 BASIS FOR DISCHARGE — POSTPONEMENT.
- 7 An employer shall not use as a basis for discharge
- 8 of an employee, the inability of an employee to
- 9 provide child care for the employee's child if the
- 10 lack of child care results in the employee's inability
- 11 to work for a period of three consecutive working
- 12 days. A person who violates this section is guilty of
- 13 a simple misdemeanor."
- 14 2. Title page, by striking line 2 and inserting
- 15 the following: "family improvement provisions
- 16 including child care-related provisions and including
- 17 a requirement that the department of human".
- 18 3. Title page, line 3, by striking the word "to".
- 19 4. By renumbering as necessary.

Fallon of Polk offered the following amendment H-3870, to amend-
ment H-3849 filed by him and moved its adoption:

H-3870

- 1 Amend the amendment, H-3849, to Senate File 433 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 12, by inserting after the word
- 5 "days" the following: "and if the absences are
- 6 limited to no more than two instances in a calendar
- 7 year".

Amendment H-3870 was adopted.

Fallon of Polk moved the adoption of amendment H-3849, as amended.

Boddicker of Cedar rose on a point of order that amendment H-3849, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-3849 not germane.

Boddicker of Cedar asked and received unanimous consent that **Senate File 433** be deferred and retain its place on the **calendar**.

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, with report of committee recommending passage, 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?" (S.F. 443)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	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	Huseman	Jacobs	Jochum
Klemmè	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Metcalf	Meyer	Millage
Moreland	Mundie	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Brammer	Churchill	Corbett, Spkr.	Hurley
Mertz	Murphy	Myers	Veenstra

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: **Senate Files 423 and 443.**

Senate File 437, a bill for an act relating to the entitlement to benefits and dividends under the Iowa public employees' retirement system, with report of committee recommending amendment and passage, was taken up for consideration.

Gipp of Winneshiek offered the following amendment H-3766 filed by the committee on state government and moved its adoption:

H-3766

- 1 Amend Senate File 437, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 3, by striking the word "July"
- 4 and inserting the following: "January".
- 5 2. Page 4, line 20, by striking the word "July"
- 6 and inserting the following: "January".
- 7 3. Page 5, by inserting after line 8 the
- 8 following:
- 9 "Sec. ____ EFFECTIVE AND RETROACTIVE APPLICABILITY
- 10 DATES. This Act, being deemed of immediate
- 11 importance, takes effect upon enactment and applies
- 12 retroactively to January 1, 1995."
- 13 4. Title page, line 2, by inserting after the
- 14 word "system" the following: ", and providing
- 15 effective and retroactive applicability date
- 16 provisions".

The committee amendment H-3766 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?" (S.F. 437)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Branstad	Brauns	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	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	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, none.

Absent or not voting, 7:

Brammer	Brunkhorst	Corbett, Spkr.	Drees
Mertz	Myers	Shoultz	

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

Senate File 386, a bill for an act relating to restitution in certain traffic offenses which are simple misdemeanors, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 386)

The ayes were, 89:

Arnold	Baker	Bell	Bernau
Bloodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Ertl	Fallon
Garman	Gipp	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
May	McCoy	Metcalf	Meyer
Millage	Mundie	Murphy	Nelson, B.

Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 11:

Brammer	Brunkhorst	Corbett, Spkr.	Eddie
Greig	Jochum	Mascher	Mertz
Moreland	Myers	Shoultz	

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

Senate File 400, a bill for an act providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates, with report of committee recommending passage, was taken up for consideration.

Ertl of Dubuque offered the following amendment H-3912 filed by him and moved its adoption:

H-3912

1 Amend Senate File 400, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 1, by striking the figure
 4 "504A.30A" and inserting the following: "504A.64A".
 5 2. Page 1, line 2, by striking the word "term"
 6 and inserting the following: "period of duration".
 7 3. Page 1, by inserting after line 19 the
 8 following:
 9 "Sec. ____ Section 504A.100, subsection 13, Code
 10 1995, is amended to read as follows:
 11 13. Corporations existing under chapter 504 shall
 12 be subject to this chapter on July 1, 1990, except
 13 that the corporations shall be subject to sections
 14 504A.8 and 504A.83 on January 1, ~~1995~~ 1997. A
 15 corporate existence of a corporation that is not in
 16 compliance on the records of the secretary of state
 17 with sections 504A.8 and 504A.83 on June 30, ~~1995~~
 18 1997, is terminated, effective July 1, ~~1995~~ 1997. A
 19 corporation whose existence is terminated pursuant to
 20 this subsection may be reinstated. When the

- 21 reinstatement is effective, it relates back to and
 22 takes effect as of the effective date of the
 23 termination of its corporate existence as if such
 24 termination had never occurred. The secretary of
 25 state shall adopt rules governing the reinstatement of
 26 a corporation pursuant to this subsection."
 27 4. Page 1, line 20, by striking the figure
 28 "504A.30A" and inserting the following: "504A.64A".
 29 5. Page 1, line 22, by striking the word "This"
 30 and inserting the following: "Section 1 of this".

Amendment H-3912 was adopted.

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

On the question "Shall the bill pass?" (S.F. 400)

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	Dinkla	Disney	Doderer
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	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, 6:

Brammer	Corbett, Spkr.	Daggett	Drake
Mertz	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: **Senate Files 386, 400 and 437.**

Senate File 409, a bill for an act relating to the activities of clerks of the district court, and providing additional court fees, with report of committee recommending amendment and passage, was taken up for consideration.

Nutt of Woodbury offered the following amendment H-3820 filed by the committee on judiciary and moved its adoption:

H-3820.

- 1 Amend Senate File 409, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 13 the
- 4 following:
- 5 "Sec. ____ Section 582.4, Code 1995, is amended to
- 6 read as follows:
- 7 582.4 LIEN BOOK — FEES.
- 8 Every clerk of the district court shall, at the
- 9 expense of the county, provide a suitable well-bound
- 10 book to be called the hospital lien docket in which,
- 11 upon the filing of any lien claim under the provisions
- 12 of this chapter, the clerk shall enter the name of the
- 13 injured person, the date of the accident, and the name
- 14 of the hospital or other institution making the claim.
- 15 Said ~~The~~ clerk shall make a proper index of the same
- 16 in the name of the injured person and ~~such~~ the clerk
- 17 shall collect a fee of ~~two~~ ten dollars for filing each
- 18 lien claim."
- 19 2. By renumbering as necessary.

The committee amendment H-3820 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?" (S.F. 409)

The ayes were, 95:

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	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
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Mertz	Myers
Veenstra			

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

Siegrist of Pottawattamie in the chair at 12:40 p.m.

Unfinished Business Calendar

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

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. 433)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
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	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	Siegrist, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer Burnett Corbett, Spkr. Mertz

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 409 and 433.**

House File 562, a bill for an act 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, 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. 562)

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	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	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
Siegrist, Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer Corbett, Spkr. Mertz

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 562 be immediately messaged to the Senate.

SPECIAL PRESENTATION

Eddie of Buena Vista presented to the House Dr. Peter T. Sabluk, First Deputy Prime Minister for Agriculture and members of the Ukraine Agribusiness Trade Delegation who are in Iowa to sign a Memorandum of Understanding to cooperate in a new commercial project between Iowa and Ukraine.

The House rose and expressed its welcome.

SENATE FILE 156 REFERRED

The Speaker announced that Senate File 156, presently on the calendar, was referred to committee on **ways and means**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

JOHN F. DWYER, Secretary

SENATE FILES PLACED ON UNFINISHED BUSINESS CALENDAR

Gipp of Winneshiek asked and received unanimous consent that the following Senate Files be placed on the unfinished business calendar:

Senate File 7	Senate File 204
Senate File 83	Senate File 205
Senate File 85	Senate File 208
Senate File 98	Senate File 225
Senate File 106	Senate File 228
Senate File 120	Senate File 239
Senate File 142	Senate File 284
Senate File 146	Senate File 286
Senate File 150	Senate File 292
Senate File 176	Senate File 293
Senate File 179	Senate File 311
Senate File 195	Senate File 315
Senate File 197	Senate File 346

Senate File 347
 Senate File 351
 Senate File 359
 Senate File 366
 Senate File 367
 Senate File 371
 Senate File 373
 Senate File 390
 Senate File 394

Senate File 398
 Senate File 407
 Senate File 422
 Senate File 428
 Senate File 431
 Senate File 432
 Senate File 438
 Senate File 454
 Senate File 457

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on April 13, 1995. Had I been present, I would have voted "aye" on Senate Files 164 and 229.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on April 13, 1995. Had I been present, I would have voted "aye" on House File 562 and Senate Files 164, 189, 206, 226, 229, 386, 400, 402, 409, 423, 433, 439, 443 and 437.

MERTZ of Kossuth

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of April, 1995: House Files 115, 118, 161, 212, 238, 277, 337, 406, 425, 447, 456 and 475.

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:

Students from Vinton/Shellsburg Home School Assistance Program, accompanied by Ed Dickerson and Parents. By Tyrrell of Iowa.

Ten National Honor Society students from NorthEast Hamilton High School, Blairsburg, accompanied by Becky Nibe. By Teig of Hamilton.

Fifty sixth grade students from Carter Lake Elementary School, Carter Lake, accompanied by Jen Siglin and Kristi Promnitz. By Nelson of Pottawattamie.

Fifty-one eleventh grade students from Colo Nesco High School, Colo, accompanied by Jack Roberts, Instructor, and Steve Buhrow, Principal. By Garman of Story.

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\210 Doug Wordekemper, Storm Lake – For being named to the Class 1A 1st All-State Basketball team.
- 1995\211 Ron Bryan, Storm Lake – For being named Iowa's Middle School Prinicipal of the Year by the School Administrators of Iowa.
- 1995\212 Julie Barnes, Grinnell – For her induction into the National Honor Society.
- 1995\213 Heather Peak, Grinnell – For her induction into the National Honor Society.
- 1995\214 Annette Ahrens, Grinnell – For her induction into the National Honor Society.
- 1995\215 Melissa Barber, Grinnell – For her induction into the National Honor Society.
- 1995\216 Katie Weeks, Grinnell – For her induction into the National Honor Society.
- 1995\217 Ryan Hendrickson, Grinnell – For his induction into the National Honor Society.
- 1995\218 Matt Loftin, Grinnell – For his induction into the National Honor Society.
- 1995\219 Gunn Elementary School, Council Bluffs – For receiving the FINE Foundation Recognition Award.

1995\220 Bill Bruck, LaMotte – For forty years of service to the LaMotte Community Fire Department.

1995\221 Belmont-Klemme Elementary/Middle School, Belmont – For receiving the FINE Foundation Recognition Award.

SUBCOMMITTEE ASSIGNMENT

House File 563

State Government: Disney, Chair; Gipp and Witt.

AMENDMENTS FILED

H-3928	H.F.	471	Senate amendment
H-3931	H.F.	41	Brauns of Muscatine
H-3932	H.F.	565	Boddicker of Cedar
H-3933	S.F.	266	Shoultz of Black Hawk Harper of Black Hawk Burnett of Story Jochum of Dubuque
H-3934	S.F.	266	Witt of Black Hawk Running of Linn Shoultz of Black Hawk
H-3935	S.F.	266	Coon of Warren
H-3936	S.F.	266	Grundberg of Polk
H-3937	S.F.	266	Shoultz of Black Hawk Jochum of Dubuque Harper of Black Hawk Mascher of Johnson
H-3938	S.F.	266	Shoultz of Black Hawk Jochum of Dubuque Witt of Black Hawk Running of Linn
H-3939	S.F.	266	Shoultz of Black Hawk Burnett of Story Jochum of Dubuque Harper of Black Hawk Witt of Black Hawk Running of Linn
H-3940	S.F.	266	Bernau of Story Burnett of Story Running of Linn Shoultz of Black Hawk
H-3941	S.F.	358	Kreiman of Davis
H-3942	S.F.	454	Martin of Scott
H-3943	S.F.	266	Hurley of Fayette

On motion by Gipp of Winneshiek, the House adjourned at 12:50 p.m. until 1:00 p.m., Monday, April 17, 1995.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 17, 1995

The House met pursuant to adjournment at 1:15 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Bishop Christopher Eplins, Episcopal Diocese of Iowa, Des Moines.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bishop Christopher Eplins, Des Moines.

The Journal of Thursday, April 13, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ertl of Dubuque on request of Cornelius of Jackson; Corbett of Linn on request of Siegrist of Pottawattamie.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 13, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 553, 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.

JOHN F. DWYER, Secretary

The House stood at ease at 1:33 p.m., until the fall of the gavel.

The House resumed session at 2:35 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 159, a bill for an act relating to the production of ornamental, flowering, or vegetable plants for purposes of the state sales tax, was taken up for consideration.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3112 filed by him on February 16, 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. 159)

The ayes were, 95:

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	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, 1:

Fallon

Absent or not voting, 4:

Bell

Brammer

Corbett, Spkr.

Ertl

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

House File 556, a bill for an act relating to the definition of entities eligible for property tax exemption for construction of speculative shell buildings, was taken up for consideration.

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. 556)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
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
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:

Doderer

Absent or not voting, 3:

Brammer Corbett, Spkr. Ertl

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

House File 550, 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, was taken up for consideration.

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. 550)

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
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	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
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:

Brammer Corbett, Spkr. Ertl

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 159, 550 and 556.**

House File 552, 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, was taken up for consideration.

Halvorson of Clayton offered amendment H-3778 filed by him as follows:

H-3778

1 Amend House File 552 as follows:

2 1. Page 23, line 26, by inserting after the word

3 "casualty," the following: "exports by eligible

4 purchasers."

5 2. Page 26, by striking lines 25 and 26 and

6 inserting the following: "calendar quarter. A claim

7 for refund may be filed anytime within the calendar

8 year that the two hundred fifty dollar minimum has

9 been met. If the two".

10 3. Page 36, line 28, by striking the word

11 "follows:" and inserting the following: "provided in

12 this subsection. However, the owner or operator of

13 the importing vehicle shall not be guilty of violating

14 this subsection if it is shown by the owner or

15 operator that the owner or operator reasonably did not

16 know or reasonably should not have known of the

17 illegal importation."

Halvorson of Clayton offered the following amendment H-3873, to amendment H-3778, filed by him and moved its adoption:

H-3873

1 Amend the amendment, H-3778, to House File 552 as

2 follows:

3 1. Page 1, line 6, by striking the word "quarter"

4 and inserting the following: "year".

Amendment H-3873 was adopted.

On motion by Halvorson of Clayton amendment H-3778, as amended, was adopted.

Halvorson of Clayton offered the following amendment H-3779 filed by him and moved its adoption:

H-3779

1 Amend House File 552 as follows:

2 1. Page 35, line 2, by striking the words

3 "natural gas or".

4 2. Page 35, line 6, by inserting after the word

5 "compressed" the following: "natural gas or".

- 6 3. Title page, line 4, by inserting after the
7 word "penalties" the following: "and providing an
8 effective date".

Amendment H-3779 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. 552)

The ayes were, 95:

Arnold	Baker	Bell	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
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, 1:

Fallon

Absent or not voting, 4:

Brammer Corbett, Spkr. Ertl Myers

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, Myers of Johnson refrained from voting.

House File 548, 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, 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. 548)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	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
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, 4:

Brammer	Corbett, Spkr.	Ertl	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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 548 and 552.**

Unfinished Business Calendar

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

McCoy of Polk offered amendment H-3905 filed by him as follows:

H-3905

- 1 Amend Senate File 431, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 28 the
- 4 following:
- 5 "2A. A party to a decree or order who willfully
- 6 disobeys the custody or visitation provisions of the
- 7 decree or order and who is subject to contempt
- 8 proceedings pursuant to section 598.23 is subject to
- 9 the provisions of this chapter. The supreme court
- 10 shall prescribe rules for application of this chapter
- 11 to parties described in this subsection."
- 12 2. Page 12, by inserting after line 32 the
- 13 following:
- 14 "Sec. ____ Section 598.23, subsection 2, Code
- 15 1995, is amended by adding the following new
- 16 paragraph:
- 17 NEW PARAGRAPH. c. Provides for application of
- 18 chapter 252J regarding suspension, revocation,
- 19 nonissuance, or nonrenewal of a license to a party who
- 20 willfully disobeys the custody or visitation
- 21 provisions of an order or decree."
- 22 3. Title page, line 8, by inserting after the
- 23 word "support" the following: "and application of
- 24 these provisions to a party held in contempt of court
- 25 for willfully disobeying the custody or visitation
- 26 provisions of an order or decree".
- 27 4. By renumbering as necessary.

Harrison of Scott rose on a point of order that amendment H-3905 was not germane.

The Speaker ruled the point well taken and amendment H-3905 not germane.

McCoy of Polk moved to suspend the rules for the consideration of amendment H-3905.

A non-record roll call was requested.

The ayes were 37, nays 54.

The motion to suspend the rules lost.

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?" (S.F. 431)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carrroll	Cataldo	Churchill
Cohoon	Connors	Coon	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	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:

Brammer Corbett, Spkr. Ertl

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 431 be immediately messaged to the Senate.

Ways and Means Calendar

House File 554, 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, 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. 554)

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
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
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

Corbett, Spkr.

Ertl

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 554** be immediately messaged to the Senate.

House File 558, 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, 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. 558)

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
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:

Brammer Corbett, Spkr. Ertl

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 558** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **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, amended by the Senate amendment H-3836 as follows:

H-3836

- 1 Amend House File 387, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 16, by inserting before the word
- 4 "governor" the following: "executive director who
- 5 shall transfer to the".
- 6 2. Page 1, by inserting after line 32 the
- 7 following:
- 8 "Sec. 201. Section 262.9, Code 1995, is amended by
- 9 adding the following new subsection:
- 10 **NEW SUBSECTION. 30.** Appoint an executive
- 11 director, subject to senate confirmation, to
- 12 administer the office of the board. The executive
- 13 director shall serve at the pleasure of the board.
- 14 The executive director shall be subject to reconfirma-
- 15 tion by the senate during the regular session of the
- 16 general assembly convening in January if the executive
- 17 director will complete a fourth year in office on or
- 18 before the following April 30. The executive director
- 19 is exempt from the merit system provisions of chapter
- 20 19A. The salary of the executive director shall be
- 21 set within a range established by the general
- 22 assembly. The executive director shall be selected
- 23 primarily for administrative ability and knowledge in
- 24 the field, without regard to political affiliation."
- 25 3. Page 2, line 5, by inserting after the word
- 26 "provided" the following: "to the executive
- 27 director".

- 28 4. Page 2, by inserting after line 8 the
 29 following:
 30 "Sec. ____ EFFECTIVE DATE. Section 201 of this
 31 Act takes effect July 1, 1996."
 32 5. By renumbering as necessary.

Greig of Emmet asked and received unanimous consent to withdraw amendment H-3925, to the Senate amendment H-3836, filed by him on April 12, 1995.

Grubbs of Scott offered the following amendment H-3921, to the Senate amendment H-3836, filed by him and moved its adoption:

H-3921

- 1 Amend the Senate amendment, H-3836, to House File
 2 387, as passed by the House, as follows:
 3 1. Page 1, by striking lines 6 through 24.
 4 2. Page 1, by striking lines 28 through 31.

Amendment H-3921 was adopted.

Greig of Emmet asked and received unanimous consent for the consideration of amendment H-3925, to the Senate amendment H-3836, previously withdrawn, as follows:

H-3925

- 1 Amend the Senate amendment, H-3836, to House File
 2 387, as passed by the House, as follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "____. Page 1, line 7, by striking the word "two"
 6 and inserting the following: "four."
 7 2. Page 1, by inserting after line 27 the
 8 following:
 9 "____. Page 2, line 7, by striking the word "two-
 10 year" and inserting the following: "four-year"."

Amendment H-3925 was adopted.

On motion by Grubbs of Scott, the House concurred in the Senate amendment H-3836, as amended.

Grubbs 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. 387)

The ayes were, 97:

Arnold
 Blodgett

Baker
 Boddicker

Bell
 Boggess

Bernau
 Bradley

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	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	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	Veestra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer Corbett, Spkr. Ertl

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 387** be immediately messaged to the Senate.

Ways and Means Calendar

House File 549, 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, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-3693 filed by him and moved its adoption:

H-3693

- 1 Amend House File 549 as follows:
- 2 1. Page 3, lines 3 and 4, by striking the words "whose
- 3 license was issued" and inserting the following: "residing".

Amendment H-3693 was adopted.

Blodgett of Cerro Gordo offered the following amendment H-3697 filed by him and moved its adoption:

H-3697

- 1 Amend House File 549 as follows:
- 2 1. Page 9, line 5, by striking the word "ten" and
- 3 inserting the following: "twenty-five".

Amendment H-3697 was adopted.

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. 549)

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
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:

Brammer Corbett, Spkr. Ertl

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 549** be immediately messaged to the Senate.

House File 373, a bill for an act relating to establishing family health accounts and a state pilot project and providing applicability and effective date provisions, was taken up for consideration.

Halvorson of Clayton offered the following amendment H-3380 filed by him and moved its adoption:

H-3380

- 1 Amend House File 373 as follows:
- 2 1. Page 1, line 3, by striking the figure "32."
- 3 and inserting the following: "32A."
- 4 2. Page 3, line 17, by striking the word "or".
- 5 3. Page 3, line 19, by inserting after the word
- 6 "Code" the following: ", or as costs of health
- 7 benefits coverage or insurance under section 422.7,
- 8 subsection 32, as enacted by 1995 Iowa Acts, Senate
- 9 File 84, section 1".
- 10 4. Page 4, line 20, by striking the word "shall"
- 11 and inserting the following: "may".
- 12 5. Page 5, line 7, by striking the word "The" and
- 13 inserting the following: "If the department decides
- 14 to develop and implement a pilot project, the".
- 15 6. Page 5, line 8, by striking the word ". The"
- 16 and inserting the following: "and the".

Amendment H-3380 was adopted.

Running of Linn offered the following amendment H-3729 filed by him and moved its adoption:

H-3729

- 1 Amend House File 373 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following: "The deduction for contributions to a
- 4 family health account is allowed if the net income is
- 5 sixty thousand dollars or less. In the case of a
- 6 married individual, the combined net income of both
- 7 spouses shall be considered."

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question "Shall amendment H-3729 be adopted?" (H.F. 373)

The ayes were, 32:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammit	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	McCoy	Metcalf	Meyer
Millage	Mundie	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Witt	Van Maanen, Presiding

Absent or not voting, 4:

Brammer	Corbett, Spkr.	Ertl	Grundberg
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Amendment H-3729 lost.

Greig of Emmet asked and received unanimous consent to withdraw amendment H-3421 filed by him on March 22, 1995.

Greig of Emmet offered the following amendment H-3955 filed by him from the floor and moved its adoption:

H-3955

- 1 Amend House File 373 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:

4 "NEW SUBSECTION. 35. Subtract the amount of
5 premiums paid by the taxpayer for the renewal of a
6 long-term care insurance policy or contract certified
7 by the division of insurance pursuant to chapter 249G
8 which covers the taxpayer, taxpayer's spouse, or
9 dependent children. The taxpayer may elect to take
10 premiums paid during the tax year the deduction
11 authorized by this subsection or the credit under
12 section 422.11 to the extent the premiums have not
13 been deducted in subsection 32 of this section."

14 2. Page 1, by inserting before line 25 the
15 following:

16 "Sec. 100. NEW SECTION. 422.11 LONG-TERM CARE
17 INSURANCE CREDIT.

18 The tax imposed under this division, less the
19 credits allowed under sections 422.11A, 422.11B,
20 422.11C, 422.12, and 422.12B, shall be reduced by a
21 long-term care insurance credit. The amount of the
22 credit is equal to the first one hundred dollars paid
23 in premiums by the taxpayer during the tax year for
24 the renewal of a long-term care insurance policy or
25 contract certified by the division of insurance
26 pursuant to chapter 249G which covers the taxpayer,
27 taxpayer's spouse, or dependent children. Any amounts
28 paid in premiums for long-term coverage that are
29 claimed as a credit shall not be deducted as a medical
30 expense under section 422.9, subsection 2, or as
31 health insurance costs of self-employed individuals
32 under section 162(l) of the Internal Revenue Code. A
33 credit under this section for the premiums paid in the
34 tax year may not be taken if the taxpayer takes a
35 deduction under section 422.7, subsection 35, for
36 those premiums.

37 Any credit in excess of the tax liability for the
38 tax year is refundable. In lieu of claiming a refund,
39 the taxpayer may elect to have the overpayment shown
40 on the taxpayer's final, completed return credited to
41 the tax liability for the following tax year."

42 3. Page 5, line 11, by inserting after the figure
43 "1" the following: ", 100,".

Amendment H-3955 was adopted.

Weigel of Chickasaw offered the following amendment H-3592 filed
by him and moved its adoption:

H-3592

1 Amend House File 373 as follows:

2 1. Page 5, by striking lines 7 through 12 and
3 inserting the following:

4 "Sec. ____ This Act is effective upon the
5 enactment of a federal individual income tax provision
6 authorizing the deduction in computing federal

7 adjusted gross income of all or a portion of the
8 moneys contributed to a family health account or
9 similar account. Section 1 of this Act applies to tax
10 years designated in the federal enactment of the
11 family health account contribution deduction."

A non-record roll call was requested.

The ayes were 24, nays 55.

Amendment H-3592 lost.

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. 373)

The ayes were, 84:

Arnold	Baker	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 13:

Bell	Bernau	Connors	Fallon
Harper	Kreiman	Mascher	Nelson, L.
Ollie	Running	Schrader	Shoultz
Warnstadt			

Absent or not voting, 3:

Brammer	Corbett, Spkr.	Ertl
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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 373** be immediately messaged to the Senate.

House File 559, 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, was taken up for consideration.

Blodgett of Cerro Gordo in the chair at 5:20 p.m.

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. 559)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
Connors	Coon	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
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
Blodgett, Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer Corbett, Spkr. Ertl

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 559** be immediately messaged to the Senate.

House File 560, 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, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 560)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Boddicker	Bogess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
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	Shultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Blodgett,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer
Grubbs

Corbett, Spkr.
Heaton

Doderer

Ertl

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 560** be immediately messaged to the Senate.

Appropriations Calendar

House File 482, a bill for an act relating to the funding for the Iowa communications network and providing an appropriation, was taken up for consideration.

Brunkhorst of Bremer offered amendment H-3914 filed by Brunkhorst, et. al., as follows:

H-3914

- 1 Amend House File 482 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 8D.3, subsection 3, paragraph
- 5 i, Code 1995, is amended to read as follows:
- 6 i. Evaluate existing and projected rates for use
- 7 of the system and ensure that rates are sufficient to
- 8 pay for the operation of the system ~~except to the~~
- 9 ~~extent such use is subsidized by general fund~~
- 10 ~~appropriations as authorized by the general assembly~~
- 11 ~~excluding the cost of construction and lease costs for~~
- 12 ~~Parts I, II, and III.~~ The commission shall establish
- 13 all hourly rates to be charged to all authorized users
- 14 for the use of the network. A fee established by the
- 15 commission to be charged to a hospital licensed
- 16 pursuant to chapter 135B, a physician clinic, or the
- 17 federal government shall be at an appropriate rate so
- 18 that, at a minimum, there is no state subsidy related
- 19 to the costs of the connection or use of the network
- 20 related to such user.
- 21 Sec. ____ Section 8D.13, subsection 2, paragraph
- 22 c, Code 1995, is amended to read as follows:
- 23 c. "Part III" means the communications connection
- 24 between the secondary switching centers and the
- 25 agencies defined in section 8D.2, subsections 4 and 5,
- 26 excluding city, regional, and county libraries, state
- 27 agencies, institutions under the control of the board
- 28 of regents, nonprofit institutions of higher education
- 29 eligible for tuition grants, and the judicial
- 30 department, judicial district departments of

31 correctional services, hospitals and physician
32 clinics, agencies of the federal government, and post
33 offices.
34 Sec. ____ Section 8D.13, subsections 3 and 16,
35 Code 1995, are amended to read as follows:
36 3. The financing for the procurement costs for the
37 entirety of Part I except for the communications
38 connections between central switching and institutions
39 under the control of the board of regents, and
40 nonprofit institutions of higher education eligible
41 for tuition grants, and for the video, data, and voice
42 capacity for state agencies and for Part II and Part
43 III, shall be provided by the state, except as
44 provided in subsection 3A. The financing for the
45 procurement and maintenance costs for Part III shall
46 be provided by the state. A local school board,
47 governing authority of a nonpublic school, or an area
48 education agency board may elect to provide one
49 hundred percent of the financing for the procurement
50 and maintenance costs for Part III to become part of

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1 the network. The basis for the amount of state
2 financing is one hundred percent of a single
3 interactive audio and interactive video connection for
4 Part III, and such data and voice capacity as is
5 necessary. If a school board, governing authority of
6 a nonpublic school, or area education agency board
7 elects to provide one hundred percent of the financing
8 for the leasing costs for Part III, the school
9 district or area education agency may become part of
10 the network as soon as the network can reasonably
11 connect the district or agency. A local school board,
12 governing authority of a nonpublic school, or an area
13 education agency board may also elect not to become
14 part of the network. Construction of Part III,
15 related to a school board, governing authority of a
16 nonpublic school, or area education agency board which
17 provides one hundred percent of the financing for the
18 leasing costs for Part III, may proceed as determined
19 by the commission and consistent with the purpose of
20 this chapter.
21 16. Access shall be offered to hospitals licensed
22 pursuant to chapter 135B and physician clinics for
23 diagnostic, clinical, consultative, data, and
24 educational services for the purpose of developing a
25 comprehensive, statewide telemedicine network, to an
26 agency of the federal government, and to a post office
27 defined as a public agency pursuant to section 8D.2,
28 subsection 5. A hospital, physician clinic, an agency
29 of the federal government, or a post office defined as
30 a public agency pursuant to section 8D.2, subsection
31 5, shall be responsible for all costs associated with

32 becoming a part of the network and all operational
33 costs associated with such entity's use of the
34 network.

35 Sec. ____ Section 8D.13, Code 1995, is amended by
36 adding the following new subsections:

37 NEW SUBSECTION. 3A. A local school board or
38 governing authority of a nonpublic school shall
39 provide one hundred percent of the financing for the
40 procurement and maintenance costs for a Part III
41 connection associated with the connection of an
42 administrative facility or office which is not used
43 primarily for student instruction in grades
44 kindergarten through twelve.

45 NEW SUBSECTION. 12A. Access to the network shall
46 not be permitted by an originating site or any
47 receiving site associated with an interactive video
48 application of the network unless at least one of the
49 entities associated with the interactive video
50 application is an authorized user of the network. For

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1 purposes of this subsection, a public or private
2 agency authorized to access the network is not deemed
3 to be an authorized user for purposes of the
4 interactive video application or use if the agency
5 only provides its facility for use as the originating
6 site or as a receiving site.

7 NEW SUBSECTION. 13B. Access to the network shall
8 not be offered or provided to an unauthorized user
9 pursuant to an agreement entered into pursuant to
10 chapter 28E between any public or private agency and
11 such unauthorized user.

12 Sec. 101. There is appropriated from the general
13 fund of the state to the Iowa communications network
14 fund created in section 8D.14 for the fiscal year
15 beginning July 1, 1994, and ending June 30, 1995, the
16 following amount, or so much thereof as is necessary:

17 \$ 5,202,234

18 Sec. ____ There is appropriated from the general
19 fund of the state to the Iowa communications network
20 fund created in section 8D.14 for the fiscal year
21 beginning July 1, 1995, and ending June 30, 1996, the
22 following amount, or so much thereof as is necessary,
23 to be used for the purposes designated:

24 1. OPERATIONS

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28 \$ 4,658,185

29 FTEs 56.0

30 Of the amount appropriated in this subsection,
31 \$3,200,000 shall be deposited in a separate temporary
32 account established for the fiscal year beginning July

33 1, 1995, and ending June 30, 1996, in the Iowa
 34 communications network fund, to be used for the
 35 subsidization of video rates for authorized users as
 36 determined by the commission and consistent with
 37 chapter 8D.

38 2. NETWORK OPERATIONS REVOLVING FUND
 39 For a network operations revolving account
 40 established in the Iowa communications network fund:
 41 \$ 1,000,000

42 3. STUDY AND DEVELOPMENT OF REQUEST FOR PROPOSALS
 43 FOR SALE.
 44 For the coordination and completion of the study
 45 relating to the sale or conversion of the Iowa
 46 communications network pursuant to House File 461, if
 47 enacted by the general assembly during the 1995
 48 regular session, the following amount, or so much
 49 thereof as is necessary:
 50 \$ 250,000

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1 Sec. ____ There is appropriated from the general
 2 fund of the state to the public broadcasting division
 3 in the department of education for the fiscal year
 4 beginning July 1, 1995, and ending June 30, 1996, the
 5 following amount, or so much thereof as is necessary,
 6 to be used for the purpose designated:
 7 \$ 361,420

8 Sec. ____ Section 101 of this Act, being deemed of
 9 immediate importance, takes effect upon enactment.”
 10 2. By renumbering as necessary.

Meyer of Sac offered the following amendment H-3952, to amend-
 ment H-3914, filed by him from the floor and moved its adoption:

H-3952

1 Amend the amendment, H-3914, to House File 482 as
 2 follows:
 3 1. Page 1, line 29, by inserting after the word
 4 “grants,” the following: “school corporations
 5 established under chapter 273.”

Amendment H-3952 lost.

On motion by Brunkhorst of Bremer, amendment H-3914 was
 adopted.

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. 482)

The ayes were, 85:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Wise
Blodgett, Presiding			

The nays were, 11:

Branstad	Fallon	Harrison	Kreiman
McCoy	O'Brien	Running	Tyrrell
Van Fossen	Weigel	Witt	

Absent or not voting, 4:

Brammer	Corbett, Spkr.	Ertl	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.

INTRODUCTION OF BILL

House File 566, by committee on ways and means, 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 placed on the **ways and means calendar**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 482** 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 17, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 17, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 17, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 17, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 82, a bill for an act relating to 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 April 17, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 17, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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.

Also: That the Senate has on April 17, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 17, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 470, a bill for an act relating to the imposition of a local option sales and services tax in certain cities located in two counties and providing an effective date.

Also: That the Senate has on April 17, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 473, a bill for an act relating to the refund of property taxes paid erroneously and providing effective and retroactive applicability dates.

JOHN F. DWYER, Secretary.

SENATE MESSAGES CONSIDERED

Senate File 470, by committee on ways and means, a bill for an act relating to the imposition of a local option sales and services tax in certain cities located in two counties and providing an effective date.

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

Senate File 473, by committee on ways and means, a bill for an act relating to the refund of property taxes paid erroneously and providing effective and retroactive applicability dates.

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

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 13, 1995. Had I been present, I would have voted "aye" on Senate Files 400 and 439.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on Thursday, April 13, 1995. Had I been present, I would have voted "aye" on Senate Files 164, 409 and 443.

VEENSTRA of Sioux

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 115, an act relating to rest areas by permitting refreshments during holiday periods and concerning the promotion of Iowa agricultural products.

House File 118, an act relating to compensation of volunteer fire fighters when subpoenaed as witnesses.

House File 161, an act relating to the fee which may be charged by an Iowa communications network receiving site.

House File 212, an act relating to the delegation of authority to an administrative agency of a city.

House File 238, an act relating to the joint purchase of group health benefits by multiple school districts or area education agencies pursuant to an intergovernmental agreement.

House File 277, an act concerning health care coverage availability to unemployed individuals.

House File 337, an act to amend the criteria and procedures necessary to establish that a person is seriously mentally impaired for purposes of involuntary hospitalization.

House File 406, 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.

House File 425, an act repealing air toxics fees.

House File 447, an act relating to certain state purchasing procedures and charges for publications involving the department of general services.

House File 456, an act relating to grain transactions, by providing for credit-sale contracts.

House File 475, an act relating to the state archivist's office.

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\222 Marion and Barbara Terlouw, Prairie City – For celebrating their 50th wedding anniversary.

1995\223 Cecil and Margaret Charls, Prairie City – For celebrating their 50th wedding anniversary.

1995\224 Glenn and Doris Richard, Corydon – For celebrating their 60th wedding anniversary.

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 563, a bill for an act relating to the merit system classification of employees of statewide elected officials.

Fiscal Note is not required.

Recommended Do Pass April 17, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 408), relating to the taxation of sales of residential service contracts under the state sales, services, and use taxes.

Fiscal Note is not required.

Recommended Do Pass April 17, 1995.

AMENDMENTS FILED

H-3944	H.F.	530	Senate amendment
H-3945	H.F.	553	Senate amendment
H-3946	S.F.	266	Cohon of Des Moines
H-3947	H.F.	471	Witt of Black Hawk
H-3948	S.F.	208	Murphy of Dubuque
H-3949	H.F.	471	Witt of Black Hawk
H-3950	H.F.	471	Witt of Black Hawk
H-3951	S.F.	201	Dinkla of Guthrie
H-3953	S.F.	150	Jochum of Dubuque
			Burnett of Story
H-3954	S.F.	201	Dinkla of Guthrie
H-3956	S.F.	398	Lamberti of Polk
H-3957	S.F.	266	Daggett of Union
			Brauns of Muscatine
			Gries of Crawford
			Grundberg of Polk
			Boggess of Taylor
			Carroll of Poweshiek
			Ertl of Dubuque
			Welter of Jones
			Houser of Pottawattamie
			Brunkhorst of Bremer
			Main of Jefferson
			Eddie of Buena Vista
			Garman of Story
			Lord of Dallas
			Greig of Emmet
			Hahn of Muscatine
			Huseman of Cherokee
			Klemme of Plymouth
			Schulte of Linn
			Boddicker of Cedar
			Hurley of Fayette
			Sukup of Franklin
			Veenstra of Sioux
			Arnold of Lucas
			Van Fossen of Scott
			Bradley of Clinton
			Greiner of Washington
			Meyer of Sac
			Cornelius of Jackson
			Lamberti of Polk
			Vande Hoef of Osceola
			Branstad of Winnebago
H-3958	S.F.	433	Senate amendment
H-3959	H.F.	471	Boddicker of Cedar
H-3960	S.F.	358	Grubbs of Scott

H-3961	S.F.	432	Coon of Warren
H-3962	S.F.	239	McCoy of Polk
H-3963	S.F.	358	Grubbs of Scott
H-3964	S.F.	266	Grubbs of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 6:38 p.m. until 8:45 a.m., Tuesday, April 18, 1995.

JOURNAL OF THE HOUSE

One Hundreth Calendar Day - Sixty-six Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 18, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Candy Boucher, Marshalltown, Catholic Campus Minister for Drake University.

The Journal of Monday, April 17, 1995 was approved.

SENATE AMENDMENTS CONSIDERED

Arnold of Lucas called up for consideration **House File 128**, a bill for an act relating to administrative procedures of rural water districts, amended by the Senate, and moved that the House concur in the following Senate amendment H-3835:

H-3835

- 1 Amend House File 128, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 331.555, subsection 6, Code
- 6 1995, is amended to read as follows:
- 7 6. The treasurer shall keep all funds invested to
- 8 the extent practicable and may invest the funds
- 9 jointly with one or more counties, judicial district
- 10 departments of correctional services, cities, or city
- 11 utilities, or rural water districts created under
- 12 chapter 357A pursuant to a joint investment agreement.
- 13 All investments of funds shall be subject to sections
- 14 12B.10 and 12B.10A and other applicable law."
- 15 2. Page 1, by inserting after line 15 the
- 16 following:
- 17 "Sec. ____ Section 357A.11, Code 1995, is amended
- 18 by adding the following new subsection:
- 19 NEW SUBSECTION. 12. Place all funds in
- 20 investments to the extent practicable and may invest
- 21 the funds jointly with one or more counties, judicial
- 22 district departments of correctional services, cities,
- 23 or city utilities pursuant to a joint investment
- 24 agreement. All investments of funds shall be subject
- 25 to sections 12B.10 and 12B.10A and other applicable
- 26 law."
- 27 3. Page 1, by inserting after line 31 the
- 28 following:
- 29 "Sec. ____ Section 384.21, Code 1995, is amended

30 to read as follows:

31 384.21 JOINT INVESTMENT OF FUNDS.

32 A city or a city utility board shall keep all funds
33 invested to the extent practicable and may invest the
34 funds jointly with one or more cities, utility boards,
35 judicial district departments of correctional
36 services, or counties, or rural water districts
37 created under chapter 357A pursuant to a joint
38 investment agreement. All investments of funds shall
39 be subject to sections 12B.10 and 12B.10A and other
40 applicable law.

41 Sec. ____ Section 905.6, subsection 4, Code 1995,
42 is amended to read as follows:

43 4. Prepare all budgets and fiscal documents, and
44 certify for payment all expenses and payrolls lawfully
45 incurred by the district department. The director may
46 invest funds which are not needed for current
47 expenses, jointly with one or more cities, city
48 utilities, or counties, or rural water districts
49 created under chapter 357A pursuant to a joint
50 investment agreement. All investment of funds shall

Page 2

1 be subject to sections 12B.10 and 12B.10A and other
2 applicable law."

3 4. Title page, line 1, by inserting after the
4 word "procedures" the following: "and the joint
5 investment of funds".

6 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-3835.

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

On the question "Shall the bill pass?" (H.F. 128)

The ayes were, 96:

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	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	Churchill	Ertl	Grubbs
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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.

Speaker pro tempore Van Maanen of Marion in the chair at 9:05 a.m.

Carroll of Poweshiek called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3837:

H-3837

- 1 Amend House File 483, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 32 the
- 4 following:
- 5 "Sec. ____ Section 222.1, unnumbered paragraph 1,
- 6 Code 1995, is amended to read as follows:
- 7 The Glenwood state hospital-school and the Woodward
- 8 state hospital-school shall be maintained for the
- 9 purpose of providing treatment, training, instruction,
- 10 care, habilitation, and support of ~~mentally-retarded~~
- 11 persons with mental retardation or other disabilities
- 12 in this state."
- 13 2. Page 8, by inserting after line 35 the

14 following:

15 "Sec. ____ Section 222.60, unnumbered paragraph 1,
 16 Code 1995, is amended to read as follows:
 17 All necessary and legal expenses for the cost of
 18 admission or commitment or for the treatment,
 19 training, instruction, care, habilitation, support and
 20 transportation of patients persons with mental
 21 retardation in a state hospital-school ~~for the~~
 22 ~~mentally-retarded~~, or in a special unit, or any public
 23 or private facility within or without the state,
 24 approved by the director of the department of human
 25 services, shall be paid by either."

The motion prevailed and the House concurred in the Senate amendment H-3837.

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

On the question "Shall the bill pass?" (H.F. 483)

The ayes were, 97:

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	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	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:

Brammer

Ertl

Myers

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

Blodgett of Cerro Gordo called up for consideration **House File 41**, a bill for an act relating to the establishment of legal settlement for certain blind persons and providing an effective date, amended by the Senate amendment H-3863 as follows:

H-3863

- 1 Amend House File 41, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 230.12, Code-1995, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 4. An action filed or an
- 8 alternative dispute resolution stipulated to under
- 9 this section is subject to the applicable provisions
- 10 of sections 230.13 and 230.14."
- 11 2. Page 1, line 3, by inserting after the figure
- 12 "6." the following: "a."
- 13 3. Page 1, by striking line 5 and inserting the
- 14 following: "state.
- 15 b. A blind person receiving assistance who has
- 16 resided in".
- 17 4. Page 1, line 7, by inserting after the word
- 18 "chapter" the following: ", except as specified in
- 19 paragraph "c.""
- 20 5. Page 1, by striking lines 8 and 9 and
- 21 inserting the following: "However, a
- 22 c. A blind person who is an inpatient or resident
- 23 of, or is supported".
- 24 6. Page 1, line 18, by inserting after the word
- 25 "located" the following: ", unless the blind person
- 26 has resided in the county in which the institution,
- 27 facility, or provider is located for a period of six
- 28 months prior to the date of commencement of receipt of
- 29 assistance under the laws of this state or for a
- 30 period of six months subsequent to the date of
- 31 termination of assistance under the laws of this
- 32 state".
- 33 7. Page 1, by inserting after line 18 the
- 34 following:
- 35 "Sec. 100. BLIND PERSONS CURRENTLY RECEIVING
- 36 ASSISTANCE — REDETERMINATION — CONTINUATION OF

37 . PAYMENT FOR ASSISTANCE.

38 1. For purposes of redetermination of legal
39 settlement under subsection 2, section 252.17 shall
40 not apply to a blind person who acquired legal
41 settlement in this state on or after July 1, 1994, and
42 prior to the effective date of this Act.

43 2. If legal settlement of a blind person receiving
44 assistance under the laws of this state was
45 established in this state under state law in effect on
46 the effective date of this Act, eligibility of the
47 blind person for future assistance may be
48 redetermined. At the time of the redetermination of
49 the eligibility for assistance, if the blind person
50 had no legal settlement in this state prior to receipt

Page 2

1 of the assistance, the state shall pay the costs of
2 assistance provided under the laws of this state
3 subsequent to the time of redetermination.”

4 8. Page 1, by inserting before line 19 the
5 following:

6 “Sec. ____ APPLICABILITY. With the exception of
7 section 100, this Act shall not be construed to have
8 retroactive applicability or effect and shall not be
9 construed to affect, deny, or negate assistance,
10 service, or treatment provided to individuals prior to
11 the effective date of this Act.”

12 9. Title page, by striking line 2, and inserting
13 the following: “certain persons, providing for the
14 Act’s applicability, and providing an effective date.”

Brauns of Muscatine offered the following amendment H-3931, to
the Senate amendment H-3863 filed by him and moved its adoption:

H-3931

1 Amend the Senate amendment, H-3863, to House File
2 41, as passed by the House, as follows:

3 1. Page 1, by inserting after line 34 the
4 following:

5 “Sec. ____ Section 347.16, subsection 3; Code
6 1995, is amended to read as follows:

7 3. Care and treatment may be furnished in a county
8 public hospital to any sick or injured person who has
9 legal settlement outside the county which maintains
10 the hospital, subject to such policies and rules as
11 the board of hospital trustees may adopt. If care and
12 treatment is provided under this subsection to a
13 person who is indigent, the county in which that
14 person has legal settlement shall pay to the board of
15 hospital trustees the fair and reasonable cost of the
16 care and treatment provided by the county public
17 hospital unless the cost of the indigent person’s care

- 18 and treatment is otherwise provided for. If care and
 19 treatment is provided to an indigent person under this
 20 subsection, the county public hospital furnishing the
 21 care and treatment shall immediately notify, by
 22 regular mail, the auditor of the county of legal
 23 settlement of the indigent person of the provision of
 24 care and treatment to the indigent person."
 25 2. By renumbering as necessary.

Amendment H-3931 was adopted.

On motion by Blodgett of Cerro Gordo, the House concurred in the Senate amendment H-3863, as amended.

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

On the question "Shall the bill pass?" (H.F. 41)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
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
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

Brunkhorst

Ertl

Grundberg

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 41, 128 and 483.**

Boddicker of Cedar called up for consideration **House File 346**, a bill for an act relating to the verification and defendant's signature required for uniform citations and complaints, amended by the Senate, and moved that the House concur in the following Senate amendment H-3902:

H-3902

1 Amend House File 346 as follows:

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

4 "Section 1. Section 805.3, Code 1995, is amended
5 to read as follows:

6 805.3 PROCEDURE.

7 Before the cited person is released, the person
8 shall sign the citation, under penalty of providing
9 false information under section 719.3, properly
10 identifying the person cited. The person's signature
11 shall also serve as a written promise to appear in
12 court at the time and place specified. A copy of the
13 citation shall be given to the person."

14 2. Page 1, by striking lines 1 through 21 and
15 inserting the following:

16 "Sec. ____ Section 805.6, subsection 1, paragraph
17 a, unnumbered paragraph 2, Code 1995, is amended to
18 read as follows:

19 The uniform citation and complaint shall contain
20 spaces for the parties' names; the address of the
21 alleged offender; the registration number of the
22 offender's vehicle; the information required by
23 section 805.2; ~~a promise to appear as provided in~~
24 ~~section 805.3 and a place where the cited person may~~
25 ~~sign the promise to appear; a warning which states "I~~
26 hereby swear and affirm that the information provided
27 by me on this citation is true under penalty of
28 providing false information"; and a statement that
29 providing false information is a violation of section

30 719.3; a list of the scheduled fines prescribed by
 31 section 805.8, either separately or by group, and a
 32 statement of the court costs payable in scheduled
 33 violation cases, whether or not a court appearance is
 34 required or is demanded; a brief explanation of
 35 sections 805.9 and 805.10; and a space where the
 36 defendant may sign an admission of the violation when
 37 permitted by section 805.9; and the uniform citation
 38 and complaint shall require that the defendant appear
 39 before a court at a specified time and place. The
 40 uniform citation and complaint also may contain a
 41 space for the imprint of a credit card, and may
 42 contain any other information which the commissioner
 43 of public safety and the director of natural resources
 44 may determine.”
 45 3. Title page, line 2, by inserting after the
 46 word “complaints” the following: “and to providing
 47 false information on a uniform citation and complaint
 48 and making an existing penalty applicable”.

The motion prevailed and the House concurred in the Senate amendment H-3902.

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

On the question “Shall the bill pass?” (H.F. 346)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	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	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:

Brammer	Brunkhorst	Ertl
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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.

Meyer of Sac called up for consideration **House File 289**, a bill for an act relating to solid waste tonnage fees, amended by the Senate, and moved that the House concur in the following Senate amendment H-3833:

H-3833

- 1 Amend House File 289 as amended, passed; and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 24, by striking the word "twenty-
- 4 five" and inserting the following: "twenty-five
- 5 fifty".

The motion prevailed and the House concurred in the Senate amendment H-3833.

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

On the question "Shall the bill pass?" (H.F. 289)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Branstad	Brauns	Brnett	Carroll
Cataldo	Churchill	Cohon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorsen
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	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, 6:

Boddicker	Brammer	Brunkhorst	Ertl
Greig	Schulte		

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 289 and 346.**

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **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.

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

On the question "Shall the bill pass?" (S.F. 292)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Branstad	Brauns	Brunkhorst

Burnett	Carrroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
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	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalfe
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	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

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

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

Metcalfe 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. 347)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley

Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drees	Eddie	Fallon	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	Shultz	Siegrist
Sukup	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Wise	Witt	Van Maanen, Presiding

The nays were, 2:

Churchill Garman

Absent or not voting, 6:

Brammer Brunkhorst Drake Ertl
Teig Welter

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

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

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

On the question "Shall the bill pass?" (S.F. 228)

The ayes were, 97:

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	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	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:

Brammer Ertl 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: **Senate Files 228, 292, and 347.**

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

Coon of Warren offered the following amendment H-3818 filed by the committee on judiciary and moved its adoption:

H-3818

- 1 Amend Senate File 432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by inserting after the words
- 4 "notify the" the following: "county attorney for the
- 5 county in which the person was convicted and the".

The committee amendment H-3818 was adopted.

Coon of Warren offered the following amendment H-3843 filed by him and moved its adoption:

H-3843

- 1 Amend Senate File 432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 35 through page 2,
- 4 line 22.
- 5 2. Page 2, line 33, by striking the word
- 6 "corrections" and inserting the following: "human
- 7 services".
- 8 3. Title page, by striking lines 1 through 3 and
- 9 inserting the following: "An Act relating to sexually
- 10 violent predators, by providing notice of the petition
- 11 to the attorney general by specifying the location for
- 12 trial, by requiring the state to pay the".
- 13 4. By renumbering as necessary.

Amendment H-3843 was adopted.

Coon of Warren offered the following amendment H-3961 filed by him and moved its adoption:

H-3961

- 1 Amend Senate File 432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 7 the
- 4 following:
- 5 "Sec. ____ Section 910A.9A, Code 1995, is amended
- 6 to read as follows:
- 7 910A.9A NOTIFICATION BY DEPARTMENT OF HUMAN
- 8 SERVICES.
- 9 The department of human services shall notify a
- 10 victim registered with the department, regarding a
- 11 juvenile adjudicated delinquent for a violent crime,
- 12 committed to the custody of the department of human
- 13 services, and placed at the state training school at
- 14 Eldora or Toledo, or regarding a person determined to
- 15 be a sexually violent predator under chapter 709C, and
- 16 committed to the custody of the department of human

17 services, of the following:

18 1. The date on which the juvenile or sexually
19 violent predator is expected to be temporarily
20 released from the custody of the department of human
21 services, and whether the juvenile is expected to
22 return to the community where the registered victim
23 resides.

24 2. The juvenile's or the sexually violent
25 predator's escape from custody.

26 3. The recommendation by the department to
27 consider the juvenile or sexually violent predator for
28 release or placement.

29 4. The date on which the juvenile or sexually
30 violent predator is expected to be released from a
31 facility pursuant to a plan of placement."

32 2. Title page, line 5, by inserting after the
33 word "proceedings," the following: "providing for
34 notification of victims,".

35 3. By numbering and renumbering as necessary.

Amendment H-3961 was adopted.

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

On the question "Shall the bill pass?" (S.F. 432)

The ayes were, 98:

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	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	Shultz	Siegrist
Sukup	Teig	Thomson	Tyrrell

Van Fossen
Weidman
Witt

Vande Hoef
Weigel
Van Maanen,
Presiding

Veenstra
Welter

Warnstadt
Wise

The nays were, none.

Absent or not voting, 2:

Brammer

Ertl

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

The House resumed consideration of **Senate File 85**, a bill for an act providing for the regulation of farm deer and making penalties applicable, previously deferred and placed on the unfinished business calendar.

Salton of Palo Alto offered the following amendment H-3555 filed by the committee on agriculture and moved its adoption:

H-3555

- 1 Amend Senate File 85, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the word "deer"
- 4 and inserting the following: "deer";
- 5 2. Page 1, line 7, by striking the word "elk" and
- 6 inserting the following: "elk";
- 7 3. Page 2, by striking lines 15 through 28.

The committee amendment H-3555 was adopted.

Salton of Palo Alto offered amendment H-3920 filed by him and requested division as follows:

H-3920

- 1 Amend Senate File 85, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-3920A

- 3 1. By striking page 1, line 1 through page 2,
- 4 line 14.

H-3920B

- 5 2. Page 2, by striking line 32 and inserting the
- 6 following: "farm deer. As used in this paragraph."

H-3920B

7 "farm deer" means an animal belonging to the cervidae
 8 family and classified as part of the dama species of
 9 the dama genus, commonly referred to as fallow deer;
 10 part of the elaphus species of the cervus genus,
 11 commonly referred to as red deer or elk; or part of
 12 the nippon species of the cervus genus, commonly
 13 referred to as sika. However, a farm deer does not
 14 include any unmarked free ranging elk."

15 3. Page 3, line 1, by inserting after the word
 16 "deer" the following: "as defined in section
 17 481A.1".

18 4. Page 3, by inserting after line 2 the
 19 following:

20 "Sec. ____ The department of agriculture and land
 21 stewardship shall conduct a study relating to the
 22 needs and desirability of adopting or enhancing animal
 23 health requirements including health certificates for
 24 farm deer. In conducting the study, the department
 25 shall solicit comments and participation from
 26 organizations representing farm deer producers, cattle
 27 producers, pork producers, sheep producers, and the
 28 department of natural resources. As used in this
 29 section, "farm deer" means an animal belonging to the
 30 cervidae family and classified as part of the dama
 31 species of the dama genus, commonly referred to as
 32 fallow deer; part of the elaphus species of the cervus
 33 genus, commonly referred to as red deer or elk; or
 34 part of the nippon species of the cervus genus,
 35 commonly referred to as sika. However, a farm deer
 36 does not include any unmarked free ranging elk."

37 5. By renumbering as necessary.

Salton of Palo Alto asked and received unanimous consent to with-
 draw amendment H-3920A.

On motion by Salton of Palo Alto, amendment H-3920B, was
 adopted.

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

On the question "Shall the bill pass?" (S.F. 85)

The ayes were, 90:

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	Eddie	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	Main
Martin	Mascher	May	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Sukup	Teig	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 4:

Drees	Grundberg	McCoy	Mertz
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Absent or not voting, 6:

Brammer	Corbett, Spkr.	Ertl	Murphy
Siegrist	Thomson		

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

The House resumed consideration of **Senate File 106**, a bill for an act to provide disaster leave for certain state employees, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 106)

The ayes were, 95:

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

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
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	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Ertl	Grundberg
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: **Senate Files 85, 106 and 432.**

HOUSE REFUSED TO CONCUR

Hahn of Muscatine called up for consideration **House File 553**, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3945:

H-3945

- 1 Amend House File 553, as amended, passed, and
- 2 reprinted by the House, as follows:

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

5 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

6 Section 1. GENERAL APPROPRIATION. There is
7 appropriated from the general fund of the state to the
8 department of agriculture and land stewardship for the
9 fiscal year beginning July 1, 1995, and ending June
10 30, 1996, the following amounts, or so much thereof as
11 is necessary, to be used for the purposes designated:

12 1. ADMINISTRATIVE DIVISION

13 a. For salaries, support, maintenance, the support
14 of the state 4-H foundation, support of the statistics
15 bureau, and miscellaneous purposes, and for the
16 salaries and support of not more than the following
17 full-time equivalent positions:

18	\$	1,763,343
19	FTEs	44.50

20 (1) Of the funds appropriated in this paragraph
21 "a", \$319,550 and 7.00 FTEs shall be used to support
22 horticulture.

23 (2) Of the amount appropriated in this paragraph
24 "a", \$50,000 shall be allocated to the state 4-H
25 foundation to foster the development of Iowa's youth
26 and to encourage them to study the subject of
27 agriculture.

28 (3) Of the amount appropriated in this paragraph
29 "a", \$130,100 and 4.00 FTEs shall be allocated to the
30 statistics bureau to provide county-by-county
31 information on land in farms, production by crop,
32 acres by crop, and county prices by crop. This
33 information shall be made available to the department
34 of revenue and finance for use in the productivity
35 formula for valuing and equalizing the values of
36 agricultural land.

37 (4) Of the amount appropriated in this paragraph
38 "a", not more than \$5,000 shall be allocated to the
39 Iowa polled hereford junior association in connection
40 with the 1995 national junior hereford show.

41 (5) As a condition of the amount appropriated in
42 this paragraph "a", none of the following positions
43 shall be supported from the amount:

44 (a) Any executive officer II in the department
45 after September 30, 1995.

46 (b) Any public service executive II in the
47 information bureau after June 30, 1995.

48 (c) Any information specialist III in the
49 information bureau after June 30, 1995.

50 b. For the operations of the dairy trade practices

2	.....	\$	66,273
3	c. For the purpose of performing commercial feed		
4	audits:		
5	.....	\$	61,932
6	d. For the purpose of performing fertilizer		
7	audits:		
8	.....	\$	61,932
9	2. REGULATORY DIVISION		
10	a. For salaries, support, maintenance,		
11	miscellaneous purposes, and for not more than the		
12	following full-time equivalent positions:		
13	.....	\$	3,792,298
14	.....	FTEs	122.50
15	Of the moneys appropriated in this paragraph "a",		
16	\$34,300 is allocated for purposes of purchasing		
17	equipment for grain examiners to comply with		
18	requirements of the United States department of labor		
19	occupational safety and health administration.		
20	b. For the costs of inspection, sampling,		
21	analysis, and other expenses necessary for the		
22	administration of chapters 192, 194, and 195:		
23	.....	\$	642,122
24	3. LABORATORY DIVISION		
25	a. For salaries, support, maintenance, and		
26	miscellaneous purposes, including the administration		
27	of the gypsy moth program, and for not more than the		
28	following full-time equivalent positions:		
29	.....	\$	845,528
30	.....	FTEs	76.10
31	(1) Of the amount appropriated in this paragraph		
32	"a", \$110,000 shall be used to administer a program		
33	relating to the detection, surveillance, and		
34	eradication of the gypsy moth. The department shall		
35	allocate and use the appropriation made in this		
36	paragraph before moneys other than those appropriated		
37	in this paragraph are used to support the program.		
38	(2) Of the amount appropriated in this paragraph		
39	"a", \$25,000 shall be allocated to Iowa state		
40	university for purposes of supporting multiflora rose		
41	eradication research and projects.		
42	(3) Of the amount appropriated in this paragraph		
43	"a", \$25,000 shall be allocated to support aerial		
44	spray calibration efforts at Iowa state university.		
45	b. For the operations of the commercial feed		
46	programs:		
47	.....	\$	735,631
48	c. For the operations of the pesticide programs:		
49	.....	\$	1,271,464
50	Of the amount appropriated in this paragraph "c",		

Page 3

- 1 \$200,000 shall be allocated to Iowa state university
- 2 for purposes of training commercial pesticide
- 3 applicators.
- 4 d. For the operations of the fertilizer programs:

5	\$	626,630
6 4. SOIL CONSERVATION DIVISION		
7 a. For salaries, support, maintenance, assistance		
8 to soil conservation districts, miscellaneous		
9 purposes, and for not more than the following full-		
10 time equivalent positions:		
11	\$	5,676,476
12	FTEs	177.30
13 (1) Of the amount appropriated in this paragraph		
14 "a", \$330,000 shall be used to reimburse commissioners		
15 of soil and water conservation districts for		
16 administrative expenses. Moneys used for the payment		
17 of meeting dues by counties shall be matched on a		
18 dollar-for-dollar basis by the soil conservation		
19 division.		
20 (2) Of the amount appropriated and the number of		
21 full-time equivalent positions allocated in this		
22 paragraph "a", \$165,000 and 6.50 FTEs shall be used to		
23 provide that 13 part-time field office secretary I		
24 positions are made full-time positions. Of the amount		
25 appropriated and the number of full-time equivalent		
26 positions allocated in paragraph "a", \$55,000 and 1		
27 FTE shall be used to support a public service		
28 executive I position in the field services section of		
29 the division.		
30 b. To provide financial incentives for soil		
31 conservation practices under chapter 161A:		
32	\$	5,918,606
33 c. The following requirements apply to the moneys		
34 appropriated in paragraph "b":		
35 (1) Not more than 5 percent of the moneys		
36 appropriated in paragraph "b" may be allocated for		
37 cost sharing to abate complaints filed under section		
38 161A.47.		
39 (2) Of the moneys appropriated in paragraph "b", 5		
40 percent shall be allocated for financial incentives to		
41 establish practices to protect watersheds above		
42 publicly owned lakes of the state from soil erosion		
43 and sediment as provided in section 161A.73.		
44 (3) Not more than 30 percent of a district's		
45 allocation of moneys as financial incentives may be		
46 provided for the purpose of establishing management		
47 practices to control soil erosion on land that is row		
48 cropped, including but not limited to no-till		
49 planting, ridge-till planting, contouring, and contour		
50 strip-cropping as provided in section 161A.73.		

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- 1 (4) The state soil conservation committee created
- 2 in section 161A.4 may allocate moneys to conduct
- 3 research and demonstration projects to promote
- 4 conservation tillage and nonpoint source pollution
- 5 control practices.
- 6 (5) The financial incentive payments may be used
- 7 in combination with department of natural resources

8 moneys.
 9 d. The provisions of section 8.33 shall not apply
 10 to the moneys appropriated in paragraph "b".
 11 Unencumbered or unobligated moneys remaining on June
 12 30, 1999, from moneys appropriated in paragraph "b"
 13 for the fiscal year beginning July 1, 1995, shall
 14 revert to the general fund on August 31, 1999.

15 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
 16 appropriated from the general fund of the state to the
 17 department of agriculture and land stewardship for the
 18 fiscal year beginning July 1, 1995, and ending June
 19 30, 1996, the following amount, or so much thereof as
 20 is necessary, to be used for the purposes designated:

21 For salaries, support, maintenance, and
 22 miscellaneous purposes, to be used by the department
 23 to continue and expand the farmers' market coupon
 24 program by providing federal special supplemental food
 25 program recipients with coupons redeemable at farmers'
 26 markets, and for not more than the following full-time
 27 equivalent positions:
 28 \$ 215,335
 29 FTEs 1.00

30 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

31 1. There is appropriated from the general fund of
 32 the state to the department of agriculture and land
 33 stewardship for the fiscal year beginning July 1,
 34 1995, and ending June 30, 1996, the following amount,
 35 or so much thereof as is necessary, to be used for the
 36 purpose designated:

37 For support of the pseudorabies eradication
 38 program:
 39 \$ 900,200

40 2. Persons, including organizations interested in
 41 swine production in this state and in the promotion of
 42 Iowa pork products who contribute support to the
 43 program, are encouraged to increase financial support
 44 for purposes of ensuring the program's effective
 45 continuation.

46 Sec. 4. HORSE AND DOG RACING. There is
 47 appropriated from the moneys available under section
 48 99D.13 to the regulatory division of the department of
 49 agriculture and land stewardship for the fiscal year
 50 beginning July 1, 1995, and ending June 30, 1996, the

Page 5

1 following amount, or so much thereof as is necessary,
 2 to be used for the purpose designated:
 3 For salaries, support, maintenance, and
 4 miscellaneous purposes for the administration of
 5 section 99D.22:
 6 \$ 191,106

7 Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN
 8 MARKETING. There is appropriated from the general
 9 fund of the state to the interstate agricultural grain
 10 marketing commission for the fiscal year beginning
 11 July 1, 1995, and ending June 30, 1996, the following

12 amount, or so much thereof as is necessary, to be used
 13 for the purpose designated:
 14 For carrying out duties of the commission as
 15 provided in Article IV of the interstate compact on
 16 agricultural grain marketing as provided in chapter
 17 183:

18 \$ 80,000

19 DEPARTMENT OF NATURAL RESOURCES

20 Sec. 6. GENERAL APPROPRIATION. There is
 21 appropriated from the general fund of the state to the
 22 department of natural resources for the fiscal year
 23 beginning July 1, 1995, and ending June 30, 1996, the
 24 following amounts, or so much thereof as is necessary,
 25 to be used for the purposes designated:

26 1. ADMINISTRATIVE AND SUPPORT SERVICES

27 For salaries, support, maintenance, miscellaneous
 28 purposes, and for not more than the following full-
 29 time equivalent positions:

30 \$ 1,834,654

31 FTEs 113.50

32 2. PARKS AND PRESERVES DIVISION

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-
 35 time equivalent positions:

36 \$ 5,510,462

37 FTEs 195.73

38 3. FORESTS AND FORESTRY DIVISION

39 For salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-
 41 time equivalent positions:

42 \$ 1,479,218

43 FTEs 48.71

44 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-
 47 time equivalent positions:

48 \$ 1,663,582

49 FTEs 52.00

50 5. ENVIRONMENTAL PROTECTION DIVISION

Page 6

1 a. For salaries, support, maintenance,
 2 miscellaneous purposes, and for not more than the
 3 following full-time equivalent positions:

4 \$ 1,591,943

5 FTEs 206.00

6 b. Of the amount appropriated and the number of
 7 full-time equivalent positions allocated in paragraph
 8 "a" at least \$49,300 and 1 FTE shall be used to
 9 support the regulation of animal feeding operations.

10 6. WATER QUALITY PROTECTION FUND

11 a. For allocation to the administrative account of
 12 the water quality protection fund established pursuant
 13 to section 455B.183A, to carry out the purpose of that
 14 account:

15 \$ 404,000

16 b. Of the number of FTEs authorized in subsection
 17 5, paragraph "a", 36 FTEs shall be dedicated to
 18 carrying out the provisions of chapter 455B relating
 19 to the administration, regulation, and enforcement of
 20 the federal Safe Drinking Water Act and to support the
 21 program to assist supply systems as provided in
 22 section 455B.183B. However, the limitation on full-
 23 time equivalent positions provided in subsection 5,
 24 paragraph "a", shall not limit the number of
 25 additional full-time equivalent positions supported by
 26 moneys deposited in the water quality protection fund
 27 as provided in section 455B.183A, in order to carry
 28 out the provisions of division III of chapter 455B
 29 relating to the administration, regulation, and
 30 enforcement of the federal Safe Drinking Water Act,
 31 and the administration of the program to assist supply
 32 systems pursuant to section 455B.183B.

33 c. In providing assistance under this subsection,
 34 the department shall provide priority to systems
 35 serving a population of seven thousand or less. At
 36 least two FTEs shall be allocated to provide
 37 assistance to systems serving a population of seven
 38 thousand or less.

39 7. FISH AND WILDLIFE DIVISION

40 For not more than the following full-time
 41 equivalent positions:

42 FTEs 340.93

43 8. WASTE MANAGEMENT ASSISTANCE DIVISION

44 For not more than the following full-time
 45 equivalent positions:

46 FTEs 16.75

47 Sec. 7. STATE FISH AND GAME PROTECTION FUND —
 48 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

49 1. There is appropriated from the state fish and
 50 game protection fund to the division of fish and

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1 wildlife of the department of natural resources for
 2 the fiscal year beginning July 1, 1995, and ending
 3 June 30, 1996, the following amount, or so much
 4 thereof as is necessary, to be used for the purposes
 5 designated:

6 For administrative support, and for salaries,
 7 support, maintenance, equipment, and miscellaneous
 8 purposes:

9 \$ 20,637,657

10 2. The department shall not expend more moneys
 11 from the fish and game protection fund than provided
 12 in this section, unless the expenditure derives from
 13 contributions made by a private entity, or a grant or
 14 moneys received from the federal government, and is
 15 approved by the natural resource commission. The
 16 department of natural resources shall promptly notify
 17 the legislative fiscal bureau and the chairpersons and
 18 ranking members of the joint appropriations
 19 subcommittee on agriculture and natural resources

20 concerning the commission's approval.

21 Sec. 8. MARINE FUEL TAX RECEIPTS — NONCAPITALS
 22 AND BOATING FACILITIES AND ACCESS. There is
 23 appropriated from the marine fuel tax receipts
 24 deposited in the general fund of the state to the
 25 department of natural resources for the fiscal year
 26 beginning July 1, 1995, and ending June 30, 1996, the
 27 following amounts, or so much thereof as is necessary,
 28 to be used for the purposes designated:

29 1. For purposes of funding expenditures
 30 traditionally funded from marine fuel tax revenues,
 31 but not considered as capitals or operations:

32 \$ 200,000

33 2. For purposes of maintaining and developing
 34 boating facilities and access to public waters by the
 35 parks and preserves division:

36 \$ 411,311

37 Notwithstanding section 8.33, the unencumbered or
 38 unobligated moneys remaining on June 30, 1996, from
 39 moneys appropriated in subsection 1, may be expended
 40 during the fiscal year beginning July 1, 1996, and
 41 ending June 30, 1997, and shall not revert to the
 42 general fund until August 31, 1997.

43 Sec. 9. SNOWMOBILE FEES — TRANSFER FOR
 44 ENFORCEMENT PURPOSES. There is transferred on July 1,
 45 1995, from the fees deposited under section 321G.7 to
 46 the fish and game protection fund and appropriated to
 47 the department of natural resources for the fiscal
 48 year beginning July 1, 1995, and ending June 30, 1996,
 49 the following amount, or so much thereof as is
 50 necessary, to be used for the purpose designated:

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1 For the purpose of enforcing snowmobile laws as
 2 part of the state snowmobile program administered by
 3 the department of natural resources:

4 \$ 100,000

5 Sec. 10. VESSEL FEES — TRANSFER FOR ENFORCEMENT
 6 PURPOSES. There is transferred on July 1, 1995, from
 7 the fees deposited under section 462A.52 to the fish
 8 and game protection fund and appropriated to the
 9 department of natural resources for the fiscal year
 10 beginning July 1, 1995, and ending June 30, 1996, the
 11 following amount, or so much thereof as is necessary,
 12 to be used for the purpose designated:

13 For purposes of administration and enforcement of
 14 navigation laws and water safety:

15 \$ 1,200,000

16 RESOURCES ENHANCEMENT AND PROTECTION

17 Sec. 11. GENERAL APPROPRIATION. Notwithstanding
 18 the amount of the standing appropriation from the
 19 general fund of the state under section 455A.18,
 20 subsection 3, there is appropriated from the general
 21 fund of the state to the Iowa resources enhancement
 22 and protection fund, in lieu of the appropriation made
 23 in section 455A.18, for the fiscal year beginning July

24 1, 1995, and ending June 30, 1996, the sum of
 25 \$8,000,000, of which all moneys shall be allocated as
 26 provided in section 455A.19.

27 ANIMAL INDUSTRY APPROPRIATIONS

28 Sec. 12. LIVESTOCK PRODUCERS ASSISTANCE.

29 1. There is appropriated from the general fund of
 30 the state to Iowa state university of science and
 31 technology, for the fiscal year beginning July 1,
 32 1995, and ending June 30, 1996, the following amount,
 33 or so much thereof as is necessary, to be used for the
 34 purposes designated:

35 For the administration of the livestock producers
 36 assistance program established pursuant to section
 37 266.39D, including salaries, support, maintenance,
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:

40	\$	100,000
41	FTEs	1.66

42 2. As a condition of this appropriation, the
 43 university shall strive to ensure that the program
 44 becomes increasingly self-sufficient. The university
 45 shall adopt a plan detailing the manner in which the
 46 program will become self-sufficient, including the
 47 expected amount of state funds necessary to support
 48 the program until it becomes self-sufficient, the
 49 sources of revenue expected to contribute to the
 50 program, and the amount each source is expected to

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1 contribute to the program. The plan shall be
 2 submitted to the legislative fiscal bureau by November
 3 1, 1995.

4 3. The provisions of section 8.33 shall not apply
 5 to the moneys appropriated in this section.
 6 Unencumbered or unobligated moneys remaining on June
 7 30, 1999, from moneys appropriated in this section for
 8 the fiscal year beginning July 1, 1995, shall revert
 9 to the general fund on August 31, 1999.

10 Sec. 13. ORGANIC NUTRIENT MANAGEMENT.

11 1. There is appropriated from the general fund of
 12 the state to the department of agriculture and land
 13 stewardship for the fiscal year beginning July 1,
 14 1995, and ending June 30, 1996, the following amount,
 15 or so much thereof as is necessary, to be used for the
 16 purposes designated:

17 For deposit in the organic nutrient management fund
 18 for administration of the organic nutrient management
 19 program, as provided in section 161C.6:

20	\$	400,000
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21 2. Notwithstanding section 161C.5, unencumbered or
 22 unobligated moneys remaining on June 30, 1999, from
 23 moneys appropriated in this section for the fiscal
 24 year beginning July 1, 1995, shall revert to the
 25 general fund on August 31, 1999.

26 RELATED APPROPRIATIONS

27 Sec. 14. TRANSFERS FROM THE WATER PROTECTION FUND.

28 Notwithstanding section 161C.4 and the reversion and
 29 allocation provisions in section 455A.19, subsection
 30 1, paragraph "c", of the unencumbered and unobligated
 31 moneys remaining on the effective date of this
 32 section, in the water protection fund created pursuant
 33 to section 161C.4, the following amounts shall be
 34 transferred first from the water protection practices
 35 account, and if necessary from the water quality
 36 protection projects account, which shall be used for
 37 the following purposes:

38 1. To the organic nutrient management fund created
 39 in section 161C.5 for the purposes of carrying out the
 40 organic nutrient management program as provided in
 41 section 161C.6:

42 \$ 350,000

43 2. To provide financial incentives for soil
 44 conservation practices under chapter 161A, as provided
 45 in section 1 of this Act:

46 \$ 500,000

47 Moneys provided in this section shall be
 48 transferred first to the organic nutrient management
 49 fund as provided in subsection 1 before remaining
 50 moneys are transferred to provide financial incentives

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1 for soil conservation as provided in subsection 2.
 2 The provisions of section 8.33 shall not apply to
 3 the moneys transferred pursuant to this section.
 4 Unencumbered or unobligated moneys remaining on June
 5 30, 1999, from moneys transferred pursuant to this
 6 section for the fiscal year beginning July 1, 1995,
 7 shall revert to the account from which transferred on
 8 August 31, 1999.

9 Sec. 15. REVENUE ADMINISTERED BY THE IOWA
 10 COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD —
 11 TRANSFER. There is appropriated from the unassigned
 12 revenue fund administered by the Iowa comprehensive
 13 underground storage tank fund board, to the department
 14 of natural resources for the fiscal year beginning
 15 July 1, 1995, and ending June 30, 1996, the following
 16 amount, or so much thereof as is necessary, to be used
 17 for the purpose designated:

18 For administration expenses of the underground
 19 storage tank section of the department of natural
 20 resources:

21 \$ 75,000

22 Sec. 16. TRANSFER — AIR QUALITY. For the fiscal
 23 year beginning July 1, 1995, and ending June 30, 1996,
 24 the department of natural resources may transfer up to
 25 \$281,000 from the hazardous substance remedial fund to
 26 support purposes related to carrying out the duties of
 27 the commission under section 455B.133, or the director
 28 under section 455B.134, or for carrying out the
 29 provisions of chapter 455B, division II.

30 Sec. 17. WIND EROSION CONTROL FUND. On the
 31 effective date of this section, all unencumbered or

32 unobligated moneys appropriated to the wind erosion
33 control fund, and any unencumbered or unobligated
34 moneys which have been credited to the division of
35 soil conservation of the department of agriculture and
36 land stewardship for purposes of planting and
37 maintaining wind erosion control barriers, as
38 originally provided in 1978 Iowa Acts, chapter 1108,
39 section 7, and subsequently amended, shall be
40 transferred to the road use tax fund created in
41 section 312.1.

42 MISCELLANEOUS

43 Sec. 18. STATE NURSERIES. Notwithstanding section
44 17A.2, subsection 10, paragraph "g", the department of
45 natural resources shall adopt administrative rules
46 establishing prices of plant material grown at the
47 state forest nurseries to cover all expenses related
48 to the growing of the plants.

49 The department shall develop programs to encourage
50 the wise management and preservation of existing

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1 woodlands and shall continue its efforts to encourage
2 forestation and reforestation on private and public
3 lands in the state.

4 The department shall encourage a cooperative
5 relationship between the state forest nurseries and
6 private nurseries in the state in order to achieve
7 these goals.

8 Sec. 19. HUNGRY CANYONS CONFERENCE.

9 1. The department of natural resources in
10 cooperation with the loess hills development and
11 conservation authority, shall sponsor a conference not
12 later than September 1, 1995, regarding the erosion
13 and degradation of stream channels in counties in the
14 deep loess region of western Iowa, and specifically
15 the area referred to as hungry canyons. The
16 conference shall discuss the impacts of the erosion
17 and degradation of stream channels in the area and its
18 adverse effect upon rural infrastructure, including
19 public roads and bridges, agricultural production,
20 stream water quality, and riparian habitat. The
21 conference shall consider impacts of policies of the
22 United States army corps of engineers upon the area.

23 2. Conferees shall include representatives of the
24 department of natural resources, the loess hills
25 development and conservation authority, the division
26 of soil conservation of the department of agriculture
27 and land stewardship, and the state department of
28 transportation. Each soil and water conservation
29 district in the area may elect one commissioner to
30 serve as a conferee. Each county board of supervisors
31 in a county in the area may elect one supervisor to
32 serve as a conferee. The department of natural
33 resources shall invite other interested persons to
34 serve as conferees, including members of Iowa's
35 congressional delegation, the chairperson and ranking

36 member of the standing committee on natural resources,
37 environment and energy of the senate, the chairperson
38 and ranking member of the standing committees on
39 natural resources and environmental protection of the
40 house of representatives, the chairpersons and ranking
41 members of the joint appropriations subcommittee on
42 agriculture and natural resources, members of the Iowa
43 general assembly who represent affected legislative
44 districts, and representatives of the United States
45 army corps of engineers, the United States
46 environmental protection agency, the United States
47 department of interior, and the natural resources
48 conservation service of the United States department
49 of agriculture.

50 3. The department of natural resources shall

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1 report to the general assembly not later than January
2 15, 1996, regarding findings and recommendations of
3 the conferees.

4 Sec. 20. TRANSFER OF MONEYS OR POSITIONS; CHANGES
5 IN TABLES OF ORGANIZATION — NOTIFICATION. Each

6 fiscal quarter of the fiscal year beginning July 1,
7 1995, the department of agriculture and land
8 stewardship and the department of natural resources
9 shall notify the chairpersons, vice chairpersons, and
10 ranking members of the joint appropriations
11 subcommittee on agriculture and natural resources for
12 the previous fiscal quarter of any transfer of moneys
13 or full-time equivalent positions made by either
14 department which is not authorized in this Act, or any
15 permanent position added to or deleted from either
16 department's table of organization.

17 Sec. 21. TRUST FUND INFORMATION. For the fiscal
18 year beginning July 1, 1995, and ending June 30, 1996,
19 the department of revenue and finance in cooperation
20 with each appropriate agency shall track receipts to
21 the general fund of the state which under law were
22 previously collected to be used for specific purposes,
23 or to be credited to, or be deposited to a particular
24 account or fund, as provided in section 8.60.

25 The department of revenue and finance and each
26 appropriate agency shall prepare reports detailing
27 revenue from receipts previously deposited into each
28 of the funds. A report shall be submitted to the
29 legislative fiscal bureau at least once for each
30 three-month period as designated by the legislative
31 fiscal bureau.

32 Sec. 22. DEPARTMENTAL INFORMATION REQUIRED.

33 1. For the fiscal year beginning July 1, 1995, and
34 ending June 30, 1996, the department of agriculture
35 and land stewardship and the department of natural
36 resources, in cooperation as necessary with the
37 department of management and the department of
38 personnel, shall provide a list to the legislative
39 fiscal bureau, on a quarterly basis, of all permanent

40 positions added to or deleted from the departments'
41 table of organization in the previous fiscal quarter.
42 This list shall include at least the position number,
43 salary range, projected funding source or sources of
44 each position, and the reason for the addition or
45 deletion. The legislative fiscal bureau may use this
46 information to assist in the establishment of the
47 full-time equivalent position limits authorized in law
48 for the departments.
49 2. For the fiscal year beginning July 1, 1995, and
50 ending June 30, 1996, the department of natural

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1 resources shall provide the legislative fiscal bureau
2 information and financial data by cost center, on at
3 least a monthly basis, relating to the indirect cost
4 accounting procedure, the amount of funding from each
5 funding source for each cost center, and the internal
6 budget system used by the department. The information
7 shall include but is not limited to financial data
8 covering the department's budget by cost center and
9 funding source prior to the start of the fiscal year,
10 and to the department's actual expenditures by cost
11 center and funding source after the accounting system
12 has been closed for that fiscal year.

13 3. For the fiscal year beginning July 1, 1995, and
14 ending June 30, 1996, the department of agriculture
15 and land stewardship shall provide the legislative
16 fiscal bureau information and financial data on at
17 least a monthly basis, relating to the internal budget
18 system used by the department. The information shall
19 include but is not limited to financial data covering
20 the department's budget prior to the start of the
21 fiscal year, and to the department's actual
22 expenditures after the accounting system has been
23 closed for that fiscal year.

24 **Sec. 23. DIRECTION TO CODE EDITOR — UPDATE**
25 **REFERENCES TO UNITS REORGANIZED UNDER THE UNITED**
26 **STATES DEPARTMENT OF AGRICULTURE.** The Code editor is
27 directed, to every extent possible, to update
28 references in the Code relating to units of government
29 under the authority of the United States department of
30 agriculture to conform with the current names of those
31 units.

32 **Sec. 24. PREFERENCE PROVIDED — PERSONS MEETING**
33 **ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.**
34 In its employment of persons in temporary positions in
35 conservation and outdoor recreation for the fiscal
36 year beginning July 1, 1995, and ending June 30, 1996,
37 the department of natural resources shall give
38 preference to persons meeting eligibility requirements
39 for the green thumb program and to persons working
40 toward an advanced education in natural resources and
41 conservation.

42 **Sec. 25. GYPSY MOTH LITIGATION.** The department of
43 agriculture and land stewardship and the office of the

44 attorney general shall cooperate in bringing legal
 45 action against parties liable for damages caused by
 46 the shipment from the state of Michigan of trees or
 47 other plants infested with gypsy moths.

48 Sec. 26. SOIL CONSERVATION DIVISION — USE OF
 49 UNOBLIGATED MONEYS FOR THE PURCHASE OF EQUIPMENT.
 50 Notwithstanding section 8.33, or 1994 Iowa Acts,

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1 chapter 1199, section 8, subsection 17, and section
 2 88, the moneys appropriated to the soil conservation
 3 division of the department of agriculture and land
 4 stewardship pursuant to chapter 1199, section 8,
 5 subsection 17, and section 88, which are not obligated
 6 or encumbered on June 30, 1995, for purposes of
 7 supporting soil conservation technicians, shall not
 8 revert to the general fund of the state but shall be
 9 used by the division of soil conservation for the
 10 fiscal year beginning July 1, 1995, and ending June
 11 30, 1996, for purposes of purchasing equipment for
 12 soil conservation field offices.

13 Sec. 27. ANIMAL FEEDING OPERATIONS — PILOT
 14 PROJECTS. There is appropriated from the general fund
 15 of the state to the division of soil conservation of
 16 the department of agriculture and land stewardship for
 17 the fiscal year beginning July 1, 1995, and ending
 18 June 30, 1996, the following amount, or so much
 19 thereof as is necessary, to be used for the purposes
 20 designated:

21 For purposes of supporting pilot projects to
 22 determine the impact of plantings, including fast
 23 growing trees, surrounding manure storage structures
 24 which are connected to or part of an animal feeding
 25 operation, in reducing or redirecting the dispersal of
 26 odor originating from such structure:

27 \$ 50,000

28 The moneys shall be awarded to the owner of an
 29 animal feeding operation who applies to the division
 30 according to procedures adopted by the division. The
 31 division shall provide for an initial application
 32 period of sixty days in which not more than one person
 33 from each county may be awarded moneys under this
 34 section. After the completion of the initial
 35 application period, any person may be awarded moneys
 36 under this section, regardless of whether another
 37 person in the same county has received an award. All
 38 moneys shall be awarded on a cost-share basis.
 39 However, a person shall not receive more than \$1,500,
 40 regardless of the number of animal feeding operations
 41 owned by the person.

42 The division shall submit a report containing
 43 findings and recommendations to the general assembly
 44 not later than January 10, 1998.

45 On August 31 following the close of the fiscal year
 46 beginning July 1, 1995, and ending June 30, 1996,
 47 moneys which are not obligated or encumbered on June

48 30, 1996, shall be deposited into the organic nutrient
49 management fund as created in section 161C.5 for
50 purposes of supporting the organic nutrient management

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1 program.

2 Sec. 28. AIR QUALITY PROGRAM — NONGENERAL FUND
3 SUPPORT. The department of natural resources for the
4 fiscal year beginning July 1, 1995, and ending June
5 30, 1996, shall not use moneys appropriated from the
6 general fund of the state pursuant to this Act, to
7 support any purpose related to carrying out the duties
8 of the commission under section 455B.133 or the
9 director under section 455B.134, or for carrying out
10 the provisions of chapter 455B, division II.

11 Notwithstanding section 455B.133B, the department
12 may use moneys deposited in the air contaminant source
13 fund created in section 455B.133B during the fiscal
14 year beginning July 1, 1995, and ending June 30, 1996,
15 for any purpose related to carrying out the duties of
16 the commission under section 455B.133 or the director
17 under section 455B.134, or for carrying out the
18 provisions of chapter 455B, division II.

19 Sec. 29. RULES RELATING TO PESTICIDE AND
20 FERTILIZER CONTAMINATED SITES — ENVIRONMENTAL
21 PROTECTION COMMISSION. The environmental protection
22 commission shall adopt all rules required to establish
23 criteria for the classification and prioritization of
24 sites upon which pesticide or fertilizer contamination
25 has been discovered, as provided in section 455B.601
26 not later than January 1, 1996.

27 STATUTORY CHANGES

28 Sec. 30. 1993 Iowa Acts, chapter 176, section 25,
29 subsection 2, as amended by 1994 Iowa Acts, chapter
30 1198, section 31, is amended to read as follows:

31 2. Notwithstanding section 8.33, unencumbered or
32 unobligated moneys remaining on June 30, 1993, from
33 moneys appropriated pursuant to 1992 Iowa Acts, Second
34 Extraordinary Session, chapter 1001, section 402, may
35 be expended during the fiscal period beginning July 1,
36 1993, and ending June 30, ~~1995~~ 1996, and shall not
37 revert to the general fund until August 31, ~~1995~~ 1996.

38 Sec. 31. 1994 Iowa Acts, chapter 1119, section 32,
39 subsection 2, unnumbered paragraph 1, is amended to
40 read as follows:

41 Notwithstanding section 423.24, as amended in this
42 Act, for each fiscal year of the period beginning on
43 July 1, 1993, and ending ~~July 1, 1994~~ June 30, 1996,
44 an amount equal to two and one-half percent of the
45 total moneys used to support value-added agricultural
46 products and processes as provided in that section,
47 which would otherwise be allocated to the value-added
48 agricultural products and processes financial
49 assistance fund, shall instead be allocated to the
50 office of renewable fuels and coproducts. The moneys

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1 shall be used for purposes of conducting soydiesel
2 demonstration projects administered by the state
3 department of transportation under the oversight of
4 the renewable fuels and coproducts advisory committee.

5 Sec. 32. 1994 Iowa Acts, chapter 1119, section 32,
6 subsection 2, paragraph b, is amended to read as
7 follows:

8 b. The state department of transportation shall
9 evaluate the performance of vehicles operating on
10 soydiesel fuel, including the rate of repairs on the
11 vehicles and comments of persons operating and
12 maintaining the vehicles. The department shall submit
13 initial findings and recommendations to the renewable
14 fuels and coproducts advisory committee which shall
15 submit a report to the senate and chief clerk of the
16 house, the legislative service bureau, the
17 chairpersons and ranking members of the senate
18 standing committee on agriculture, the senate standing
19 committee on small business, economic development and
20 tourism, the house of representatives standing
21 committee on agriculture, and the house of
22 representatives standing committee on small business,
23 economic development and trade. The department shall
24 submit final findings and recommendations to the
25 renewable fuels and coproducts advisory committee
26 which shall submit a report to the general assembly.
27 The An initial report shall be due on October 1, 1994.
28 The final, an interim report shall be due on March 1,
29 1995, and a final report shall be due on October 1,
30 1996.

31 Sec. 33. 1994 Iowa Acts, chapter 1119, section 32,
32 subsection 2, paragraph d, is amended to read as
33 follows:

34 d. Moneys available under this section which
35 remain unexpended or unobligated on June 30, 1994,
36 shall remain available to support the demonstration
37 project and shall not revert pursuant to section 8.33.
38 Moneys remaining unexpended or unobligated on June 30,
39 1995 1996, shall be credited to the value-added
40 agricultural products and processes financial
41 assistance fund as created in section 15E.112.

42 Sec. 34. Section 8.60, Code 1995, is amended to
43 read as follows:

44 8.60 USE OF DESIGNATED MONEYS.

45 Moneys credited to or deposited in the general fund
46 of the state on or after July 1, 1993, which under law
47 were previously collected to be used for specific
48 purposes, or to be credited to, or be deposited to a
49 particular account or fund shall only be used for the
50 purposes for which the moneys were collected,

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- 1 including but not limited to moneys collected in
- 2 accordance with any of the following provisions:
- 3 1. Pari-mutuel regulation fund created in section
- 4 99D.17, Code Supplement 1993.
- 5 2. Excursion boat gambling special account
- 6 pursuant to section 99F.4, subsection 2, Code
- 7 Supplement 1993.
- 8 ~~3. Milk fund created in section 192.111, Code~~
- 9 ~~Supplement 1993.~~
- 10 ~~4. Dairy trade practices trust fund pursuant to~~
- 11 ~~section 192A.30, Code Supplement 1993.~~
- 12 ~~5. Commercial feed fund created in section 198.0,~~
- 13 ~~Code Supplement 1993.~~
- 14 ~~6. Fertilizer fund created in section 200.0, Code~~
- 15 ~~Supplement 1993.~~
- 16 ~~7. Pesticide fund created in section 206.12, Code~~
- 17 ~~Supplement 1993.~~
- 18 ~~8. 3. Motor vehicle fraud account pursuant to~~
- 19 ~~section 312.2, subsection 13, Code Supplement 1993.~~
- 20 ~~9. 4. Public transit assistance fund pursuant to~~
- 21 ~~section 312.2, subsection 15, and section 324A.6, Code~~
- 22 ~~Supplement 1993.~~
- 23 ~~10. 5. Salvage vehicle fee paid to the Iowa law~~
- 24 ~~enforcement academy pursuant to section 321.52, Code~~
- 25 ~~Supplement 1993.~~
- 26 ~~11. 6. Railroad assistance fund created in section~~
- 27 ~~327H.18, Code Supplement 1993.~~
- 28 ~~12. 7. Special railroad facility fund created in~~
- 29 ~~section 327I.23, Code Supplement 1993.~~
- 30 ~~13. 8. State aviation fund created in section~~
- 31 ~~328.36, Code Supplement 1993.~~
- 32 ~~14. Marine fuel tax fund created in section~~
- 33 ~~452A.79, Code Supplement 1993.~~
- 34 ~~15. 9. Public outdoor recreation and resources~~
- 35 ~~fund pursuant to section 461A.79, Code Supplement~~
- 36 ~~1993.~~
- 37 ~~16. 10. Energy research and development fund~~
- 38 ~~created in section 473.11, Code Supplement 1993.~~
- 39 ~~17. 11. Utilities trust fund created in section~~
- 40 ~~476.10, Code Supplement 1993.~~
- 41 ~~18. 12. Banking revolving fund created in section~~
- 42 ~~524.207, Code Supplement 1993.~~
- 43 ~~19. 13. Credit union revolving fund created in~~
- 44 ~~section 533.67, Code Supplement 1993.~~
- 45 ~~20. 14. Professional licensing revolving fund~~
- 46 ~~created in section 546.10, Code Supplement 1993.~~
- 47 Sec. 35. Section 161C.4, unnumbered paragraph 1,
- 48 Code 1995, is amended to read as follows:
- 49 A water protection fund is created within the
- 50 division. The fund is composed of money appropriated

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1 by the general assembly for that purpose, and moneys
2 available to and obtained or accepted by the state
3 soil conservation committee from the United States or
4 private sources for placement in the fund. The fund
5 shall be divided into two accounts, the water quality
6 protection projects account and the water protection
7 practices account. The first account shall be used to
8 carry out water quality protection projects to protect
9 the state's surface and groundwater from point and
10 nonpoint sources of contamination. The second account
11 shall be used to establish water protection practices
12 with individual landowners including but not limited
13 to woodland establishment and protection,
14 establishment of native grasses and forbs, sinkhole
15 management, agricultural drainage well management,
16 streambank stabilization, grass waterway
17 establishment, stream buffer strip establishment, and
18 erosion control structure construction. Twenty-five
19 percent of funds appropriated to the water protection
20 practices account shall be used for woodland
21 establishment and protection, and establishment of
22 native grasses and forbs. Soil and water conservation
23 district commissioners shall give priority to
24 applications for practices that implement their soil
25 and water resource conservation plan. The fund shall
26 be a revolving fund from which moneys may be used for
27 loans, grants, administrative costs, and cost-sharing.

28 Sec. 36. Section 192.111, subsection 3, Code 1995,
29 is amended by striking the subsection.

30 Sec. 37. NEW SECTION. 192.112 MILK FUND.

31 1. A milk fund is established in the state
32 treasury under the control of the department. The
33 fund shall consist of any money appropriated by the
34 general assembly and any other moneys available to and
35 obtained or accepted by the department from the
36 federal government or private sources for placement in
37 the fund. Fees collected under sections 192.111,
38 192.133, 194.14, 194.19, 194.20, and 195.9 shall be
39 deposited in the fund. All moneys deposited under
40 this section are appropriated to the department for
41 the costs of inspection, sampling, analysis, and other
42 expenses necessary for the administration of this
43 chapter and chapters 194 and 195.

44 2. In each fiscal year, the secretary shall
45 calculate the balance of funds deposited under this
46 section by subtracting all moneys expended for the
47 costs of inspection, sampling, analysis, and other
48 expenses necessary for the administration of this
49 chapter and chapters 194 and 195. If the calculation
50 shows a balance of funds deposited under this section

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1 on June 30 of any fiscal year equal to or exceeding
2 one hundred fifty thousand dollars, the secretary
3 shall reduce the fees provided for in section 192.111
4 and section 194.20 for the next fiscal year in an
5 amount which will result in an ending estimated
6 balance of such funds for June 30 of the next fiscal
7 year of one hundred fifty thousand dollars.
8 3. All moneys in the milk fund are subject to
9 audit by the auditor of state. The milk fund is
10 subject at all times to warrants by the director of
11 revenue and finance, drawn upon written requisition of
12 the secretary. Notwithstanding section 8.33, moneys
13 in the milk fund shall remain in the milk fund and
14 shall not revert to the general fund of the state.
15 Notwithstanding section 12C.7, subsection 2, interest
16 or earnings on moneys deposited in the milk fund shall
17 be credited to the milk fund.

18 Sec. 38. Section 192.133, Code 1995, is amended to
19 read as follows:

20 192.133 LICENSE TERM — FEES.

21 A license, unless earlier revoked, is valid until
22 July 1 after the date of its issuance. The maximum
23 fee for a license is twenty-five dollars, which shall
24 be paid before the license is issued, and standard
25 test bottles and pipettes shall be furnished at actual
26 cost. Fees collected under this section shall be
27 deposited and used as required in section ~~192.111~~ in
28 the milk fund established in section 192.112.

29 Sec. 39. Section 192A.30, Code 1995, is amended to
30 read as follows:

31 192A.30 PERMIT FEES.

32 For the purpose of administering and enforcing this
33 chapter, a processor or a person purchasing milk
34 products from a processor for wholesale distribution
35 shall obtain a permit, as provided by departmental
36 rule, before milk products are sold by the person or
37 wholesale purchaser in this state. The processor or
38 wholesale purchaser shall pay to the secretary a
39 permit fee in an amount set by the secretary, not to
40 exceed five mills per hundredweight on milk processed
41 into dairy products as defined in section 192A.1, and
42 sold within the state of Iowa. However, the permit
43 fee for the sale of ice cream or an additive variant
44 of ice cream or nonmilk-fat imitation shall not exceed
45 three mills per gallon. Products upon which fees have
46 been paid are exempt from further fees in successive
47 transactions. The fees for each month thus computed
48 shall be paid to the secretary on or before the
49 twenty-fifth day of the following month. The fees
50 shall be deposited in the milk fund established in

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1 section 192.112.

2 ~~Fees paid to the secretary shall be deposited into~~
3 ~~the general fund of the state and shall be subject to~~
4 ~~the requirements of section 8.60.~~

5 Sec. 40. Section 194.14, Code 1995, is amended to
6 read as follows:

7 194.14 LICENSE TERM — FEES.

8 A milk grader's license, unless sooner revoked, is
9 valid until July 1 after the date of issuance. The
10 maximum fee for each license is ten dollars, which
11 shall be paid before the license is issued. Fees
12 collected under this section shall be deposited and
13 ~~used as required in section 192.111 in the milk fund~~
14 established pursuant to section 192.112.

15 Sec. 41. Section 194.19, unnumbered paragraph 1,
16 Code 1995, is amended to read as follows:

17 A vehicle used for the collection of milk for
18 manufacture of dairy products shall first be licensed
19 by the department. A license, unless earlier revoked,
20 is valid until July 1 after the date of its issuance.

21 The maximum fee for a license is twenty-five dollars,
22 which shall be paid before the license is issued. A
23 fee shall not be imposed under this section if the
24 vehicle or its operator has paid the fee imposed upon
25 milk haulers under section 192.111. Fees collected
26 under this section shall be deposited and used as
27 ~~required in section 192.111 in the milk fund~~

28 established in section 192.112. This section does not
29 apply to individuals transporting their own dairy
30 products.

31 Sec. 42. Section 194.20, Code 1995, is amended to
32 read as follows:

33 194.20 INSPECTION FEES — GRADE "B" MILK.

34 A purchaser of milk from a grade "B" milk producer
35 shall pay an inspection fee not greater than one-half
36 cent per hundredweight. The fee is payable monthly to
37 the department at a time prescribed by the department.
38 Fees collected under this section shall be deposited
39 ~~and used as required in section 192.111 in the milk~~
40 fund established in section 192.112.

41 Sec. 43. Section 195.9, Code 1995, is amended to
42 read as follows:

43 195.9 LICENSE TERM — FEES.

44 A license, unless sooner revoked, is valid until
45 July 1 after the date of its issuance. The maximum
46 fee for a license is twenty-five dollars which shall
47 be paid before the license is issued. Fees collected
48 under this section shall be deposited and used as
49 ~~required in section 192.111 in the milk fund~~
50 established in section 192.112.

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1 Sec. 44. Section 198.9, subsection 3, Code 1995,
2 is amended to read as follows:

3 3. Fees collected shall be deposited in the
4 ~~general fund of the state and shall be subject to the~~
5 ~~requirements of section 8.60 commercial feed trust~~
6 ~~fund established in section 198.9A.~~ Moneys deposited
7 ~~under this section shall be used for the payment of~~
8 ~~the costs of inspection, sampling, analysis,~~
9 ~~supportive research, and other expenses necessary for~~
10 ~~the administration of this chapter.~~

11 ~~If there is an unencumbered balance of funds from~~
12 ~~the fees deposited under this section on June 30 of~~
13 ~~any fiscal year equal to or exceeding one hundred~~
14 ~~thousand dollars, the secretary of agriculture shall~~
15 ~~reduce the per ton fee provided for in subsection 1~~
16 ~~for the next fiscal year in such amount as will result~~
17 ~~in an ending estimated balance of the fees deposited~~
18 ~~less costs paid for from those fees for June 30 of the~~
19 ~~next fiscal year of one hundred thousand dollars.~~

20 ~~The secretary shall publish a report not later than~~
21 ~~September 1 of each year. The report shall provide a~~
22 ~~detailed accounting of all sources of revenue~~
23 ~~deposited under and all dispositions of funds expended~~
24 ~~under this section. The report shall detail full-time~~
25 ~~equivalent positions used in fulfilling the~~
26 ~~requirements of this chapter. The report shall also~~
27 ~~indicate to what extent any full-time equivalent~~
28 ~~positions are shared with other programs. Copies of~~
29 ~~the report issued by the secretary pursuant to this~~
30 ~~subsection shall be delivered each year to the members~~
31 ~~of the house of representatives and senate standing~~
32 ~~committees on agriculture.~~

33 Sec. 45. NEW SECTION. 198.9A COMMERCIAL FEED
34 TRUST FUND.

35 1. A commercial feed trust fund is established in
36 the state treasury under the control of the
37 department. The fund shall consist of any moneys
38 appropriated to the fund by the general assembly and
39 any other moneys available to and obtained or accepted
40 by the department from the federal government or
41 private sources for placement in the fund. Fees
42 collected under section 198.9 shall be deposited in
43 the fund. Moneys deposited in the fund shall be used
44 for the payment of the costs of inspection, sampling,
45 analysis, supportive research, and other expenses
46 necessary for the administration of this chapter.

47 2. If there is an unencumbered balance of moneys
48 in the fund on June 30 of any fiscal year equal to or
49 exceeding one hundred thousand dollars, the secretary
50 of agriculture shall reduce the per ton fee provided

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1 for in section 198.9, subsection 1, for the next
2 fiscal year in such amount as will result in an ending
3 estimated balance of the fees deposited less costs
4 paid for from those fees for June 30 of the next
5 fiscal year of one hundred thousand dollars.
6 3. The secretary shall publish a report not later
7 than September 1 of each year. The report shall
8 provide a detailed accounting of all sources of
9 revenue deposited under and all dispositions of moneys
10 deposited in the fund. The report shall detail full-
11 time equivalent positions used in fulfilling the
12 requirements of this chapter. The report shall also
13 indicate to what extent any full-time equivalent
14 positions are shared with other programs. Copies of
15 the report issued by the secretary pursuant to this
16 subsection shall be delivered each year to the members
17 of the standing committees on agriculture of the house
18 of representatives and the senate.

19 Sec. 46. Section 200.4, subsection 1, Code 1995,
20 is amended to read as follows:

21 1. Any person who manufactures, mixes, blends,
22 mixes to customers order, offers for sale, sells, or
23 distributes any fertilizer or soil conditioner in Iowa
24 must first obtain a license from the secretary of
25 agriculture and shall pay a ten-dollar license fee for
26 each place of manufacture or distribution from which
27 fertilizer or soil conditioner products are sold or
28 distributed in Iowa. ~~Such~~ The license fee shall be
29 paid annually on July 1 of each year. The license fee
30 shall be deposited in the fertilizer fund established
31 in section 200.9.

32 Sec. 47. Section 200.8, subsection 3, Code 1995,
33 is amended by striking the subsection.

34 Sec. 48. Section 200.9, Code 1995, is amended to
35 read as follows:

36 **200.9 FERTILIZER FEES FUND.**

37 1. A fertilizer fund is established in the state
38 treasury under the control of the department of
39 agriculture and land stewardship. The fund shall
40 consist of any moneys appropriated by the general
41 assembly and any other moneys available to and
42 obtained or accepted by the department from the
43 federal government or private sources for placement in
44 the fund. Fees collected for licenses and inspection
45 fees under sections 200.4 and 200.8, with the
46 exception of those fees collected for deposit in the
47 agriculture management account of the groundwater
48 protection fund, shall be deposited in the general
49 fund of the state and shall be subject to the
50 requirements of section 8.60. Fees collected pursuant

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1 to chapter 201 shall also be deposited in the fund.
2 ~~Moneys deposited under this section to~~ into the
3 general fund from fees collected pursuant to this
4 chapter shall be used only by the department for the
5 purpose of inspection, sampling, analysis,
6 preparation, and publishing of reports and other
7 expenses necessary for administration of this chapter
8 and chapter 201. The secretary may assign moneys to
9 the Iowa agricultural experiment station for research,
10 work projects, and investigations as needed for the
11 specific purpose of improving the regulatory functions
12 for enforcement of this chapter.

13 2. If there is an unencumbered balance of moneys
14 deposited in the fund from fees collected pursuant to
15 this chapter on June 30 of any fiscal year equal to or
16 exceeding three hundred fifty thousand dollars, the
17 secretary of agriculture shall reduce the per ton fee
18 provided for in subsection 1 and the annual license
19 fee established pursuant to section 201.3 for the next
20 fiscal year in such amount as will result in an ending
21 estimated balance of such funds for June 30 of the
22 next fiscal year of three hundred fifty thousand
23 dollars.

24 3. All moneys in the fund are subject to audit by
25 the auditor of state. The fund is subject at all
26 times to warrants by the director of revenue and
27 finance, drawn upon written requisition of the
28 secretary. Notwithstanding section 8.33, moneys in
29 the fertilizer fund shall remain in the fertilizer
30 fund and shall not revert to the general fund of the
31 state. Notwithstanding section 12C.7, subsection 2,
32 interest or earnings on moneys deposited in the
33 fertilizer fund shall be credited to the fertilizer
34 fund.

35 Sec. 49. Section 201.13, Code 1995, is amended to
36 read as follows:

37 • 201.13 MONEYS TO GENERAL THE FERTILIZER FUND —
38 PERIODIC REPORT.

39 The moneys received under this chapter shall be
40 deposited in the ~~general fund of the state and shall~~
41 ~~be subject to the requirements of section 8.60.~~
42 ~~Moneys deposited under this section shall be used by~~
43 ~~the department of agriculture and land stewardship~~
44 ~~only for the purpose of inspection, sampling,~~
45 ~~analyzing, preparing and publishing of reports, and~~
46 ~~other expenses necessary for the administration of~~
47 ~~this chapter fertilizer fund as provided in section~~
48 200.9. The secretary shall issue an annual report
49 showing a statement of moneys received from license
50 and testing fees, and a biennial report which shall be

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1 made available to the public showing the
2 certifications of the effective calcium carbonate
3 equivalent for all agricultural lime, limestone, or
4 aglime certified as provided in this chapter. The
5 report shall list the manufacturers and producers and
6 their locations. Copies of all reports issued by the
7 secretary pursuant to this section shall be sent to
8 the members of the house of representatives and senate
9 standing committees on agriculture.

10 Sec. 50. Section 206.12, subsection 3, Code 1995,
11 is amended to read as follows:

12 3. The registrant, before selling or offering for
13 sale any pesticide for use in this state, shall
14 register each brand and grade of such pesticide with
15 the secretary upon forms furnished by the secretary,
16 and the secretary shall set the registration fee
17 annually at one-fifth of one percent of gross sales
18 within this state with a minimum fee of two hundred
19 fifty dollars and a maximum fee of three thousand
20 dollars for each and every brand and grade to be
21 offered for sale in this state except as otherwise
22 provided. The annual registration fee for products
23 with gross annual sales in this state of less than one
24 million five hundred thousand dollars shall be the
25 greater of two hundred fifty dollars or one-fifth of
26 one percent of the gross annual sales as established
27 by affidavit of the registrant. The secretary shall
28 adopt by rule exemptions to the minimum fee. Fifty
29 dollars of each fee collected shall be deposited in
30 the ~~general fund of the state, shall be subject to the~~
31 ~~requirements of section 3.60, and shall be used only~~
32 ~~for the purpose of enforcing the provisions of this~~
33 chapter pesticide fund established in section 206.12A,
34 and the remainder of each fee collected shall be
35 placed in the agriculture management account of the
36 groundwater protection fund.

37 Sec. 51. NEW SECTION. 206.12A PESTICIDE FUND.

38 1. A pesticide fund is established in the state
39 treasury under the control of the department. The
40 fund shall consist of any moneys appropriated to the
41 fund by the general assembly and any other moneys
42 available to and obtained or accepted by the
43 department from the federal government or private
44 sources for placement in the fund. Fees collected
45 under section 206.12 shall be deposited in the fund.
46 The moneys in the fund shall be used only for the
47 purpose of enforcing the provisions of this chapter.

48 2. All moneys in the pesticide fund are subject to
49 audit by the auditor of state. The fund is subject at
50 all times to warrants by the director of revenue and

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1 finance, drawn upon written requisition of the
2 secretary. Notwithstanding section 8.33, moneys in
3 the pesticide fund shall remain in the fund and shall
4 not revert to the general fund of the state.
5 Notwithstanding section 12C.7, subsection 2, interest
6 or earnings on moneys deposited in the pesticide fund
7 shall be credited to the pesticide fund.

8 Sec. 52. Section 331.427, subsection 2, Code 1995,
9 is amended by adding the following new paragraph:
10 NEW PARAGRAPH. m. Closure and postclosure care of
11 a sanitary disposal project under section 455B.302.

12 Sec. 53. Section 452A.79, unnumbered paragraph 2,
13 and subsections 1, 2, 3, 4, and 5, Code 1995, are
14 amended to read as follows:

15 All moneys derived from the excise tax on the sale
16 of motor fuel used in watercraft shall be deposited in
17 the general marine fuel tax fund of the state
18 established in section 452A.83. ~~Moneys deposited to~~
19 ~~the general fund under this section and section~~
20 ~~452A.84 are subject to the requirements of section~~
21 ~~8.60 and are subject to appropriation by the general~~
22 ~~assembly to the department of natural resources for~~
23 ~~use in its recreational boating program, which may~~
24 ~~include but is not limited to:~~

25 1. ~~Dredging and renovation of natural lakes of~~
26 ~~this state.~~

27 2. ~~Acquisition, development and maintenance of~~
28 ~~access to public boating waters.~~

29 3. ~~Development and maintenance of boating~~
30 ~~facilities and navigation aids.~~

31 4. ~~Administration, operation, and maintenance of~~
32 ~~recreational boating activities of the department of~~
33 ~~natural resources.~~

34 5. ~~Acquisition, development and maintenance of~~
35 ~~recreation facilities associated with recreational~~
36 ~~boating.~~

37 Sec. 54. NEW SECTION. 452A.83 MARINE FUEL TAX
38 FUND.

39 1. A marine fuel tax fund is established in the
40 state treasury under the control of the department.
41 The fund shall consist of any moneys appropriated to
42 the fund by the general assembly and any other moneys
43 available to and obtained or accepted by the
44 department from the federal government or private
45 sources for placement in the fund. Moneys collected
46 pursuant to section 452A.79 shall be deposited in the
47 fund. Moneys collected pursuant to this chapter from
48 the motor fuel tax fund shall be transferred to the
49 fund as provided in section 452A.84.

50 2. Moneys deposited or transferred into the fund

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1 are subject to appropriation by the general assembly
2 to the department of natural resources for its
3 recreational boating program which may include, but is
4 not limited to:

- 5 a. Dredging and renovation of natural lakes of
6 this state.
- 7 b. Acquisition, development, and maintenance of
8 access to public boating waters.
- 9 c. Development and maintenance of boating
10 facilities and navigation aids.
- 11 d. Administration, operation, and maintenance of
12 recreational boating activities of the department of
13 natural resources.
- 14 e. Acquisition, development, and maintenance of
15 recreation facilities associated with recreational
16 boating.

17 3. All moneys in the marine fuel tax fund are
18 subject to audit by the auditor of state. The fund is
19 subject at all times to warrants by the director of
20 revenue and finance, drawn upon written requisition of
21 the department. Notwithstanding section 8.33, moneys
22 in the marine fuel tax fund shall remain in the fund
23 and shall not revert to the general fund of the state.
24 Notwithstanding section 12C.7, subsection 2, interest
25 or earnings on moneys deposited in the marine fuel tax
26 fund shall be credited to the marine fuel tax fund.

27 Sec. 55. Section 452A.84, Code 1995, is amended to
28 read as follows:

29 452A.84 TRANSFER TO STATE GENERAL MARINE FUEL TAX
30 FUND.

31 The treasurer of state shall transfer from the
32 motor fuel tax fund to the general marine fuel tax
33 fund of the state established pursuant to section
34 452A.83, that portion of moneys collected under this
35 chapter attributable to motor fuel used in watercraft
36 computed as follows:

37 1. Determine monthly the total amount of motor
38 fuel tax collected under this chapter and multiply the
39 amount by nine-tenths of one percent.

40 2. Subtract from the figure computed pursuant to
41 subsection 1 of this section three percent of the
42 figure for administrative costs and further subtract
43 from the figure the amounts refunded to commercial
44 fishers pursuant to section 452A.17, subsection 13.
45 All moneys remaining after claims for refund and the
46 cost of administration have been made shall be
47 transferred to the general marine fuel tax fund of the
48 state.

49 Sec. 56. Section 455B.183A, subsection 2,
50 paragraph b, Code 1995, is amended to read as follows:

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1 b. The operation of a public water supply system,
2 including any part of the system. ~~The fees may be~~
3 ~~based on the type and size of community served by the~~
4 ~~system.~~ The commission shall adopt a fee schedule
5 which shall be based on the total number of persons
6 served by public water supply systems in this state.
7 The commission shall calculate all fees in the
8 schedule to produce total revenues equaling four
9 hundred seventy-five thousand dollars for the fiscal
10 year beginning July 1, 1994, and ending June 30, 1995,
11 seven hundred thousand dollars for the fiscal year
12 beginning July 1, 1995, and ending June 30, 1996, nine
13 hundred thousand dollars for the fiscal year beginning
14 July 1, 1996, and ending June 30, 1997, and one
15 million two hundred thousand dollars for each
16 subsequent fiscal year. For the fiscal year beginning
17 July 1, 1994, and ending June 30, 1995, twenty-five
18 thousand dollars shall be deposited in the
19 administration account and four hundred fifty thousand
20 dollars shall be deposited in the public water supply
21 system account. For each subsequent fiscal year, one-
22 half of the fees shall be deposited into the
23 administration account and one-half of the fees shall
24 be deposited into the public water supply system
25 account. By May 1 of each year, the department shall
26 estimate the total revenue expected to be collected
27 from the overpayment of fees, which are all fees in
28 excess of the amount of the total revenues which are
29 expected to be collected under the current fee
30 schedule, and the total revenue expected to be
31 collected from the payment of fees during the next
32 fiscal year. The commission shall adjust the fees if
33 the estimate exceeds the amount of revenue required to
34 be deposited in the fund pursuant to this paragraph.

35 Sec. 57. Section 455E.11, subsection 2, paragraph
36 a, subparagraph (12), subparagraph subdivision (c),
37 Code 1995, is amended to read as follows:

38 (c) Twelve and one-half cents per ton per year is
39 appropriated to the department of natural resources to
40 provide additional toxic cleanup days and for the
41 natural resource geographic information system
42 required under section 455E.8, subsection 6.
43 Departmental rules adopted for implementation of toxic
44 cleanup days shall provide sufficient flexibility to
45 respond to the household hazardous material collection
46 needs of both small and large communities.

47 Sec. 58. EFFECTIVE DATES.

48 1. Sections 14, 17, 19, and 26 of this Act, being
49 deemed of immediate importance, take effect upon
50 enactment.

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1 2. The amendments in this Act to 1993 Iowa Acts,
2 chapter 176, section 25, subsection 2, as amended by
3 1994 Iowa Acts, chapter 1198, section 31, being deemed
4 of immediate importance, take effect upon enactment.

5 3. The amendments in this Act to 1994 Iowa Acts,
6 chapter 1119, section 32, being deemed of immediate
7 importance, take effect upon enactment.

8 4. The amendments in this Act to section
9 455B.183A, being deemed of immediate importance, take
10 effect upon enactment.

11 5. Sections 8.60, 192.111, 192.112, 192.133,
12 192A.30, 194.14, 194.19, 194.20, 195.9, 198.9, 198.9A,
13 200.4, 200.8, 200.9, 201.13, 206.12, 206.12A, 452A.79,
14 452A.83, and 452A.84, Code 1995, as amended or enacted
15 by this Act take effect July 1, 1996.

16 6. This section, being deemed of immediate
17 importance, takes effect upon enactment."

18 2. Title page, by striking lines 1 through 4 and
19 inserting the following: "An Act relating to
20 agriculture and natural resources, by providing for
21 appropriations and revenue, providing related
22 statutory changes, and providing effective dates."

Roll call was requested by Running of Linn and Schrader of Marion.

On the question "Shall the House concur in the Senate amendment
H-3945?" (H.F. 553)

The ayes were, 36:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Dinkla	Doderer	Drees	Fallon
Halvorson	Harper	Holveck	Jochum
Koenigs	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	Blodgett	Boddicker	Boggett
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Cornelius
Daggett	Disney	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kreiman	Kremer	Lamberti

Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 5:

Brammer	Branstad	Corbett, Spkr.	Ertl
Siegrist			

The motion failed and the House refused to concur in the Senate amendment H-3945.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 553 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of Senate File 142, a bill for an act establishing felonious child endangerment as a nonbailable offense, previously deferred and placed on the unfinished business calendar.

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

On the question "Shall the bill pass?" (S.F. 142)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	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	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:

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

Ways and Means Calendar

House File 164, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing retroactive applicability and effective dates, was taken up for consideration.

SENATE FILE 201 SUBSTITUTED FOR HOUSE FILE 164

Dinkla of Guthrie asked and received unanimous consent to substitute Senate File 201 for House File 164.

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, was taken up for consideration.

Dinkla of Guthrie offered the following amendment H-3951 filed by him and moved its adoption:

H-3951

- 1 Amend Senate File 201, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 16, by striking the word and
- 4 figures "January 1, 1994" and inserting the following:
- 5 "January 1, 1994 April 15."

Amendment H-3951 was adopted.

Dinkla of Guthrie offered the following amendment H-3954 filed by him and moved its adoption:

H-3954

- 1 Amend Senate File 201 as follows:
 2 1. Page 1, by inserting after line 16 the
 3 following:
 4 "Sec. ____ Section 422.7, Code 1995, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 33. Subtract the amount of the
 7 employer social security credit allowable for the tax
 8 year under section 45B of the Internal Revenue Code to
 9 the extent that the credit increases federal adjusted
 10 gross income."
 11 2. Page 2, by inserting after line 20 the
 12 following:
 13 "Sec. ____ Section 422.35, Code 1995, is amended
 14 by adding the following new subsection:
 15 NEW SUBSECTION. 17. Subtract the amount of the
 16 employer social security credit allowable for the tax
 17 year under section 45B of the Internal Revenue Code to
 18 the extent that the credit increases federal adjusted
 19 gross income."
 20 3. Title page, line 2, by inserting after the
 21 word "Code" the following: ", allowing a deduction
 22 for the employer social security credit,".

Amendment H-3954 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?" (S.F. 201)

The ayes were, 98:

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	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 Ertl

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

HOUSE FILE 164 WITHDRAWN

Dinkla of Guthrie asked and received unanimous consent to withdraw House File 164 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hahn of Muscatine, for the remainder of the day, on request of Siegrist of Pottawattamie.

Unfinished Business Calendar

The House resumed consideration of **House File 197**, a bill for an act relating to the expansion of the volunteer physician program to include other health care providers, previously deferred and placed on the unfinished business calendar.

Schulte of Linn offered the following amendment H-3385 filed by him and moved its adoption:

H-3385

- 1 Amend House File 197 as follows:
- 2 1. Page 2, line 10, by striking the words
- 3 "licensed physician assistant" and inserting the
- 4 following: "physician assistant licensed and
- 5 practicing under a supervising physician pursuant to
- 6 chapter 148C".

Amendment H-3385 was adopted.

Schulte 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. 197)

The ayes were, 96:

Arnold	Baker	Bell	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	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	Running	Salton	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	Ertl	Ollie	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 197; Senate Files 142 and 201.**

The House resumed consideration of **Senate File 407**, a bill for an act relating to alkaline manganese batteries, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 407)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	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	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Rants	Renken
Running	Salton	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, 5:

Brammer	Coon	Ertl	Ollie
Schrader			

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

The House resumed consideration of **Senate File 225**, a bill for an act eliminating requirements for competitive bids regarding the printing of election ballots, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 225)

The ayes were, 79:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Halvorson	Hammitt	Hanson	Harper
Harrison	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Lamberti	Larkin	Larson	Lord
Main	Martin	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Mundie	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Schulte	Shoultz	Siegrist
Thomson	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 18:

Bernau	Burnett	Cormack	Fallon
Garman	Heaton	Jochum	Kreiman
Kremer	Mascher	Millage	Murphy
Myers	Salton	Schrader	Sukup
Teig	Tyrrell		

Absent or not voting, 3:

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

The House resumed consideration of **Senate File 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 activi-

ties of the state-county management committee, and providing an effective date, previously deferred and placed on the unfinished business calendar.

Carroll of Poweshiek offered amendment H-3719 filed by the committee on human resources as follows:

H-3719

1 Amend Senate File 315, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 "Sec. 100. Section 331.438, subsection 3,
6 paragraph b, Code 1995, is amended to read as follows:

7 b. The management committee shall consist of not
8 more than ~~nine~~ eleven voting members representing the
9 state and counties: as follows:

10 (1) An equal number of ~~the~~ not more than nine
11 members shall be appointed by the director of human
12 services and the Iowa state association of counties
13 and one additional member shall be jointly appointed
14 by both entities. Members appointed by the Iowa state
15 association of counties shall be selected from a pool
16 nominated by the county supervisor affiliate of the
17 association with four members from the affiliate. The
18 affiliate shall select the nominees through a secret
19 ballot process. The portion of the committee
20 membership appointed by the Iowa state association of
21 counties is not subject to the provisions of sections
22 69.16 and 69.16A.

23 (2) ~~In addition, the~~ The committee shall also
24 include one member nominated by service providers and
25 one member nominated by service advocates and
26 consumers, with both members appointed by the
27 governor.

28 (3) In addition, the committee shall include four
29 members of the general assembly with one each
30 designated by the majority leader and minority leader
31 of the senate and the speaker and minority leader of
32 the house of representatives. A legislative member
33 serves in an ex officio, nonvoting capacity and is
34 eligible for per diem and expenses as provided in
35 section 2.10.

36 (4) A member who is not a legislator shall have
37 expenses and other costs paid by the state or the
38 county entity that the member represents. The
39 committee shall establish terms for its members, elect
40 officers, adopt operating procedures, and meet as
41 deemed necessary by the committee."

42 2. Page 3, by inserting after line 22 the
43 following:

44 "Sec. ___. APPLICABILITY. The provisions of

45 section 100 of this Act shall apply to appointments
46 made on or after July 1, 1995, for expired terms and
47 to fill vacancies in the membership of the state-
48 county management committee.”
49 3. Title page, by striking lines 4 and 5 and
50 inserting the following: “applying certain

Page 2

1 requirements to the state-county management committee,
2 and providing an applicability provision and an
3 effective date.”

Grundberg of Polk offered the following amendment H-3829, to the committee amendment H-3719 filed by her and Houser and moved its adoption:

H-3829

1 Amend the amendment, H-3719, to Senate File 315, as
2 passed by the Senate, as follows:

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

5 ““Sec. ____ Section 228.1, subsection 1, Code
6 1995, is amended to read as follows:

7 1. “Administrative information” means an
8 individual’s name, identifying number, age, sex,
9 address, dates and character of professional services
10 provided to the individual, fees for the professional
11 services, third-party payor name and payor number of a
12 patient, if known, name and location of the facility
13 where treatment is received, the date of the
14 individual’s admission to the facility, and the name
15 of the individual’s attending physician or attending
16 mental health professional.

17 Sec. ____ Section 229.24, Code 1995, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 3. If all or part of the costs
20 associated with hospitalization of an individual under
21 this chapter are chargeable to a county of legal
22 settlement, the county of legal settlement and the
23 county in which the hospitalization order is entered
24 shall have access to the following information
25 pertaining to the individual which would be
26 confidential under subsection 1:

27 a. Administrative information, as defined in
28 section 228.1.

29 b. An evaluation order under this chapter and the
30 location of the individual’s placement under the
31 order.

32 c. A hospitalization or placement order under this
33 chapter and the location of the individual’s placement
34 under the order.

- 35 d. The date, location, and disposition of any
 36 hearing concerning the individual held under this
 37 chapter.
 38 e. Any payment source available for the costs of
 39 the individual's care.
 40 Sec. ____ Section 230.20, Code 1995, is amended by
 41 adding the following new subsection:
 42 NEW SUBSECTION. 7. The department shall provide a
 43 county with information, which is not otherwise
 44 confidential under law, in the department's possession
 45 concerning a patient whose cost of care is chargeable
 46 to the county, including but not limited to the
 47 information specified in section 229.24, subsection
 48 3."
 49 2. Page 1, by inserting after line 48 the
 50 following:

Page 2

- 1 "____. Title page, line 3, by striking the word
 2 "and" and inserting the following: "providing for
 3 access to certain mental health information by a
 4 county responsible for payment of costs, and".
 5 3. By renumbering as necessary.

Amendment H-3829 was adopted.

Harper of Black Hawk offered the following amendment H-3877, to the committee amendment H-3719 filed by her and moved its adoption:

H-3877

- 1 Amend the amendment, H-3719, to Senate File 315, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 19 through 22 and
 4 inserting the following: "ballot process."

Amendment H-3877 was adopted.

On motion by Carroll of Poweshiek, the committee amendment H-3719, as amended, 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?" (S.F. 315)

The ayes were, 90:

Arnold
 Boddicker

Bell
 Boggess

Bernau
 Bradley

Blodgett
 Brand

Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Fallon	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Veenstra
Warnstadt	Weidman	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 7:

Baker	Garman	Kreiman	Mundie
Schrader	Vande Hoef	Weigel	

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 225, 315 and 407.**

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

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?" (S.F. 176)

The ayes were, 97:

Arnold	Baker	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	Fallon	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	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:

Brammer	Ertl	Hahn
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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 536 WITHDRAWN

Grubbs of Scott asked and received unanimous consent to withdraw House File 536 from further consideration by the House.

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

Mascher of Johnson asked and received unanimous consent to withdraw the following amendments filed by her and Cornelius on April 4, 1995: H-3720 and H-3728.

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?" (S.F. 406)

The ayes were, 95:

Arnold	Baker	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	Fallon	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	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	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, 5:

Brammer	Ertl	Hahn	Larson
Millage			

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: **Senate Files 176 and 406.**

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 311.

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

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. 311)

The ayes were, 96:

Arnold	Baker	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	Fallon	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	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	Ertl	Hahn	Ollie
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 219 WITHDRAWN

Moreland of Wapello asked and received unanimous consent to withdraw House File 219 from further consideration by the House.

HOUSE FILE 162 WITHDRAWN

Coon of Warren asked and received unanimous consent to withdraw House File 162 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 311** be immediately messaged to the Senate.

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

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?" (S.F. 346)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churhill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	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, 5:

Brammer	Brauns	Ertl	Hahn
Larkin			

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 346** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 351**, a bill for an act authorizing certain cities to appoint additional members to certain city commissions, previously deferred and placed on the unfinished business calendar.

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?" (S.F. 351)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Fallon	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	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, none.

Absent or not voting, 5:

Brammer	Brauns	Ertl	Hahn
Shoultz			

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 351** be immediately messaged to the Senate.

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

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?" (S.F. 197)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney

Doderer	Drake	Drees	Eddie
Fallon	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	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	Brauns	Ertl	Hahn
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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

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

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

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Disney
Doderer	Drake	Drees	Eddie

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	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:

Fallon

Absent or not voting, 4:

Brammer

Dinkla

Ertl

Hahn

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: **Senate Files 197 and 371.**

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 1:16 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-five members present, thirty-five absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohoon of Des Moines, until his return, on request of Nelson of Pottawattamie.

CONSIDERATION OF BILLS

Unfinished Business Calendar

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

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

On the question "Shall the bill pass?" (S.F. 438)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt	Hanson	Harper	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
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	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Brammer	Brauns	Cohoon	Ertl
Hahn	Harrison	Mascher	Weidman

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

The House resumed consideration of **Senate File 398**, a bill for an act relating to commutation of sentences of persons who have been sentenced to life imprisonment, previously deferred and placed on the unfinished business calendar.

Lamberti of Polk offered the following amendment H-3789 filed by the committee on judiciary and moved its adoption:

H-3789

1 Amend Senate File 398, as amended, passed, and re-
2 printed by the Senate, as follows:

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

5 "Sec. ____ Section 914.2, Code 1995, is amended to
6 read as follows:

7 914.2 RIGHT OF APPLICATION.

8 A Except as otherwise provided in section 902.2, a
9 person convicted of a criminal offense has the right
10 to make application to the board of parole for
11 recommendation or to the governor for a reprieve,
12 pardon, commutation of sentence, remission of fines or
13 forfeitures, or restoration of rights of citizenship
14 at any time following the conviction.

15 Sec. ____ Section 914.3, subsection 1, Code 1995,
16 is amended to read as follows:

17 1. The Except as otherwise provided in section
18 902.2, the board of parole shall periodically review
19 all applications by persons convicted of criminal
20 offenses and shall recommend to the governor the
21 reprieve, pardon, commutation of sentence, remission
22 of fines or forfeitures, or restoration of the rights
23 of citizenship for persons who have by their conduct
24 given satisfactory evidence that they will become or
25 continue to be law-abiding citizens."

26 2. By renumbering as necessary.

The committee amendment H-3789 was adopted.

Lamberti of Polk offered the following amendment H-3956 filed by him and moved its adoption:

H-3956

1 Amend Senate File 398, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the word "ten" and
4 inserting the following: "five".

Amendment H-3956 was adopted.

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. 398)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt	Hanson	Harper	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
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Brauns	Cphoon	Ertl
Hahn	Harrison	Weidman	

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: **Senate Files 398 and 438.**

SENATE AMENDMENT CONSIDERED

Houser of Pottawattamie called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3910 to the House amendment:

H-3910

- 1 Amend the House amendment, S-3394, to Senate File
- 2 462, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 4, line 45, by striking the word and
- 5 figure "Sec. 200." and inserting the following:
- 6 "200".
- 7 2. Page 5, by inserting after line 45 the
- 8 following:
- 9 "_. Page 10, line 15, by striking the figure
- 10 "3,895,934" and inserting the following:
- 11 "2,895,934".
- 12 3. Page 7, line 5, by inserting after the word
- 13 "cases." the following: "The department shall submit
- 14 a report of the findings of the study to the
- 15 chairpersons and ranking members of the joint
- 16 appropriations subcommittee on human services on or
- 17 before January 1, 1996."
- 18 4. Page 7, line 8, by striking the figure "100"
- 19 and inserting the following: "___"
- 20 5. Page 7, by striking lines 21 through 25.
- 21 6. Page 7, by striking lines 35 through 44.
- 22 7. Page 8, line 38, by striking the figure
- 23 "255C.2" and inserting the following: "225C.2".
- 24 8. Page 10, by striking lines 25 through 30 and
- 25 inserting the following:
- 26 "_. Page 45, line 17, by inserting after the
- 27 word "authorization," the following: "section 3,
- 28 subsection 200, relating to the nursing home waiver
- 29 pilot program,".
- 30 9. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3910, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 462)

The ayes were, 80:

Arnold
Blodgett

Baker
Boddicker

Bell
Boggett

Bernau
Bradley

Brand	Brunkhorst	Burnett	Cataldo
Churchill	Connors	Corbett, Spkr.	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Halvorson	Hammitt	Hanson
Harper	Heaton	Holveck	Houser
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	Ollie	Rants	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weigel	Welter	Wise	Witt

The nays were, 13:

Branstad	Carroll	Coon	Cormack
Cornelius	Drees	Hurley	Lord
Main	O'Brien	Renken	Tyrrell
Van Maanen, Presiding			

Absent or not voting, 7:

Brammer	Brauns	Cohoon	Ertl
Hahn	Harrison	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 **Senate File 462** be immediately messaged to the Senate.

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

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. 428)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Connors	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Halvorson	Hammitt
Hanson	Harper	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	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Bernau	Brammer	Brauns	Cohoon
Ertl	Hahn	Harrison	Weidman

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

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

Nutt of Woodbury offered the following amendment H-3821 filed by the committee on judiciary and moved its adoption:

H-3821

- 1 Amend Senate File 457, as passed by the Senate, as
- 2 follows:

- 3 1. Page 6, by striking line 13.
 4 2. Title page, lines 2 and 3, by striking the
 5 words “, and the promotion and transfer of employed
 6 disabled persons”.

The committee amendment H-3821 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?” (S.F. 457)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Branstad	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Connors	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Halvorson	Hammitt
Hanson	Harper	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	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 9:

Bradley	Brammer	Brauns	Cohoon
Ertl	Hahn	Harrison	Shoultz
Weidman			

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: **Senate Files 428 and 457.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 18, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 554, 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.

Also: That the Senate has on April 18, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 556, a bill for an act relating to the definition of entities eligible for property tax exemption for construction of speculative shell buildings.

Also: That the Senate has on April 18, 1995, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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 April 18, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 18, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 18, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 18, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April-18, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 475, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 18, 1995. Had I been present, I would have voted "aye" on Senate Files 197, 346, 351, 398, 428, 438, 457 and 462.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on April 18, 1995. Had I been present, I would have voted "aye" on Senate Files 398, 428, 438, 457 and 462.

HARRISON of Scott

I was necessarily absent from the House chamber on April 17, 1995. Had I been present, I would have voted "aye" on House File 548.

HOUSER of Pottawattamie

I was necessarily absent from the House chamber on April 17, 1995. Had I been present, I would have voted "aye" on House File 482.

LARSON of Linn

PRESENTATION OF VISITORS

Siegrist of Pottawattamie presented to the House the Honorable Joan Hester, former member of the House representing Pottawattamie County.

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

Fifty high school and German exchange students from Urbandale High School, Urbandale. By Churchill and Metcalf of Polk.

Eleven seventh and eighth grade students from Sacred Heart School, Ft. Dodge, accompanied by Janet Walkup. By Cormack and Mundie of Webster.

Thirty-nine fourth and fifth grade students from Campfire Boys and Girls, Cedar Rapids, Lisbon and Marion, accompanied by Kathy Spalti, Linda Noll, Vicky Parker, Wendy Kroll, Lois Wilson, Debbie Volesky, Kathy Evers and Suzanne Pollard. By Corbett, Brammer, Larson, Schulte, Thomson and Running of Linn.

Sixteen eighth grade students from Sacred Heart School, Boone, accompanied by Tim McCloud and Pat Scoles. By O'Brien of Boone.

Nineteen students from Tipton Bible School, Tipton, accompanied by Deb and Jim Schneider. By Boddicker of Cedar.

Seventy fifth grade students from Edmunds Academy, Des Moines, accompanied by Larry Jones. By Cataldo and Fallon 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\225 Linda Christena Heithoff, Council Bluffs – For celebrating her 100th birthday.

1995\226 Florence H. Jacobsen, Council Bluffs – For celebrating her 90th birthday.

1995\227 Alvin and Mae Schuldt, Deep River – For celebrating their 70th wedding anniversary.

1995\228 Bertha Jenkins, Council Bluffs – For celebrating her 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 222

Ways and Means: Disney, Chair; Larson and Myers.

House File 561

Ways and Means: Rants, Chair; Jochum and Van Fossen.

House File 564

Ways and Means: Rants, Chair; Jochum and Van Fossen.

Senate File 2

Ways and Means: Drake, Chair; Jochum and Van Fossen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 328**

Ways and Means: Van Fossen, Chair; Bernau and Rants.

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 327), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 18, 1995.

AMENDMENTS FILED

H-3965	S.F.	358	Thomson of Linn Kreiman of Davis
H-3966	H.F.	564	Hanson of Black Hawk Witt of Black Hawk
H-3967	S.F.	208	Boddicker of Cedar
H-3968	H.F.	511	McCoy of Polk
H-3969	S.F.	266	Brunkhorst of Bremer
H-3970	S.F.	266	Daggett of Union
H-3971	H.F.	460	Senate amendment
H-3972	S.F.	83	Grundberg of Polk Jacobs of Polk
			Metcalf of Polk Thomson of Linn
			Nelson of Marshall Hammitt of Harrison
			Lamberti of Polk Witt of Black Hawk
H-3973	S.F.	266	Churchill of Polk Daggett of Union Grundberg of Polk Ollie of Clinton
H-3974	S.F.	150	Fallon of Polk

H-3975

H.F.

530

Weigel of Chickasaw

On motion by Siegrist of Pottawattamie, the House adjourned at 1:50 p.m. until 8:45 a.m., Wednesday, April 19, 1995.

JOURNAL OF THE HOUSE

One Hundred-first Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 19, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David Wagoner, Onawa United Methodist Church, Onawa.

The Journal of Tuesday, April 18, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo, Siegrist of Pottawattamie, Gries of Crawford, all until their arrival, on request of Weidman of Cass.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 217, a bill for an act relating to education requirements for nurses.

Also: That the Senate has on April 18, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 18, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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 retroactive applicability date.

Also: That the Senate has on April 18, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 485, a bill for an act relating to remedies upon the dishonoring of a financial instrument and providing penalties.

Also: That the Senate has on April 18, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 492, a bill for an act relating to landlord remedies for tenant non-compliance with a rental agreement and acts constituting a clear and present danger.

Also: That the Senate has on April 18, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 552, 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 and providing an effective date.

Also: The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 18, 1995, insisted on its amendment to House File 553, 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, and the members of the Conference Committee on the part of the Senate are: The Senator from Jasper, Senator Black, Chair; the Senator from Tama, Senator Husak; the Senator from Kossuth, Senator Priebe; the Senator from Plymouth, Senator Banks; the Senator from Fremont, Senator McLaren.

Also: That the Senate has on April 18, 1995, amended the House amendment, concurred in the House amendment, as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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 April 18, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 18, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 476, a bill for an act relating to interest earned on rental deposits.

Also: That the Senate has on April 18, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and

the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

Also: That the Senate has on April 18, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 483, a bill for an act establishing a school improvement and technology program, providing for properly related matters, and making an appropriation.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(House File 553)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 553: Hahn of Muscatine, Chair; Greiner of Washington, Cornelius of Jackson, Mertz of Kossuth and Koenigs of Mitchell.

SENATE AMENDMENTS CONSIDERED

Heaton of Henry called up for consideration **House File 504**, a bill for an act relating to a motor vehicle owner's liability for damages caused by the driver, amended by the Senate, and moved that the House concur in the following Senate amendment H-3834:

H-3834

- 1 Amend House File 504 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 31 the
- 4 following:
- 5 "Sec. ____ Section 321A.1, subsection 8, Code
- 6 1995, is amended to read as follows:
- 7 8. OWNER. A "Owner" means a person who holds the
- 8 legal title of a motor vehicle, ~~or in~~ however, if the
- 9 ~~event a~~ motor vehicle is the subject of a security
- 10 agreement with a right of possession in the debtor,
- 11 ~~then such~~ the debtor shall be deemed the owner for the
- 12 ~~purpose~~ purposes of this chapter ~~or if the motor~~
- 13 ~~vehicle is leased as defined in section 321.493, the~~
- 14 lessee shall be deemed the owner for purposes of this
- 15 chapter."

The motion prevailed and the House concurred in the Senate amendment H-3834.

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

On the question "Shall the bill pass?" (H.F. 504)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carrroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
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	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

Gries

Siegrist

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

Cornelius of Jackson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3606:

H-3606

- 1 Amend House File 113, as passed by the House, as
- 2 follows:

- 3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "NEW SUBSECTION. 4. "Resident" means a natural
 6 person who:
 7 a. Meets any of the elements specified in section
 8 321.1A, subsections 1 through 6 only.
 9 b. Is a full-time student at an educational
 10 institution located in this state and resides in this
 11 state while attending the educational institution. A
 12 student qualifies as a resident pursuant to this
 13 paragraph only for the purpose of purchasing any
 14 resident license specified in section 483A.1 or
 15 484A.2.
 16 c. Is a nonresident under eighteen years of age
 17 whose parent is a resident of this state.
 18 Sec. 2. Section 483A.26, Code 1995, is amended to
 19 read as follows:
 20 483A.26 FALSE CLAIMS.
 21 A nonresident shall not obtain a resident license
 22 by falsely claiming residency in the state. ~~The~~
 23 ~~presumptions and provisions of section 321.1A relating~~
 24 ~~to residency apply to licenses under this chapter.~~
 25 The use of a license by a person other than the person
 26 to whom the license is issued is unlawful and
 27 nullifies the license."
 28 2. Title page, line 3, by inserting after the
 29 word "animals" the following: "and providing for
 30 other properly related matters".

The motion prevailed and the House concurred in the Senate amendment H-3606.

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

On the question "Shall the bill pass?" (H.F. 113)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carrroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	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	Rants	Renken	Running
Salton	Schrader	Shoultz	Sukup
Teig	Thomson	Tyrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Mr. Speaker Corbett			

The nays were, 2:

Fallon Witt

Absent or not voting, 5:

Brammer Gries Hahn Schulte
Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title as amended 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 113 and 504.**

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **House File 401**, a bill for an act relating to public health issues, including certain birth certificates and licensing of athletic trainers, previously deferred and placed on the unfinished business calendar.

SENATE FILE 202 SUBSTITUTED FOR HOUSE FILE 401

Veenstra of Sioux asked and received unanimous consent to substitute Senate File 202 for House File 401.

Senate File 202, a bill for an act relating to public health issues, including certain birth certificates and licensing of athletic trainers, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 202)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	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	Shultz	Sukup	Teig
Thomson	Tyrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Fallon

Absent or not voting, 2:

Brammer

Siegrist

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

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

Murphy of Dubuque offered amendment H-3431 filed by him and requested division as follows:

H-3431

1 Amend House File 511 as follows:

H-3431A

2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. NEW SECTION. 527.3A PROHIBITION ON
5 ISSUING OR PROVIDING AN ACCESS DEVICE TO AN INDIVIDUAL
6 UNDER THE AGE OF EIGHTEEN.

7 A person shall not provide or issue an access
8 device to an individual knowing or having reasonable
9 cause to believe that the individual is under the age
10 of eighteen. A person who provides or issues access
11 devices in this state shall request proof of the
12 individual's age on any application form used, or in
13 some other appropriate manner as approved by the
14 administrator if an application form is not used.
15 However, the prohibition of this section does not

16 apply if the person obtains prior to providing or
17 issuing the access device, the written consent of the
18 parent, guardian, or custodian of such individual.
19 Sec. ____ NEW SECTION. 536C.8A PROHIBITION ON
20 ISSUING A CREDIT CARD TO AN INDIVIDUAL UNDER THE AGE
21 OF EIGHTEEN.

22 A person shall not issue a credit card to an
23 individual knowing or having reasonable cause to
24 believe that the individual is under the age of
25 eighteen. A person who issues credit cards in this
26 state shall request proof of the individual's age on
27 any application form used, or in some other
28 appropriate manner as approved by the administrator if
29 an application form is not used. However, the
30 prohibition of this section does not apply if the
31 person obtains prior to issuing the credit card, the
32 written consent of the parent, guardian, or custodian
33 of such individual."

H-3431B

34 2. Page 2, by inserting after line 18 the
35 following:
36 "Sec. ____ NEW SECTION. 537.9101 PROHIBITION ON
37 ISSUING A CREDIT CARD TO AN INDIVIDUAL UNDER THE AGE
38 OF EIGHTEEN.

39 A person shall not issue a credit card to an
40 individual knowing or having reasonable cause to
41 believe that the individual is under the age of
42 eighteen. A person who issues credit cards in this
43 state shall request proof of the individual's age on
44 any application form used, or in some other
45 appropriate manner as approved by the administrator if
46 an application form is not used. However, the

H-3431B

47 prohibition of this section does not apply if the
48 person obtains prior to issuing the credit card, the
49 written consent of the parent, guardian, or custodian
50 of such individual."

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1 3. By renumbering as necessary.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-3431A.

McCoy of Polk asked and received unanimous consent to withdraw amendment H-3968 filed by him on April 18, 1995.

Holveck of Polk offered amendment H-3658 filed by him and Baker and requested division as follows:

H-3658

1 Amend House File 511 as follows:

H-3658A

2 1. Page 1, by striking lines 1 through 13.

H-3658B

3 2. Page 1, by striking lines 14 through 24.

H-3658C

4 3. Page 1, by striking lines 25 through 34.
5 4. By striking page 1, line 35, through page 2,
6 line 8.

H-3658D

7 5. Page 2, by striking lines 9 through 18.
8 6. By renumbering as necessary.

Holveck of Polk moved the adoption of amendment H-3658A.

Roll call was requested by Schrader of Marion and McCoy of Polk.

On the question "Shall amendment H-3658A be adopted?"
(H.F. 511)

The ayes were, 37:

Arnold	Baker	Bell	Bernau
Brand	Branstad	Burnett	Cataldo
Cphoon	Connors	Doderer	Drees

Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Kremer	Larkin
Main	Mascher	May	McCoy
Mertz	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Witt			

The nays were, 61:

Blodgett	Boddicker	Bogges	Bradley
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	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	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			

Absent or not voting, 2:

Brammer	Wise
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Amendment H-3658A lost.

Speaker pro tempore Van Maanen of Marion in the chair at 9:57 a.m.

Holveck of Polk moved the adoption of amendment H-3658B.

Roll call was requested by Holveck of Polk and Schrader of Marion.

On the question "Shall amendment H-3658B be adopted?"
(H.F. 511)

The ayes were, 41:

Baker	Bell	Bernau	Bradley
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drake	Drees
Fallon	Harper	Heaton	Holveck
Jochum	Koenigs	Kreiman	Kremer
Larkin	Main	Mascher	May

McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Tyrrell	Warnstadt	Weigel	Wise
Witt			

The nays were, 55:

Arnold	Bogges	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Eddie	Ertl
Garman	Gipp	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Houser
Hurley	Huseman	Jacobs	Klemme
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 4:

Blodgett	Boddicker	Brammer	Greig
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Amendment H-3658B lost.

Holveck of Polk moved the adoption of amendment H-3658C.

Roll call was requested by Holveck of Polk and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-3658C be adopted?"
(H.F. 511)

The ayes were, 49:

Arnold	Baker	Bell	Bernau
Bogges	Brand	Branstad	Burnett
Cataldo	Cohoon	Connors	Cornelius
Doderer	Drees	Ertl	Fallon
Garman	Grubbs	Grundberg	Harper
Heaton	Holveck	Houser	Jochum
Koenigs	Kreiman	Kremer	Larkin
Main	Martin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Welter	Wise
Witt			

The nays were, 49:

Boddicker	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hammitt	Hanson	Harrison	Hurley
Huseman	Jacobs	Klemme	Lamberti
Larson	Lord	Metcalfe	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Van Maanen, Presiding			

Absent or not voting, 2:

Blodgett Brammer

Amendment H-3658C lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3658D.

Murphy of Dubuque called up for consideration amendment H-3431B and moved its adoption.

A non-record roll call was requested.

The ayes were 53, nays 34.

Amendment H-3431B 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 511)

The ayes were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Fallon	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn

Halvorson	Hammitt	Hanson	Harrison
Heaton	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Metcalf	Meyer	Millage
Mundie	Murphy	Nelson, B.	Nelson, L.
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	Burnett
Cohoon	Connors	Doderer	Drees
Ertl	Garman	Harper	Holveck
Houser	Jochum	Koenigs	Kreiman
Larkin	Main	Martin	Mascher
May	McCoy	Mertz	Moreland
Myers	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 2:

Brammer Brand

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

HOUSE FILE 401 WITHDRAWN

Daggett of Union asked and received unanimous consent to withdraw House File 401 from further consideration by the House.

INTRODUCTION OF BILL

House File 567, by committee on ways and means, a bill for an act 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.

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

SENATE MESSAGES CONSIDERED

Senate File 475, by committee on appropriations, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates.

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

Senate File 476, by committee on ways and means, a bill for an act relating to interest earned on rental deposits.

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

Senate File 481, by committee on appropriations, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

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

Senate File 483, by committee on appropriations, a bill for an act establishing a school improvement and technology program, providing for properly related matters, and making an appropriation.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 511 and Senate File 202** be immediately messaged to the Senate.

Unfinished Business Calendar

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

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?" (S.F. 205)

The ayes were, 88:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll

Cataldo	Churchill	Connors	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Fallon	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
Larson	Lord	Main	Martin
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nutt
O'Brien	Rants	Renken	Salton
Schrader	Schulte	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 8:

Bernau	Cohoon	Harper	Mascher
Nelson, L.	Ollie	Running	Shoultz

Absent or not voting, 4:

Brammer	Brand	Doderer	Thomson
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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 205** be immediately messaged to the Senate.

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

Harrison of Scott offered the following amendment H-3787 filed by the committee on judiciary and moved its adoption:

H-3787

- 1 Amend Senate File 373, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 23 through 30 and

4 inserting the following: "constitute contempt of
5 court. As part of the order discharging an offender
6 from probation, the court shall enter a civil judgment
7 against the offender for the balance, if any, of any
8 restitution owed by the offender to the victim of the
9 crime."

10 2. Page 1, by inserting after line 30, the
11 following:

12 "Sec. ____ Section 910.5, subsection 1, unnumbered
13 paragraph 2, Code 1995, is amended to read as follows:

14 An offender committed to a penal or correctional
15 facility of the state, shall make restitution while
16 placed in that facility. Upon commitment to the
17 custody of the director of the Iowa department of
18 corrections, the director or the director's designee
19 shall prepare a restitution plan of payment or modify
20 any existing plan of payment. The new or modified
21 plan of payment shall reflect the offender's present
22 circumstances concerning the offender's income,
23 physical and mental health, education, employment, and
24 family circumstances. The director or the director's
25 designee may modify the plan of payment at any time to
26 reflect the offender's present circumstances. After
27 the expiration of the offender's sentence, the failure
28 of an offender to comply with the plan of restitution
29 ordered by the court shall constitute contempt of
30 court. Upon the expiration of the offender's
31 sentence, the department shall notify the court which
32 sentenced the offender and the court shall enter a
33 civil judgment against the offender for the balance,
34 if any, of any restitution owed by the offender to the
35 victim of the crime."

36 3. Page 2, by striking lines 17 through 23 and
37 inserting the following: "court. Upon the expiration
38 of the offender's sentence, the bureau chief shall
39 notify the court which sentenced the offender and the
40 court shall enter a civil judgment against the
41 offender for the balance, if any, of any restitution
42 owed by the offender to the victim of the crime."

43 4. Page 3, by striking lines 7 through 14 and
44 inserting the following: "contempt of court. Upon
45 the expiration of the offender's sentence, the office
46 or individual charged with supervision of the offender
47 shall notify the court which sentenced the offender
48 and the court shall enter a civil judgment against the
49 offender for the balance, if any, of any restitution
50 owed by the offender to the victim of the crime."

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1 5. By striking page 3, line 34, through page 4,
2 line 5, and inserting the following: "of court. Upon
3 the expiration of the offender's sentence, the parole
4 officer shall notify the court which sentenced the

5 offender and the court shall enter a civil judgment
 6 against the offender for the balance, if any, of any
 7 restitution owed by the offender to the victim of the
 8 crime."

9 6. Title page, line 3, by inserting after the
 10 word "ended" the following: "and providing for the
 11 entry of a civil judgment for restitution owed to a
 12 victim".

The committee amendment H-3787 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?" (S.F. 373)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	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, B.	Nelson, L.
Nutt	O'Brien	Ollie	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Wise	Witt	Van Maanen, Presiding	

The nays were, 1:

Doderer

Absent or not voting, 4:

Brammer

Brand

Rants

Welter

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 373** be immediately messaged to the Senate.

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

Kreiman of Davis offered the following amendment H-3941 filed by him and moved its adoption:

H-3941

- 1 Amend Senate File 358, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 15.
- 4 2. Page 3, by striking lines 14 through 17 and
- 5 inserting the following: "whichever occurs later. A
- 6 license to".
- 7 3. Page 3, by striking lines 34 and 35.
- 8 4. Page 4, line 1, by striking the word and
- 9 figure "subsection 2".
- 10 5. Page 4, lines 13 and 14, by striking the words
- 11 "~~temporary restricted license shall not be issued or~~
- 12 ~~a~~" and inserting the following: "temporary restricted
- 13 license shall not be issued or a".

Amendment H-3941 was adopted.

Grubbs of Scott offered the following amendment H-3960 filed by him and moved its adoption:

H-3960

- 1 Amend Senate File 358 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 2 the
- 4 following:
- 5 "Sec. ____ Section 321J.4B, subsection 12, as
- 6 enacted by 1995 Iowa Acts, Senate File 446, is amended
- 7 to read as follows:
- 8 12. Operating a motor vehicle on a street or
- 9 highway in this state in violation of an order of
- 10 impoundment or immobilization is a serious
- 11 misdemeanor. A motor vehicle which is subject to an
- 12 order of impoundment or immobilization that is

- 13 operated on a street or highway in this state during
 14 ~~the period of impoundment or immobilization in~~
 15 ~~violation of the order~~ shall be seized and forfeited
 16 to the state under chapter 809.”
 17 2. Title page, line 3, by inserting after the
 18 word “status,” the following: “providing penalties.”
 19 3. By renumbering as necessary.

Amendment H-3960 was adopted.

Grubbs of Scott offered the following amendment H-3963 filed by him and moved its adoption:

H-3963

- 1 Amend Senate File 358, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 4, by inserting after line 16 the
 4 following:
 5 “Sec. ____ Section 321J.20, Code 1995, is amended
 6 by adding the following new subsection:
 7 **NEW SUBSECTION. 6.** Following the minimum period
 8 of ineligibility, a temporary restricted license under
 9 this section shall not be issued until such time as
 10 the applicant installs an ignition interlock device of
 11 a type approved by the commissioner of public safety
 12 on all motor vehicles owned or operated by the
 13 applicant, in accordance with section 321J.4,
 14 subsection 7. Installation of an ignition interlock
 15 device under this section shall be required for the
 16 period of time for which the temporary restricted
 17 license is issued, but no longer than one year, unless
 18 the court order under section 321J.4, subsection 7,
 19 provides for a longer period of time.”
 20 2. Title page, line 3, by inserting after the
 21 word “status,” the following: “requiring ignition
 22 interlock devices for temporary restricted licenses.”
 23 3. By renumbering as necessary.

Amendment H-3963 was adopted.

Thomson of Linn offered the following amendment H-3965 filed by her and Kreiman and moved its adoption:

H-3965

- 1 Amend Senate File 358, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 16 the
 4 following:
 5 “Sec. ____ **NEW SECTION. 321J.24A YOUTHFUL**
 6 **OFFENDER SUBSTANCE ABUSE AWARENESS PROGRAM.**
 7 1. As used in this section, unless the context
 8 otherwise requires:

- 9 a. "Participant" means a person whose motor
10 vehicle license or operating privilege has been
11 revoked for a violation of section 321J.2A, if enacted
12 by 1995 Iowa Acts, Senate File 446.
- 13 b. "Program" means a substance abuse awareness
14 program provided under a contract entered into between
15 the provider and the commission on substance abuse of
16 the Iowa department of public health under chapter
17 125.
- 18 c. "Program coordinator" means a person assigned
19 the duty to coordinate a participant's activities in a
20 program by the program provider.
- 21 2. A substance abuse awareness program is
22 established in each of the regions established by the
23 commission on substance abuse. The program shall
24 consist of an insight class and a substance abuse
25 evaluation, which shall be attended by the
26 participant, to discuss issues related to the
27 potential consequences of substance abuse. The parent
28 or parents of the participant shall also be encouraged
29 to participate in the program. The program provider
30 shall consult with the participant or the parents of
31 the participant in the program to determine the timing
32 and appropriate level of participation for the
33 participant and any participation by the participant's
34 parents. The program may also include a supervised
35 educational tour by the participant to any or all of
36 the following:
- 37 a. A hospital or other emergency medical care
38 facility which regularly receives victims of motor
39 vehicle accidents, to observe treatment of appropriate
40 victims of motor vehicle accidents involving
41 intoxicated drivers, under the supervision of a
42 registered nurse, physician, paramedic, or emergency
43 medical technician.
- 44 b. A facility for the treatment of chemical
45 substance abuse as defined in section 125.2, under the
46 supervision of appropriately licensed medical
47 personnel.
- 48 c. If approved by the state or county medical
49 examiner, a morgue or a similar facility to receive
50 appropriate educational material and instruction

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- 1 concerning damage caused by the consumption of alcohol
2 or other drugs, under the supervision of the county
3 medical examiner or deputy medical examiner.
- 4 3. If the program includes a tour, the program
5 coordinator shall explain and discuss the experiences
6 which may be encountered during the tour to the
7 participant. If the program coordinator determines at
8 any time before or during a tour that the tour may be
9 traumatic or otherwise inappropriate for the

10 participant, the program coordinator shall terminate
11 the tour without prejudice to the participant.

12 4. Upon the revocation of the motor vehicle
13 license or operating privileges of a person who is
14 fourteen years of age or older for a violation of
15 section 321J.2A, if enacted, if the person has had no
16 previous revocations under either section 321J.2 or
17 section 321J.2A, if enacted, a person may participate
18 in the substance abuse awareness program. The state
19 department of transportation shall notify a potential
20 program participant of the possibility and potential
21 benefits of attending a program and shall notify a
22 potential program participant of the availability
23 programs which exist in the area in which the person
24 resides. The state department of transportation shall
25 consult with the Iowa department of public health to
26 determine what programs are available in various areas
27 of the state. The period of revocation for a person
28 whose motor vehicle license or operating privilege has
29 been revoked under section 321J.2A, if enacted, shall
30 be reduced by fifty percent upon receipt by the state
31 department of transportation of a certification by a
32 program provider that the person has completed a
33 program.

34 5. Program providers and facilities toured during
35 the program are not liable for any civil damages
36 resulting from injury to the participant, or civil
37 damages caused by the participant during or from any
38 activities related to a tour, except for willful or
39 grossly negligent acts intended to, or reasonably
40 expected to result in, such injury or damage.

41 6. The program provider shall determine fees to be
42 paid by participants in the program. The program fees
43 shall be paid on a sliding scale, based upon the
44 ability of a participant and a participant's family to
45 pay the fees, and shall not exceed one hundred dollars
46 per participant. The program provider shall use the
47 fees to pay all costs associated with the program."

48 2. Page 5, by inserting after line 1 the
49 following:

50 "Sec. ____ Section 321J.12, subsection 5, as

Page 3

1 enacted by 1995 Iowa Acts, Senate File 446, is amended
2 to read as follows:

3 5. Upon certification, subject to penalty of
4 perjury, by the peace officer that there existed
5 reasonable grounds to believe that the person had been
6 operating a motor vehicle in violation of section
7 321J.2A, that there existed one or more of the
8 necessary conditions for chemical testing described in
9 section 321J.6, subsection 1, and that the person
10 submitted to chemical testing and the test results

- 11 indicated an alcohol concentration as defined in
 12 section 321J.1 of .02 or more but less than .10, the
 13 department shall revoke the person's motor vehicle
 14 license or operating privilege for a period of thirty
 15 sixty days if the person has had no revocations within
 16 the previous six years under section 321J.2A, and for
 17 a period of ninety days if the person has had one or
 18 more previous revocations within the previous six
 19 years under section 321J.2A."
 20 3. Title page, line 1, by striking the word
 21 "habitual" and inserting the following: "certain".
 22 4. Title page, line 3, by inserting after the
 23 word "status," the following: "providing for a
 24 youthful offender substance abuse awareness program."
 25 5. By numbering and renumbering as necessary.

Amendment H-3965 was adopted.

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. 358)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	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	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	Tyrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer

Brand

Grubbs

Welter

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 358** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:10 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:00 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 sixty-one members present, thirty-nine absent.

CONSIDERATION OF BILLS

Unfinished Business Calendar

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

Rants of Woodbury offered the following amendment H-3924 filed by him and moved its adoption:

H-3924

- 1 Amend Senate File 422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 19, by striking the word
- 4 "subsections" and inserting the following:
- 5 "subsection".
- 6 2. Page 4, by striking lines 20 through 24.
- 7 3. Page 4, line 25, by striking the figure "7"
- 8 and inserting the following: "6".

A non-record roll call was requested.

The ayes were 21, nays 53.

Amendment H-3924 lost.

Rants of Woodbury offered the following amendment H-3923 filed by him and moved its adoption:

H-3923

- 1 Amend Senate File 422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 10, by inserting after the word
- 4 "recorder" the following: "or a successor county
- 5 officer".
- 6 2. Page 9, line 11, by inserting after the word
- 7 "recorder" the following: "or a successor county
- 8 officer".
- 9 3. Page 9, line 15, by inserting after the word
- 10 "recorders" the following: "or their successor county
- 11 officers".

Amendment H-3923 was adopted.

Rants of Woodbury offered the following amendment H-3922 filed by him and moved its adoption:

H-3922

- 1 Amend Senate File 422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, by inserting after line 17 the
- 4 following: "During the transitional period, the
- 5 county recorder or a successor county officer shall
- 6 not employ additional personnel to carry out the
- 7 provisions of this Act."

Amendment H-3922 lost.

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?" (S.F. 422)

The ayes were, 82:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer

Drake	Drees	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Harper	Harrison	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Koenigs	Kreiman	Kremer	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, L.	Nutt	Ollie
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Veenstra	Weidman	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 15:

Brand	Fallon	Garman	Grundberg
Hanson	Klemme	Lamberti	Larson
Metcalf	Nelson, B.	O'Brien	Rants
Vande Hoef	Warnstadt	Weigel	

Absent or not voting, 3:

Brammer	Brauns	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

Gipp of Winneshiek asked and received unanimous consent that **Senate File 422** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 208**, a bill for an act relating to child abuse and termination of parental rights provisions, and providing an effective date, previously deferred and placed on the unfinished business calendar.

Boddicker of Cedar offered amendment H-3815 filed by the committee on human resources as follows:

H-3815

- 1 Amend Senate File 208, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 8 through 16.
- 4 2. Page 2, line 23, by striking the words "Two

- 5 mental health professionals who are" and inserting the
6 following: "One mental health professional who is".
- 7 3. Page 2, line 25, by striking the words "Two
8 social workers who are" and inserting the following:
9 "One social worker who is".
- 10 4. Page 3, line 2, by striking the words "Three
11 others" and inserting the following: "One other".
- 12 5. Page 4, line 35, by striking the words "areas
13 of the state" and inserting the following: "of the
14 department's county clusters".
- 15 6. Page 5, line 8, by inserting after the word
16 "assessment." the following: "The department shall
17 commence the assessment within seventy-two hours of
18 the receipt of the report."
- 19 7. Page 5, line 34, by striking the words "and
20 shall" and inserting the following: "within twenty-
21 one calendar days of the receipt of the report. The
22 assessment shall".
- 23 8. Page 6, by striking lines 10 through 20 and
24 inserting the following:
25 "6. The department shall provide the county
26 attorney with a written copy of any assessment which
27 includes a recommendation for a juvenile or criminal
28 court action or petition. The county attorney shall
29 notify the department of any action taken concerning
30 an assessment provided by the department."
- 31 9. Page 6, line 32, by striking the words "The
32 case was referred for" and inserting the following:
33 "A petition was filed requesting".
- 34 10. Page 6, line 35, by striking the word "The"
35 and inserting the following: "In the opinion of a
36 health practitioner or mental health professional,
37 the".
- 38 11. Page 7, by inserting after line 10 the
39 following:
40 "c. If information is placed in the central
41 registry as a case of founded child abuse, all of the
42 provisions of sections 235A.13 to 235A.23 which apply
43 to a case of founded child abuse shall apply to a case
44 of founded child abuse under this section."
- 45 12. Page 8, by inserting after line 5 the
46 following:
47 "Sec. ____ DEPARTMENT OF HUMAN SERVICES PILOT
48 PROJECTS. In implementing the pilot projects for
49 child abuse assessment required under section 232.71A,
50 as enacted by this Act, the department shall apply a

Page 2

- 1 special protocol for investigating those child abuse
2 reports in which previous reports involving the same
3 family have been determined to be unfounded and the
4 alleged perpetrator does not have a record of founded
5 child abuse. If an intake worker or other child abuse

6 investigation worker has knowledge that five or more
7 reports determined to be unfounded have been made in
8 the two-year period preceding the report concerning
9 the same alleged perpetrator or family member of the
10 alleged perpetrator, a special protocol may be
11 applied. Under the special protocol, an assessment
12 may be made by telephone contact or other means to
13 shorten the assessment process concerning reports in
14 which there has been a previous investigation or
15 assessment and the worker has past experience which
16 suggests the report may be unfounded.”

17 13. Page 8, by striking lines 6 through 14.

18 14. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

Boddicker of Cedar offered the following amendment H-3967, to the committee amendment H-3815, filed by him and moved its adoption:

H-3967

1 Amend the amendment, H-3815, to Senate File 208, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 31 through 33.

5 2. By renumbering as necessary.

Amendment H-3967 was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-3918, to the committee amendment H-3815, filed by him on April 12, 1995.

Murphy of Dubuque offered the following amendment H-3948, to the committee amendment H-3815, filed by him and moved its adoption:

H-3948

1 Amend the amendment, H-3815, to Senate File 208, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 50, through page 2,
5 line 16, and inserting the following: “as enacted by
6 this Act, the department may apply a special protocol
7 for conducting an assessment in response to a child
8 abuse report to which all of the following
9 circumstances apply:

10 1. Three previous child abuse reports have been
11 made involving the same alleged perpetrator or a
12 family member of the alleged perpetrator.

13 2. The three previous reports were made within a
14 period of two years prior to the date of the latest

15 report.

16 3. The assessments resulting from the previous
17 three reports did not identify any child protection
18 concerns.

19 The special protocol may involve an abbreviated
20 assessment process, such as a telephone contact or
21 other means, to address the abuse allegation without
22 subjecting the family of the alleged perpetrator to
23 repeated or extensive assessments regarding abuse
24 allegations which have no basis.”

Amendment H-3948 was adopted.

On motion by Boddicker of Cedar, the committee amendment H-3815, as amended, 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?” (S.F. 208)

The ayes were, 99:

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	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	Shoultz	Schulte
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, 1:

Brammer

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

The House resumed consideration of **Senate File 204**, a bill for an act relating to the hours for sale of alcoholic beverages on Sundays, previously deferred and placed on the unfinished business calendar.

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

On the question "Shall the bill pass?" (S.F. 204)

The ayes were, 30:

Bell	Boddicker	Brand	Cataldo
Cormack	Disney	Ertl	Halvorson
Harper	Koenigs	Kremer	Lamberti
Larkin	Larson	McCoy	Mertz
Millage	Moreland	Murphy	Nelson, L.
Nutt	Ollie	Running	Schrader
Schulte	Shoultz	Siegrist	Tyrrell
Welter	Wise		

The nays were, 64:

Arnold	Baker	Bernau	Blodgett
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Cohoon	Coon	Corbett, Spkr.	Cornelius
Daggett	Dinkla	Doderer	Drake
Drees	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Hammitt	Hanson	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Kreiman
Lord	Main	Martin	Mascher
May	Metcalf	Meyer	Mundie
Myers	Nelson, B.	O'Brien	Rants
Renken	Salton	Sukup	Teig
Thomson	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Witt	Van Maanen, Presiding

Absent or not voting, 6:

Brammer	Connors	Eddie	Grundberg
Jochum	Weigel		

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **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, amended by the Senate amendment H-3976 as follows:

H-3976

- 1 Amend House File 461, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 Providing redundancy for Parts I and II of
- 6 the network at no cost to the state by a purchaser of
- 7 the network."
- 8 2. Page 1, by inserting after line 22 the
- 9 following:
- 10 Providing for a long-term lease of capacity
- 11 sufficient to meet the needs of existing and future
- 12 educational users of the network identified in chapter
- 13 8D.
- 14 Proposed terms and costs associated with the
- 15 use of public rights-of-way.
- 16 A forecast of capacity requirements for the
- 17 next five to ten years and the manner in which such
- 18 capacity requirements can be satisfied.
- 19 Terms of access for uses other than
- 20 educational uses.
- 21 A listing of the complete inventory to be
- 22 sold including, but not limited to, the following:
- 23 (a) The transfer of existing manufacturers'
- 24 warranties.
- 25 (b) The transfer of existing agreements with other
- 26 network facility providers.
- 27 (c) Fiber optic cable facility characteristics
- 28 including sizing by cross section.
- 29 (d) Terminal and regeneration spacing.
- 30 (e) Operation and use of existing switches and
- 31 equipment.
- 32 A review of whether a sale of the network
- 33 should be completed pursuant to a request for
- 34 proposals or by auction.
- 35 A review of the impact of federal
- 36 communications commission policy and regulations on
- 37 the potential sale of the network in its entirety or
- 38 in parts, and a recommendation as to the manner in

- 39 which the network should be sold as a result of this
 40 review.”
 41 3. By renumbering as necessary.

Brunkhorst of Bremer offered the following amendment H-3984, to the Senate amendment H-3976 filed by him and Lamberti from the floor and moved its adoption:

H-3984

- 1 Amend the Senate amendment, H-3976, to House File
- 2 461, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 7.
- 4 2. Page 1, by striking lines 14 through 31.
- 5 3. By renumbering as necessary.

Amendment H-3984 was adopted.

On motion by Lamberti of Polk, the House concurred in the Senate amendment H-3976, as amended,

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, 97:

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	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

Vande Hoef
Weigel
Van Maanen,
Presiding

Veenstra
Welter

Warnstadt
Wise

Weidman
Witt

The nays were, none.

Absent or not voting, 3:

Brammer

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 File 461 and Senate File 208.**

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 83.

Unfinished Business Calendar

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

RULE 32 INVOKED

Siegrist of Pottawattamie asked and received unanimous consent to invoke Rule 32 and refer Senate File 83 to committee on **appropriations.**

HOUSE INSISTS

Coon of Warren called up for consideration **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, and moved that the House insist on its amendment, which motion prevailed.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 93** be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED

(Senate File 93)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 93: Coon of Warren, Chair; Lamberti of Polk, Dinkla of Guthrie, Doderer of Johnson and Moreland of Wapello.

INTRODUCTION OF BILL

House File 568, by committee on ways and means, 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 placed on the **ways and means calendar**.

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on April 19, 1995. Had I been present, I would have voted "nay" on amendments H-3658B and H-3658C to House File 511.

BLODGETT of Cerro Gordo

I was necessarily absent from the House chamber on April 18, 1995. Had I been present, I would have voted "aye" on Senate File 457.

BRADLEY of Clinton

I was necessarily absent from the House chamber on April 18, 1995. Had I been present, I would have voted "aye" on Senate File 406.

LARSON of Linn

I was necessarily absent from the House chamber on April 13, 1995. Had I been present, I would have voted "aye" on Senate File 386.

MORELAND of Wapello

I was necessarily absent from the House chamber on April 18, 1995. Had I been present, I would have voted "aye" on Senate File 347.

TEIG of Hamilton

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 1995, he approved and transmitted to the Secretary of State the following bills:

Senate File 9, 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.

Senate File 94, an act relating to reciprocal license fees for nonresident real estate brokers and salespersons.

Senate File 117, an act adopting a new uniform anatomical gift Act and providing a penalty.

Senate File 118, an act relating to the development and implementation of a coordinated statewide trauma care delivery system and providing penalties and immunity from liability.

Senate File 140, 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.

Senate File 159, an act relating to the payment of wages to a suspended or terminated employee under the Iowa wage payment collection law.

Senate File 162, an act eliminating the minimum amount which must be borrowed under a home equity line of credit.

Senate File 175, an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

Senate File 178, an act relating to emergency medical services.

Senate File 255, 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.

Senate File 271, an act relating to the authorization of a bank office where a state bank may maintain its management and bookkeeping functions.

Senate File 274, 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.

Senate File 278, an act providing that animals classified as ostriches, rheas, and emus are considered livestock.

Senate File 375, an act relating to abandoned property subject to control by the treasurer of state.

PRESENTATION OF VISITORS

Running of Linn presented to the House the Honorable Jim Wells, former member of the House representing Linn County.

Salton of Palo Alto presented to the House the Honorable Lee Holt, former member of the House representing Clay County.

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

Five Cub Scouts from Greenwood Elementary School, Des Moines, accompanied by Kathy Mabie and Laurie Landa. By Holveck of Polk.

Eighty fifth grade students from Greenwood Elementary School, Des Moines, accompanied by Bruce Anderson and Betty Arnt. By Grundberg of Polk.

Thirty-six fifth grade students from Charter Oak-Ute Elementary, Ute, accompanied by Mary Ellen Keating. By Gries of Crawford.

Eighteen students from East Monona High School, Morehead, accompanied by Tom Borchers. By Gries of Crawford.

Twenty-five students from Southeast Webster High School, Burnside and Dayton, accompanied by Jim Ainsalve. By Cormack and Mundie of Webster.

SUBCOMMITTEE ASSIGNMENTS

House File 265

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

Senate File 156

Ways and Means: Larson, Chair; Teig and Weigel.

Senate File 470

Ways and Means: Teig, Chair; Main and Myers.

Senate File 473

Ways and Means: Greig, Chair; Gries and Jochum.

Senate File 475

Appropriations: Millage, Chair; Gipp and Murphy.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 330 Appropriations

Relating to funding for and the name of the national center for talented and gifted education and making 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 APPROPRIATIONS

Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3985** April 19, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 506), relating to the procedure for changing the use of revenues from a local option sales and services tax and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1995.

Committee Bill (Formerly House File 564), relating to the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 1995.

Committee Bill (Formerly House Study Bill 71), creating the motor vehicle lease tax Act and providing applicability and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 19, 1995.

AMENDMENTS FILED

H-3977	H.F.	485	Senate amendment
H-3978	S.F.	290	Senate amendment
H-3979	H.F.	481	Senate amendment
H-3980	H.F.	552	Senate amendment
H-3981	H.F.	492	Senate amendment
H-3982	S.F.	266	Weigel of Chickasaw Mertz of Kossuth May of Worth Mundie of Webster Drees of Carroll

H-3983	S.F.	150	Jochum of Dubuque
H-3985	S.F.	481	Committee on Appropriations
H-3986	S.F.	394	Vande Hoef of Osceola

On motion by Siegrist of Pottawattamie, the House adjourned at 4:08 p.m. until 8:45 a.m., Thursday, April 20, 1995.

JOURNAL OF THE HOUSE

One Hundred-second Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 20, 1995

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Richard Shaffer, Vail Presbyterian Church, Vail.

The Journal of Wednesday, April 19, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie, until his arrival, on request of Eddie of Buena Vista.

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 19, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 468, a bill for an act to legalize the transfer of certain property by the City of Keokuk and providing an effective date.

Also: That the Senate has on April 19, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 472, a bill for an act relating to the local option sales and services tax by authorizing political subdivisions that will receive revenues from the tax to issue bonds in anticipation of the receipt of the revenues and providing an effective date and a retroactive applicability date.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 468, by committee on judiciary, a bill for an act to legalize the transfer of certain property by the City of Keokuk and providing an effective date.

Read first time and referred to committee on judiciary.

Senate File 472, by committee on ways and means, a bill for an act relating to the local option sales and services tax by authorizing political subdivisions that will receive revenues from the tax to issue bonds in anticipation of the receipt of the revenues and providing an effective date and a retroactive applicability date.

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

SENATE AMENDMENT CONSIDERED

Vande Hoef of Osceola called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3981:

H-3981

1 Amend House File 492, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 8 the
4 following:
5 "Sec. ____ Section 562A.5, Code 1995, is amended
6 by adding the following new subsection:
7 **NEW SUBSECTION. 8.** Occupancy in housing owned by
8 a nonprofit organization whose purpose is to provide
9 transitional housing for persons released from drug or
10 alcohol treatment facilities and in housing for
11 homeless persons.
12 Sec. ____ Section 562A.6, Code 1995, is amended by
13 adding the following new subsection:
14 **NEW SUBSECTION. 15.** "Transitional housing" means
15 temporary or nonpermanent housing.
16 Sec. ____ Section 562A.21, subsection 1,
17 unnumbered paragraph 1, Code 1995, is amended to read
18 as follows:
19 Except as provided in this chapter, if there is a
20 material noncompliance by the landlord with the rental
21 agreement or a noncompliance with section 562A.15
22 materially affecting health and safety, the tenant may
23 elect to commence an action under this section and
24 shall deliver a written notice to the landlord
25 specifying the acts and omissions constituting the
26 breach and that the rental agreement will terminate
27 upon a date not less than ~~thirty~~ seven days after
28 receipt of the notice if the breach is not remedied in
29 ~~fourteen~~ seven days, and the rental agreement shall
30 terminate and the tenant shall surrender as provided
31 in the notice subject to the following:
32 Sec. ____ Section 562A.21, subsection 1, paragraph
33 b, Code 1995, is amended to read as follows:
34 b. If substantially the same act or omission which
35 constituted a prior noncompliance of which notice was
36 given recurs within six months, the tenant may
37 terminate the rental agreement upon at least ~~fourteen~~
38 seven days' written notice specifying the breach and
39 the date of termination of the rental agreement unless
40 the landlord has exercised due diligence and effort to
41 remedy the breach which gave rise to the

42 noncompliance.”

43 2. Page 1, line 9, by striking the words and
44 figures “subsections 1 and 2” and inserting the
45 following: “subsection 1”.

46 3. Page 1, line 10, by striking the word “are”
47 and inserting the following: “is”.

48 4. Page 1, lines 18 and 19, by striking the words
49 “days seventy-two hours” and inserting the following:
50 “seven days”.

Page 2

1 5. Page 1, line 28, by striking the words “days”
2 “seventy-two hours” and inserting the following:
3 “seven days”.

4 6. By striking page 1, line 31, through page 2,
5 line 1, and inserting the following:
6 “Sec. ____ Section 562A.27, subsection 4,
7 paragraph b, Code 1995, is amended to read as follows:
8 b. That the tenant notified the landlord at least
9 ~~fourteen~~ seven days prior to the due date of the
10 tenant’s rent payment of the tenant’s intention to
11 correct the condition constituting the breach referred
12 to in paragraph “a” of ~~this subsection~~ at the
13 landlord’s expense; and”.

14 7. Page 2, lines 9 and 10, by striking the words
15 “~~three days~~’ seventy-two hours” and inserting the
16 following: “three days”.

17 8. Page 2, by striking lines 15 through 17 and
18 inserting the following: “to quit.”

19 9. Page 2, line 20, by striking the word “five”
20 and inserting the following: “five three”.

21 10. Page 3, line 2, by striking the words “days”
22 “seventy-two hours” and inserting the following:
23 “seven days”.

24 11. Page 3, by striking lines 10 through 21.

25 12. By striking page 3, line 35, through page 4,
26 line 2, and inserting the following: “to quit. The”.

27 13. Page 4, line 5, by striking the word “five”
28 and inserting the following: “five three”.

29 14. Page 4, by striking lines 23 through 34.

30 15. By striking page 4, line 35, through page 5,
31 line 6.

32 16. Page 5, lines 17 and 18, by striking the
33 words “days seventy-two hours” and inserting the
34 following: “three days”.

35 17. Page 5, line 22, by striking the words “days”
36 “seventy-two hour” and inserting the following: “three”
37 “days”.

38 18. Page 5, lines 29 and 30, by striking the
39 words “days seventy-two hours” and inserting the
40 following: “three days”.

41 19. Page 5, by inserting after line 32 the
42 following:

43 "Sec. ____ EFFECTIVE DATE. The amendments in this
 44 Act to sections 562A.5 and 562A.6, being deemed of
 45 immediate importance, take effect upon enactment."
 46 20. Title page, line 1, by inserting after the
 47 word "to" the following: "the exclusion of certain
 48 nonprofit transitional housing from landlord-tenant
 49 agreements and remedies, tenant remedies for landlord
 50 noncompliance with a rental agreement."

Page 3

1 21. Title page, line 3, by inserting after the
 2 word "danger" the following: ", and providing an
 3 effective date".
 4 22. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3981.

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

On the question "Shall the bill pass?" (H.F. 492)

The ayes were, 79:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Cormack	Cornelius	Daggett	Disney
Drake	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	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Ollie	Rants	Renken
Running	Salton	Schulte	Shultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 13:

Bernau	Brand	Burnett	Doderer
Drees	Fallon	Harper	Holveck

Jochum
Murphy
Schrader

Kreiman
Myers
Weigel

Mascher
Nelson, L.

McCoy
O'Brien

Absent or not voting, 3:

Brammer

Dinkla

Moreland

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

Appropriations Calendar

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

Millage of Scott offered the following amendment H-3903 filed by the committee on judiciary and moved its adoption:

H-3903

- 1 Amend Senate File 427, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the word "senior"
- 4 and inserting the following: "~~senior~~".
- 5 2. Page 1, line 15, by striking the word
- 6 "retiring" and inserting the following: "who
- 7 retires".
- 8 3. Page 1, line 16, by inserting after the figure
- 9 "1994" the following: "and who is appointed a senior
- 10 judge under section 602.9203".

The committee amendment H-3903 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?" (S.F. 427)

The ayes were, 95:

Arnold
Boddicker
Branstad
Carroll

Baker
Boggest
Brauns
Cataldo

Bernau
Bradley
Brunkhorst
Churchill

Blodgett
Brand
Burnett
Cohoon

Connors	Coon	Cormack	Cornelius
Daggett	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	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, 5:

Bell	Brammer	Dinkla	Grundberg
Moreland			

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:

Moreland of Wapello, until his arrival, on request of Schrader of Marion.

Unfinished Business Calendar

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

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?" (S.F. 286)

The ayes were, 97:

Arnold	Baker	Bell	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	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	Gries	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.

SENATE AMENDMENT CONSIDERED

Welter of Jones called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3978 to the House amendment:

H-3978

- 1 Amend the amendment, S-3391, to Senate File 290, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 4 and 5.
- 5 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3978, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 290)

The ayes were, 95:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	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	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
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	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Bernau	Brammer	Brunkhorst	Gries
Moreland			

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 File 492 and Senate Files 286, 290, and 427.**

Speaker pro tempore Van Maanen of Marion in the chair at 9:27 a.m.

Unfinished Business Calendar

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

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. 293)

The ayes were, 93:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Gries	Grubbs	Hahn	Halvorson
Hammit	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	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, 7:

Bell	Brammer	Brunkhorst	Greiner
Grundberg	Houser	Moreland	

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

SENATE AMENDMENT CONSIDERED

Eddie of Buena Vista called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3971:

H-3971

- 1 Amend House File 460, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 3, by striking the figure
- 4 "306C.11A" and inserting the following: "306D.4".
- 5 2. Page 2, line 8, by striking the figure
- 6 "306C.11A" and inserting the following: "306D.4".
- 7 3. Page 2, by striking lines 10 through 14 and
- 8 inserting the following:
- 9 "The department of transportation shall have the
- 10 authority to adopt rules to control the erection of
- 11 new advertising devices on a highway designated as a
- 12 scenic highway or scenic byway in order to comply with
- 13 federal requirements concerning the implementation of
- 14 a scenic byways program."
- 15 4. By striking page 2, line 15, through page 3,
- 16 line 7.
- 17 5. Title page, by striking lines 1 through 3 and
- 18 inserting the following: "An Act relating to
- 19 governmental control of property by providing for".
- 20 6. By renumbering, relettering, or redesignating
- 21 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3971.

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

On the question "Shall the bill pass?" (H.F. 460)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	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	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	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, 5:

Brammer	Brunkhorst	Hahn	Houser
Moreland			

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 394**, a bill for an act relating to instruments filed or recorded with the county recorder, previously deferred and placed on the unfinished business calendar.

Vande Hoef of Osceola offered the following amendment H-3986 filed by him and moved its adoption:

H-3986

- 1 Amend Senate File 394, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 10 through 12 and
 4 inserting the following: "original signatures. The
 5 instruments".
 6 2. Page 1, by striking lines 15 and 16 and
 7 inserting the following: "at least eight and one-half
 8 inches across the page by two inches in length, on
 9 which space shall be typed or legibly printed across
 10 the page on the bottom one-fourth inch of this space,
 11 the name, address, and telephone number of the
 12 individual who prepared the instrument. The remaining
 13 portion of this space shall be reserved for use by the
 14 county recorder."
 15 3. Page 1, by striking lines 22 through 24 and
 16 inserting the following: "print or type the
 17 signatures appearing on the instrument."
 18 4. Page 1, by inserting after line 29 the
 19 following:
 20 "Sec. ____ APPLICABILITY. This Act applies to
 21 instruments signed or notarized on or after January 1,
 22 1996."
 23 5. Title page, line 2, by inserting after the
 24 word "recorder" the following: "and providing for the
 25 Act's applicability".
 26 6. By renumbering as necessary.

Amendment H-3986 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?" (S.F. 394)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	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	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	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:

Rants

Absent or not voting, 4:

Brammer	Brunkhorst	Hahn	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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 460 and Senate Files 293 and 394.**

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 19, 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 41, a bill for an act relating to the establishment of legal settlement for certain blind persons and providing an effective date.

Also: That the Senate has on April 19, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 197, a bill for an act relating to the expansion of the volunteer physician program to include other health care providers.

Also: That the Senate has on April 11, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 19, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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 requirements related to the sale of preneed funeral contracts and the sale of funeral and cemetery merchandise, establishing fees and use of those fees, and providing penalties.

Also: That the Senate has on April 19, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 8, a concurrent resolution supporting the United Nations' recognition of the Republic of China on Taiwan.

Also: That the Senate has on April 19, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 85, a bill for an act providing for the regulation of farm deer and making penalties applicable.

Also: The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 19, 1995, appointed the conference committee to 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, and the members of the Senate are: The Senator from Polk, Senator Bisignano, Chair; the Senator from Marshall, Senator Giannetto; the Senator from Henry, Senator Vilsack; the Senator from Jones, Senator McKean; the Senator from Polk, Senator Maddox.

Also: That the Senate has on April 19, 1995, concurred in the House amendment and passed the following bill in which concurrence of the Senate was 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 April 19, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which 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 April 19, 1995, concurred in the House amendment and passed the following bill in which concurrence of the Senate was asked:

Senate File 423, a bill for an act relating to delayed deposit services businesses and providing penalties.

Also: That the Senate has on April 19, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which 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 April 19, 1995, concurred in the House amendment and passed the following bill in which concurrence of the Senate was 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

The House stood at ease at 9:50 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Greig of Emmet, until his return, on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILL

House File 569, by committee on ways and means, a bill for an act relating to the motor vehicle leasing tax and providing an applicability provision.

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

SENATE AMENDMENTS CONSIDERED

Nutt of Woodbury called up for consideration **House File 485**, a bill for an act relating to remedies upon the dishonoring of a financial instrument and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-3977:

H-3977

- 1 Amend House File 485, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 13, by striking the words "one
- 4 hundred" and inserting the following: "fifty".
- 5 2. Page 1, line 28, by striking the words "one
- 6 hundred" and inserting the following: "fifty".

The motion prevailed and the House concurred in the Senate amendment H-3977.

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

On the question "Shall the bill pass?" (H.F. 485)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	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	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 4:

Doderer	Holveck	McCoy	Shoultz
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Absent or not voting, 3:

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

Boddicker of Cedar called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3958 to the House amendment:

H-3958

- 1 Amend the House amendment, S-3433, to Senate File
- 2 433, as amended, passed, and reprinted by the Senate,

3 as follows:

- 4 1. Page 1, by striking lines 3 through 22.
- 5 2. Page 1, by striking lines 40 through 42.
- 6 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3958, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 433)

The ayes were, 97:

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	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	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
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, 1:

Mascher

Absent or not voting, 2:

Brammer

Greig

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 File 485 and Senate File 433.**

Ways and Means Calendar

House File 545, a bill for an act providing a sales tax exemption relating to certain aircraft and effective date and retroactive applicability provisions, was taken up for consideration.

Rants of Woodbury offered the following amendment H-3864 filed by him and moved its adoption:

H-3864

- 1 Amend House File 545 as follows:
- 2 1. Page 1, by striking lines 13 through 15 and
- 3 inserting the following: "administration-certified
- 4 air carrier operation."
- 5 2. Page 1, line 16, by striking the word "REFUND"
- 6 and inserting the following: "REFUNDS".
- 7 3. Page 1, line 20, by inserting after the figure
- 8 "1995" the following: ", and shall be limited to
- 9 twenty-five thousand dollars in the aggregate,
- 10 notwithstanding any other provision of law. If the
- 11 amount of claims totals more than twenty-five thousand
- 12 dollars in the aggregate, the department of revenue
- 13 and finance shall prorate the twenty-five thousand
- 14 dollars among all claimants in relation to the amounts
- 15 of the claimants' valid claims".
- 16 4. Page 1, line 21, by inserting after the word
- 17 "APPLICABILITY" the following: "PROVISION".
- 18 5. Page 1, line 23, by striking the word
- 19 "enactment," and inserting the following:
- 20 "enactment".
- 21 6. Title page, line 1, by striking the word
- 22 "certain".
- 23 7. Title page, by striking line 2 and inserting
- 24 the following: "aircraft, limiting the amount of
- 25 refunds, and providing effective date and retroactive
- 26 applicability".

Amendment H-3864 was adopted.

SENATE FILE 181 SUBSTITUTED FOR HOUSE FILE 545

Rants of Woodbury asked and received unanimous consent to substitute Senate File 181 for House File 545.

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, 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?" (S.F. 181)

The ayes were, 57:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Grubbs	Grundberg	Hahn
Halvorson	Hanson	Harrison	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	Van Fossen	Weidman	Welter
Van Maanen, Presiding			

The nays were, 41:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Greiner	Gries	Hammitt	Harper
Heaton	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Tyrrell	Vande Hoef
Veenstra	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 2:

Brammer Greig

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 181** be immediately messaged to the Senate.

HOUSE FILE 545 WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to withdraw House File 545 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 20, 1995, refused to concur in the House amendment as amended to the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 477, a bill for an act establishing an oversight, audit and government reform committee, and providing an effective date.

JOHN F. DWYER, Secretary

Ways and Means Calendar

House File 555, 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, was taken up for consideration.

Warnstadt of Woodbury offered the following amendment H-3994 filed by him from the floor and moved its adoption:

H-3994

- 1 Amend House File 555 as follows:
- 2 1. Page 1, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ Section 422.12, subsection 1, Code
- 5 1995, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. f. For each dependent attending a
- 8 public elementary or secondary school in this state,
- 9 the amount of any fees charged for textbooks to be
- 10 used by the dependent."

Roll call was requested by Schrader of Marion and Kreiman of Davis.

On the question "Shall amendment H-3994 be adopted?" (H.F. 555)

The ayes were, 42:

Baker	Bell	Bernau	Brand
Brauns	Brunkhorst	Burnett	Cataldo
Cohoon	Connors	Disney	Doderer
Drees	Grundberg	Hammitt	Harper
Holveck	Jacobs	Jochum	Koenigs
Kreiman	Larkin	Martin	Mascher
May	Metcalf	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Rants	Running
Schrader	Shoultz	Thomson	Warnstadt
Wise	Witt		

The nays were, 50:

Arnold	Boddicker	Boguess	Bradley
Branstad	Carroll	Coon	Cormack
Cornelius	Daggett	Dinkla	Drake
Ertl	Garman	Gipp	Greiner
Gries	Grubbs	Hahn	Halvorson
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Klemme	Kremer
Lamberti	Lord	Main	McCoy
Mertz	Meyer	Millage	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Van Maanen,		
	Presiding		

Absent or not voting, 8:

Blodgett	Brammer	Churchill	Corbett, Spkr.
Eddie	Fallon	Greig	Larson

Amendment H-3994 lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 555** be deferred and that the bill retain its place on the **ways and means calendar**.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:15 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.

SENATE MESSAGE CONSIDERED

Senate File 477, by committee on appropriations, a bill for an act establishing an oversight, audit and government reform committee, and providing an effective date.

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

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 18

Brauns of Muscatine called up for consideration House Concurrent Resolution 18, a concurrent resolution relating to border city trucking agreements, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 23

Heaton of Henry called up for consideration House Concurrent Resolution 23, a concurrent resolution urging the Congress of the United States to quickly develop and approve the proposed national highway system, and moved its adoption.

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomson of Linn, until her return, on request of Siegrist of Pottawattamie.

SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **House File 552**, 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 and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-3980:

H-3980

- 1 Amend House File 552, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 26, by striking lines 24 through 27 and
 4 inserting the following: "accumulated sixty dollars
 5 in credits for one calendar year. A claim for refund
 6 may be filed any time the sixty dollar minimum has
 7 been met within the calendar year. If the sixty
 8 dollar minimum has not".
- 9 2. Page 26, line 29, by striking the words "the
 10 taxpayer" and inserting the following: "the
 11 claimant".
- 12 3. Page 26, line 31, by striking the words "two
 13 hundred fifty" and inserting the following: "sixty".
- 14 4. Page 40, line 9, by inserting after the word
 15 "chapter." the following: "The department of revenue
 16 and finance shall adopt rules providing for
 17 enforcement under division I and this division of this
 18 chapter regarding the use of motor fuel or special
 19 fuel in implements of husbandry."
- 20 5. Page 43, line 14, by inserting after the word
 21 "gallon." the following: "However, on-farm storage of
 22 undyed special fuel shall be exempt from the inventory
 23 requirements and the tax imposed under this section."
- 24 6. Title page, by striking lines 2 and 3 and
 25 inserting the following: "vehicle fuel by requiring
 26 supplier's, restrictive supplier's, importer's,
 27 exporter's, dealer's, user's, or blender's licenses,".
- 28 7. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3980.

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

On the question "Shall the bill pass?" (H.F. 552)

The ayes were, 95:

Arnold	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
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
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 1:

Fallon

Absent or not voting, 4:

Baker

Brammer

Ertl

Thomson

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 552** be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Unfinished Business Calendar

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

Weigel of Chickasaw asked and received unanimous consent to withdraw the following amendments filed by him:

H-3400 filed on March 21, 1995.

H-3345 filed on March 20, 1995.

H-3724 filed on April 4, 1995.

Greiner of Washington offered the following amendment H-3993 filed by her from the floor and moved its adoption:

H-3993

1 Amend House File 457 as follows:

- 2 1. Page 1, by striking lines 1 through 26 and
3 inserting the following:
4 "Section 1. Section 206.19, subsection 3, Code
5 1995, is amended to read as follows:
6 3. Determine in cooperation with municipalities,
7 the proper notice to be given by a commercial or
8 public applicator to occupants of adjoining properties
9 in urban areas prior to or after the exterior
10 application of pesticides, and establish a schedule to
11 determine the periods of application least harmful to
12 living beings, ~~and adopt rules to implement these~~
13 ~~provisions. The rules shall provide that a commercial~~
14 ~~or public applicator must provide notice only if an~~
15 ~~occupant requests that the commercial or public~~
16 ~~applicator provide the occupant notice in writing in a~~
17 ~~timely manner prior to the application. The request~~
18 ~~shall include the name and address of the occupant, a~~
19 ~~telephone number of a location where the occupant may~~
20 ~~be contacted during normal business hours, and the~~
21 ~~address of each property that adjoins the occupant's~~
22 ~~property. The notification shall expire on December~~
23 ~~31 of each year, or the date when the occupant no~~
24 ~~longer occupies the property, whichever is earlier.~~
25 Municipalities shall cooperate with the department by
26 reporting infractions and in implementing this
27 subsection."
28 2. Title page, by striking lines 1 through 3 and
29 inserting the following: "An Act providing for
30 notification of the application of pesticides."

Amendment H-3993 was adopted.

SENATE FILE 256 SUBSTITUTED FOR HOUSE FILE 457

Greiner of Washington asked and received unanimous consent to substitute Senate File 256 for House File 457.

Senate File 256, a bill for an act providing for notification of the application of pesticides, was taken up for consideration.

Weigel of Chickasaw asked and received unanimous consent to withdraw the following amendments filed by him on April 11, 1995: H-3893, H-3894 and H-3895.

Greiner of Washington offered amendment H-3995 filed by her from the floor as follows:

H-3995

- 1 Amend Senate File 256, as passed by the Senate, as
2 follows:

3 1. By striking page 1, lines 1 through 21, and
4 inserting the following:
5 "Section 1. Section 206.2, subsection 7, Code
6 1995, is amended by striking the subsection.
7 Sec. 2. Section 206.5, subsection 6, Code 1995, is
8 amended by striking the subsection.
9 Sec. 3. Section 206.19, subsection 3, Code 1995,
10 is amended to read as follows:
11 3. Determine in cooperation with municipalities,
12 the proper notice to be given by a commercial or
13 public applicator to occupants of adjoining properties
14 in urban areas prior to or after the exterior
15 application of pesticides, and establish a schedule to
16 determine the periods of application least harmful to
17 living beings, and adopt rules to implement these
18 provisions. The rules shall provide that a commercial
19 or public applicator must provide notice only if an
20 occupant requests that the commercial or public
21 applicator provide the occupant notice in a timely
22 manner prior to the application. The request shall
23 include the name and address of the occupant, a
24 telephone number of a location where the occupant may
25 be contacted during normal business hours and evening
26 hours, and the address of each property that adjoins
27 the occupant's property. The notification shall
28 expire on December 31 of each year, or the date when
29 the occupant no longer occupies the property,
30 whichever is earlier. Municipalities shall cooperate
31 with the department by reporting infractions and in
32 implementing this subsection.
33 Sec. 4. Section 206.22, subsection 4, Code 1995,
34 is amended by striking the subsection.
35 Sec. 5. REPEAL. Chapter 206A, Code 1995, is
36 repealed."

37 2. Title page, lines 1 and 2, by striking the
38 words "notification of the application of pesticides"
39 and inserting the following: "pesticides, by
40 providing for the notification of application and
41 providing for the elimination of provisions relating
42 to chemigation."

Greiner of Washington asked and received unanimous consent to defer action on Senate File 256.

(Amendment H-3995 pending.)

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 11

Heaton of Henry called up for consideration Senate Concurrent Resolution 11, a concurrent resolution declaring support for Amtrak.

Heaton of Henry offered the following amendment H-3140 filed by the committee on transportation and moved its adoption:

H-3140

- 1 Amend Senate Concurrent Resolution 11 to read as
- 2 follows:
- 3 1. By striking page 1, line 29, through page 2,
- 4 line 2.
- 5 2. Page 2, by striking lines 15 and 16.
- 6 3. Page 2, line 17, by striking the figure "4."
- 7 and inserting the following: "3."

The committee amendment H-3140 was adopted.

On motion by Heaton of Henry, the resolution, as amended, was adopted.

Unfinished Business Calendar

The House resumed consideration of **Senate File 146**, a bill for an act relating to Iowa-foaled horses and Iowa-whelped dogs used for breeding and racing, previously deferred and placed on the unfinished business calendar.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-3440 filed by him on March 23, 1995.

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. 146)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	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:

Brammer Brunkhorst Garman

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 146** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Dinkla of Guthrie called up for consideration **House File 490**, a bill for an act relating to limited liability companies, amended by the Senate, and moved that the House concur in the following Senate amendment H-3899:

H-3899

- 1 Amend House File 490, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following:
- 5 "Sec. ____ Section 490A.1501, subsection 4, Code
- 6 1995, is amended to read as follows:
- 7 4. "Profession" means the profession of certified
- 8 public accountancy, architecture, chiropractic;
- 9 dentistry, physical therapy, psychology, professional
- 10 engineering, land surveying, landscape architecture,
- 11 law, medicine and surgery, optometry, osteopathy,
- 12 osteopathic medicine and surgery, accounting
- 13 practitioner, podiatry, speech pathology, audiology,
- 14 veterinary medicine, pharmacy, and nursing, and
- 15 marriage and family therapy, provided that the
- 16 marriage and family therapist is licensed under
- 17 chapters 147 and 154D."
- 18 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3899.

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

On the question "Shall the bill pass?" (H.F. 490)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
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:

Brammer	Coon	Greig
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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 490** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of **House File 565**.

Appropriations Calendar

House File 565, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students, was taken up for consideration.

Wise of Lee offered the following amendment H-4003 filed by Wise, Cohoon, Gries, Hanson and Nelson of Marshall from the floor and moved its adoption:

H-4003

1 Amend House File 565 as follows:

2 1. Page 1, line 7, by striking the word and
3 figures "258.18, subsection 2" and inserting the
4 following: "256.17".

5 2. By striking page 1, line 12 through page 3,
6 line 16 and inserting the following:

7 "Sec. 2. NEW SECTION. 256.17 SCHOOL-TO-WORK
8 TRANSITION SYSTEM.

9 1. It is the policy of the state of Iowa to
10 provide an education system that prepares the students
11 of this state to meet the high skills demands of
12 today's workplace. The general assembly recognizes
13 the need to prepare students for any postsecondary
14 opportunity that leads to high-wage, high-skill
15 careers. In order to meet this need, the high school
16 curriculum must be redesigned so students appreciate
17 the relevance of academic course work, reach higher
18 levels of learning in science, math, and
19 communications skills, and acquire the ability to
20 apply this knowledge.

21 2. The departments of education, employment
22 services, and economic development shall develop a
23 statewide school-to-work transition system in
24 consultation with local school districts, community
25 colleges, and labor, business, and industry interests.
26 Initially the development of the system shall focus
27 upon youth apprenticeship and as development continues
28 shall incorporate additional recommendations regarding
29 expansion of other school-to-work opportunities for
30 high school youths. The system shall be designed to
31 attain the following objectives:

32 a. Set high standards by promoting higher academic
33 performance levels.

34 b. Connect work and learning so that the classroom
35 is linked to worksite learning and experience.

36 c. Ready students for work in order to improve
37 their prospects for immediate employment after leaving
38 school on paths that provide significant opportunity
39 to continued education and career development.

40 d. Engage employers and workers by promoting their
41 participation in the education of youth in order to
42 ensure the development of a skilled, flexible, entry-

43 level workforce.

44 e. Provide a framework to position the state to
45 access federal resources for state youth
46 apprenticeship systems and local programs.

47 f. Motivate youths to stay in school and become
48 productive citizens.

49 3. The department of education shall provide for
50 the establishment of regional school-to-work

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1 partnerships for the purpose of planning, developing,
2 implementing, and strengthening school-to-work system
3 development efforts in accordance with subsection 2.
4 Regional school-to-work partnerships shall be composed
5 of employment and training professional staff from the
6 department of economic development and the department
7 of employment services, representatives from local
8 education agencies, the community college, area
9 education agency, and regional vocational planning
10 board or consortia serving the region, and regional
11 representatives from business, labor, and community
12 service organizations. Each regional partnership
13 shall collaborate with the courts, the department of
14 human services, the division of vocational
15 rehabilitation of the department of education, and the
16 new Iowa schools development corporation. If the
17 general assembly appropriates moneys for a fiscal year
18 for purposes of this subsection, the regional school-
19 to-work partnerships shall provide assistance to local
20 consortia in developing a plan and budget for grant
21 applications for local school-to-work development
22 efforts. An existing partnership or organization,
23 including a regional school-to-work partnership, that
24 meets the established criteria, may be considered a
25 consortium for grant application purposes. A
26 consortium shall consist of, but is not limited to,
27 one or more school districts, a community college,
28 area education agency, representatives from business
29 and labor organizations and others as determined
30 within the region. The department shall develop
31 criteria, guidelines, and a process to be used in
32 selecting consortium grant recipients. A consortium
33 shall provide matching funds or match grant funds with
34 in-kind resources on a dollar-for-dollar basis,
35 evaluate the effectiveness of the program and report
36 the findings to the department on an annual basis. In
37 addition to the requirements of subsection 2, an
38 approved school-to-work system development effort
39 shall provide for the following:
40 a. Measure the employability skills of students.
41 Employability skills shall include, but are not
42 limited to, reading for information, applied

43 mathematics, listening, and writing.
 44 b. Curricula designed to set high standards for
 45 all students and create career pathways to prepare
 46 students for high-wage, high-skill careers, and for
 47 further education and training. The curricula shall
 48 be designed through the cooperative efforts of
 49 secondary and postsecondary education professionals,
 50 business professionals, and community services

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1 professionals.
 2 c. Career guidance and exploration for students.
 3 d. Staff development to implement the high-
 4 standard curriculum. These efforts may include team
 5 teaching techniques that utilize expertise from
 6 partnership businesses and postsecondary institutions.
 7 4. A school-to-work program is a comprehensive
 8 school transformation program under section 294A.14.
 9 5. Notwithstanding section 8.33, unencumbered or
 10 unobligated funds remaining on June 30 of any fiscal
 11 year from moneys appropriated for the purposes of this
 12 section shall not revert to the general fund of the
 13 state but shall be available for expenditure for the
 14 following fiscal year for the purposes of this
 15 section.
 16 Sec. 3. REPEAL. Section 258.18, Code 1995, is
 17 repealed."
 18 3. By renumbering as necessary.

Amendment H-4003 was adopted, placing out of order amendment H-3932 filed by Boddicker of Cedar on April 13, 1995.

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

On the question "Shall the bill pass?" (H.F. 565)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	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	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
Shultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Boddicker

Absent or not voting, 3:

Brammer

Hurley

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 565** be immediately messaged to the Senate.

HOUSE INSISTS

Garman of Story called up for consideration **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 and moved that the House insist on its amendment, which motion prevailed.

SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3990:

H-3990

- 1 Amend House File 246 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 16, by inserting after the word
- 4 "claim" the following: "which was determined to be
- 5 frivolous or malicious".

The motion prevailed and the House concurred in the Senate amendment H-3990.

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

On the question "Shall the bill pass?" (H.F. 246)

The ayes were, 97:

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	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
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen,			
Presiding			

The nays were, 1:

Doderer

Absent or not voting, 2:

Brammer

Hurley

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.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 563.

House File 563, a bill for an act relating to the merit system classification of employees of statewide elected officials, 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. 563)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	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:

Bradley	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.

SENATE AMENDMENT CONSIDERED

Cormack of Webster called up for consideration **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 retroactive applicability date; amended by the Senate amendment H-3979 as follows:

H-3979

1	Amend House File 481, as passed by the House, as		
2	follows:		
3	1. Page 6, lines 7 and 8, by striking the words		
4	"governor for the drug enforcement and abuse		
5	prevention coordinator" and inserting the following:		
6	"attorney general".		
7	2. Page 6, line 16, by striking the words "drug		
8	enforcement and abuse coordinator" and inserting the		
9	following: "office of the attorney general".		
10	3. Page 18, line 1, by inserting after the word		
11	"law" the following: ", in the following amounts for		
12	the purposes indicated".		
13	4. Page 18, by inserting after line 1 the		
14	following:		
15	"1. For plant and animal disease and pest control,		
16	grant number 10025:		
17	.....	\$	665,540
18	2. For assistance for intrastate meat and poultry,		
19	grant number 10475:		
20	.....	\$	954,286
21	3. For farmers market nutrition program, grant		
22	number 10577:		
23	.....	\$	412,981
24	4. For soil and water conservation, grant number		
25	10902:		
26	.....	\$	57,000
27	5. For food and drug — research grants, grant		
28	number 13103:		
29	.....	\$	154,522
30	6. For surface coal mining regulation, grant		
31	number 15250:		
32	.....	\$	153,169
33	7. For abandoned mine land reclamation, grant		
34	number 15252:		
35	.....	\$	3,462,736
36	8. For pesticide enforcement program, grant number		
37	66700:		
38	.....	\$	672,170

39	9. For pesticide certification program, grant		
40	number 66720:		
41	.....	\$	65,520"
42	5. Page 18, line 23, by inserting after the word		
43	"law" the following: "; in the following amounts for		
44	the purposes indicated".		
45	6. Page 18, by inserting after line 23 the		
46	following:		
47	"1. For vocational rehabilitation — FICA, grant		
48	number 13802:		
49	\$	286,876
50	2. For assistive technology information network,		

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1	grant number 84224:		
2	\$	22,980
3	3. For rehabilitation services — basic support,		
4	grant number 84126:		
5	.....	\$	4,394,181
6	4. For rehabilitation training, grant number		
7	84129:		
8	.....	\$	18,894
9	5. For independent living project, grant number		
10	84169:		
11	.....	\$	110,857
12	6. For older blind, grant number 84177:		
13	.....	\$	192,240
14	7. For supported employment, grant number 84187:		
15	.....	\$	52,541"
16	7. Page 19, line 34, by inserting after the word		
17	"law" the following: "; in the following amounts for		
18	the purposes indicated".		
19	8. Page 19, by inserting after line 34 the		
20	following:		
21	"1. For historic preservation grants-in-aid, grant		
22	number 15904:		
23	.....	\$	524,572
24	2. For promotion of the arts — education, grant		
25	number 45003:		
26	.....	\$	95,500
27	3. For promotion of the arts — federal and state,		
28	grant number 45007:		
29	.....	\$	471,000
30	4. For promotion of the arts — special projects,		
31	grant number 45011:		
32	.....	\$	102,825"
33	9. Page 20, line 7, by inserting after the word		
34	"law" the following: "; in the following amounts for		
35	the purposes indicated".		
36	10. Page 20, by inserting after line 7 the		
37	following:		
38	"1. For nutrition program for elderly, grant		
39	number 10570:		
40	.....	\$	2,212,991
41	2. For senior community service employment		
42	program, grant number 17235:		

43	.....	\$	1,035,295
44	3. For prevention of elder abuse, grant number		
45	93041:		
46	.....	\$	28,161
47	4. For preventive health, grant number 93043:		
48	\$	201,504
49	5. For supportive services, grant number 93044:		
50	\$	4,516,282

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1	6. For nutrition, grant number 93045:		
2	\$	6,038,894
3	7. For frail elderly, grant number 93046:		
4	.....	\$	83,704
5	8. For ombudsman activity, grant number 93042:		
6	.....	\$	54,182
7	9. For benefits counseling, grant number 93049:		
8	.....	\$	26,242"
9	11. Page 20, line 15, by inserting after the word		
10	"law" the following: ", in the following amounts for		
11	the purposes indicated".		
12	12. Page 20, by inserting after line 15 the		
13	following:		
14	"1. For Trade Expansion Act, grant number 11309:		
15	.....	\$	10,000
16	2. For child support enforcement, grant number		
17	13783:		
18	.....	\$	109,068
19	3. For employment statistics, grant number 17002:		
20	.....	\$	1,400,416
21	4. For research and statistics, grant number		
22	17005:		
23	.....	\$	97,206
24	5. For labor certification, grant number 17202:		
25	.....	\$	108,885
26	6. For employment service, grant number 17207:		
27	.....	\$	10,720,817
28	7. For unemployment insurance grant to state,		
29	grant number 17225:		
30	.....	\$	19,730,000
31	8. For occupational safety and health, grant		
32	number 17500:		
33	.....	\$	1,676,362
34	9. For disabled veterans outreach, grant number		
35	17801:		
36	.....	\$	1,016,101
37	10. For local veterans employment representation,		
38	grant number 17804:		
39	.....	\$	1,382,805
40	11. For unemployment insurance trust receipts,		
41	grant number 17998:		
42	.....	\$	184,010,000"
43	13. Page 21, line 4, by inserting after the word		
44	"law" the following: ", in the following amounts for		
45	the purposes indicated".		

46 14. Page 21, by inserting after line 4 the
 47 following:
 48 "1. For juvenile justice and delinquency
 49 prevention, grant number 16540:
 50 \$ 612,558

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1 2. For weatherization assistance, grant number
 2 81042:
 3 \$ 4,992,011
 4 3. For client assistance, grant number 84161:
 5 \$ 100,000
 6 4. For low-income home energy assistance, grant
 7 number 93568:
 8 \$ 26,290,443
 9 5. For community services block grant, grant
 10 number 93572:
 11 \$ 4,418,251"
 12 15. Page 21, line 12, by inserting after the word
 13 "law" the following: ", in the following amounts for
 14 the purposes indicated".
 15 16. Page 21, by inserting after line 12 the
 16 following:
 17 "1. For assistance for intrastate meat and
 18 poultry, grant number 10475:
 19 \$ 28,085
 20 2. For food and drug — research grants, grant
 21 number 13103:
 22 \$ 8,388
 23 3. For Title XVIII medicare inspections, grant
 24 number 13773:
 25 \$ 1,685,106
 26 4. For state medicaid fraud control unit, grant
 27 number 13775:
 28 \$ 14,762
 29 5. For state medicaid fraud control, grant number
 30 93775:
 31 \$ 305,954"
 32 17. Page 22, line 7, by inserting after the word
 33 "law" the following: ", in the following amounts for
 34 the purposes indicated".
 35 18. Page 22, by inserting after line 7 the
 36 following:
 37 "1. For forestry incentive program, grant number
 38 10064:
 39 \$ 1,235,000
 40 2. For cooperative forestry assistance, grant
 41 number 10664:
 42 \$ 485,000
 43 3. For surface coal mining regulation, grant
 44 number 15250:
 45 \$ 28,894
 46 4. For fish restoration, grant number 15605:
 47 \$ 3,855,000
 48 5. For wildlife restoration, grant number 15611:
 49 \$ 2,700,000
 50 6. For rare and endangered species conservation,

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1	grant number 15612:	
2	\$ 21,575
3	7. For acquisition, development, and planning,	
4	grant number 15916:	
5	.....	\$ 250,000
6	8. For recreation boating safety financial	
7	assistance, grant number 20005:	
8	.....	\$ 494,000
9	9. For Clean Lakes Act, grant number 66435:	
10	.....	\$ 440,501
11	10. For consolidated environmental programs	
12	support, grant number 66600:	
13	.....	\$ 8,993,210
14	11. For energy conservation, grant number 81041:	
15	.....	\$ 431,006
16	12. For grants for local government, grant number	
17	81052:	
18	.....	\$ 695,853*
19	19. Page 22, line 29, by inserting after the word	
20	"law" the following: ", in the following amounts for	
21	the purposes indicated".	
22	20. Page 22, by inserting after line 29 the	
23	following:	
24	"1. For military operations — Army national	
25	guard, grant number 12991:	
26	.....	\$ 7,612,676
27	2. For superfund authorization, grant number	
28	83011:	
29	.....	\$ 79,000
30	3. For federal hazmat training, grant number	
31	83012:	
32	.....	\$ 3,430
33	4. For emergency management training, grant number	
34	83403:	
35	.....	\$ 6,000
36	5. For emergency management assistance, grant	
37	number 83503:	
38	.....	\$ 920,250
39	6. For state disaster preparedness grants, grant	
40	number 83505:	
41	.....	\$ 20,000
42	7. For state and local emergency operation	
43	centers, grant number 83512:	
44	.....	\$ 2,000,000
45	8. For disaster assistance, grant number 83516:	
46	.....	\$ 16,681,513
47	9. For hazard mitigation, grant number 83519:	
48	.....	\$ 430,000*
49	21. Page 23, line 9, by inserting after the word	
50	"law" the following: ", in the following amounts for	

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1	the purposes indicated".	
2	22. Page 23, by inserting after line 9 the	
3	following:	
4	"1. For agricultural experiment, grant number	
5	10203:	
6	.....	\$ 3,870,819
7	2. For 1890 land grant colleges, grant number	
8	10205:	
9	.....	\$ 50,000
10	3. For cooperative extension service, grant number	
11	10500:	
12	.....	\$ 8,500,000
13	4. For school breakfast program, grant number	
14	10553:	
15	.....	\$ 9,054
16	5. For school lunch program, grant number 10555:	
17	.....	\$ 209,429
18	6. For maternal and child health, grant number	
19	13110:	
20	.....	\$ 104,276
21	7. For cancer treatment research, grant number	
22	13395:	
23	.....	\$ 40,805
24	8. For general research, grant number 83500:	
25	.....	\$ 226,358,348
26	9. For education of handicapped children, grant	
27	number 84009:	
28	.....	\$ 20,713
29	10. For handicapped — state grants, grant number	
30	84027:	
31	.....	\$ 272,050"
32	23. Page 24, line 21, by inserting after the word	
33	"law" the following: ", in the following amounts for	
34	the purposes indicated".	
35	24. Page 24, by inserting after line 21 the	
36	following:	
37	"1. For department of housing and urban	
38	development, grant number 14000:	
39	.....	\$ 25,000
40	2. For department of justice, grant number 16000:	
41	.....	\$ 480,000
42	3. For marijuana control, grant number 16580:	
43	.....	\$ 58,000
44	4. For state and community highway safety, grant	
45	number 20600:	
46	.....	\$ 3,587,883"
47	25. Page 24, line 29, by inserting after the word	
48	"law" the following: ", in the following amounts for	
49	the purposes indicated".	
50	26. Page 24, by inserting after line 29 the	

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1	following:	
2	"1. For women, infants, and children, grant number	
3	10557:	
4	\$ 29,397,925
5	2. For food and drug — research grants, grant	
6	number 13103:	
7	.....	\$ 10,802
8	3. For primary care services, grant number 13130:	
9	.....	\$ 144,715
10	4. For health services — grants and contracts,	
11	grant number 13226:	
12	.....	\$ 185,605
13	5. For drug abuse research grant, grant number	
14	13279:	
15	.....	\$ 49,200
16	6. For prevention disability, grant number 13283:	
17	.....	\$ 89,636
18	7. For asbestos enforcement, grant number 66706:	
19	.....	\$ 16,739
20	8. For health programs for refugees, grant number	
21	13987:	
22	.....	\$ 37,980
23	9. For alcohol and drug abuse block grant, grant	
24	number 13992:	
25	.....	\$ 12,315,234
26	10. For radon control, grant number 66032:	
27	.....	\$ 348,853
28	11. For toxic substance compliance monitoring,	
29	grant number 66701:	
30	.....	\$ 169,871
31	12. For asbestos enforcement program, grant number	
32	66702:	
33	.....	\$ 155,051
34	13. For drug-free schools — communities, grant	
35	number 84186:	
36	.....	\$ 1,084,256
37	14. For hazardous waste, grant number 66802:	
38	.....	\$ 50,596
39	15. For regional delivery systems, grant number	
40	93110:	
41	.....	\$ 242,076
42	16. For TB control — elimination, grant number	
43	93116:	
44	.....	\$ 211,649
45	17. For AIDS prevention project, grant number	
46	93118:	
47	.....	\$ 1,106,712
48	18. For physician education, grant number 93161:	
49	\$ 386,405
50	19. For childhood lead abatement, grant number	

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1	93197:		
2	\$	730,303
3	20. For family planning projects, grant number		
4	93217:		
5	\$	598,468
6	21. For immunization program, grant number 93268:		
7	.....	\$	1,498,835
8	22. For needs assessment grant, grant number		
9	93283:		
10	.....	\$	1,385,046
11	23. For model programs for adolescents, grant		
12	number 93902:		
13	.....	\$	702,961
14	24. For rural health, grant number 93913:		
15	.....	\$	43,341
16	25. For HIV cares grants, grant number 93917:		
17	.....	\$	333,799
18	26. For trauma care, grant number 93953:		
19	.....	\$	120,767
20	27. For preventive health services, grant number		
21	93977:		
22	.....	\$	585,877
23	28. For preventive health blocks, grant number		
24	93991:		
25	.....	\$	1,807,096
26	29. For maternal and child health block grant,		
27	grant number 93994:		
28	.....	\$	6,927,002
29	30. For Aids prevention project, grant number		
30	93940:		
31	.....	\$	52,135
32	31. For substance abuse program grants, grant		
33	number 93959:		
34	.....	\$	685,751
35	32. For refugee health, grant number 93987:		
36	.....	\$	11,164
37	33. For alcohol/drug abuse block grant, grant		
38	number 93992:		
39	.....	\$	29,680"
40	27. Page 25, line 2, by inserting after the word		
41	"law" the following: ", in the following amounts for		
42	the purposes indicated".		
43	28. Page 25, by inserting after line 2 the		
44	following:		
45	"1. For food stamps, grant number 10551:		
46	.....	\$	3,843,072
47	2. For administration expense for food stamps,		
48	grant number 10561:		
49	\$	10,435,468
50	3. For commodity support food program, grant		

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1	number 10565:	
2	\$ 309,557
3	4. For temporary emergency food assistance, grant	
4	number 10568:	
5	.....	\$ 332,440
6	5. For child care planning and development, grant	
7	number 13673:	
8	.....	\$ 14,281
9	6. For Title XVIII medicare inspections, grant	
10	number 13773:	
11	.....	\$ 100,000
12	7. For foster grandparents program, grant number	
13	72001:	
14	.....	\$ 351,430
15	8. For retired senior volunteer program, grant	
16	number 72002:	
17	.....	\$ 12,263
18	9. For child care for at-risk families, grant	
19	number 93574:	
20	.....	\$ 197,708
21	10. For projects with industries, grant number	
22	84128:	
23	.....	\$ 462,765
24	11. For mental health, grant number 93125:	
25	.....	\$ 105,679
26	12. For mental health training, grant number	
27	93244:	
28	.....	\$ 300,000
29	13. For family support payments to states, grant	
30	number 93560:	
31	.....	\$ 95,524,994
32	14. For job opportunities and basic skills	
33	training, grant number 93561:	
34	.....	\$ 13,218,008
35	15. For child support enforcement, grant number	
36	93563:	
37	.....	\$ 20,497,111
38	16. For refugee and entrant assistance, grant	
39	number 93566:	
40	.....	\$ 4,686,585
41	17. For child care development block grant, grant	
42	number 93575:	
43	.....	\$ 8,546,421
44	18. For developmental disabilities basic support,	
45	grant number 93630:	
46	.....	\$ 854,067
47	19. For children's justice, grant number 93643:	
48	\$ 171,347
49	20. For child welfare services, grant number	
50	93645:	

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1	\$	4,962,484
2	21. For crisis nursery, grant number 93656:		
3	\$	136,242
4	22. For foster care Title IV-E, grant number		
5	93658:		
6	.....	\$	18,493,805
7	23. For adoption assistance, grant number 93659:		
8	.....	\$	7,898,799
9	24. For social services block grant, grant number		
10	93667:		
11	.....	\$	31,975,889
12	25. For child abuse basic, grant number 93669:		
13	.....	\$	280,024
14	26. For child abuse challenge, grant number 93672:		
15	.....	\$	57,507
16	27. For development of dependent care, grant		
17	number 93673:		
18	.....	\$	50,601
19	28. For Title IV-E independent living, grant		
20	number 93674:		
21	.....	\$	481,440
22	29. For sexually transmitted disease control		
23	program, grant number 93777:		
24	.....	\$	2,662,000
25	30. For medical assistance, grant number 93778:		
26	.....	\$	777,216,322
27	31. For community mental health services, grant		
28	number 93958:		
29	.....	\$	2,100,000"
30	29. Page 25, line 10, by inserting after the word		
31	"law" the following: " , in the following amounts for		
32	the purposes indicated".		
33	30. Page 25, by inserting after line 10 the		
34	following:		
35	"1. For department of agriculture, grant number		
36	10000:		
37	.....	\$	122,000
38	2. For young adult conservation corps, grant		
39	number 10663:		
40	.....	\$	750,000
41	3. For state and local planning, grant number		
42	11305:		
43	.....	\$	72,000
44	4. For procurement office/department of defense,		
45	grant number 12600:		
46	.....	\$	83,000
47	5. For community development block grant state		
48	program, grant number 14228:		
49	\$	44,402,179
50	6. For national Affordable Housing Act, grant		

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1	number 14239:	
2	\$ 9,715,815
3	7. For department of labor, grant number 17000:	
4	\$ 319,028
5	8. For Job Training Partnership Act, grant number	
6	17250:	
7	.....	\$ 19,055,048
8	9. For small business administration tree program,	
9	grant number 59045:	
10	.....	\$ 160,000
11	10. For community service act funds, grant number	
12	94003:	
13	.....	\$ 946,000
14	11. For Job Training Partnership Act — dislocated	
15	workers, grant number 17246:	
16	.....	\$ 7,229,202"
17	31. Page 25, line 18, by inserting after the word	
18	"law" the following: ", in the following amounts for	
19	the purposes indicated".	
20	32. Page 25, by inserting after line 18 the	
21	following:	
22	"1. For airport improvement program — federal	
23	aviation administration, grant number 20106:	
24	.....	\$ 100,000
25	2. For highway research, plan and construction,	
26	grant number 20205:	
27	.....	\$ 269,267,000
28	3. For motor carrier safety assistance, grant	
29	number 20217:	
30	.....	\$ 50,000
31	4. For local rail service assistance, grant number	
32	20308:	
33	.....	\$ 400,000
34	5. For urban mass transportation, grant number	
35	20507:	
36	.....	\$ 2,000,000"
37	33. Page 25, line 25, by inserting after the word	
38	"law" the following: ", in the following amounts for	
39	the purposes indicated".	
40	34. Page 25, by inserting after line 25 the	
41	following:	
42	"1. For school breakfast program, grant number	
43	10553:	
44	.....	\$ 5,512,500
45	2. For school lunch program, grant number 10555:	
46	.....	\$ 44,210,250
47	3. For special milk program for children, grant	
48	number 10556:	
49	\$ 252,000
50	4. For child care food program, grant number	

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1	10558:	
2	\$ 17,565,030
3	5. For summer food service for children, grant	
4	number 10559:	
5	.....	\$ 1,075,725
6	6. For administration expenses for child	
7	nutrition, grant number 10560:	
8	.....	\$ 883,485
9	7. For public telecommunication facilities, grant	
10	number 11550:	
11	.....	\$ 150,000
12	8. For vocational rehabilitation — state	
13	supplementary assistance, grant number 13625:	
14	.....	\$ 350,572
15	9. For vocational rehabilitation — FICA, grant	
16	number 13802:	
17	.....	\$ 9,025,345
18	10. For nutrition education and training, grant	
19	number 10564:	
20	.....	\$ 115,000
21	11. For mine health and safety, grant number	
22	17600:	
23	.....	\$ 80,000
24	12. For veterans education, grant number 64111:	
25	.....	\$ 172,270
26	13. For asbestos enforcement program, grant number	
27	66702:	
28	.....	\$ 6,000
29	14. For adult education, grant number 84002:	
30	.....	\$ 892,176
31	15. For bilingual education, grant number 84003:	
32	.....	\$ 75,000
33	16. For civil rights, grant number 84004:	
34	.....	\$ 308,622
35	17. For education of handicapped children, grant	
36	number 84009:	
37	.....	\$ 657,000
38	18. For E.C.I.A. — chapter 1, grant number 84010:	
39	.....	\$ 46,000,000
40	19. For migrant education, grant number 84011:	
41	.....	\$ 250,000
42	20. For educationally deprived children, grant	
43	number 84012:	
44	.....	\$ 400,000
45	21. For education for neglected — delinquent	
46	children, grant number 84013:	
47	.....	\$ 300,000
48	22. For handicapped education, grant number 84025:	
49	\$ 98,000
50	23. For handicapped — state grants, grant number	

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1	84027:	
2	\$ 25,558,783
3	24. For handicapped professional preparation,	
4	grant number 84029:	
5	.....	\$ 118,000
6	25. For public library services, grant number	
7	84034:	
8	.....	\$ 971,153
9	26. For interlibrary cooperation, grant number	
10	84035:	
11	.....	\$ 229,155
12	27. For vocational education — state grants,	
13	grant number 84048:	
14	.....	\$ 9,795,940
15	28. For vocational education — consumer and	
16	homemaking, grant number 84049:	
17	.....	\$ 393,572
18	29. For vocational education — state advisory	
19	councils, grant number 84053:	
20	.....	\$ 179,289
21	30. For national diffusion network, grant number	
22	84073:	
23	.....	\$ 95,405
24	31. For rehabilitation services — basic support,	
25	grant number 84126:	
26	.....	\$ 16,629,105
27	32. For rehabilitation training, grant number	
28	84129:	
29	.....	\$ 59,689
30	33. For chapter 2 block grant, grant number 84151:	
31	.....	\$ 4,171,482
32	34. For public library construction, grant number	
33	84154:	
34	.....	\$ 200,000
35	35. For transition services, grant number 84158:	
36	.....	\$ 124,379
37	36. For emergency immigrant education, grant	
38	number 84162:	
39	.....	\$ 58,395
40	37. For EESA Title II, grant number 84164:	
41	.....	\$ 1,716,566
42	38. For independent living project, grant number	
43	84169:	
44	.....	\$ 337,007
45	39. For education of handicapped — incentive,	
46	grant number 84173:	
47	.....	\$ 3,999,180
48	40. For education of handicapped — infants and	
49	toddlers, grant number 84181:	
50	\$ 1,980,000

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1	41. For Byrd scholarship program, grant number		
2	84185:		
3	\$	219,000
4	42. For drug free schools/communities, grant		
5	number 84186:		
6	.....	\$	2,905,925
7	43. For supported employment, grant number 84187:		
8	.....	\$	271,267
9	44. For homeless youth and children, grant number		
10	84196:		
11	.....	\$	189,344
12	45. For vocational education-community, grant		
13	number 84174:		
14	.....	\$	135,271
15	46. For even start, grant number 84213:		
16	.....	\$	670,265
17	47. For E.C.I.A. capital expense, grant number		
18	84216:		
19	.....	\$	500,000
20	48. For E.C.I.A. state improvements, grant number		
21	84218:		
22	.....	\$	400,000
23	49. For foreign language assistance, grant number		
24	84249:		
25	.....	\$	136,491
26	50. For literacy resource center, grant number		
27	84254:		
28	.....	\$	73,458
29	51. For AIDS prevention project, grant number		
30	93118:		
31	.....	\$	265,000
32	52. For headstart collaborative grant, grant		
33	number 93600:		
34	.....	\$	128,816
35	53. For serve America, grant number 94001:		
36	.....	\$	177,784
37	54. For youth apprenticeship, grant number 17249:		
38	.....	\$	223,323
39	55. For environment education grants, grant number		
40	66951:		
41	.....	\$	5,000
42	56. For teacher preparation education, grant		
43	number 84243:		
44	.....	\$	1,216,528
45	57. For department of education contracts, grant		
46	number 84999:		
47	.....	\$	50,000
48	58. For child development association scholarship,		
49	grant number 93614:		
50	\$	14,840"

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- 1 35. Page 26, line 3, by striking the word "are"
 2 and inserting the following: "and".
 3 36. Page 26, line 3, by inserting after the word
 4 "abuse" the following: "shall, notwithstanding 1989
 5 Acts, chapter 225, section 5, be transferred to the
 6 office of the attorney general".
 7 37. Page 26, line 6, by inserting after the word
 8 "law" the following: ", in the following amounts for
 9 the purposes indicated".
 10 38. Page 26, by inserting after line 6 the
 11 following:
 12 "For narcotics control assistance, grant number
 13 16579:
 14 \$ 13,267,000"

Cormack of Webster offered the following amendment H-4009, to the Senate amendment H-3979 filed by him from the floor and moved its adoption:

H-4009

- 1 Amend the Senate amendment, H-3979, to House File
 2 481, as passed by the House, as follows:
 3 1. Page 1, by striking lines 3 through 9.
 4 2. Page 15, by striking lines 1 through 6.
 5 3. By renumbering as necessary.

Amendment H-4009 was adopted.

On motion by Cormack of Webster, the House concurred in the the Senate amendment H-3979, as amended.

Cormack of Webster 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. 481)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	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	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 Brauns

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 481 and 563** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Hanson of Black Hawk presented to the House, the Honorable Charles Grassley, United States Senator from Iowa.

The House rose and expressed its welcome.

The House resumed consideration of **Senate File 256**, a bill for an act providing for notification of the application of pesticides, previously deferred and amendment H-3995, found on pages 1755 through 1758 of the House Journal, pending.

Bernau of Story offered the following amendment H-4007, to amendment H-3995 filed by him from the floor and moved its adoption:

H-4007

- 1 Amend the amendment, H-3995, to Senate File 256, as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 1, lines 28 and 29 and
- 4 inserting the following: "expire on the date when the
- 5 occupant no longer occupies the property."
- 6 2. Page 1, line 30, by striking the words
- 7 "whichever is earlier."

Amendment H-4007 lost.

On motion by Greiner of Washington, amendment H-3995 was adopted.

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

On the question "Shall the bill pass?" (S.F. 256)

The ayes were, 76:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brunkhorst	Carroll	Cataldo	Churchill
Cohoon	Coon	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
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nelson, L.	Nutt	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, 22:

Bernau	Brand	Burnett	Connors
Doderer	Drees	Fallon	Grundberg
Harper	Holveck	Jochum	Kreiman
Mascher	Moreland	Murphy	Myers
O'Brien	Ollie	Running	Schrader
Shoultz	Witt		

Absent or not voting, 2:

Brammer	Brauns
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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.

CONFERENCE COMMITTEE APPOINTED
(Senate File 459)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 459: Garman of Story, Chair; Welter of Jones, Schulte of Linn, Larkin of Lee and Bell of Jasper.

INTRODUCTION OF BILL

House File 570, by committee on appropriations, a bill for an act relating to funding for and the name of the national center for talented and gifted education and making an appropriation.

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

HOUSE FILE 457 WITHDRAWN

Eddie of Buena Vista asked and received unanimous consent to withdraw House File 457 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 256** be immediately messaged to the Senate.

HOUSE FILE 444 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 444 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Van Fossen of Scott called up for consideration **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 requirements related to the sale of preneed funeral contracts and the sale of funeral and cemetery merchandise, establishing fees and use of those fees, and providing penalties, amended by the Senate amendment H-3989 as follows:

H-3989

- 1 Amend House File 486, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 33 the
- 4 following:
- 5 "(5) The name of the purchaser, beneficiary, and
- 6 the amount of each agreement referred to in section
- 7 523A.1 made in the preceding year and the date on
- 8 which it was made.

9 (6) Other information reasonably required by the
 10 commissioner for purposes of administration of this
 11 chapter.”

12 2. Page 5, by striking lines 5 through 10.

13 3. Page 31, by inserting after line 30 the
 14 following:

15 “Sec. ____ NEW SECTION. 523A.23 MINIMUM FIDELITY
 16 BOND OR INSURANCE POLICY.

17 The seller, in connection with an offer or sale of
 18 an agreement referred to in section 523A.1, shall
 19 obtain and maintain at all times a fidelity bond or
 20 insurance policy covering losses resulting from
 21 dishonest or fraudulent acts committed by employees of
 22 the seller which cause a loss, theft, or
 23 misappropriation of cash, property, or a negotiable
 24 instrument submitted to the seller pursuant to the
 25 agreement. The fidelity bond or insurance policy must
 26 be maintained in an amount not less than fifty
 27 thousand dollars.”

28 4. Page 34, by inserting after line 17 the
 29 following:

30 “(5) The name of the purchaser, beneficiary, and
 31 the amount of each agreement referred to in section
 32 523E.1 made in the preceding year and the date on
 33 which it was made.

34 (6) Other information reasonably required by the
 35 commissioner for purposes of administration of this
 36 chapter.”

37 5. Page 35, by striking lines 24 through 29.

38 6. Page 38, by inserting after line 19 the
 39 following:

40 “Sec. ____ NEW SECTION. 523E.22 MINIMUM FIDELITY
 41 BOND OR INSURANCE POLICY.

42 The seller, in connection with an offer or sale of
 43 an agreement referred to in section 523E.1, shall
 44 obtain and maintain at all times a fidelity bond or
 45 insurance policy covering losses resulting from
 46 dishonest or fraudulent acts committed by employees of
 47 the seller which cause a loss, theft, or
 48 misappropriation of cash, property, or a negotiable
 49 instrument submitted to the seller pursuant to the
 50 agreement. The fidelity bond or insurance policy must

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1 be maintained in an amount not less than fifty
 2 thousand dollars.”

3 7. Page 65, line 10, by striking the word and
 4 figures “566A.2B, and 566A.2C” and inserting the
 5 following: “and 566A.2B”.

6 8. Page 65, by striking lines 13 through 15 and
 7 inserting the following: “exempt from section
 8 566A.2D. Political subdivisions of the state which
 9 are counties or cities are exempt from this chapter.”

- 10 Political subdivisions of the state other than
11 counties or cities are exempt from sections 566A.3 and
12 566A.6.
- 13 9. Page 67, by striking lines 30 through 34.
14 10. Page 69, by striking lines 3 through 24.
15 11. Page 70, line 3, by inserting after the word
16 "subdivision" the following: "subject to this
17 section".
18 12. Page 71, line 1, by inserting after the word
19 "subdivision" the following: "subject to this
20 section".
21 13. Page 74, line 29, by striking the words and
22 figure "sections 566A.2C and" and inserting the
23 following: "section".
24 14. Page 75, lines 1 and 2, by striking the words
25 and figures "sections 566A.2C, 566A.2D, and 566A.2E"
26 and inserting the following: "section 566A.2E".
27 15. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

Van Fossen of Scott asked and received unanimous consent to withdraw amendment H-4008 filed by him from the floor.

Van Fossen of Scott offered the following amendment H-4013, to the Senate amendment H-3989 filed by him from the floor and moved its adoption:

H-4013

- 1 Amend the Senate amendment, H-3989, to House File
2 486, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by striking lines 6 through 12 and
5 inserting the following:
6 "_. Page 65, by striking lines 13 through 15
7 and inserting the following: "exempt from section
8 566A.2D. Political subdivisions of the state which
9 are counties are exempt from this chapter. Political
10 subdivisions of the state other than counties are
11 subject only to sections 566A.1A, 566A.2A, 566A.2B,
12 and 566A.2E."

Amendment H-4013 was adopted.

On motion by Van Fossen of Scott, the House concurred in the Senate amendment H-3989, as amended.

Van Fossen of Scott moved that the bill, as amended by the Senate, further amended 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. 486)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Connors	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	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	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Brauns	Brunkhorst	Garman
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 486** be immediately messaged to the Senate.

Unfinished Business Calendar

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

Salton of Palo Alto offered the following amendment H-3229 filed by the committee on human resources and moved its adoption:

H-3229

1 Amend Senate File 150, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by inserting after the word
4 "child" the following: "or constituted imminent
5 danger to the child".

6 2. Page 1, by inserting after line 33 the
7 following:

8 "Sec. ____ Section 232.119, subsection 5, Code
9 1995, is amended to read as follows:

10 5. A request to defer registering the child on the
11 exchange shall be submitted in writing and shall be
12 granted if any of the following conditions exist:

13 a. The child is in an adoptive placement.

14 b. The child's foster parents or another person
15 with a significant relationship is being considered as
16 the adoptive family.

17 c. ~~The child needs~~ A diagnostic study or testing
18 is necessary to clarify the child's problem needs and
19 to provide an adequate description of the problem
20 child's needs.

21 d. ~~The~~ At the time of the request, the child is
22 currently hospitalized and receiving medical care,
23 mental health treatment, or other treatment and the
24 child's care or treatment provider has determined that
25 does not permit adoptive placement meeting prospective
26 adoptive parents is not in the child's best interest.

27 e. The child is fourteen years of age or older and
28 will not consent to an adoption plan and the
29 consequences of not being adopted have been explained
30 to the child.

31 ~~Upon receipt of a valid written request for~~
32 ~~deferral pursuant to paragraphs "a" through "e", the~~
33 ~~exchange shall grant the deferral, except that a~~
34 ~~deferral based on paragraph "b" or "c" shall be~~
35 ~~granted for no more than a one-time, ninety-day period~~
36 ~~unless the termination of parental rights order is~~
37 ~~appealed. However, if the foster parents or another~~
38 ~~person with a significant relationship continues to be~~
39 ~~considered the child's prospective adoptive family,~~
40 ~~additional extensions of the deferral may be granted~~
41 ~~until ninety days after the date of the final decision~~
42 ~~regarding the appeal.~~

43 6. The following requirements apply to a request
44 to defer registering a child on the adoption exchange
45 under subsection 5:

46 a. For a deferral granted by the exchange pursuant
47 to subsection 5, paragraph "a", "b", or "e", the
48 child's guardian shall address the child's deferral
49 status in the report filed with the court and the
50 court shall review the deferral status in the six-

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- 1 month review hearings held pursuant to section
 2 232.117, subsection 6.
 3 b. In addition to the requirements of paragraph
 4 "a", a deferral granted by the exchange pursuant to
 5 subsection 5, paragraph "b", shall be limited to not
 6 more than a one-time, ninety-day period unless the
 7 termination of parental rights order is appealed or
 8 the child is placed in a hospital or other
 9 institutional placement. However, if the foster
 10 parents or another person with a significant
 11 relationship continues to be considered the child's
 12 prospective adoptive family, additional extensions of
 13 the deferral request under subsection 5, paragraph
 14 "b", may be granted until sixty days after the date of
 15 the final decision regarding the appeal or until the
 16 date the child is discharged from a hospital or other
 17 institutional placement.
 18 c. A deferral granted by the exchange pursuant to
 19 subsection 5, paragraph "c", shall be limited to not
 20 more than a one-time, ninety-day period.
 21 d. A deferral granted by the exchange pursuant to
 22 subsection 5, paragraph "d", shall be limited to not
 23 more than a one-time, one hundred-twenty-day period."
 24 3. Page 2, by striking lines 19 through 31.
 25 4. Title page, line 2, by striking the word
 26 "cases" and inserting the following: "cases, the
 27 department of human services' adoption information
 28 exchange,".
 29 5. By renumbering as necessary.

The committee amendment H-3229 was adopted.

Jochum of Dubuque offered amendment H-3953 filed by her and Burnett as follows:

H-3953

- 1 Amend Senate File 150 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 232.2, subsection 4, Code
 6 1995, is amended by adding the following new
 7 paragraph:
 8 NEW PARAGRAPH. g. A contract between the child's
 9 parent, guardian, or custodian and the department or
 10 agency involved with developing the plan. The
 11 contract shall specify the actions expected of the
 12 parent, guardian, or custodian in order for the
 13 department or agency to recommend that the court
 14 terminate a dispositional order for the child's out-
 15 of-home placement and for the department or agency to

16 end its involvement with the child and the child's
17 family upon completion of the contract requirements.
18 Sec. ____ Section 232.88, Code 1995, is amended to
19 read as follows:

20 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

21 After a petition has been filed the court shall
22 issue and serve summons, notice, subpoenas, and other
23 process in the same manner as for adjudicatory
24 hearings in cases of juvenile delinquency as provided
25 in section 232.37. In addition to the parties
26 required to be provided notice under section 232.37,
27 notice for any hearing under this division shall be
28 provided to the agency, facility, institution, or
29 person, including a foster parent, with whom a child
30 has been placed for the purposes of foster care.

31 Sec. ____ Section 232.91, Code 1995, is amended to
32 read as follows:

33 232.91 PRESENCE OF PARENTS, D GUARDIAN AD LITEM,
34 AND FOSTER PARENTS AT HEARINGS.

35 1. Any hearings or proceedings under this division
36 subsequent to the filing of a petition shall not take
37 place without the presence of the child's parent,
38 guardian, custodian, or guardian ad litem in
39 accordance with and subject to section 232.38. A
40 parent without custody may petition the court to be
41 made a party to proceedings under this division.

42 2. The agency, facility, institution, or person,
43 including a foster parent, with whom a child has been
44 placed for the purposes of foster care may elect to be
45 included as a party with a direct interest in the case
46 in any hearing or proceeding under this division which
47 is held subsequent to the entry of a dispositional
48 order under section 232.102.

49 Sec. ____ Section 232.104, subsection 2, paragraph
50 b, Code 1995, is amended to read as follows:

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1 b. Enter an order pursuant to section 232.102 to
2 continue placement of the child for an additional six
3 months at which time the court shall hold a hearing to
4 consider modification of its permanency order. An
5 order entered under this paragraph shall enumerate the
6 specific factors, conditions, or expected behavioral
7 changes which comprise the basis for the determination
8 that the need for removal of the child from the
9 child's home will no longer exist at the end of the
10 additional six-month period."

11 2. Page 1, by inserting after line 33 the
12 following:

13 "Sec. ____ Section 232.189, Code 1995, is amended
14 to read as follows:

15 232.189 REASONABLE EFFORTS ADMINISTRATIVE
16 REQUIREMENTS.

17 Based upon a model reasonable efforts family court
 18 initiative, the director of human services and the
 19 chief justice of the supreme court or their designees
 20 shall jointly establish and implement a statewide
 21 protocol for reasonable efforts to prevent or
 22 eliminate the need for placement of a child outside
 23 the child's home. In addition, the director and the
 24 chief justice shall design and implement a system for
 25 judicial and departmental reasonable efforts education
 26 for deployment throughout the state. The system for
 27 reasonable efforts education shall be developed in a
 28 manner which addresses the particular needs of rural
 29 areas and shall include but is not limited to all of
 30 the following topics:

31 1. Regular training concerning mental or emotional
 32 disorders which may afflict children and the impact
 33 children with such disorders have upon their families.

34 2. The duties of judicial and departmental
 35 employees associated with placing a child removed from
 36 the child's home into a permanent home and the urgency
 37 of the placement for the child.

38 3. The essential elements, including writing
 39 techniques, in developing effective permanency plans.

40 4. The essential elements of gathering evidence
 41 sufficient for the evidentiary standards required for
 42 judicial orders under this chapter.

43 Sec. ____ **NEW SECTION. 234.7 DEPARTMENT DUTIES.**

44 The department of human services shall comply with
 45 all of the following requirements associated with
 46 child foster care licensees under chapter 237:

47 1. The department shall not assign more than one
 48 worker to any child who is receiving child welfare
 49 services, as defined in section 235.1, in a foster
 50 care placement. If the department purchases services

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1 for the child from a private agency, the department's
 2 responsibility for case management services in the
 3 placement shall be delegated to the private agency.

4 2. The department shall include a child's foster
 5 parent in and provide timely notice of planning and
 6 review activities associated with the child, including
 7 but not limited to permanency planning, a clinical
 8 assessment and consultation team review or other
 9 activity, and placement review meetings."

10 3. Page 2, by inserting after line 13 the
 11 following:

12 "Sec. ____ Section 237.15, subsection 1, Code
 13 1995, is amended by adding the following new
 14 paragraph:

15 **NEW PARAGRAPH. j.** A contract between the child's
 16 parent, guardian, or custodian and the agency
 17 responsible for creating the plan. The contract shall

18 specify the actions expected of the parent, guardian,
19 or custodian in order for the agency to recommend that
20 the court terminate a dispositional order for the
21 child's out-of-home placement and for the agency to
22 end its involvement with the child and the child's
23 family upon completion of the contract requirements.

24 Sec. ____ Section 273.2, subsection 1, Code 1995,
25 is amended to read as follows:

26 1. In-service training programs for employees of
27 school districts and area education agencies, provided
28 at the time programs and services are established they
29 do not duplicate programs and services available in
30 that area from the universities under the state board
31 of regents and from other universities and four-year
32 institutions of higher education in Iowa. The in-
33 service training programs shall include but are not
34 limited to regular training concerning mental or
35 emotional disorders which may afflict children and the
36 impact children with such disorders have upon their
37 families."

38 4. Page 2, by inserting before line 14 the
39 following:

40 "Sec. ____ Section 598.41, subsections 1 and 2,
41 Code 1995, are amended to read as follows:

42 1. a. The court, insofar as is reasonable and in
43 the best interest of the child, shall order the
44 custody award, including liberal visitation rights
45 where appropriate, which will assure the child the
46 opportunity for the maximum continuing physical and
47 emotional contact with both parents after the parents
48 have separated or dissolved the marriage, and which
49 will encourage parents to share the rights and
50 responsibilities of raising the child unless direct

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1 physical harm or significant emotional harm to the
2 child, other children, or a parent is likely to result
3 from such contact with one parent, ~~and which will~~
4 ~~encourage parents to share the rights and~~
5 ~~responsibilities of raising the child.~~

6 b. Notwithstanding paragraph "a", if the court
7 finds credible evidence of a history of domestic
8 abuse, a rebuttable presumption against the awarding
9 of joint custody exists.

10 c. The court shall consider the denial by one
11 parent of the child's opportunity for maximum
12 continuing contact with the other parent, without just
13 cause, a significant factor in determining the proper
14 custody arrangement. Just cause may include a
15 determination by the court pursuant to subsection 3,
16 paragraph "j", that credible evidence of domestic
17 abuse exists between the parents.

18 d. If credible evidence of domestic abuse exists

19 as determined by a court pursuant to subsection 3,
20 paragraph "j", and if a parent who is a victim of such
21 domestic abuse relocates or is not present during the
22 determination of custody or visitation based upon the
23 fear of or actual acts or threats of domestic abuse
24 perpetrated by the other parent, the court shall not
25 consider the relocation or absence of that parent as a
26 factor against that parent in the awarding of custody
27 or visitation to the absent parent.

28 e. Unless otherwise ordered by the court in the
29 custody decree, both parents shall have legal access
30 to information concerning the child, including but not
31 limited to medical, educational and law enforcement
32 records.

33 2. a. On the application of either parent, the
34 court shall consider granting joint custody in cases
35 where the parents do not agree to joint custody.

36 b. If the court does not grant joint custody under
37 this subsection, the court shall cite clear and
38 convincing evidence, pursuant to the factors in
39 subsection 3, that joint custody is unreasonable and
40 not in the best interest of the child to the extent
41 that the legal custodial relationship between the
42 child and a parent should be severed.

43 c. A finding by the court of credible evidence of
44 domestic abuse, as specified in subsection 3,
45 paragraph "j", which is not rebutted, shall outweigh
46 consideration of any other factor specified in
47 subsection 3 in determination of the awarding of
48 custody under this subsection.

49 d. Before ruling upon the joint custody petition
50 in these cases, unless the court determines that

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1 credible evidence exists of domestic abuse as
2 specified in subsection 3, paragraph "j", or unless
3 the court determines that direct physical harm or
4 significant emotional harm to the child, other
5 children, or a parent is likely to result, the court
6 may require the parties to participate in custody
7 mediation counseling to determine whether joint
8 custody is in the best interest of the child. The
9 court may require the child's participation in the
10 mediation counseling insofar as the court determines
11 the child's participation is advisable.

12 e. The costs of custody mediation counseling shall
13 be paid in full or in part by the parties and taxed as
14 court costs.

15 Sec. ____ Section 598.41, subsection 3, Code 1995,
16 is amended by adding the following new paragraph:
17 NEW PARAGRAPH. j. Whether credible evidence of
18 domestic abuse exists. In determining whether
19 credible evidence exists under this paragraph, the

20 court shall consider the history of a parent as a
21 perpetrator of domestic abuse, including the parent's
22 history of perpetration of acts intended to cause
23 pain, injury, or to place the victim in fear of
24 physical contact which will be painful, injurious,
25 insulting, or offensive coupled with the apparent
26 ability to execute the act. Evidence of the parent's
27 history may include, but is not limited to,
28 commencement of an action pursuant to section 236.3,
29 the issuance of a protective order against the parent
30 or the issuance of a court order or consent agreement
31 pursuant to section 236.5, the issuance of an
32 emergency order pursuant to section 236.6, the holding
33 of a parent in contempt pursuant to section 236.8, the
34 response of a peace officer to the scene of alleged
35 domestic abuse or the arrest of a parent following
36 response to a report of alleged domestic abuse, or a
37 conviction for domestic abuse assault pursuant to
38 section 708.2A."

39 5. Page 2, by inserting after line 31 the
40 following:

41 "Sec. ____ Section 600B.40, Code 1995, is amended
42 by adding the following new unnumbered paragraph:
43 NEW UNNUMBERED PARAGRAPH. In determining the
44 visitation or custody arrangements of a child born out
45 of wedlock, if a judgment of paternity is entered and
46 the mother of the child has not been awarded sole
47 custody, section 598.41 shall apply to the
48 determination, as applicable, and the court shall
49 consider the factors specified in section 598.41,
50 subsection 3, including but not limited to the factor

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1 related to a parent's history of domestic abuse.

2 Sec. ____ Section 602.1203, Code 1995, is amended
3 to read as follows:

4 602.1203 PERSONNEL CONFERENCES.

5 The chief justice may order conferences of judicial
6 officers or court employees on matters relating to the
7 administration of justice or the affairs of the
8 department. For judges and other court employees who
9 handle cases involving children and family law, the
10 chief justice shall require regular training
11 concerning mental or emotional disorders which may
12 afflict children and the impact children with such
13 disorders have upon their families."

14 6. Title page, line 1, by inserting after the
15 word "to" the following: "children, including".

16 7. Title page, line 3, by inserting after the
17 word "information" the following: ", case permanency
18 plans for children in out-of-home placements, state
19 foster care requests, and custody and visitation
20 determinations".

Jochum of Dubuque offered the following amendment H-3983, to amendment H-3953, filed by her and moved its adoption:

H-3983

- 1 Amend the amendment, H-3953, to Senate File 150, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 8, by striking the word
- 5 "contract" and inserting the following: "case
- 6 permanency plan agreement".
- 7 2. Page 1, line 11, by striking the word
- 8 "contract" and inserting the following: "agreement".
- 9 3. Page 1, line 17, by striking the word
- 10 "contract" and inserting the following: "agreement".
- 11 4. Page 2, line 45, by striking the words "all of
- 12 the following requirements" and inserting the
- 13 following: "the following requirement".
- 14 5. By striking page 2, line 47, through page 3,
- 15 line 3.
- 16 6. Page 3, line 4, by striking the word and
- 17 figure "2. The" and inserting the following: "The".
- 18 7. Page 3, line 15, by striking the word
- 19 "contract" and inserting the following: "case
- 20 permanency plan agreement".
- 21 8. Page 3, line 17, by striking the word
- 22 "contract" and inserting the following: "agreement".
- 23 9. Page 3, line 23, by striking the word
- 24 "contract" and inserting the following: "agreement".

Amendment H-3983 was adopted.

Vande Hoef of Osceola offered the following amendment H-3992, to amendment H-3953 filed by him from the floor and moved its adoption:

H-3992

- 1 Amend the amendment, H-3953, to Senate File 150, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 42 through 48 and
- 5 inserting the following:
- 6 "2. An agency, facility, institution, or person,
- 7 including a foster parent, may petition the court to
- 8 be made a party to proceedings under this division."

Amendment H-3992 was adopted.

McCoy of Polk offered amendment H-4004, to amendment H-3953 filed by him from the floor as follows:

H-4004

- 1 Amend the amendment, H-3953 to Senate File 150 as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 3, by inserting after line 37 the
5 following:

6 "___ Page 2, by inserting before line 14 the
7 following:

8 "Sec. ___ Section 598.23, subsection 2, Code
9 1995, is amended by adding the following new
10 paragraph:

11 NEW PARAGRAPH. c. Enjoins the contemnor from
12 engaging in the exercise of any activity governed by a
13 license if the contemnor willfully disobeys the
14 custody or visitation provisions of the decree or
15 order. To the extent possible, the process used in
16 enjoining the contemnor from engaging in the exercise
17 of any activity governed by a license shall be similar
18 to the process used by the child support recovery unit
19 pursuant to chapter 252J, if enacted by 1995 Iowa
20 Acts, Senate File 431.

21 As used in this paragraph:

22 (1) "License" means a license, certification,
23 registration, permit, approval, renewal, or other
24 similar authorization issued to a contemnor by a
25 licensing authority which evidences the admission to,
26 or granting of authority to engage in, a profession,
27 occupation, business, or industry, or to operate or
28 register a motor vehicle. "License" does not mean or
29 include licenses for hunting, fishing, boating, or
30 other recreational activity.

31 (2) "Licensing authority" means a county
32 treasurer, the supreme court, or an instrumentality,
33 agency, board, commission, department, officer,
34 organization, or any other entity of the state, which
35 has authority within this state to suspend or revoke a
36 license or to deny the renewal or issuance of a
37 license authorizing a contemnor to register or operate
38 a motor vehicle or to engage in a business,
39 occupation, profession, or industry."

40 2. By renumbering as necessary.

Salton of Palo Alto rose on a point of order that amendment H-4004 was not germane, to amendment H-3953.

The Speaker ruled the point well taken and amendment H-4004 not germane, to amendment H-3953.

McCoy of Polk moved to suspend the rules to consider amendment H-4004.

A non-record roll call was requested.

The ayes were 29, nays 50.

The motion to suspend the rules lost.

McCoy of Polk offered the following amendment H-4001, to amendment H-3953, filed by him from the floor and moved its adoption:

H-4001

- 1 Amend the amendment, H-3953, to Senate File 150, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by inserting after line 38 the
- 5 following:
- 6 "Sec. ____ Section 598.41, Code 1995, is amended
- 7 by adding the following new subsection:
- 8 NEW SUBSECTION. 7. If an application for
- 9 modification of a decree or a petition for
- 10 modification of an order is filed, based upon
- 11 differences between the parents regarding the custody
- 12 arrangement established under the decree or order, the
- 13 court may require the parents to participate in
- 14 mediation to attempt to resolve the differences
- 15 between the parents."
- 16 2. By renumbering as necessary.

Amendment H-4001 was adopted.

On motion by Jochum of Dubuque, amendment H-3953, as amended, was adopted.

Fallon of Polk offered amendment H-3974 filed by him as follows:

H-3974

- 1 Amend Senate File 150, 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 232.2, subsection 6, paragraph
- 6 o, Code 1995, is amended by striking the paragraph and
- 7 inserting in lieu thereof the following:
- 8 o. Who is described by any other paragraph of this
- 9 subsection and in whose body there is an illegal drug
- 10 present as a direct consequence of the acts or
- 11 omissions of the child's parent, guardian, or
- 12 custodian which a reasonable and prudent person knew
- 13 or should have known is likely to lead to the drug's
- 14 presence in the child's body. The presence of the
- 15 drug shall be determined in accordance with a
- 16 medically relevant test as defined in section 232.73.
- 17 Sec. ____ Section 232.68, subsection 2, paragraph
- 18 f, Code 1995, is amended to read as follows:
- 19 f. An illegal drug is present in a child's body as
- 20 a direct and foreseeable consequence of the acts or
- 21 omissions of the person responsible for the care of
- 22 the child which a reasonable and prudent person knew
- 23 or should have known is likely to lead to the drug's

24 presence in the child's body.

25 Sec. ____ Section 232.73, unnumbered paragraph 2,
26 Code 1995, is amended to read as follows:

27 As used in this section and section 232.77,
28 "medically relevant test" means a test that produces
29 reliable results of exposure to cocaine, heroin,
30 amphetamine, methamphetamine, or other illegal drugs,
31 or combinations or derivatives thereof, including a
32 drug urine screen test. The department shall annually
33 consult with the state board of health and the board
34 of pharmacy examiners in developing standards for
35 reliable results of exposure to particular types of
36 drugs, drug combinations, and derivatives as necessary
37 to minimize the incidence of false positive test
38 results. The department shall consult with the boards
39 in developing a list of laboratories approved for the
40 purposes of this chapter to process medically relevant
41 tests.

42 Sec. ____ NEW SECTION. 232.106 TERMS AND
43 CONDITIONS ON CHILD'S PARENT.

44 If the court enters an order under this chapter
45 which imposes terms and conditions on the child's
46 parent, guardian, or custodian, the purpose of the
47 terms and conditions shall be to assure the protection
48 of the child. The order is subject to the following
49 provisions:

50 1. The order shall state the reasons for and

Page 2

1 purpose of the terms and conditions.

2 2. If a parent, guardian, or custodian is required
3 to have a chemical test of blood or urine for the
4 purpose of determining the presence of an illegal
5 drug, the test shall be a medically relevant test as
6 defined in section 232.73. The parent, guardian, or
7 custodian may select the laboratory which processes
8 the test from among the laboratories approved pursuant
9 to section 232.73. A positive test result shall not
10 be used for the criminal prosecution of a parent,
11 guardian, or custodian for the presence of an illegal
12 drug."

13 2. Page 2, by inserting after line 13 the
14 following:

15 "Sec. ____ Section 235C.3, subsection 3, Code
16 1995, is amended to read as follows:

17 3. IDENTIFICATION. The council shall develop
18 recommendations regarding state programs or policies
19 to increase the accuracy of the identification of
20 chemically exposed infants and children."

21 3. By renumbering as necessary.

Fallon of Polk offered the following amendment H-4014, to amend-
ment H-3974 filed by him from the floor and moved its adoption:

H-4014

- 1 Amend the amendment, H-3974, to Senate File 150, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 1, by striking lines 32 through 41 and
5 inserting the following: "drug urine screen test.
6 The Iowa department of public health, in consultation
7 with the department of human services and the council
8 on chemically exposed infants and children created in
9 chapter 235C, shall adopt rules specifying minimum
10 standards for reliable results of medically relevant
11 tests. The rules shall include but are not limited to
12 standards which minimize the incidence of false
13 positive test results. The Iowa department of public
14 health shall maintain a list of laboratories which are
15 approved to perform medically relevant tests in
16 accordance with the standards adopted in
17 administrative rules."
- 18 2. Page 1, by striking line 42 and inserting the
19 following:
20 "Sec. 100. **NEW SECTION. 232.106 TERMS AND**".
- 21 3. Page 2, by inserting after line 20 the
22 following:
23 "_. Page 2, by inserting after line 31 the
24 following:
25 "Sec. __. **APPLICABILITY AND EFFECTIVE DATE.**
26 Section 100 of this Act, enacting section 232.106,
27 being deemed of immediate importance, takes effect
28 upon enactment and applies to medically relevant tests
29 performed on or after the effective date of this Act
30 pursuant to court orders imposing terms and conditions
31 which are in effect on or after the effective date of
32 this Act.""
- 33 4. Page 2, by inserting after line 20 the
34 following:
35 "_. Title page, line 3, by inserting after the
36 word "information" the following: "and providing an
37 applicability and effective date."
- 38 5. By renumbering as necessary.

Amendment H-4014 was adopted.

On motion by Fallon of Polk, amendment H-3974, as amended, was adopted.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3808 filed by him on April 10, 1995.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-3502 filed by her and Burnett on March 27, 1995.

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

On the question "Shall the bill pass?" (S.F. 150)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	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	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 Brauns

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 150** be immediately messaged to the Senate.

Ways and Means Calendar

The House resumed consideration of **House File 555**, 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, previously deferred.

Grundberg of Polk asked and received unanimous consent to defer action on amendment H-4012.

Metcalf of Polk offered the following amendment H-4002 filed by her from the floor and moved its adoption:

H-4002

- 1 Amend House File 555 as follows:
- 2 . 1. Page 1, line 6, by striking the words "five
- 3 seven" and inserting the following: "five".

A non-record roll call was requested.

The ayes were 29, nays 52.

Amendment H-4002 lost.

Shoultz of Black Hawk offered the following amendment H-3998 filed by Shoultz, Doderer and Harper from the floor and moved its adoption:

H-3998

- 1 Amend House File 555 as follows:
- 2 1. Page 1, line 29, by striking the words "~~forty-~~
- 3 five ninety-five" and inserting the following:
- 4 "forty-five".
- 5 2. Page 1, lines 32 and 33, by striking the words
- 6 "~~forty-five ninety-five~~" and inserting the following:
- 7 "forty-five".

Roll call was requested by Shoultz of Black Hawk and Ollie of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H-3998 be adopted?" (H.F. 555)

The ayes were, 43:

Arnold	Bell	Bernau	Brand
Burnett	Cohoon	Connors	Coon
Cormack	Cornelius	Daggett	Dinkla
Doderer	Drees	Fallon	Greig
Greiner	Gries	Grundberg	Hahn
Hanson	Harper	Harrison	Holveck
Jacobs	Klemme	Kreiman	Martin
Mascher	May	Metcalf	Meyer

Moreland
Ollie
Warnstadt

Myers
Schrader
Wise

Nelson, B.
Shoultz
Witt

Nelson, L.
Thomson

The nays were, 53:

Baker
Bradley
Cataldo
Eddie
Grubbs
Hurley
Kremer
Lord
Millage
O'Brien
Salton
Teig
Veenstra
Van Maanen,
Presiding

Blodgett
Branstad
Churchill
Ertl
Halvorson
Huseman
Lamberti
Main
Mundie
Rants
Schulte
Tyrrell
Weidman

Boddicker
Brunkhorst
Corbett, Spkr.
Garman
Hammitt
Jochum
Larkin
McCoy
Murphy
Renken
Siegrist
Van Fossen
Weigel

Bogges
Carroll
Drake
Gipp
Heaton
Koenigs
Larson
Mertz
Nutt
Running
Sukup
Vande Hoef
Welter

Absent or not voting, 4:

Brammer

Brauns

Disney

Houser

Amendment H-3998 lost, placing out of order amendment H-4000 filed by Metcalf of Polk and Connors from the floor.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-4005 filed by her from the floor.

Grundberg of Polk offered the following amendment H-4017 filed by her from the floor and moved its adoption:

H-4017

- 1 Amend House File 555 as follows:
- 2 1. Page 1, line 33, by inserting after the word
- 3 "more." the following: "The department, when
- 4 conducting an audit of a taxpayer's return, shall also
- 5 audit the tuition tax credit portion of the tax
- 6 return."

Amendment H-4017 was adopted.

Doderer of Johnson offered the following amendment H-4006 filed by Doderer, Harper and Grundberg from the floor and moved its adoption:

H-4006

- 1 Amend House File 555 as follows:
- 2 1. Page 1, by striking lines 34 and 35 and
- 3 inserting the following:

- 4 "Sec. ____ This Act takes effect".
 5 2. Page 2, line 1, by striking the figure "1995"
 6 and inserting the following: "1996".

Amendment H-4006 lost.

Grundberg of Polk offered the following amendment H-4016 filed by Grundberg, Martin, Jacobs and Warnstadt from the floor and moved its adoption:

H-4016

- 1 Amend House File 555 as follows:
 2 1. Page 1, by inserting after line 2 the
 3 following:
 4 "Sec. ____ Section 422.12, subsection 1, Code
 5 1995, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. f. For each dependent attending a
 8 public elementary or secondary school in this state,
 9 the first twenty dollars of any fees charged for
 10 textbooks to be used by the dependent."

Roll call was requested by Warnstadt of Woodbury and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-4016 be adopted?"
 (H.F. 555)

The ayes were, 43:

Baker	Bell	Bernau	Brand
Brunkhorst	Burnett	Cohoon	Connors
Coon	Dinkla	Doderer	Fallon
Gipp	Greig	Gries	Grundberg
Hammitt	Harper	Harrison	Holveck
Houser	Jacobs	Jochum	Kreiman
Larkin	Martin	Mascher	May
Metcalf	Moreland	Murphy	Myers
Nelson, B.	Nelson, L.	O'Brien	Ollie
Rants	Running	Schrader	Shoultz
Warnstadt	Wise	Witt	

The nays were, 54:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Carroll	Cataldo
Churchill	Corbett, Spkr.	Cormack	Cornelius
Daggett	Disney	Drake	Drees
Eddie	Ertl	Garman	Greiner
Grubbs	Hahn	Halvorson	Hanson

Heaton	Hurley	Huseman	Klemme
Koenigs	Kremer	Lamberti	Larson
Main	McCoy	Mertz	Meyer
Millage	Mundie	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Van Maanen, Presiding		

Absent or not voting, 3:

Brammer Brauns Lord

Amendment H-4016 lost, placing out of order amendment H-4012, previously deferred, filed by Grundberg of Polk from the floor.

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. 555)

The ayes were, 65:

Bell	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brunkhorst	Carroll
Cataldo	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Dinkla	Disney
Drake	Drees	Ertl	Garman
Greiner	Grubbs	Halvorson	Hanson
Harrison	Heaton	Holveck	Hurley
Huseman	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Main	May	McCoy
Mertz	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	Witt
Van Maanen, Presiding			

The nays were, 32:

Arnold	Baker	Bernau	Brand
Burnett	Cohon	Connors	Daggett
Doderer	Eddie	Fallon	Gipp
Greig	Gries	Grundberg	Hahn
Hammitt	Harper	Houser	Jacobs

Martin	Mascher	Metcalf	Meyer
Moreland	Myers	Nelson, L.	Ollie
Schrader	Shoultz	Warnstadt	Wise

Absent or not voting, 3:

Brammer	Brauns	Lord
---------	--------	------

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 555, House Concurrent Resolutions 18 and 23 and Senate Concurrent Resolution 11** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 571, by committee on ways and means, a bill for an act relating to the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates.

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

RULE 34 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent that the Daily Debate Calendar for Friday, April 21, 1995, be the Daily Debate Calendar for Monday, April 24, 1995.

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 20, 1995, appointed the conference committee to 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, and the members of the Senate are: The Senator from Lee, Senator Fraise, Chair; the Senator from Pottawattamie, Senator Gronstal; the Senator from Polk, Senator Bisignano; the Senator from Wright, Senator Iverson, Jr.; and the Senator from Black Hawk, Senator Redfern.

JOHN F. DWYER, Secretary

MOTION TO RECONSIDER
(Senate File 204)

I move to reconsider the vote by which Senate File 204 failed to pass the House on April 19, 1995.

GIPP of Winneshiek

EXPLANATIONS OF VOTE

On the roll call on House File 555, I inadvertently voted "aye" when I meant to vote "nay".

BELL of Jasper

I was necessarily absent from the House chamber on April 20, 1995. Had I been present, I would have voted "aye" on House File 563.

BRADLEY of Clinton

I was necessarily absent from the House chamber on April 19, 1995. Had I been present, I would have voted "aye" on Senate File 422.

BRAUNS of Muscatine

On the vote on amendment H-3994, to House File 555, I inadvertently voted "nay". I should have voted "aye".

HARRISON of Scott

I was necessarily absent from the House chamber on April 20, 1995. Had I been present, I would have voted "aye" on House Files 460 and 492, and Senate Files 286, 290, 293, 394 and 427.

MORELAND of Wapello

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of April, 1995: House Files 54, 198, 256, 470, 512 and 520.

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 20, 1995, he approved and transmitted to the Secretary of State the following bills:

Senate File 157, an act relating to solid waste by eliminating the polystyrene ban and providing an effective date.

Senate File 214, an act to provide greater protection for consumers who purchase or lease motor vehicles and providing effective dates.

Senate File 234, 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.

Senate File 333, an act relating to notice requirements required for work involving drainage and levee districts and water districts.

Senate File 446, 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.

PRESENTATION OF VISITORS

Koenigs of Mitchell presented to the House the Honorable Dan Fogarty, former member of the House representing Palo Alto County.

Doderer of Johnson presented to the House the Honorable George Swearingen, former member of the House representing Keokuk County.

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

Forty-five eighth grade students from Alden Community School, Alden, accompanied by Todd Tharp and Kristi Harris. By Sukup of Franklin.

Thirty-two sixth grade students from Palmer Elementary School, Palmer, accompanied by Gary Flanigan and Pat Reding. By Eddie of Buena Vista.

Eight students from Tipton High School, Tipton, accompanied by Bernard Witry and Barb Cary. By Boddicker of Cedar.

Fifty-two fifth grade students from Atkins Elementary, Atkins, accompanied by Dawn Anderson. By Tyrrell of Benton.

Twenty students from Mt. Pleasant Christian School, Mt. Pleasant, accompanied by Steve Bartel. By Heaton of Henry.

Thirty eleventh and twelfth grade National Honor Society students from Iowa Falls High School, Iowa Falls, accompanied by Don Ruhde. By Sukup of Franklin.

Sixty-eight ninth through twelfth grade students from Davenport West High School, Davenport, accompanied by Karen Hansen, Sally Jo Brown, Mary Tucker, Otilia Savala, Nahn Nguyen, Katie Liljegerem and Pat Sterling. By Grubbs of Scott.

One hundred eighth grade students from Albia Middle School, Albia, accompanied by Ted Kennedy. By Kreiman of Davis.

Twenty-five sixth, seventh and eighth grade students from Estherville Middle School, Estherville, accompanied by Jean Hoffman. By Greig of Emmet.

Five FFA students from Spencer High School, Spencer, accompanied by Rich Anderson. By Salton of Palo Alto.

Sixteen FFA students from Cascade High School accompanied by Milt Luckstead and Steve Stoll. By Ertl of Dubuque.

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\229 Kim Hammill, Marion High School – For her commitment to preventing substance abuse among youth.
- 1995\230 Sarah Sparks, Marion High School – For her commitment to preventing substance abuse among youth.
- 1995\231 Carrie Ciha, Marion High School – For her commitment to preventing substance abuse among youth.
- 1995\232 Beth Hatch, Marion High School – For her commitment to preventing substance abuse among youth.
- 1995\233 Melissa Walderbach, Marion High School – For her commitment to preventing substance abuse among youth.
- 1995\234 Kamy Dearborn, Linn-Mar High School – For her commitment to preventing substance abuse among youth.
- 1995\235 Jennifer Scheufele, Linn-Mar High School – For her commitment to preventing substance abuse among youth.
- 1995\236 Sarah Shelly, Linn-Mar High School – For her commitment to preventing substance abuse among youth.

- 1995\237 Beth Bunting, Linn-Mar High School – For her commitment to preventing substance abuse among youth.
- 1995\238 Molly Edwards, Linn-Mar High School – For her commitment to preventing substance abuse among youth.
- 1995\239 Clint Martin, Linn-Mar High School – For his commitment to preventing substance abuse among youth.
- 1995\240 Emelda Kunau, Ames – For celebrating her 90th birthday.
- 1995\241 Howard and Dorothy Brown, Ames – For celebrating their 50th wedding anniversary.
- 1995\242 Christina Coffman, Treynor Junior-Senior High School – For her essay on the Iowa state flag, which was chosen as a winner in the Rainbow Girl's State Competition.
- 1995\243 Edith Henderson Raus, Manchester – For receiving the Songwriter of the Year Award.
- 1995\244 Trelley and Helen Crosman, Ogden – For celebrating their 75th wedding anniversary.
- 1995\245 Reverend Keith Ratliff, Urbandale – For being a strong leader of the Black Ministerial Alliance and for his outstanding work in the community.
- 1995\246 Jeremiah Finn, Cascade – For winning 1st place in the FFA 1995 Growmark Essay Contest.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 330

Appropriations: Millage, Chair; Gipp and Ollie.

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 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 Amend and Do Pass with amendment H-4010 April 20, 1995.

Senate File 475, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-4011 April 20, 1995.

Committee Bill (Formerly House Study Bill 330), relating to funding for and the name of the national center for talented and gifted education and making an appropriation.

Fiscal Note is not required.

Recommended Amend and Do Pass April 20, 1995.

RESOLUTIONS FILED

HCR 38, by Klemme and Vande Hoef, a concurrent resolution requesting the Legislative Council to establish an interim study committee to review the "one-call" statewide underground facility notification system.

Laid over under Rule 25.

HR 9, by Grundberg and McCoy, a house resolution relating to the well-being of Iowa's children.

Referred to committee on state government.

AMENDMENTS FILED

H-3987	S.F.	432	Senate Amendment
H-3988	S.F.	398	Senate Amendment
H-3991	H.F.	197	Senate Amendment
H-3997	S.F.	481	Blodgett of Cerro Gordo May of Worth
H-3999	H.F.	471	Hurley of Fayette
H-4010	S.F.	83	Committee on Appropriations
H-4011	S.F.	475	Committee on Appropriations
H-4015	H.F.	564	Hanson of Black Hawk
H-4018	H.F.	567	Shultz of Black Hawk Holveck of Polk

H-4019	H.F.	567	Shoultz of Black Hawk
H-4020	H.F.	567	Doderer of Johnson
H-4021	H.F.	567	Burnett of Story Bernau of Story
H-4022	H.F.	567	Vande Hoef of Osceola Holveck of Polk
H-4023	H.F.	567	Holveck of Polk
H-4024	H.F.	567	Vande Hoef of Osceola Mertz of Kossuth
H-4025	H.F.	567	Holveck of Polk Shoultz of Black Hawk
H-4026	H.F.	567	Bernau of Story Shoultz of Black Hawk Burnett of Story
H-4027	H.F.	567	Shoultz of Black Hawk Holveck of Polk
H-4028	H.F.	567	Shoultz of Black Hawk
H-4029	H.F.	567	Jochum of Dubuque Murphy of Dubuque Mascher of Johnson Doderer of Johnson
H-4030	H.F.	567	Blodgett of Cerro Gordo
H-4031	H.F.	567	Shoultz of Black Hawk
H-4032	H.F.	567	Shoultz of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 7:07 p.m. until 1:00 p.m., Monday, April 24, 1995.

JOURNAL OF THE HOUSE

One Hundred-sixth Calendar Day - Sixth-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 24, 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 John Epperson, Christian Church, Grinnell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Curtis Carroll, son of Representative Dan Carroll of Poweshiek County.

The Journal of Thursday, April 20, 1995 was approved.

SPECIAL PRESENTATION

Prior to convening, a string ensemble from Grinnell High School, Grinnell, entertained in the House chamber. The members were Mark Paulson, Curtis Carroll, Leslee Cameron, Anna Heineman, Katie Weeks, Meg Estapa and Wes Phillips. They were directed by Barb Sorensen.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk on request of Schrader of Marion.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 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 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.

Also: That the Senate has on April 20, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 20, 1995, adopted the following resolution 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 20, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 28, a concurrent resolution to call a joint session for the purpose of hearing an address by the President of the United States.

JOHN F. DWYER, Secretary

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House reconvened at 2:35 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 566, a bill for an act relating to the taxation of sales of residential service contracts under the state sales, services, and use taxes, 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. 566)

The ayes were, 98:

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 223**, a bill for an act providing for notification of certain persons receiving public assistance of tax suspension provisions, previously deferred and placed on the unfinished business calendar.

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. 223)

The ayes were, 98:

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	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	Vande Hoef.	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Holveck

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

Regular Calendar

Senate File 403, a bill for an act relating to collection of delinquent restitution payments and providing an effective date, 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. 403)

The ayes were, 98:

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	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	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Holveck

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 390**, a bill for an act relating to the Iowa arts and cultural enhancement and endowment program and foundation, previously deferred and placed on the unfinished business calendar.

Lord of Dallas offered the following amendment H-4040 filed by him from the floor and moved its adoption:

H-4040

- 1 Amend Senate File 390, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the follow-
- 4 ing:
- 5 "Section 1. Section 262.75, Code 1995, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. In lieu of the payment
- 8 of monetary recompense to a cooperating teacher, the
- 9 cooperating teacher may direct that the monetary
- 10 recompense be paid by the institution directly into a
- 11 scholarship fund which has been established jointly by
- 12 the board of directors of the school district that
- 13 employs the teacher and the local teachers'
- 14 association. In such cases, the cooperating teacher
- 15 shall receive neither monetary recompense nor any
- 16 reduction in tuition at the institution."
- 17 2. Title page, line 1, by inserting after the
- 18 word "to" the following: "recompense to a cooperating
- 19 teacher and to".
- 20 3. By renumbering as necessary.

Amendment H-4040 was adopted.

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?" (S.F. 390)

The ayes were, 95:

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
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	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	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, 5:

Brammer	Eddie	Holveck	Moreland
Rants			

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 File 566, Senate Files 223, 390 and 403.**

SPECIAL PRESENTATION

Fallon of Polk presented to the House a delegation of twelve Russian Legislators, representing twelve different states in Russia. The members of the delegation were Nikolai Devyatkin, Yakov Vinokurov, Dr. Sergei Ryabov, Aleksandr Listkov, Boris Dvorkin, Valery Lidin,

Dail Shagiakhmetov, Vladimir Bulanov, Alexander Boitsov, Alexander Korygin, Ms. Svetlana Yurkova and Ms. Svetlana Gvozdeva.

The House rose and expressed its welcome.

The House stood at ease at 3:02 p.m., until the fall of the gavel.

The House reconvened at 3:40 p.m., Speaker Corbett in the chair.

SENATE AMENDMENTS CONSIDERED

Lamberti of Polk called up for consideration **Senate File 398**, a bill for an act relating to commutation of sentences of persons who have been sentenced to life imprisonment, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3988 to the House amendment:

H-3988

- 1 Amend the House amendment, S-3479, to Senate File
- 2 398, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3988, to the House amendment.

Speaker pro tempore Van Maanen of Marion in the chair at 4:04 p.m.

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

On the question "Shall the bill pass?" (S.F. 398)

The ayes were, 87:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Garman
Glpp	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
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Rants
Renken	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, 8:

Bernau	Doderer	Fallon	Kreiman
Moreland	Ollie	Running	Shoultz

Absent or not voting, 5:

Brammer	Connors	Holveck	Houser
Koenigs			

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

Coon of Warren called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3987 to the House amendment:

H-3987

1 Amend the House amendment, S-3468, to Senate File
 2 432, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 10 the
 5 following:
 6 " Page 3, line 7, by striking the figure
 7 "1996" and inserting the following: "1997".
 8 2. Page 1, by inserting after line 39 the
 9 following:
 10 " Page 3, by inserting after line 12 the
 11 following:
 12 "Sec. __. DEPARTMENTAL STUDY. The department of
 13 justice, in consultation with the department of human
 14 services, shall conduct a study of the issues involved
 15 in the implementation of chapter 709C, including, but
 16 not limited to, the costs associated with the current
 17 hearing process, the costs of and security problems

- 18 related to the confinement of sexually violent
 19 predators, legal issues surrounding the commitment and
 20 confinement of sexually violent predators, and
 21 potential alternatives to commitment and confinement
 22 of sexually violent predators. In conducting the
 23 study, the department shall also consult with an
 24 association of county attorneys and the department of
 25 corrections. The department of justice shall submit
 26 its findings and any recommendations in a report to
 27 the general assembly by January 1, 1996.”
- 28 3. Page 1, line 47, by inserting after the word
 29 “victims,” the following: “providing for a
 30 departmental study.”
- 31 4. By numbering and renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3987, to the House amendment.

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

On the question “Shall the bill pass?” (S.F. 432)

The ayes were, 94:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
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	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
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Bernau
Houser

Brammer
Warnstadt

Connors

Holveck

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: **Senate Files 398 and 432.**

Unfinished Business Calendar

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

Millage of Scott offered the following amendment H-4010 filed by the committee on appropriations and moved its adoption:

H-4010

- 1 Amend Senate File 83, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 6.
- 4 2. Page 1, line 9, by striking the figure "1."
- 5 3. Page 1, by striking lines 18 through 28.
- 6 4. Title page, line 2, by striking the words
- 7 "districts and" and inserting the following:
- 8 "districts."
- 9 5. Title page, by striking lines 3 and 4.

A non-record roll call was requested.

The ayes were 17, nays 77.

The committee amendment H-4010 lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-3972 filed by Grundberg, et. al., on April 18, 1995.

Grundberg of Polk offered amendment H-4043 filed by Grundberg, Metcalf, Lamberti, Thomson, Churchill, Nelson of Marshall, Hammitt and Jacobs from the floor as follows:

H-4043

1 Amend Senate File 83, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ Section 257.6, subsection 1, unnumbered
6 paragraph 3, Code 1995, is amended to read as follows:

7 A school district shall certify its actual
8 enrollment to the department of education by October 1
9 of each year, and the department shall promptly
10 forward the information to the department of
11 management. The department of management shall
12 determine whether a district is entitled to an advance
13 for increasing enrollment on the basis of its actual
14 enrollment.

15 Sec. ____ Section 257.6, subsection 4, Code 1995,
16 is amended to read as follows:

17 4. Budget enrollment. Budget enrollment for the
18 budget year is the basic enrollment for the budget
19 year. However, if a district's actual enrollment for
20 a budget year is greater than its budget enrollment,
21 the district is eligible for an advance for increasing
22 enrollment as provided in section 257.13.

23 Sec. ____ NEW SECTION. 257.13 ADVANCE FOR
24 INCREASING ENROLLMENT.

25 If a district's actual enrollment for the budget
26 year, determined under section 257.6, is greater than
27 its budget enrollment for the budget year, the
28 district is granted an advance from the state of an
29 amount equal to the product of one-fourth of its
30 regular program district cost per pupil for the budget
31 year multiplied by the difference between the actual
32 enrollment for the budget year and the budget
33 enrollment for the budget year. The advance is
34 miscellaneous income.

35 If a district receives an advance under this
36 section for a budget year, the department of
37 management shall determine the amount of the advance
38 which would have been generated by local property tax
39 revenues if the actual enrollment for the budget year
40 had been used in determining district cost for that
41 budget year, shall reduce, but not by more than the
42 amount of the advance, the district's total state
43 school aids otherwise available under this chapter for
44 the next following budget year by the amount so
45 determined, and shall increase the district's
46 additional property tax levy for the next following
47 budget year by the amount necessary to compensate for
48 the reduction in state aid, so that the local property
49 tax for the next following year will be increased only
50 by the amount which it would have been increased in

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1 the budget year if the enrollment calculated in this

2 section could have been used to establish the levy.

3 There is appropriated each fiscal year from the
4 general fund of the state to the department of
5 education the amount required to pay advances
6 authorized under this section, which shall be paid to
7 school districts in the same manner as other state
8 aids are paid under section 257.16.

9 Sec. ____ Section 265.6, Code 1995, is amended to
10 read as follows:

11 265.6 STATE AID APPLICABLE.

12 If the state board of regents has established a
13 laboratory school, it shall receive state aid pursuant
14 to chapters 256B and 257 for each pupil enrolled in
15 the laboratory school in the same amount as the public
16 school district in which the pupil resides would
17 receive aid for that pupil and shall transmit the
18 amount received to the institution of higher education
19 at which the laboratory school has been established.
20 If the board of a school district terminates a
21 contract with the state board of regents for
22 attendance of pupils in a laboratory school, the
23 school district shall inform the department of
24 management of the number of these pupils who are
25 enrolled in the district on the third Friday of the
26 following September. The department of management
27 shall pay to the school district, from funds
28 appropriated in section 257.16, an amount equal to the
29 amount of state aid paid for each pupil in that school
30 district for that school year in payments made as
31 provided in section 257.16. However, payments shall
32 not be made for pupils for whom an advance is received
33 by the district under section 257.13."

34 2. Title page, line 1, by inserting after the
35 word "Act" the following: "providing an advance for
36 increasing enrollment for school districts and".

Millage of Scott rose on a point of order that amendment H-4043 was not germane.

The Speaker ruled the point well taken and amendment H-4043 not germane.

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

On the question "Shall the bill pass?" (S.F. 83)

The ayes were, 81:

Arnold
Blodgett
Branstad

Baker
Boddicker
Brauns

Bell
Boggess
Burnett

Bernau
Brand
Carroll

Cohoon	Connors	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Houser	Hurley
Huseman	Jochum	Klemme	Koenigs
Kreiman	Kremer	Larkin	Lord
Main	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Tyrrell
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 16:

Bradley	Brunkhorst	Churchill	Coon
Fallon	Grundberg	Jacobs	Lamberti
Larson	Martin	McCoy	Metcalf
Meyer	Millage	Thomson	Van Fossen

Absent or not voting, 3:

Brammer	Cataldo	Holveck
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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 83** be immediately messaged to the Senate.

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

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent that the rules be suspended for the immediate consideration of House File 571.

Ways and Means Calendar

House File 571, a bill for an act relating to the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates, was taken up for consideration.

Shoultz of Black Hawk asked and received unanimous consent to defer action on amendment H-4046.

Hanson of Black Hawk offered amendment H-4044 filed by him and Witt from the floor as follows:

H-4044

1 Amend House File 571 as follows:

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

4 "Sec. 100. Section 99F.7, subsection 10, paragraph

5 a, Code 1995, is amended to read as follows:

6 a. A license to conduct gambling games on an
7 excursion gambling boat in a county shall be issued
8 only if the county electorate approves the conduct of
9 the gambling games as provided in this subsection.
10 The board of supervisors, upon receipt of a valid
11 petition meeting the requirements of section 331.306,
12 shall direct the commissioner of elections to submit
13 to the qualified electors of the county a proposition
14 to approve or disapprove the conduct of gambling games
15 on an excursion gambling boat in the county. The
16 proposition shall be submitted at a general election
17 or at a special election called for that purpose. To
18 be submitted at a general election, the petition must
19 be received by the board of supervisors at least five
20 working days before the last day for candidates for
21 county offices to file nomination papers for the
22 general election pursuant to section 44.4. If a
23 majority of the county voters voting on the
24 proposition favor the conduct of gambling games, the
25 commission may issue one or more licenses as provided
26 in this chapter. If a majority of the county voters
27 voting on the proposition do not favor the conduct of
28 gambling games, a license to conduct gambling games in
29 the county shall not be issued. ~~After a referendum
30 has been held, another referendum requested by
31 petition shall not be held for at least two years.~~

32 Sec. 101. Section 99F.7, subsection 10, Code 1995,
33 is amended by adding the following new paragraph:
34 NEW PARAGRAPH. d. After a referendum has been
35 held which defeated a proposal to conduct gambling
36 games on excursion gambling boats or which defeated a
37 proposal to conduct gambling games at a licensed pari-
38 mutuel racetrack enclosure as provided in this
39 section, another referendum on a proposal to conduct
40 gambling games on an excursion gambling boat or at a
41 licensed pari-mutuel racetrack shall not be held for
42 at least two years."

43 2. Page 3, by striking line 18 and inserting the
44 following: "enactment. Sections 1 through 3 of this
45 Act apply retroactively to January, 1, 1995, and

46 sections 100 and 101 apply retroactively to September
47 1, 1994.”
48 3. Title page, line 1, by inserting after the
49 word “the” the following: “frequency of referendums
50 held on excursion gambling boat proposals or gambling

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1 games proposals for licensed pari-mutuel racetracks
2 and the”.

Shoultz of Black Hawk offered amendment H-4049, to amendment
H-4044, filed by him from the floor as follows:

H-4049

1 Amend the amendment, H-4044, to House File 571 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 “__ Page 1, by inserting after line 35 the
6 following:
7 “Sec. __. Section 99F.1, subsection 9, Code 1995,
8 is amended to read as follows:
9 9. “Gambling game” means any game of chance
10 authorized by the commission. ~~However, for racetrack~~
11 ~~enclosures, “gambling game” does not include table~~
12 ~~games of chance or video machines. “Gambling game”~~
13 ~~does not include sports betting.”~~
14 __. Page 3, by inserting after line 15 the
15 following:
16 “Sec. __. Section 99F.7, subsection 1, Code 1995,
17 is amended to read as follows:
18 1. If the commission is satisfied that this
19 chapter and its rules adopted under this chapter
20 applicable to licensees have been or will be complied
21 with, the commission shall issue a license for a
22 period of not more than three years to an applicant to
23 own a gambling game operation and to an applicant to
24 operate an excursion gambling boat. The commission
25 shall decide which of the gambling games authorized
26 under this chapter it will permit. The commission
27 shall decide the number, location, and type of
28 excursion gambling boats licensed under this chapter
29 for operation on the rivers, lakes, and reservoirs of
30 this state. However, not more than nine licenses to
31 operate gambling games on an excursion gambling boat
32 shall be issued at any one time. The license shall
33 set forth the name of the licensee, the type of
34 license granted, the place where the excursion
35 gambling boats will operate and dock, and the time and
36 number of days during the excursion season and the off
37 season when gambling may be conducted by the licensee.
38 The commission shall not allow a licensee to conduct

39 gambling games on an excursion gambling boat while
 40 docked during the off season if the licensee does not
 41 operate gambling excursions for a minimum number of
 42 days during the excursion season. The commission may
 43 delay the commencement of the excursion season at the
 44 request of a licensee.”

45 2. By striking page 1, line 48, through page 2,
 46 line 2, and inserting the following:

47 “__ Title page, line 1, by inserting after the
 48 word “to” the following: “gambling by limiting the
 49 issuance of gambling licenses on excursion gambling
 50 boats, by authorizing the racing and gaming commission

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1 to determine gambling games at pari-mutuel racetracks,
 2 by providing for the frequency of referenda held on
 3 excursion gambling boats proposals or gambling games
 4 proposals for pari-mutuel racetracks and by
 5 amending”.

Garman of Story rose on a point of order that amendment H-4049 was not germane, to amendment H-4044.

The Speaker ruled the point well taken and amendment H-4049 not germane, to amendment H-4044.

Hanson of Black Hawk offered the following amendment H-4048, to amendment H-4044, filed by him from the floor and moved its adoption:

H-4048

1 Amend the amendment, H-4044, to House File 571 as
 2 follows:
 3 1. Page 1, line 45, by striking the word
 4 “January,” and inserting the following: “January”.

Amendment H-4048 was adopted.

Nelson of Pottawattamie rose on a point of order that amendment H-4044, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-4044, as amended, not germane.

Hanson of Black Hawk asked for unanimous consent to suspend the rules to consider amendment H-4044, as amended.

Objection was raised.

Hanson of Black Hawk moved to suspend the rules to consider amendment H-4044, as amended.

A non-record roll call was requested.

The ayes were 53, nays 27.

The motion prevailed and the rules were suspended.

Hanson of Black Hawk moved the adoption of amendment H-4044, as amended.

A non-record roll call was requested.

The ayes were 52, nays 18.

Amendment H-4044, as amended, was adopted.

Shoultz of Black Hawk offered amendment H-4046, previously deferred, filed by him from the floor as follows:

H-4046

- 1 Amend House File 571 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. ____ Section 99F.1, subsection 9, Code 1995,
- 5 is amended to read as follows:
- 6 9. "Gambling game" means any game of chance
- 7 authorized by the commission. ~~However, for racetrack~~
- 8 ~~enclosures, "gambling game" does not include table~~
- 9 ~~games of chance or video machines. "Gambling game"~~
- 10 ~~does not include sports betting."~~
- 11 2. Page 3, by inserting after line 15 the
- 12 following:
- 13 "Sec. ____ Section 99F.7, subsection 1, Code 1995,
- 14 is amended to read as follows:
- 15 1. If the commission is satisfied that this
- 16 chapter and its rules adopted under this chapter
- 17 applicable to licensees have been or will be complied
- 18 with, the commission shall issue a license for a
- 19 period of not more than three years to an applicant to
- 20 own a gambling game operation and to an applicant to
- 21 operate an excursion gambling boat. The commission
- 22 shall decide which of the gambling games authorized
- 23 under this chapter it will permit. The commission
- 24 shall decide the number, location, and type of
- 25 excursion gambling boats licensed under this chapter
- 26 for operation on the rivers, lakes, and reservoirs of
- 27 this state. However, not more than nine licenses to
- 28 operate gambling games on an excursion gambling boat
- 29 shall be issued at any one time. The license shall
- 30 set forth the name of the licensee, the type of
- 31 license granted, the place where the excursion
- 32 gambling boats will operate and dock, and the time and
- 33 number of days during the excursion season and the off
- 34 season when gambling may be conducted by the licensee.

35 The commission shall not allow a licensee to conduct
 36 gambling games on an excursion gambling boat while
 37 docked during the off season if the licensee does not
 38 operate gambling excursions for a minimum number of
 39 days during the excursion season. The commission may
 40 delay the commencement of the excursion season at the
 41 request of a licensee."

42 3. Title page, line 1, by inserting after the
 43 word "to" the following: "gambling by limiting the
 44 issuance of gambling licenses on excursion gambling
 45 boats, by authorizing the racing and gaming commission
 46 to determine gambling games at pari-mutuel racetracks,
 47 and by amending".

Rants of Woodbury rose on a point of order that amendment H-4046 was not germane.

The Speaker ruled the point well taken and amendment H-4046 not germane.

Shoultz of Black Hawk asked for unanimous consent to suspend the rules to consider amendment H-4046.

Objection was raised.

Shoultz of Black Hawk moved to suspend the rules to consider amendment H-4046.

A non-record roll call was requested.

The ayes were 14, nays 51.

The motion to suspend the rules 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. 571)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	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

Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	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:

Branstad

Absent or not voting, 6:

Brammer	Houser	Larson	Murphy
Running	Schrader		

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 571** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Hurley of Fayette called up for consideration **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, amended by the Senate amendment H-3928 as follows:

H-3928

- 1 Amend House File 471, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 1, through page 2,
- 4 line 12, and inserting the following:
- 5 "Sec. ____ Section 901.10, Code 1995, is amended
- 6 to read as follows:

7 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

8 1. A court sentencing a person for an act
9 prohibited under section 124.406 or sections 124.401
10 and 124.413 may, at its discretion, waive the
11 mandatory minimum term of confinement if the person
12 was not in the possession or control of a firearm and
13 did not commit an assault as defined under section
14 708.1 while participating in the prohibited act, if
15 mitigating circumstances exist, and if the mitigating
16 circumstances are stated specifically in the record.
17 However, the state may appeal the discretionary
18 decision on the grounds that the stated mitigating
19 circumstances do not warrant a reduction of the
20 sentence.

21 2. A court sentencing a person for the person's
22 first conviction under section 124.406, 124.413, or
23 902.7 may, at its discretion, sentence the person to a
24 term less than provided by the statute if mitigating
25 circumstances exist and those circumstances are stated
26 specifically in the record. However, the state may
27 appeal the discretionary decision on the grounds that
28 the stated mitigating circumstances do not warrant a
29 reduction of the sentence."

30 2. Page 3, by striking lines 8 through 33.

31 3. Page 4, line 16, by striking the words "five
32 days per year" and inserting the following: "one day
33 per month".

34 4. By striking page 4, line 22, through page 5,
35 line 13, and inserting the following:

36 "Sec. ____ APPLICABILITY OF WAIVER TO CURRENT
37 INMATES. The board of parole shall identify inmates
38 currently serving mandatory minimum sentences for an
39 offense under section 1 of this Act that would have
40 been eligible for waiver of the mandatory minimum term
41 if the inmates had been sentenced on or after the
42 effective date of this Act. For each inmate
43 identified, the board of parole shall review the
44 inmate's record and the circumstances surrounding the
45 inmate's conviction and make a determination as to
46 whether the inmate's mandatory minimum term should be
47 waived. If the parole board determines that the
48 inmate's mandatory minimum term of confinement should
49 be waived, the inmate shall be immediately eligible
50 for parole.

Page 2

1 Sec. ____ INTERIM STUDY COMMITTEE. The
2 legislative council is requested to establish an
3 interim committee to study currently available
4 sentencing and incarceration options. The study may
5 include but shall not be limited to a review of
6 available jail, community corrections, and prison
7 beds; the potential impact of the use of split

8 sentencing on jail, community corrections, and prison
9 bed space; security needs and costs associated with
10 the implementation of hard labor requirements for
11 persons incarcerated in corrections institutions; and
12 the nature and costs associated with other sentencing
13 options. In addition to legislative members, the
14 membership of the interim committee shall include the
15 following public members:

16 1. A representative from the board of parole.

17 2. A representative from the division of criminal
18 and juvenile justice planning of the department of
19 human rights.

20 3. A representative from an association of
21 sheriffs and deputy sheriffs.

22 4. A representative from the department of
23 corrections.

24 The committee shall submit findings and any
25 recommendations in a report to the general assembly by
26 January 1, 1996.

27 Sec. ____ RISK ASSESSMENT STUDY. The department
28 of corrections, in consultation with the board of
29 parole and the division of criminal and juvenile
30 justice planning of the department of human rights,
31 shall conduct a study of the various risk assessment
32 tools currently used in the Iowa corrections system to
33 determine the relative risk posed by a criminal
34 offender and the prospects for the offender's
35 rehabilitation and make findings and recommendations
36 regarding the implementation and use of a risk
37 assessment tool during or as part of the presentence
38 investigation process. The recommendations and any
39 corresponding findings shall be submitted in a report
40 to the general assembly by January 1, 1996."

41 5. Title page, by striking lines 4 through 6 and
42 inserting the following: "served, providing for a
43 reduction in the amount of".

44 6. Title page, line 7, by inserting after the
45 word "felons" the following: ", by requesting an
46 interim and a departmental study, and making other
47 related changes".

48 7. By designating, redesignating, and changing
49 internal references as necessary.

Hurley of Fayette asked and received unanimous consent to withdraw amendment H-3999, to the Senate amendment H-3928, filed by him on April 20, 1995.

Boddicker of Cedar offered the following amendment H-3959, to the Senate amendment H-3928, filed by him and moved its adoption:

H-3959

- 1 Amend the Senate amendment, H-3928, to House File
- 2 471, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 1, line 12, by striking the words "in the
5 possession or" and inserting the following: "using or
6 in".

Amendment H-3959 was adopted.

Hurley of Fayette offered the following amendment H-4050, to the Senate amendment H-3928, filed by him from the floor and moved its adoption:

H-4050

1 Amend the Senate amendment, H-3928, to House File
2 471, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 24, by striking the words "term
5 less than" and inserting the following: "mandatory
6 minimum term which is less than the mandatory minimum
7 term which is".

8 2. Page 2, by inserting after line 23, the
9 following:

10 "_. A representative from a county board of
11 supervisors."

12 3. Page 2, line 35, by striking the word
13 "rehabilitation" and inserting the following:
14 "rehabilitation,".

15 4. Page 2, by inserting after line 40, the
16 following:

17 "Sec. __. SPLIT-SENTENCING PILOT PROJECT.

18 1. The general assembly finds that the
19 implementation of a split-sentencing pilot project
20 within this state could serve as a test for a fair and
21 flexible method of dispensing criminal justice which
22 provides for an incremental approach to the imposition
23 of aggravated misdemeanor and felony criminal
24 sentences and may help to reduce the current prison
25 overcrowding problems while protecting the public
26 safety. A split-sentencing pilot project is therefore
27 established in a judicial district to be determined by
28 the supreme court. The judicial district shall be
29 selected based on the availability of jail space
30 within the judicial district, and whether the judicial
31 district in consultation with the county board or
32 boards of supervisors and the sheriff or sheriffs
33 desires to participate in the project.

34 Notwithstanding any other contrary provision of law,
35 subsection 2 of this section shall apply within and
36 only within the judicial district which is selected to
37 participate in this pilot project from the date of the
38 enactment of this Act through June 30, 1996.

39 2. By record entry at the time of or after
40 sentencing for an aggravated misdemeanor or a felony,
41 other than a class "A" felony, the court may sentence

42 the defendant to serve up to ninety days of the
43 sentence in the county jail and suspend the balance of
44 the term imposed. If the person is ordered to serve
45 up to ninety days in jail, the costs of the person's
46 confinement shall be paid by the state at the rate
47 negotiated by the department of corrections with the
48 judicial district under section 904.908. Payment
49 shall be made by the department of revenue and finance
50 upon submission of a voucher executed by the sheriff.

Page 2

- 1 Persons serving time in a county jail under this
- 2 subsection shall be committed to the custody of the
- 3 director of the department of corrections and the
- 4 department shall be responsible for all prisoner
- 5 medical costs.”
- 6 5. Page 2, line 46, by inserting after the word
- 7 “study,” the following: “providing for a pilot
- 8 project.”
- 9 6. By numbering and renumbering as necessary.

Amendment H-4050 was adopted.

Witt of Black Hawk asked and received unanimous consent to defer action on the following amendments filed by him on April 17, 1995: H-3947, H-3949 and H-3950.

Siegrist of Pottawattamie asked and received unanimous consent to defer action on House File 471, the Senate amendment H-3928 pending.

Schulte of Linn called up for consideration **House File 197**, a bill for an act relating to the expansion of the volunteer physician program to include other health care providers, amended by the Senate, and moved that the House concur in the following Senate amendment H-3991:

H-3991

- 1 Amend House File 197, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 7 and inserting the
- 4 following “health care facilities, ~~or~~ health care
- 5 referral programs, or charitable organizations, free”.
- 6 2. Page 1, line 13, by striking the words “or
- 7 health” and inserting the following: “~~or~~ health”.
- 8 3. Page 1, line 14, by inserting after the word

9 "programs" the following: ", or charitable
10 organizations".

11 4. Page 1, line 24, by striking the words "or
12 health" and inserting the following: "or health".

13 5. Page 1, line 25, by inserting after the word
14 "programs" the following: ", or charitable
15 organizations".

16 6. Page 1, line 28, by inserting after the word
17 "program," the following: "a charitable
18 organization".

19 7. Page 2, line 5, by striking the words "or
20 health care referral program" and inserting the
21 following: "or health care referral program, or
22 charitable organization".

23 8. Page 2, by inserting after line 12 the
24 following:

25 "5. For the purposes of this section, "charitable
26 organization" means a charitable organization within
27 the meaning of section 501(c)(3) of the Internal
28 Revenue Code which has as its primary purpose the
29 sponsorship or support of programs designed to improve
30 the quality, awareness, and availability of medical
31 services to children and to serve as a funding
32 mechanism for provision of medical services, including
33 but not limited to immunizations, to children in this
34 state."

35 9. Title page, line 2, by inserting after the
36 word "providers" the following: "and to apply to
37 certain charitable organizations".

The motion prevailed and the House concurred in the Senate amend-
ment H-3991.

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

On the question "Shall the bill pass?" (H.F. 197)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	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	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:

Brammer Halvorson

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 197** be immediately messaged to the Senate.

The House resumed consideration of **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, previously deferred and the Senate amendment H-3928 pending.

Witt of Black Hawk offered the following amendment H-3949, to the Senate amendment H-3928, previously deferred, filed by him and moved its adoption:

H-3949

- 1 Amend the Senate amendment, H-3928, to House File
- 2 471, as amended, passed, and reprinted by the House,
- 3 as follows:

- 4 1. Page 2, by inserting after line 23 the
5 following:
6 "_. A faculty member with expertise in
7 sentencing and incarceration options who is from an
8 Iowa institution of higher education which offers a
9 degree program in criminology."
10 2. By numbering and renumbering as necessary.

Amendment H-3949 lost.

Witt of Black Hawk offered the following amendment H-3950, to the Senate amendment H-3928, previously deferred, filed by him and moved its adoption:

H-3950

- 1 Amend the Senate amendment, H-3928, to House File
2 471, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 38, by inserting after the word
5 "process." the following: "In conducting the study,
6 the department shall also consult with faculty members
7 with expertise in risk assessment who are from Iowa
8 institutions of higher education which offer degree
9 programs in criminology."

Amendment H-3950 was adopted.

Witt of Black Hawk offered amendment H-3947, to the Senate amendment H-3928, filed by him and requested division as follows:

H-3947

- 1 Amend the Senate amendment, H-3928, to House File
2 471, as amended, passed, and reprinted by the House,
3 as follows:

H-3947A

- 4 1. Page 2, by striking lines 28 through 31 and
5 inserting the following: "of corrections shall issue
6 a request for proposals for the conducting of a study
7 of the various risk assessment".

H-3947B

- 8 2. Page 2, line 35, by striking the words
9 "rehabilitation and make" and inserting the following:
10 "rehabilitation. The person or persons conducting the
11 study shall consult with faculty members with
12 expertise in risk assessment who are from Iowa
13 institutions of higher education which offer degree
14 programs in criminology. The study shall include
15 any".

On motion by Witt of Black Hawk, amendment H-3947A, to the Senate amendment H-3928, lost.

Witt of Black Hawk asked and received unanimous consent to withdraw amendment H-3947B, to the Senate amendment H-3928.

On motion by Hurley of Fayette, the House concurred in the Senate amendment H-3928, as amended.

Hurley of Fayette 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. 471)

The ayes were, 98:

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	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, 2:

Brammer

Running

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 471** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 572, by committee on ways and means, 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 placed on the **ways and means calendar**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday, April 20, 1995. Had I been present, I would have voted "aye" on House Files 481, 486, 555 and Senate Files 150 and 256.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on Thursday, April 20, 1995. Had I been present, I would have voted "nay" on amendment H-3994 to House File 555.

LARSON of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of April, 1995: House Files 113, 128, 139, 217, 289, 346, 483, 554 and 556.

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 24, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 54, an act relating to the qualifications of an applicant for a license to sell real estate in this state.

House File 198, an act creating a lien arising from the care and feeding of livestock in a custom cattle feedlot.

House File 256, 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.

House File 470, an act relating to the assessment of certain public improvement costs to abutting property at the request of the property owner.

House File 520, 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.

Senate File 88, 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.

Senate File 116, an act authorizing certain persons to access dependent adult abuse information.

Senate File 141, an act relating to notice for vacating and closing roads.

Senate File 147, an act providing for the issuance of single general permits by the department of natural resources and providing an effective date.

Senate File 149, an act relating to child support recovery.

Senate File 174, an act relating to health facilities under the purview of the department of inspections and appeals.

Senate File 233, an act relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders.

Senate File 247, an act relating to plastic garbage can liners with recycled content.

Senate File 298, an act relating to implements of husbandry, concerning the definition of implements of husbandry and weight restrictions for certain implements of husbandry.

Senate File 352, 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.

Senate File 402, an act relating to brands registered by the department of agriculture and land stewardship and providing for penalties.

Senate File 440, 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.

Senate File 458, an act relating to the duties of the county treasurer and providing effective and applicability dates.

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

April 24, 1995

The Honorable Ron Corbett
Speaker of the House
House of Representatives
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 512, an act appropriating funds to the Department of Economic Development, The Iowa Finance Authority, the Wallace Technology Transfer Foundation, Division of Insurance of the Department of Commerce, the Iowa Seed Capital Corporation, the International Development Foundation, the Public Employment Relations Board, and the Department of Employment Services, making related statutory changes, and providing an immediate effective date.

House File 512 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 3, paragraph g, in its entirety. This item would appropriate \$10,000 to establish a community voice mail pilot program. While I support the proposed goals of the program, I am concerned that the concept has not been fully developed to take into consideration a whole host of security issues, including the potential for the system to be used for illegal or inappropriate uses. Further, the amount of funding the appropriation would provide falls far short of what would be minimally necessary to establish it even as a pilot program.

I am unable to approve the designated portions of Section 9, unnumbered and unlettered paragraph 1. These items would authorize the legislature to be involved in decisions relating to the staffing and organization of the Department of Employment Services (DES). Decisions concerning the personnel needs and structure of DES properly fall within the discretion of the director of the department. Legislative attempts to encroach into matters that are the prerogative of the executive branch can not be approved.

I am unable to approve the items designated as Section 10, subsections 1 and 2, in their entirety. These items relate to the operations of workforce development centers and the management of workers' compensation hearings. Like the items in the preceding paragraph, approval of these items would allow the legislative branch to interfere in decisions that are best made by the director of the Department of Employment Services. For that reason, they can not be approved.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of the 1968 to the Constitution of the State of Iowa. All other items in House File 512 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:

Sixty fifth grade students from BCL-UW Middle School, Union, accompanied by Mary Pieper and John Ehn. By Sukup of Franklin, Garman of Story and Renken of Grundy.

Eight eighth grade students from Pine Grove Mennonite, Chester, accompanied by Mary Ann Nightingale. By Weigel of Chickasaw.

Three students from East Marshall High School, Le Grand. By Nelson of Marshall.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA COLLEGE STUDENT AID COMMISSION

THE ETHNIC DIVERSITY AND CONTROLLED substance policy assurances summaries pursuant to Chapter 261.25(5) 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\247 Dan Welk, Muscatine – For winning the FFA State Radio Broadcasting Award.

1995\248 Grace Stickel, Ames – For celebrating her 90th birthday.

1995\249 Clara Sorensen, Council Bluffs – For celebrating her 95th birthday.

1995\250 Don and Mary Kelso, Osceola – For celebrating their 60th wedding anniversary.

1995\251 Tokey R. Boswell, Corning – For being a finalist in the 1995 Academic All-State Competition.

1995\252 Jennifer L. Adams, Lamoni – For being a finalist in the 1995 Academic All-State Competition.

SUBCOMMITTEE ASSIGNMENTS

Senate File 472

Ways and Means: Teig, Chair; Main and Myers:

Senate File 476

Ways and Means: Renken, Chair; Bernau and Rants.

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 WAYS AND MEANS

Committee Bill (Formerly House File 160), 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 not required.

Recommended **Amend and Do Pass** April 24, 1995.

Committee Bill (Formerly House Study Bill 320), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 24, 1995.

RESOLUTIONS FILED

HCR 39, by Boddicker, Salton and Daggett, a concurrent resolution requesting the establishment of an interim committee regarding the management of child abuse reports.

Laid over under **Rule 25**.

SCR 28, by committee on rules and administration, a resolution to call a joint session for the purpose of hearing an address by the President of the United States.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-4033	H.F.	519	Senate amendment
H-4034	H.F.	567	Shoultz of Black Hawk
H-4035	S.F.	481	Brauns of Muscatine
H-4036	S.F.	481	Brauns of Muscatine
H-4037	S.F.	481	Brauns of Muscatine

H-4038	H.F.	567	Witt of Black Hawk Shoultz of Black Hawk Vande Hoef of Osceola
H-4039	H.F.	567	Witt of Black Hawk Vande Hoef of Osceola
H-4041	H.F.	567	Nutt of Woodbury
H-4042	H.F.	569	Halvorson of Clayton
H-4045	H.F.	570	Grubbs of Scott
H-4047	S.F.	481	Koenigs of Mitchell Ollie of Clinton
H-4051	H.F.	530	Millage of Scott
H-4052	S.F.	266	Weigel of Chickasaw Mundie of Webster May of Worth Drees of Carroll Bernau of Story O'Brien of Boone
			Mertz of Kossuth Koenigs of Mitchell Larkin of Lee Nelson of Pottawattamie Burnett of Story
H-4053	S.F.	481	Cphoon of Des Moines Ollie of Clinton Warnstadt of Woodbury

On motion by Siegrist of Pottawattamie, the House adjourned at 6:32 p.m. until 8:45 a.m., Tuesday, April 25, 1995.

JOURNAL OF THE HOUSE

One Hundred-seventh Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 25, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Dan Herndon, Trinity Methodist Church, Waverly.

The Journal of Monday, April 24, 1995 was approved.

PETITION FILED

The following petition has been received and placed on file.

By Arnold of Lucas from two hundred-two citizens of Keokuk County favoring the issuance of driver's licenses in the office of the County Treasurer.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista and Dinkla of Guthrie, until their arrival, on request of Weidman of Cass; Mertz of Kossuth on request of Schrader of Marion; Wise of Lee, until his arrival, on request of Cohoon of Des Moines.

SENATE FILE 331 REFERRED

The Speaker announced that Senate File 331, previously passed on file, was referred to committee on state government.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 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 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.

Also: That the Senate has on April 24, 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 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 retroactive applicability date.

Also: That the Senate has on April 24, 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 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 requirements related to the sale of preneed funeral contracts and the sale of funeral and cemetery merchandise, establishing fees and use of those fees, and providing penalties.

Also: That the Senate has on April 24, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 548, 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.

Also: That the Senate has on April 24, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 24, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 24, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 482, a bill for an act establishing economic and other penalties for certain criminal activity.

Also: That the Senate has on April 24, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties.

Also: That the Senate has on April 24, 1995, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 11, a concurrent resolution declaring support for Amtrak.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 482, by Horn and Rife, a bill for an act establishing economic and other penalties for certain criminal activity.

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

Senate File 484, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties.

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

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 475.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 475, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates with report of committee recommending amendment and passage, was taken up for consideration.

Millage of Scott offered the following amendment H-4011 filed by the committee on appropriations and moved its adoption:

H-4011

- 1 Amend Senate File 475, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 26, by striking the words "~~fifty~~"
- 4 thirty" and inserting the following: "fifty".
- 5 2. Page 3, line 7, by striking the word
- 6 "estimates" and inserting the following: "estimate".
- 7 3. Page 3, line 12, by striking the words "a.
- 8 The" and inserting the following: "The".
- 9 4. Page 3, by striking lines 15 through 22.
- 10 5. Page 3, by inserting after line 24 the
- 11 following:
- 12 "Sec. ____ Section 282.31, subsection 1, Code
- 13 1995, is amended to read as follows:
- 14 1. a. A child who lives in a facility pursuant to
- 15 section 282.30, subsection 1, paragraph "a", and who
- 16 is not enrolled in the educational program of the
- 17 district of residence of the child, shall receive
- 18 appropriate educational services. The area education
- 19 agency shall submit a proposed program and budget to
- 20 the department of education by January 1 for the next

21 succeeding school year. The department of education
22 shall review and approve or modify the program and
23 proposed budget and shall notify the department of
24 revenue and finance and the area education agency of
25 its action by February 1. ~~Beginning with the fiscal~~
26 ~~year commencing July 1, 1990, and ending June 30,~~
27 ~~1991, and in succeeding years, the~~ The department of
28 revenue and finance shall pay the approved budget
29 amount for an area education agency in monthly
30 installments beginning September 15 and ending June 15
31 of the next succeeding school year. The installments
32 shall be as nearly equal as possible as determined by
33 the department of management, taking into
34 consideration the relative budget and cash position of
35 the state's resources. The department of revenue and
36 finance shall transfer the approved budget amount for
37 an area education agency from the moneys appropriated
38 under section 257.16 and make the payment to the area
39 education agency. The area education agency shall
40 submit an accounting for the actual cost of the
41 program to the department of education by August 1 of
42 the following school year. The department shall
43 review and approve or modify all expenditures incurred
44 in compliance with the guidelines pursuant to section
45 256.7, subsection 10, and shall notify the department
46 of revenue and finance of the approved accounting
47 amount. The approved accounting amount shall be
48 compared with any amounts paid by the department of
49 revenue and finance to the area education agency and
50 any differences added to or subtracted from the

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1 October payment made under this paragraph for the next
2 school year. Any amount paid by the department of
3 revenue and finance shall be deducted monthly from the
4 state foundation aid paid under section 257.16 to all
5 school districts in the state during the remainder of
6 that subsequent fiscal year to all school districts in
7 the state. The portion of the total amount of the
8 approved budget that shall be deducted from the state
9 aid of a school district shall be the same as the
10 ratio that the budget enrollment for the budget year
11 of the school district bears to the total budget
12 enrollment in the state for that budget year in which
13 the deduction is made.

14 b. A child who lives in a facility or home
15 pursuant to section 282.19, and who does not require
16 special education and who is not enrolled in the
17 educational program of the district of residence of
18 the child, shall be included in the basic enrollment
19 of the school district in which the facility or home
20 is located.

21 However, on June 30 of a school year, if the board

22 of directors of a school district determines that the
23 number of children under this paragraph who were
24 counted in the basic enrollment of the school district
25 on the third Friday of September of that school year
26 is fewer than the sum of the number of months all
27 children were enrolled in the school district under
28 this paragraph during the school year divided by nine,
29 the secretary of the school district may submit a
30 claim to the department of education by August 1
31 following the school year for an amount equal to the
32 district cost per pupil of the district for the
33 previous school year multiplied by the difference
34 between the number of children counted and the number
35 of children calculated by the number of months of
36 enrollment. The amount of the claim shall be paid by
37 the department of revenue and finance to the school
38 district by October 1. The department of revenue and
39 finance shall transfer the total amount of the
40 approved claim of a school district from the moneys
41 appropriated under section 257.16 and the amount paid
42 shall be deducted monthly from the state foundation
43 aid paid to all school districts in the state during
44 the remainder of ~~that the subsequent~~ fiscal year to
45 ~~all school districts in the state~~ in the manner
46 provided in paragraph "a".
47 Sec. ____ Section 282.31, subsection 3, Code 1995,
48 is amended to read as follows:
49 3. The actual special education instructional
50 costs, including transportation, for a child who

Page 3

1 requires special education shall be paid by the
2 department of revenue and finance to the school
3 district in which the facility or home is located,
4 only when a district of residence cannot be
5 determined, and the child was not included in the
6 weighted enrollment of any district pursuant to
7 section 256B.9, and the payment pursuant to subsection
8 2, paragraph "a" was not made by any district. The
9 district shall submit a proposed program and budget to
10 the department of education by January 1 for the next
11 succeeding school year. The department of education
12 shall review and approve or modify the program and
13 proposed budget and shall notify the district by
14 February 1. The district shall submit a claim by
15 August 1 following the school year for the actual cost
16 of the program. The department shall review and
17 approve or modify the claim and shall notify the
18 department of revenue and finance of the approved
19 claim amount by September 1. The total amount of the
20 approved claim shall be paid by the department of
21 revenue and finance to the school district by October
22 1. The total amount paid by the department of revenue

23 and finance shall be deducted monthly from the state
24 foundation aid paid under section 257.16 to all school
25 districts in the state during the ~~remainder of that~~
26 subsequent fiscal year to ~~all school districts in the~~
27 state. The portion of the total amount of the
28 approved claims that shall be deducted from the state
29 aid of a school district shall be the same as the
30 ratio that the budget enrollment for the budget year
31 of the school district bears to the total budget
32 enrollment in the state for the budget year in which
33 the deduction is made. The department of revenue and
34 finance shall transfer the total amount of the
35 approved claims from moneys appropriated under section
36 257.16 for payment to the school district."

37 6. Page 4, by inserting after line 28 the
38 following:

39 "Sec. ____ 1994 Iowa Acts, chapter 1193, sections
40 2, 4, and 35, are repealed.

41 Sec. ____ SPECIAL FUNDS — SPECIAL AUTHORIZATION
42 FOR GAAP SALARY ACCRUAL. The department of management
43 may authorize supplemental expenditures for the fiscal
44 year beginning July 1, 1994, in amounts necessary to
45 accrue salaries in accordance with generally accepted
46 accounting principles, for those departmental
47 revolving, trust, or special funds which are not part
48 of the general fund of the state and for which the
49 general assembly has established an operating budget."

50 7. Page 4, by striking lines 29 through 31 and

Page 4

1 inserting the following:

2 "Sec. ____ EFFECTIVE DATE. Section 6 of this
3 division of this Act, amending section 260D.12, takes
4 effect July 1, 1995, and the remainder of the
5 division, being deemed of immediate importance, takes
6 effect upon enactment."

7 8. By striking page 4, line 32 through page 6,
8 line 18.

9 9. Page 6, by inserting after line 20 the
10 following:

11 "Sec. ____ Section 8.55, subsection 2, Code 1995,
12 is amended to read as follows:

13 2. The maximum balance of the fund is the amount
14 equal to five percent of the adjusted revenue estimate
15 for the fiscal year. If the amount of moneys in the
16 Iowa economic emergency fund is equal to the maximum
17 balance, moneys in excess of this amount shall be
18 transferred to the general rebuild Iowa infrastructure
19 fund created in section 8.57."

20 10. Page 6, lines 26 and 27 by striking the words
21 "or other nonrecurring".

22 11. Page 6, line 30, by inserting after the word
23 "obligations." the following: "An appropriation shall

24 not be made from the fund unless the appropriation is
25 in a bill or joint resolution which is approved by
26 vote of at least three-fifths of the members of both
27 chambers of the general assembly and is signed by the
28 governor."

29 12. Page 6, by inserting before line 31 the
30 following:

31 "Sec. ____ Section 8.55, subsection 4, Code 1995,
32 is amended to read as follows:

33 4. Notwithstanding section 12C.7, subsection 2,
34 interest or earnings on moneys deposited in the Iowa
35 economic emergency fund shall be credited to the
36 rebuild Iowa economic emergency infrastructure fund."

37 13. Page 7, by inserting after line 14 the
38 following:

39 "Sec. ____ Section 8.56, subsection 4, paragraph
40 b, Code 1995, is amended to read as follows:

41 b. In addition to the requirements of paragraph
42 "a", an appropriation shall not be made from the cash
43 reserve fund ~~which would cause the fund's balance to~~
44 ~~be less than three percent of the adjusted revenue~~
45 ~~estimate for the year for which the appropriation is~~
46 ~~made unless the bill or joint resolution making the~~
47 appropriation is approved by vote of at least three-
48 fifths of the members of both chambers of the general
49 assembly and is signed by the governor.

50 Sec. ____ Section 8.57, subsection 1, paragraph a,

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1 Code 1995, is amended by striking the paragraph and
2 inserting in lieu thereof the following:

3 a. The "cash reserve goal percentage" for fiscal
4 years beginning on or after July 1, 1995, is five
5 percent of the adjusted revenue estimate. For each
6 fiscal year beginning on or after July 1, 1995, in
7 which the appropriation of the surplus existing in the
8 general fund of the state at the conclusion of the
9 prior fiscal year pursuant to paragraph "b" was not
10 sufficient for the cash reserve fund to reach the cash
11 reserve goal percentage for the current fiscal year,
12 there is appropriated from the general fund of the
13 state an amount to be determined as follows:

14 (1) If the balance of the cash reserve fund in the
15 current fiscal year is not more than four percent of
16 the adjusted revenue estimate for the current fiscal
17 year, the amount of the appropriation under this
18 lettered paragraph is one percent of the adjusted
19 revenue estimate for the current fiscal year.

20 (2) If the balance of the cash reserve fund in the
21 current fiscal year is more than four percent but less
22 than five percent of the adjusted revenue estimate for
23 that fiscal year, the amount of the appropriation
24 under this lettered paragraph is the amount necessary

25 for the cash reserve fund to reach five percent of the
 26 adjusted revenue estimate for the current fiscal year.
 27 (3) The moneys appropriated under this lettered
 28 paragraph shall be credited in equal and proportionate
 29 amounts in each quarter of the current fiscal year.
 30 Sec. ____ Section 8.57, subsection 1, paragraph b,
 31 Code 1995, is amended to read as follows:
 32 b. ~~Commencing June 30, 1993, the~~ The surplus
 33 existing in the general fund of the state at the
 34 conclusion of the fiscal year is appropriated for
 35 distribution in the succeeding fiscal year as provided
 36 in this section subsections 2 and 3. Moneys credited
 37 to the cash reserve fund from the appropriation made
 38 in this paragraph shall not exceed the amount
 39 necessary for the cash reserve fund to reach the cash
 40 reserve goal percentage for the succeeding fiscal
 41 year. As used in this paragraph, "surplus" means the
 42 excess of revenues and other financing sources over
 43 expenditures and other financing uses for the general
 44 fund of the state in a fiscal year."
 45 14. Page 7, by striking line 15 and inserting the
 46 following:
 47 "Sec. ____ Section 8.57, subsections 2 and 3, Code
 48 1995, are amended".
 49 15. Page 8, line 22, by striking the words
 50 "credited to" and inserting the following: "credited

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1 in equal amounts to the rebuild Iowa infrastructure
 2 fund and".
 3 16. Page 8, by inserting after line 23 the
 4 following:
 5 "3. To the extent that moneys appropriated under
 6 subsection 1 exceed the amounts necessary for the cash
 7 reserve fund to reach its maximum balance and the
 8 amounts necessary to eliminate Iowa's GAAP deficit,
 9 including elimination of the making of any
 10 appropriation in an incorrect fiscal year, the moneys
 11 shall be appropriated credited in equal amounts to the
 12 rebuild Iowa infrastructure fund and the Iowa economic
 13 emergency fund."
 14 17. Page 11, by inserting after line 3 the
 15 following:
 16 "DIVISION
 17 BUDGET SUBMISSIONS
 18 Sec. ____ Section 8.23, unnumbered paragraph 1,
 19 Code 1995, is amended to read as follows:
 20 On or before ~~September~~ October 1, prior to each
 21 legislative session, all departments and
 22 establishments of the government shall transmit to the
 23 director, on blanks to be furnished by the director,
 24 estimates of their expenditure requirements, including
 25 every proposed expenditure, for the ensuing fiscal

26 year, classified so as to distinguish between
27 expenditures estimated for administration, operation,
28 and maintenance, and the cost of each project
29 involving the purchase of land or the making of a
30 public improvement or capital outlay of a permanent
31 character, together with supporting data and
32 explanations as called for by the director. The
33 budget estimates shall include for those agencies
34 which pay for energy directly a line item for energy
35 expenses itemized by type of energy and location. The
36 estimates of expenditure requirements shall be based
37 upon seventy-five percent of the funding provided for
38 the current fiscal year accounted for by program
39 reduced by the historical employee vacancy factor in
40 form specified by the director and the remainder of
41 the estimate of expenditure requirements prioritized
42 by program. The estimates shall be accompanied with
43 performance measures for evaluating the effectiveness
44 of the program. If a department or establishment
45 fails to submit estimates within the time specified,
46 the governor shall cause estimates to be prepared for
47 that department or establishment as in the governor's
48 opinion are reasonable and proper. The director shall
49 furnish standard budget request forms to each
50 department or agency of state government.

Page 7

1 Sec. ____ Section 8.35A, subsection 2, Code 1995,
2 is amended to read as follows:
3 2. Commencing ~~September~~ October 1, the director
4 shall provide weekly budget tapes in the form and
5 level of detail requested by the legislative fiscal
6 bureau reflecting finalized agency budget requests for
7 the following fiscal year as submitted to the
8 governor. The director shall transmit all agency
9 requests in final form to the legislative fiscal
10 bureau by November 15. Final budget records
11 containing the governor's recommendation and final
12 agency requests shall be transmitted to the
13 legislative fiscal bureau by January 1 or no later
14 than the date the governor's budget document is
15 delivered to the printer. The governor's
16 recommendation included on this record shall be
17 considered confidential by the legislative fiscal
18 bureau until it is made public by the governor. The
19 legislative fiscal bureau shall use this data in the
20 preparation of information for the legislative
21 appropriation process.
22 Sec. ____ Section 456A.19, unnumbered paragraph 2,
23 Code 1995, is amended to read as follows:
24 The department shall ~~annually on or before~~
25 September by October 1 of each year submit to the
26 department of management for transmission to the

- 27 general assembly a detailed estimate of the amount
 28 required by the department during the succeeding year
 29 for carrying on the activities embraced in the fish
 30 and wildlife division. The estimate shall be in the
 31 same general form and detail as required by law in
 32 estimates submitted by other state departments."

The committee amendment H-4011 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?" (S.F. 475)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	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	Ollie	Rants	Renken
Running	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, 8:

Bernau	Brammer	Burnett	Eddie
Grubbs	Koenigs	Mertz	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 **Senate File 475** be immediately messaged to the Senate.

Ways and Means Calendar

House File 567, a bill for an act 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, was taken up for consideration.

Shoultz of Black Hawk offered amendment H-4018 filed by him and Holveck as follows:

H-4018

- 1 Amend House File 567 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. INTERIM STUDY. The legislative
- 5 council is requested to authorize an interim study to
- 6 analyze the issue of requiring the purchase of
- 7 alternate energy from alternate energy production
- 8 facilities and small hydro facilities. The study
- 9 committee shall work with the energy project of the
- 10 national conference of state legislatures which has
- 11 offered to provide technical assistance to the
- 12 committee. The study committee shall evaluate the
- 13 existing energy efficiency and alternate energy policy
- 14 of the state, including the laws and regulations of
- 15 the state and provide recommendations to the general
- 16 assembly."
- 17 2. Title page, by striking lines 1 through 4 and
- 18 inserting the following: "An Act relating to an
- 19 interim study of alternate energy policies."

Speaker pro tempore Van Maanen of Marion in the chair at 9:45 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Schrader of Marion.

Shoultz of Black Hawk asked for unanimous consent to defer action on House File 567.

Objection was raised.

Shoultz of Black Hawk moved to defer action on House File 567.

The motion to defer lost.

Shoultz of Black Hawk moved the adoption of amendment H-4018.

A non-record roll call was requested.

The ayes were 29, nays 51.

Amendment H-4018 lost.

Shoultz of Black Hawk asked and received unanimous consent to defer action on amendment H-4019.

Nutt of Woodbury offered the following amendment H-4041 filed by him and moved its adoption:

H-4041

- 1 Amend House File 567 as follows:
- 2 1. Page 1, by striking lines 17 through 19 and
- 3 inserting the following: "deduct the amount of the
- 4 credit from the tax due with its quarterly return."

Amendment H-4041 was adopted.

Vande Hoef of Osceola offered the following amendment H-4024 filed by him and Mertz and moved its adoption:

H-4024

- 1 Amend House File 567 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 2.
- 4 2. Page 2, line 8, by inserting after the figure
- 5 "476.44" the following: ", and to review the
- 6 promotion of methane energy purchases by electric
- 7 utilities through the use of tax credits".
- 8 3. Title page, lines 3 and 4, by striking the
- 9 words ", providing a methane energy purchase sales tax
- 10 credit,".
- 11 4. By renumbering as necessary.

Amendment H-4024 was adopted, placing out of order amendment H-4041, previously adopted.

Holveck of Polk offered amendment H-4023 filed by him as follows:

H-4023

- 1 Amend House File 567 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ Section 476.44, subsection 2, Code
- 5 1995, is amended to read as follows:
- 6 2. An electric utility subject to this division,
- 7 except a utility which elects rate regulation pursuant

8 to section 476.1A, shall not be required to purchase,
 9 at any one time, more than its share of ~~one~~ two
 10 hundred ~~five~~ ten megawatts of power from alternative
 11 energy production facilities or small hydro facilities
 12 at the rates established pursuant to section 476.43.
 13 The board shall allocate the ~~one~~ two hundred ~~five~~ ten
 14 megawatts based upon each utility's percentage of the
 15 total Iowa retail peak demand, for the year beginning
 16 January 1, 1990, of all utilities subject to this
 17 section. If a utility undergoes reorganization as
 18 defined in section 476.76, the board shall combine the
 19 allocated purchases of power for each utility involved
 20 in the reorganization.

21 Notwithstanding the ~~one~~ two hundred ~~five~~ ten
 22 megawatt maximum, the board may increase the amount of
 23 power that a utility is required to purchase at the
 24 rates established pursuant to section 476.43 if the
 25 board finds that a utility, including a reorganized
 26 utility, exceeds its 1990 Iowa retail peak demand by
 27 twenty percent and the additional power the utility is
 28 required to purchase will encourage the development of
 29 alternate energy production facilities and small hydro
 30 facilities. The increase shall not exceed the
 31 utility's increase in peak demand multiplied by the
 32 ratio of the utility's share of the ~~one~~ two hundred
 33 ~~five~~ ten megawatt maximum to its 1990 Iowa retail peak
 34 demand."

35 2. Page 2, by striking lines 16 through 25.

36 3. Renumbering as necessary.

Speaker Corbett in the chair at 12:18 p.m.

Van Fossen of Scott in the chair at 12:27 p.m.

Holveck of Polk moved the adoption of amendment H-4023.

Roll call was requested by Larson of Linn and McCoy of Polk.

On the question "Shall amendment H-4023 be adopted?" (H.F. 567)

The ayes were, 12:

Fallon	Harper	Holveck	Huseman
Jochum	Myers	O'Brien	Ollie
Shultz	Vande Hoef	Weigel	Witt

The nays were, 75:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Cohon	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake

Drees	Ertl	Garman	Gipp
Greiner	Gries	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Jacobs	Klemme
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Mundie	Murphy	Nelson, B.
Nelson, L.	Nutt	Rants	Renken
Running	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Maanen	Veenstra	Warnstadt	Weidman
Welter	Wise	Van Fossen	
		Presiding	

Absent or not voting, 13:

Bernau	Brammer	Burnett	Connors
Eddie	Greig	Grubbs	Grundberg
Koenigs	Main	Mertz	Moreland
Schrader			

Amendment H-4023 lost.

The following amendments were deferred by unanimous consent: H-4025, H-4027, H-4029 and H-4038.

Blodgett of Cerro Gordo offered the following amendment H-4030 filed by him and moved its adoption:

H-4030

- 1 Amend House File 567 as follows:
- 2 1. Page 2, lines 3 and 4, by striking the words
- 3 "is requested to" and inserting the following:
- 4 "shall".
- 5 2. Page 2, line 11, by inserting after the word
- 6 "energy," the following: "It is the intent of the
- 7 general assembly that the developers of alternate
- 8 energy production facilities or small hydro facilities
- 9 who have proceeded in good faith under the terms and
- 10 conditions of sections 476.41 through 476.44 to
- 11 develop such facilities not suffer economic losses as
- 12 a result of legislation that would alter the
- 13 obligation of electric utilities to enter into long-
- 14 term contracts to purchase or wheel electricity from
- 15 those facilities. The committee shall consider a
- 16 mechanism for reimbursement of reasonable net losses
- 17 incurred by those developers, both prior to the
- 18 effective date of this Act and during the moratorium
- 19 imposed by section 4 of this Act, if any such losses
- 20 are determined by the Iowa utilities board to have
- 21 been incurred."

Amendment H-4030 was adopted.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 567** be deferred and that the bill be placed on the **unfinished business calendar**.

SENATE FILE 481 REFERRED

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 481, presently on the **calendar**, be referred to committee on **appropriations**.

INTRODUCTION OF BILL

House File 573, by committee on ways and means, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program.

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

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 28

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 28, as follows and moved its adoption:

- 1 SENATE CONCURRENT RESOLUTION 28
- 2 BY Committee on Rules and Administration
- 3 A resolution to call a joint session for the purpose
- 4 of hearing an address by the President of the United
- 5 States.
- 6 *Be It Resolved By The Senate, The House Of*
- 7 *Representatives Concurring*, That a joint session of
- 8 the two houses of the 1995 session of the seventy-
- 9 sixth general assembly be held on Tuesday, April 25,
- 10 1995, at 7:30 p.m., in the Senate chamber; and
- 11 *Be It Further Resolved*, That the President of the
- 12 United States, William J. Clinton, be invited to
- 13 address the joint session.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 28** 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 24, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 94, a bill for an act to permit certain dissolutions of marriage to take place without a hearing.

Also: That the Senate has on April 24, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 25, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 252, a bill for an act relating to the regulation of real estate brokers and salespersons.

Also: That the Senate has on April 25, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 393, a bill for an act relating to certain exemptions from federal motor carrier safety regulations.

Also: That the Senate has on April 24, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 482, a bill for an act relating to the funding for the Iowa communications network and providing an appropriation.

Also: That the Senate has on April 25, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 25, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 24, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 528, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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, limiting the circumstances under which

a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, 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.

Also: That the Senate has on April 25, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 550, 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.

Also: That the Senate has on April 25, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 559, 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.

Also: That the following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 25, 1995, adopted the conference committee report and passed 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 April 25, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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 April 25, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 256, a bill for an act providing for notification of the application of pesticides.

Also: That the Senate has on April 24, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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 April 25, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 25, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 394, a bill for an act relating to instruments filed or recorded with the county recorder.

Also: That the following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 25, 1995, adopted the conference committee report and passed 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.

Also: That the Senate has on April 25, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 10, a concurrent resolution relating to border city trucking agreements.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Kremer of Buchanan called up for consideration 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, amended by the Senate amendment H-3944 as follows:

H-3944

- 1 Amend House File 530, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 2, line 34, through page 3,
- 4 line 13.
- 5 2. Page 5, by striking line 32 and inserting the
- 6 following:
- 7 "..... \$ 1"
- 8 3. Page 5, line 33, by inserting after the word
- 9 "paragraph" the following: " , plus any other funds
- 10 received,".
- 11 4. Page 5, line 35, by striking the words "

12 including long-term care data.”

13 5. Page 6, by striking line 15 and inserting the
14 following:

15 “..... \$ 2,148,541”

16 6. Page 6, by inserting after line 33 the
17 following:

18 “The Iowa department of public health shall
19 organize a coalition to consider federal requirements
20 concerning lead poisoning and develop recommendations
21 for submission to the general assembly on or before
22 January 1, 1996, for proposed legislation regarding
23 lead-poisoned persons. The coalition formed shall
24 include, but is not limited to, representatives of
25 real estate agents, landlords, painting contractors,
26 lead inspectors, local public health officials, and
27 consumers.”

28 7. By striking page 6, line 34, through page 7,
29 line 5, and inserting the following:

30 “e. The radon program shall be eliminated July 1,
31 1995.”

32 8. Page 18, by inserting after line 30 the
33 following:

34 “The Iowa department of public health and the
35 department of human services shall determine if
36 expenses under any portion of the healthy family
37 program would qualify for payment under the medical
38 assistance program and if so, shall apply to the
39 federal government for a medical assistance waiver.
40 The Iowa department of public health and the
41 department of human services shall evaluate the
42 funding change’s potential impact upon clients of the
43 healthy family program.

44 Contingent upon appropriation by the general
45 assembly, the healthy opportunities for parents to
46 experience success program, authorized in the 1992
47 Iowa Acts, Second Extraordinary Session, chapter 1001,
48 section 414, shall be implemented or expanded in the
49 following priority order:

50 (1) Expansion of the program to be fully funded in

Page 2

1 Scott, Woodbury, and Polk counties.

2 (2) Implementation of the program in Adams,
3 Decatur, Ringgold, and Union counties.

4 (3) Implementation of the program in Boone and
5 Dickinson counties.

6 If there is inadequate funding for the priority in
7 subparagraph (1), the moneys available shall be
8 divided among the three counties. If the
9 implementation in any county enumerated in
10 subparagraph (2) or (3) is unsuccessful, the
11 contractor may substitute another county with similar
12 demographics.”

13 9. Page 21, by striking lines 1 and 2 and
 14 inserting the following:
 15 "..... \$ 57,206
 16 FTEs 1.0"

17 10. Page 22, by inserting after line 14 the
 18 following:
 19 "___ COMMUNITY GRANT FUND
 20 For the community grant fund established under sec-
 21 tion 232.190 for new grants and the continuation of
 22 existing grants for the fiscal year beginning July 1,
 23 1995, and ending June 30, 1996, to be used for the
 24 purposes of the community grant fund:
 25 \$ 1,800,000

26 New grant proposals and continuation grant
 27 recipients shall demonstrate community collaboration,
 28 not merely disbursements of funds to various
 29 organizations, and shall show significant progress
 30 toward achieving objectives set forth in the proposal
 31 such as process and impact evaluation objectives,
 32 including objectives related to the number of persons
 33 served. Letters of support shall include specific
 34 commitments and shall be binding."

35 11. Page 23, by striking line 10 and inserting
 36 the following:
 37 \$ 37,935,385

38 12. Page 23, line 28, by striking the word
 39 "shall" and inserting the following: "is requested
 40 to".

41 13. By renumbering, relettering, or redesignating
 42 and correcting internal references as necessary.

The House stood at ease at 1:47 p.m.

The House resumed session at 2:10 p.m., Speaker Corbett in the chair.

Running of Linn asked and received unanimous consent to defer action on amendment H-4071, to the Senate amendment H-3944.

Millage of Scott offered the following amendment H-4051, to the Senate amendment H-3944, filed by him and moved its adoption:

H-4051

1 Amend the Senate amendment, H-3944, to House File
 2 530, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 and 4.
 5 2. Page 1, by striking line 7 and inserting the
 6 following:
 7 "..... \$ 75,000".
 8 3. Page 1, by inserting after line 12 the
 9 following:
 10 "___ Page 6, by inserting after line 10 the

11 following:

12 "(3) The health data commission shall provide a
13 match of one dollar in advance of each state dollar
14 provided."

15 4. Page 2, by inserting after line 34 the
16 following:

17 " . Page 22, line 15, by striking the word
18 "The" and inserting the following: "Except for the
19 persons with disabilities division which shall be
20 administered by the director of the department of
21 human rights, the"."

22 5. Page 2, by striking lines 35 through 37.

23 6. Page 2, by striking lines 38 through 40 and
24 inserting the following:

25 " . By striking page 23, line 27, through page
26 24, line 1, and inserting the following:

27 "Sec. ____ DEPARTMENT OF HUMAN RIGHTS —
28 ADMINISTRATIVE STRUCTURE. The divisions of the
29 department of human rights shall study options for
30 transferring the responsibilities of the department
31 into other agencies of state government, should the
32 department of human rights be eliminated at the
33 commencement of the fiscal year beginning July 1,
34 1996. The goal of the shift of the administrative
35 responsibilities of the divisions is to eliminate
36 duplication and increase efficiency while maintaining
37 the advocacy responsibilities of the divisions. The
38 study shall include advantages and disadvantages of
39 any proposed options. The divisions shall report the
40 study findings to the governor and the general
41 assembly on or before December 15, 1995. The study
42 shall include the following:

43 1. The community action agencies division shall
44 identify the most appropriate state agencies as
45 options for relocation for administrative efficiency.

46 2. The deaf services division shall plan for
47 becoming a separate department of state government.

48 3. The Iowa state civil rights commission and the
49 divisions of persons with disabilities, Latino
50 affairs, and the status of African-Americans shall

Page 2

1 plan for incorporating the divisions' functions into
2 the commission.

3 4. The division on the status of women and the
4 director of the department of economic development
5 shall plan for incorporating the division into the
6 department.

7 5. The criminal and juvenile justice planning
8 division shall consult with the office of the attorney
9 general and the governor's substance abuse coordinator
10 to identify the most appropriate state agency to which

11 the division would relocate."

12 __. Page 24, by inserting before line 2 the

13 following:

14 "Sec. __. Section 216A.2, Code 1995, is amended

15 to read as follows:

16 216A.2 APPOINTMENT OF DEPARTMENT DIRECTOR AND
17 ADMINISTRATORS.

18 The governor shall appoint a director of the
19 department of human rights, subject to confirmation by
20 the senate. The department director shall serve at
21 the pleasure of the governor. The department director
22 shall:

23 1. Establish general operating policies for the
24 department to provide general uniformity among the
25 divisions while providing for necessary flexibility.

26 2. Receive budgets submitted by each commission
27 and reconcile the budgets among the divisions. The
28 department director shall submit a budget for the
29 department, subject to the budget requirements
30 pursuant to chapter 8.

31 3. Coordinate and supervise personnel services and
32 shared administrative support services to assure
33 maximum support and assistance to the divisions.

34 4. Identify and, with the chief administrative
35 officers of each division, facilitate the
36 opportunities for consolidation and efficiencies
37 within the department.

38 5. In cooperation with the commissions, make
39 recommendations to the governor regarding the
40 appointment of the administrator of each division.

41 6. Serve as an ex officio member of all
42 commissions or councils within the department.

43 7. Serve as chairperson of the human rights
44 administrative-coordinating council.

45 8. Evaluate each administrator, after receiving
46 recommendations from the appropriate commissions or
47 councils, and submit a written report of the completed
48 evaluations to the governor and the appropriate
49 commissions or councils, annually.

50 9. Administer the division of persons with

Page 3

1 disabilities.

2 The governor shall appoint the administrators of
3 each of the divisions, except for the division of
4 persons with disabilities, subject to confirmation by
5 the senate. Each administrator shall serve at the
6 pleasure of the governor and is exempt from the merit
7 system provisions of chapter 19A. The governor shall
8 set the salary of the division administrators within
9 the ranges set by the general assembly.

10 Sec. __. Section 216A.71, subsection 1, Code

11 1995, is amended to read as follows:

- 12 1. "Administrator" means the administrator of the
- 13 ~~division of persons with disabilities~~ of the
- 14 department of human rights."
- 15 7. By renumbering, relettering, or redesignating
- 16 and correcting internal references as necessary.

Amendment H-4051 was adopted.

Weigel of Chickasaw offered the following amendment H-3975, to the Senate amendment H-3944, filed by him and moved its adoption:

H-3975

- 1 Amend the Senate amendment, H-3944, to House File
- 2 530, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 15 and inserting the
- 5 following:
- 6 "" \$ 2,188,386""
- 7 2. Page 1, by striking lines 30 and 31 and
- 8 inserting the following:
- 9 ""e. Of the funds appropriated in this subsection,
- 10 \$39,845 shall be used for radon program activities.
- 11 The department shall also retain \$30,000 of federal
- 12 radon funds for additional radon program activities.""

Amendment H-3975 lost.

Running of Linn offered the following amendment H-4071, to the Senate amendment H-3944, filed by Running, Harrison, Fallon and Mascher from the floor and moved its adoption:

H-4071

- 1 Amend the Senate amendment, H-3944, to House File
- 2 530, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting before line 3 the
- 5 following:
- 6 "_. Page 2, by striking line 5 and inserting
- 7 the following:
- 8 " \$ 440,618""
- 9 2. Page 1, by inserting after line 4 the
- 10 following:
- 11 "_. Page 4, by striking line 12 and inserting
- 12 the following:
- 13 " \$ 757,946""
- 14 3. Page 1, by inserting after line 31 the
- 15 following:
- 16 "_. Page 7, by striking line 15 and inserting
- 17 the following:
- 18 " \$ 608,733""
- 19 4. Page 2, by inserting after line 12 the
- 20 following:

21	"_ Page 18, by striking line 35 and inserting		
22	the following:		
23	"	\$	282,583"
24	_ Page 19, by striking line 6 and inserting		
25	the following:		
26	"	\$	992,948"
27	_ Page 19, by striking line 12 and inserting		
28	the following:		
29	"	\$	914,819"
30	_ Page 19, by striking line 18 and inserting		
31	the following:		
32	"	\$	650,822"
33	5. Page 2, by striking lines 15 and 16 and		
34	inserting the following:		
35	""	\$	102,136
36	.....	FTEs	2.0"
37	6. By renumbering as necessary.		

Amendment H-4071 lost.

On motion by Kremer, the House concurred in the Senate amendment H-3944, as amended.

Kremer of Buchanan 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. 530)

The ayes were, 71:

Arnold	Bell	Blodgett	Boddicker
Boggess	Bradley	Brand	Brauns
Carroll	Cataldo	Churchill	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Lamberti	Larson
Lord	Main	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Mundie	Murphy	Nelson, B.
Nelson, L.	Nutt	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, 22:

Baker	Branstad	Cphoon	Connors
Drees	Ertl	Fallon	Harper
Harrison	Kreiman	Kremer	Larkin
Moreland	Myers	O'Brien	Ollie
Running	Schrader	Shoultz	Weigel
Wise	Witt		

Absent or not voting, 7:

Bernau	Brammer	Brunkhorst	Burnett
Eddie	Koenigs	Mertz	

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.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 459)

Garman of Story called up for consideration the report of the conference committee on Senate File 459 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 459

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 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, respectfully make the following report:

1. That the House recedes from its amendment, S-3410.
2. That Senate File 459, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 19, by striking the figure "175,000" and inserting the following: "122,415".

2. By striking page 4, line 22, through page 5, line 7.

3. Page 7, by inserting after line 25 the following:

"Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility."

4. By striking page 8, line 16, through page 9, line 35, and inserting the following:

"3. The department of corrections shall conduct a study to compare the costs and consider the feasibility of leasing an existing building or of constructing, remodeling, or renovating a building for use as a residential facility and office in Fort Dodge by the second judicial district department of corrections. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 30, 1996.

4. The department of corrections shall conduct a study to consider the establishment and location of a 50-bed infirmary unit to provide nursing, medical, and other health care-related services to inmates. The department shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 8, 1996.

5. The department of corrections shall, in consultation with the board of parole, the criminal and juvenile justice planning division of the department of human rights, and the office of the attorney general, conduct a study to consider whether to establish a super-maximum security facility for inmates. The study shall consider the number of beds needed at such a facility, the best location for the facility, whether existing facilities or new construction should be used to establish the facility, and whether constructing or establishing a new facility could result in removal of the court-ordered limit on the number of prison inmates allowed at Fort Madison. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 8, 1996."

5. Page 10, line 23, by striking the word "contract" and inserting the following: "new contract, unless the contract is a renewal of an existing contract,".

6. Page 10, by striking line 26 and inserting the following: "department using state employees as of July 1, 1995, or for the privatization of new services by the department, without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system."

7. Page 11, by inserting after line 18 the following:

"7. For educational programs for inmates at state penal institutions:
..... \$ 1,850,600

It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose.

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available only for the purposes

designated in this subsection in the succeeding fiscal year.”

8. Page 16, by inserting after line 12 the following:

“7. In addition to the requirements of section 8.39, the department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department’s rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.”

9. Page 22, line 34, by inserting after the word “surveillance” the following: “or safety”.

10. Page 25, line 6, by striking the figure “15,000” and inserting the following: “30,000”.

11. Page 26, line 28, by striking the figure “8,330,089” and inserting the following: “8,883,350”.

12. Page 26, line 29, by striking the figure “166.00” and inserting the following: “182.00”.

13. Page 27, by striking lines 26 through 35 and inserting the following: “6.”

14. Page 29, by striking lines 1 and 2.

15. Page 29, line 8, by striking the words “full cost of auditing” and inserting the following: “cost of auditing salaries for no more than two special agents and no more than four gaming enforcement officers for each excursion gambling boat for”.

16. Page 29, by striking lines 12 through 14 and inserting the following: “salary costs shall be limited to sixty-five percent of the salary costs for special agents and sixty-five percent of the salary costs for gaming enforcement for personnel assigned to excursion gambling boats who enforce laws and rules adopted by the”.

17. Page 30, by striking lines 11 through 18 and inserting the following:

“b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, and the court technology fund pursuant to section 602.8108, and the remainder shall be the judicial collection estimate.”

18. Page 30, line 19, by striking the word and figure “subsection 1.”

19. Page 30, line 24, by inserting after the figure “602.8108A” the following: “and into the court technology fund pursuant to section 602.8108”.

20. Page 30, line 31, by inserting after the word “fund.” the following: “If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall”

recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees."

21. By striking page 31, line 5, through page 32, line 1.

22. Page 32, by inserting before line 2 the following:

"Sec. 100. NEW SECTION. 904.311A PRISON RECYCLING FUND.

The Iowa prison recycling fund is created and established as a separate and distinct fund in the state treasury. All moneys remitted to the department for recycling operations in each fiscal year commencing with the fiscal year beginning July 1, 1994, shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund of the state at the close of a fiscal year but shall remain in the fund and be used as directed in this section in the succeeding fiscal year. The treasurer of state shall act as custodian of the fund and disburse moneys from the fund as directed by the department for the purpose of payment of operating expenses for recycling.

Sec. ____ NEW SECTION. 904.508A INMATE TELEPHONE REBATE FUND.

The department is authorized to establish and maintain an inmate telephone rebate fund in each institution for the deposit of moneys received for inmate telephone rebates. All funds deposited in this fund shall be used for the benefit of inmates. The director shall adopt rules providing for the disbursement of moneys from the fund."

23. Page 32, by inserting after line 6 the following:

"Sec. __ INTERIM STUDY COMMITTEE. The legislative council is requested to authorize an interim study committee concerning the enforcement of activities on excursion gambling boats."

24. Page 32, by striking lines 16 through 19.

25. Page 32, by inserting after line 24 the following:

"6. Section 100 of this Act, dealing with the Iowa prison recycling fund, takes effect upon enactment and is retroactively applicable to July 1, 1994."

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

ON THE PART OF THE HOUSE:

TERESA GARMAN, Chair
PAUL BELL
RICK LARKIN
LYNN SCHULTE
JERRY WELTER

ON THE PART OF THE SENATE:

EUGENE FRAISE, Chair
TONY BISIGNANO
MICHAEL E. GRONSTAL
STEWART IVERSON, JR.
DONALD B. REDFERN

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (S.F. 459)

The ayes were, 84:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Metcalf	Meyer
Millage	Mundie	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	Weidman
Weigel	Welter	Wise	Mr. Speaker Corbett

The nays were, 9:

Drees	Fallon	Harper	Kreiman
Moreland	Murphy	O'Brien	Warnstadt
Witt			

Absent or not voting, 7:

Bernau	Brammer	Brunkhorst	Burnett
Eddie	Koenigs	Mertz	

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 459** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 93)

Coon of Warren called up for consideration the report of the conference committee on Senate File 93 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 93

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 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, respectfully make the following report:

1. That the House recedes from its amendment, S-3383.

2. That Senate File 93, as amended, passed, and reprinted, is amended as follows:

#1. Page 1, line 6, by striking the words "a public" and inserting the following: "an indictable".

#2. Page 1, line 7, by inserting after the words "to, a" the following: "juvenile who has been adjudicated delinquent, but whose juvenile court records have been sealed under section 232.150, and a".

#3. Page 1, by inserting after line 12 the following:

"_ "Criminal justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders."

#4. Page 1, line 13, by striking the letter "a."

#5. Page 1, by striking lines 15 and 16 and inserting the following:

"a. Kidnapping of a minor, except for kidnapping of a minor in the third degree which is committed by a parent."

#6. Page 1, line 17, by striking the figure "(2)" and inserting the following: "b."

#7. Page 1, line 19, by striking the figure and words "(3) Any public" and inserting the following: "c. Any indictable".

#8. Page 1, line 21, by striking the figure "(4)" and inserting the following: "d."

#9. Page 1, line 23, by striking the figure "(5)" and inserting the following: "e."

#10. Page 1, line 24, by striking the figure "(6)" and inserting the following: "f."

#11. Page 1, line 25, by striking the figure and words "(7) Any public" and inserting the following: "g. Any indictable".

- #12. Page 1, line 27, by striking the figure "(8)" and inserting the following: "h."
- #13. Page 1, line 29, by striking the figure "(9)" and inserting the following: "i."
- #14. Page 1, line 31, by striking the figure "(10)" and inserting the following: "j."
- #15. Page 1, line 33, by striking the figure and words "(11) A public" and inserting the following: "k. An indictable".
- #16. Page 1, line 34, by striking the words "a public" and inserting the following: "an indictable".
- #17. Page 1, lines 34 and 35, by striking the words and figures "subparagraphs (1) through (10)" and inserting the following: "paragraphs "a" through "j"".
- #18. Page 2, by striking lines 1 through 4.
- #19. Page 2, by striking lines 6 through 12.
- #20. Page 2, line 17, by striking the word "public" and inserting the following: "indictable".
- #21. Page 2, line 26, by striking the word "public" and inserting the following: "criminal".
- #22. Page 2, line 27, by striking the words "a public" and inserting the following: "an indictable".
- #23. Page 3, line 4, by inserting after the word "incarcerated." the following: "A person who is convicted, as defined in section 692A.1, of either a criminal offense against a minor or a sexually violent offense as a result of adjudication of delinquency in juvenile court shall not be required to register as required in this chapter if the juvenile court finds that the person should not be required to register under this chapter."
- #24. Page 3, line 9, by inserting after the words "laws of" the following: "this state or of"
- #25. Page 3, line 14, by striking the words "of the other state".
- #26. Page 4, line 16, by striking the word "sheriff" and inserting the following: "court".
- #27. Page 4, line 19, by striking the word "sheriff" and inserting the following: "court".
- #28. Page 5, line 5, by inserting after the words "laws of" the following: "this state or of".
- #29. Page 5, by striking lines 20 through 30 and inserting the following: "do the following prior to release or sentencing of the convicted person."
- #30. Page 5, line 31, by inserting after the word "fingerprints" the following: ", the social security number,".
- #31. Page 5, line 32, by inserting after the word "photograph" the following: "and the social security number".
- #32. Page 6, by striking line 24 and inserting the following: "incarcerated, the sheriff, warden, or superintendent, or in the case of conviction without incarceration, the court shall".

#33. Page 6, by striking lines 26 through 28 and inserting the following: "forms, and accept the forms on behalf of the sheriff of the county of registration. The sheriff, warden, superintendent, or".

#34. Page 6, line 29, by striking the words "superintendent shall send a copy of" and inserting the following: "the court shall send".

#35. Page 6, line 30, by striking the word "form" and inserting the following: "information".

#36. Page 6, line 35, by striking the words "warden or" and inserting the following: "sheriff, warden, or".

#37. Page 7, line 1, by striking the word "sheriff" and inserting the following: "court".

#38. Page 7, by striking lines 2 through 5 and inserting the following: "the registration information to the department and to the".

#39. Page 7, line 8, by inserting after the word "FEES" the following: "AND CIVIL PENALTY".

#40. Page 7, by striking lines 20 through 25 and inserting the following:

"2. In addition to any other penalty, at the time of conviction for a public offense committed on or after the effective date of this Act which requires a person to register under this chapter, the person shall be assessed a civil penalty of two hundred dollars, to be payable in the same manner as a fine. The clerk of the district court shall transmit money collected under this subsection each month to the treasurer of state, who shall deposit ten percent of the moneys transmitted by the clerk into the court technology and modernization fund, for use for the purposes established in section 602.8108, subsection 4, paragraph "a", and deposit the balance of the moneys transmitted by the clerk into the sex offender registry fund established under section 692A.11."

#41. Page 7, line 31, by striking the word "Failure" and inserting the following: "A willful failure".

#42. Page 7, line 34, by striking the words "who fails" and inserting the following: "who willfully fails".

#43. Page 8, line 5, by inserting after the word "The" the following: "willful".

#44. Page 9, line 3, by inserting after the word "name," the following: "the registrant's social security number,".

#45. Page 9, line 7, by inserting after the word "photographs" the following: "but shall not include information identifying the victim of the crime of which the registrant was convicted".

#46. Page 9, line 35, by striking the words "law enforcement" and inserting the following: "criminal justice agencies".

#47. Page 10, line 7, by inserting after the word "officers." the following: "Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of a person who is registered under this chapter."

#48. Page 10, line 32, by striking the words "law enforcement" and inserting the following: "criminal justice".

#49. Page 11, line 2, by striking the words "law enforcement" and inserting the following: "criminal justice".

#50. Page 11, line 4, by striking the words ", other than the identity of a victim of" and inserting the following: "from the registry regarding".

#51. Page 11, lines 15 and 16, by striking the words "law enforcement" and inserting the following: "criminal justice".

#52. Page 11, line 26, by inserting after the word "registry." the following: "The record of persons requesting information from the registry is a confidential record under section 22.7, subsection 9, unless the person requesting the information from the registry requests that the record of the information request be a public record."

#53. Page 12, by striking line 9 and inserting the following: "Criminal justice agencies, officials, and employees of criminal justice".

#54. Page 12, line 11, by striking the words "good faith conduct under" and inserting the following: "acts or omissions arising from a good faith effort to comply with".

#55. Page 12, by inserting after line 12, the following:

"Sec. __. STATE MANDATE. For purposes of section 25B.2, subsection 3, the moneys received from fees which are permitted to be charged under this Act shall constitute full funding of any state mandate which is not otherwise excluded from the requirements of that subsection and which is imposed upon a political subdivision under this Act.

Sec. __. APPLICABILITY OF ACT — TRANSITION PROVISIONS.

1. The registration requirements of this Act shall apply to persons convicted of criminal offenses against a minor, sexual exploitation, or a sexually violent offense prior to the effective date of this Act but who are released on or after the effective date of this Act, are participating in a work release or institutional work release program on or after the effective date of this Act, or who are under parole or probation supervision by a judicial district department of correctional services on or after the effective date of this Act.

2. Persons required to register under subsection 1, shall register for a period of ten years commencing with the later of either the effective date of this Act, or the date of the person's release from confinement, release on work release or institutional work release, or release on parole or probation. For persons released from confinement, registration shall be initiated by the warden or superintendent in charge of the place of confinement in the same manner as provided in section 692A.5. For persons who are under parole or probation supervision, the person's parole or probation officer shall inform the person of the person's duty to register and shall obtain the registration information required under section 692A.5.

Sec. __. SEVERABILITY OF ACT. If any provision of this Act or the application of this Act to any person is held invalid, the invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable."

#56. Title page, line 1, by inserting after the word "minors" the following: ", sexual exploitation,".

#57. Title page, by striking line 5, and inserting the following: "charging of fees, providing penalties, and providing for transition, applicability, and severability provisions."

#58. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

BRIAN COON, Chair
 DWIGHT DINKLA
 MINNETTE DODERER
 JEFFREY LAMBERTI
 MICHAEL MORELAND

ON THE PART OF THE SENATE:

TONY BISIGNANO, Chair
 RANDAL J. GIANNETTO
 O. GENE MADDOX
 ANDY McKEAN
 TOM VILSACK

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (S.F. 93)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig*	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	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	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, 8:

Bernau	Brammer	Brunkhorst	Burnett
Eddie	Koenigs	Mertz	Shoultz

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

IMMEDIATE MESSAGE

Siegrist of Pottawatomie asked and received unanimous consent that **Senate File 93** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday morning, April 24, 1995. Had I been present, I would have voted "aye" on Senate Files 398 and 432.

HOUSER of Pottawattamie

PRESENTATION OF VISITORS

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

Ten youth leaders from the Carter Lake Community Resource Center, Carter Lake, accompanied by Jim Tierney. By Nelson of Pottwattamie.

Thirty five eighth grade students from Southeast Junior High, Iowa City, accompanied by Joyce Carmen. By Doderer and Mascher of Johnson.

Students from Fisher Elementary, Marshalltown, accompanied by Barb Vovos and Julia Eckles. By Nelson of Marshall.

Thirty-seven third through fifth grade students from Boone Community Children's Choir, Boone, accompanied by Ruth Kanagy. By O'Brien of Boone.

Forty fifth grade students from Alden Community School, Alden, accompanied by Mrs. Krause, Mrs. Jones, Lori Aust and Kim Izer. By Sukup of Franklin.

Seventy five fifth grade students from Colfax Mingo Elementary, Colfax, accompanied by Paula Klosterboer. By Bell of Jasper.

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 Cler

- 1995\253 Grace Amato, Council Bluffs – For celebrating her 85th birthday.
- 1995\254 Ryan Dean Myers, Council Bluffs – For his nomination and selection as a finalist to the Iowa Academic All-State Team.
- 1995\255 Kellie VanNordstrand, Council Bluffs – For her nomination and selection as a finalist to the Iowa Academic All-State Team.
- 1995\256 Paul B. Whitson, Underwood – For his nomination and selection as a finalist to the Iowa Academic All-State Team.
- 1995\257 The Volunteer Bureau, Council Bluffs – For being the first volunteer bureau in the state of Iowa and celebrating it's 30th year.

SUBCOMMITTEE ASSIGNMENTS

Senate File 468

Judiciary: Lamberti, Chair; Hurley and Kreiman.

Senate File 477

Appropriations: Ertl, Chair; Gipp and Kreiman.

RESOLUTION FILED

SCR 10, by Banks and Hansen, a concurrent resolution relating to border city trucking agreements.

Referred to committee on **transportation**.

AMENDMENTS FILED

H-4054	H.F.	567	Cormack of Webster Mundie of Webster
H-4055	S.F.	358	Senate amendment
H-4056	H.F.	203	Senate amendment
H-4057	H.F.	528	Senate amendment
H-4058	H.F.	94	Senate amendment
H-4059	H.F.	482	Senate amendment
H-4060	H.F.	567	Weigel of Chickasaw Shoultz of Black Hawk Vande Hoef of Osceola
H-4061	H.F.	567	Shoultz of Black Hawk
H-4062	H.F.	567	Fallon of Polk
H-4063	S.F.	266	Kreiman of Davis
H-4064	H.F.	508	Gipp of Winneshiek Witt of Black Hawk
H-4065	S.F.	481	Fallon of Polk
H-4066	S.F.	266	Kreiman of Davis

H-4067	H.F.	570	Grubbs of Scott Ollie of Clinton
H-4068	H.F.	393	Senate amendment
H-4069	H.F.	507	Senate amendment
H-4070	H.F.	567	Vande Hoef of Osceola
H-4072	S.F.	150	Senate amendment
H-4073	H.F.	482	Brunkhorst of Bremer
H-4074	H.F.	215	Harrison of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 2:42 p.m. until 8:45 a.m., Wednesday, April 26, 1995.

JOINT SESSION

Pursuant to Senate Concurrent Resolution 28, duly adopted, the Joint Session of the Seventy-sixth General Assembly convened. President Boswell presiding.

State Treasurer Michael Fitzgerald and his wife Janet were escorted into the Senate chamber.

Auditor of State, Richard Johnson and his wife Marj were escorted into the Senate chamber.

Secretary of State Paul Pate was escorted into the Senate chamber.

Chief Justice Arthur A. McGiverin and the Justices of the Supreme Court, and Judges of the Appellant Court were escorted into the Senate chamber.

The Honorable Neal Smith and his wife Bea were escorted into the Senate chamber.

Secretary of Agriculture and Land Stewardship Dale Cochran and his wife Jeanine were escorted into the Senate chamber.

Attorney General Tom Miller and his son Matt were escorted into the Senate chamber.

House Speaker Ron Corbett and President of the Senate Leonard Boswell were escorted into the chamber.

Governor Terry E. Branstad was escorted into the chamber.

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

The motion prevailed.

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

Senator Horn of Linn moved that a committee of six, three members from the Senate and three members from the House be appointed to notify the President of the United States that the joint session is ready to receive him.

The motion prevailed and the President appointed as such committee Senators Horn of Linn, Bisignano of Polk, and Rife of Cedar, on the part of the Senate; and Representatives Siegrist of Pottawattamie, Van Maanen of Marion and Schrader of Marion, on the part of the House.

The committee waited upon President Bill Clinton and escorted him to the President's station.

President Boswell presented the President of the United States, Bill Clinton, who delivered the following remarks:

Thank you very much, Mr. President, Mr. Speaker, Governor Branstad, Mr. Chief Justice, and members of the Supreme Court, distinguished Iowa state officials. And former Congressman Neil Smith, my good friend, and Mrs. Smith, thank you for being here. To all of you who are members of the Iowa legislature, House and Senate, Republican and Democrat, it is a great honor for me to be here today.

I feel that I'm back home again. When I met the legislative leadership on the way in and we shared a few words and then they left to come in here, and I was standing around with my crowd, I said, you know, I really miss state government. I'll say more about why in a moment.

I'd like to, if I might, recognize one of your members to thank him for agreeing to join my team - Representative Running will now be the Secretary of Labor's representative. Would you stand up, please. Thank you.

Representative Running is going to be the representative of the Secretary of Labor for region 7 - Iowa, Nebraska, Missouri and Kansas. And if you will finish your business here pretty soon, he can actually go to Kansas City and get to work - which I would appreciate.

I'm delighted to be back in Iowa. I had a wonderful day here, and it was good to be here when it was dry - although a little rain doesn't do any harm.

We had a wonderful meeting today at Iowa State University with which I'm sure all of you are familiar, this National Rural Conference we had, designed to lay the groundwork for a strategy for rural America to include not only the farm bill, but also a rural development strategy and a strategy generally to deal with the problems of rural America - with the income disparities with the rest of America, the age disparities with the rest of America, and the problems of getting services and maintaining the quality of life in rural America.

I want to thank Governor Branstad for his outstanding presentation and the information he gave us about the efforts being made in Iowa in developing your fiber optic network and developing the health care reform initiatives for rural Iowans and many other areas. I want to thank Senator Harkin for his presentation, particularly involving the development of alternative agricultural products as a way to boost income in rural America. And I want to say a special word of thanks to the people at Iowa State. They did a magnificent job there, and I know you are all very proud of that institution, and you would have been very, very proud of them today, the way they performed.

I'm also just glad to be back here in the setting of state government. You know, Governor Branstad and I were once the youngest governors in America, but time took care of it. And now that he's been reelected, he will actually serve more years than I did. I ran for a fifth term as governor. We used to have two-year terms, and then we switched to four-year terms. And only one person in the history of our state had ever served more than eight years, and only one person had ever served more than - two people had served more than two terms, but those were two-year terms - in the whole history of the state. So I was - I had served 10 years. I'd served three two-year terms and one four-year term, and I was attempting to be reelected. And I had a high job approval rating, but people were reluctant to vote for

me, because in my state people are very suspicious of too much political power, you know. And I thought I was still pretty young and healthy, but half of them wanted to give me a gold watch, you know, and send me home.

And I never will forget one day when I was running for my fifth term, I was out at the State Fair doing governor's day at the State Fair, which I always did, and I would just sit there and anybody that wanted to talk to me could up and say whatever was on their mind, which was, for me, a hazardous undertaking from time to time – since they invariably would do exactly that. And I stayed there all day long, and I talked about everything under the moon and sun with the people who came up and, along about the end of the day, this elderly fellow in overalls came up to me and he said, Bill, you going to run for governor, again? And I hadn't announced yet. I said, I don't know. If I do, will you vote for me? He said, yes, I always have. I guess I will again. And I said, well, aren't you sick of me after all these years? He said, no, but everybody else I know is.

But he went onto say – and that's the point I want to make about state government – he said, people get tired of it because all you do is nag us. You nag us to modernize the economy, you nag us to improve the schools, you just nag, nag, nag. But he said, I think it's beginning to work. And what I have seen in state after state after state over the last 15 years, as we have gone through these wrenching economic and social changes in America and as we face challenge after challenge after challenge, is people consistently able to come together to overcome their differences, to focus on what it will take to build a state and to move forward. And we need more of that in America.

In Iowa, you do embody our best values. People are independent, but committed to one another. They work hard and play by the rules, but they work together. Those of us who come from small towns understand that everybody counts. We don't have a person to waste. And the fact that Iowa has done such a good job in developing all of your people is one of the reasons that you are so strong in every single national indicator of success that I know of. And you should be very, very proud of what, together, you have done.

I saw some of that American spirit in a very painful way in Oklahoma City this week, and all of you saw it as well. I know you share the grief of the people there. But you must also share the pride of all Americans in seeing the enormity of the effort which is being exerted there, by firemen and police officers, and nurses, by rescue workers, by people who have come from all over America and given up their lives to try to help Oklahoma City and the people there who have suffered so much loss, rebuild.

I want to say again what I have tried to say for the last three days to the American people. On this National Day of Service, there is a service we can do to ensure that we build on, and learn from, this experience.

We must always fight for the freedom of speech. The First Amendment, with its freedom of speech, freedom of assembly and freedom of worship, is the essence of what it means to be an American. And I dare say every elected official in this room would give his or her life to preserve that right for our children and our grandchildren down to the end of time.

But we have to remember that that freedom has endured in our nation for over 200 years because we practiced it with such responsibility; because we had discipline; because we understood from the Founding Fathers forward that you could not have very, very wide latitude in personal freedom until you also had, or unless you also had, great discipline in the exercise of that freedom.

So while I would defend to the death anyone's right to the broadest freedom of speech, I think we should all remember that words have consequences. And freedom should be exercised with responsibility. And when we think that others are exercising their freedom in an irresponsible way, it is our job to stand up and say that is wrong. We disagree. This is not a matter of partisan politics. It is not a matter of political philosophy. If we see the freedom of expression and speech abused in this country, whether it comes from the right or the left, from the media or from people just speaking on their own, we should stand up and say no, we don't believe in preaching violence; we don't believe in preaching hatred; we don't believe in preaching discord. Words have consequences.

If words did not have consequences, we wouldn't be here today. We're here today because Patrick Henry's words had consequences, because Thomas Jefferson's words had consequences, because Abraham Lincoln's words had consequences. And these words we hear today have consequences – the good ones and the bad ones, the ones that bring us together, and the ones that drive a wedge through our heart.

We never know in this society today who is out there dealing with all kinds of inner turmoil, vulnerable to being pushed over the edge if all they hear is a relentless clamor of hatred and division. So let us preserve free speech, but let those of us who want to fight to preserve free speech forever in America say, we must be responsible and we will be.

My fellow Americans, I come here tonight, as I went recently to the state legislature in Florida, to discuss the condition of our country, where we're going in the future, and your role in that. We know we are in a new and different world – the end of the Cold War, a new and less organized world we're living in, but one still not free of threats. We know we have come to the end of an industrial age and we're in an information age, which is less bureaucratic, more open, more dependent on technology, more full of opportunity but still full of its own problems, than the age that most of us were raised in.

We know that we no longer need the same sort of bureaucratic, top-down, service-delivering, rule-making, centralized government in Washington that served us so well during the industrial age, because times have changed. We know that with all the problems we have and all the opportunities we have, we have to think anew about what the responsibilities of our government in Washington should be, what your responsibility should be here at the state level, and through you to the local level, and what should be done more by private citizens on their own with no involvement from the government.

We know now what the central challenge of this time is, and you can see it in Iowa. You could see it today with the testimony we heard at the Rural Conference. We are at a 25-year low in the combined rates of unemployment and inflation. Our economy has produced over 6 million new jobs. But paradoxically, even in Iowa where the unemployment rate has dropped under 3.5 percent, most Americans are working harder today for the same or lower incomes that they were making 10 years ago. And many Americans feel less job security even as the recovery continues.

That is largely a function of the global economic competition, the fact that technology raises productivity at an almost unbelievable rate so fewer and fewer people can do more and more work, and that depresses wages. The fact that unless we raise it in Washington next year the minimum wage will reach a 40-year low.

There are a lot of these things that are related one to the other. But it is perfectly clear that the economics are changing the face of American society. You can see it in the difference in income in rural America and urban America. You can see it in the difference – the aging process in rural America as compared with urban America. And if we want to preserve the American Dream, we have got to find a way to solve this riddle.

I was born in the year after World War II at the dawn of the greatest explosion of opportunity in American history and in world history. For 30 years after that, the American people, without regard to their income or region, grew and grew together. That is, each income group over the next 30 years roughly doubled their income, except the poorest 20 percent of us that had an almost 2.5 times increase in their income. So we were growing and growing together.

For about the last 15 or 20 years, half of us have been stuck so that our country is growing, but we are growing apart even within the middle class. When you put that beside the fact that we have more and more poor people who are not elderly – which was the case when I was little, but now are largely young women and their little children, often where there was either no marriage or the marriage is broken up so there is not a stable home and there is not an adequate level of education to ensure an income – you have increasing poverty and increasing splits within the middle class. That is the fundamental cause, I believe, of a lot of the problems that we face in America and a lot of the anxiety and frustration we see in this country.

Every rich country faces this problem. But in the United States, it is a particular problem – both because the inequality is greater and because it violates the American Dream. I mean, this is a country where if you work hard and you play by the rules, you obey the law, you raise your children, you do your best to do everything you're supposed to do, you ought to have an opportunity for the free enterprise system to work for you.

And so we face this challenge. I have to tell you that I believe two things: One, the future is far more hopeful than worrisome. If you look at the resources of this country, the assets of this country, and you compare them with any other country in the world, and you imagine what the world will be like 20 or 30 years from now, you'd have to be strongly bullish on America. You have to believe in our promise.

Secondly, I am convinced we cannot get there unless we develop a new way of talking about these issues, a new political discourse. Unless we move beyond the labeling that so often characterizes, and in fact mischaracterizes, the debate in Washington, D.C.

Now we are having this debate in ways that affect you, so you have to be a part of it, because one of the biggest parts of the debate is, how are we going to keep the American Dream alive? How are we going to keep America, the world's strongest force for freedom and democracy, into the next century, and change the way the government works?

There is broad consensus that the government in Washington should be less bureaucratic, less oriented toward rule-making, smaller, more flexible, that more decisions should be devolved to the state and local government level, and where possible, more decisions should be given to private citizens themselves. There is a broad agreement on that.

The question is, what are the details? What does that mean? What should we do? What should you do? That's what I want to talk to you about. There are clearly some national responsibilities, clearly some that would be better served here at your level.

The main reason I ran for President is, it seemed to me that we were seeing a national government in bipartisan gridlock, where we'd had 12 years in which we exploded the deficit, reduced our investment in people, and undermined our ability to compete and win in the world. And I wanted very badly to end the kind of gridlock we'd had and to see some real concrete action taken to go forward, because of my experience doing what you're doing now.

My basic belief is that the government ought to do more to help people help themselves, to reward responsibility with more opportunity, and not to give anybody opportunity without demanding responsibility. That's basically what I think our job is.

I think we can be less bureaucratic. We have to enhance security at home and abroad. But the most important thing we have to do is to empower people to make the most of their own lives.

Now, we have made a good beginning at that. As I said, we've been able to get the deficit down. You know here in Iowa, because you're a farming state, that we've had the biggest expansion of trade in the last two years we've seen in a generation. We now have a \$20 billion surplus in agricultural products for the first time ever – this means more to me than you – but we're selling rice to the Japanese, something that my farmers never thought that we'd ever do. We're selling apples to Asia. We are doing our best in Washington – some of us are – to get the ethanol program up and going. This administration is for it, and I hope you will help us that that.

And we're making modest efforts which ought to be increased to work with the private sector to develop alternative agricultural products. Today I saw corn-based windshield wiper fluid, and something that I think is important, biodegradable, agriculturally-rooted golf tees. An awful lot of other things that I think will be the hall mark of our future. We have only scratched the surface of what we can do to produce products from the land, from our food and fiber, and we must do more.

In education we are beginning to see the outlines of what I hope will be a genuine bipartisan national partnership in education. In the last two years we increased head Start, we reduced the rules and regulations the federal government imposes on local school systems, but gave them more funds and flexibility to meet national standards of education. We helped states all over the country to develop comprehensive systems of apprenticeships for young people who get out of high school and don't want to go to college, but don't want to be a dead-end job.

We are doing more to try to make out job training programs relevant. And we have made literally millions of Americans eligible for lower cost, better repayment college loans under our direct loan program, including over 350,000 students and former students in Iowa – including all those who are at Iowa State University. Now, if you borrow money under that program, you get it quicker with less paper work at lower cost, and you can pay it back in one of four different ways based on the income you're going to earn when you get out of college. Believe it or not, it lowers costs to the taxpayers.

And we have demanded responsibility. We've taken the loan default costs to the taxpayers from \$2.8 billion a year down to \$1 billion a year. That is the direction we ought to be going in.

We've worked hard to increase our security at home and abroad. The crime bill, which was passed last year by the Congress after six years of endless debate,

provides for 100,000 more police officers on our streets. We have already – over the next five years – we've already awarded over 17,000 police officers to over half the police departments in America, including 158 communities here in Iowa. It strengthens punishment under federal law.

The three strikes and you're out law in the crime bill is now the law of the land. The first person to be prosecuted under this law was a convicted murderer accused of an armed robbery in Waterloo last November. If he's convicted, he will go to jail for the rest of his life.

The capital punishment provisions of the crime bill will cover the incident in Oklahoma City – something that is terribly important, in my view, not only to bring justice in this case, but to send a clear signal that the United States does not intend to be dominated and paralyzed by terrorists from at home or abroad – not now, not ever. We cannot ever tolerate that.

We are also more secure from beyond our borders. For the first time since the dawn of the nuclear age, there are no Russian missiles pointed at America's children. And those nuclear weapons are being destroyed every day.

We have reduced the size of the federal government by more than 100,000. We are taking it down by more than a quarter of a million. We have eliminated or reduced 300 programs. And I have asked Congress to eliminate or consolidate 400 more. We have tried to give more flexibility to states – several states have gotten broad freedom from federal rules to implement health care reform. And we have now freed 27 states from cumbersome federal rules to try to help them end welfare as we know it.

In the almost two years since Iowa received only the second welfare waiver our administration issued, the number of welfare recipients in Iowa who hold jobs is almost double from 18 to 33 percent. You are doing it without punishing children for the mistakes of their parents – and I want to say more on that later – but you are doing it. And that is clear evidence that we should give the states the right to pursue welfare reform. They know how to get the job done better than the federal government has done in the past. We should give you all more responsibility for moving people from welfare to work.

Now, here's where you come in, because I want to talk in very short order, one right after the other, about the decisions we still have to make in Washington. Do we still have to cut the federal deficit more? Yes, we do. We've taken it down by \$600 billion. The budget, in fact, would be balanced today if it weren't for the interest we have to pay on the debt run up between 1981 and 1992.

But it's still a problem and you need to understand why it's a problem. It's a problem because a lot of people who used to give us money to finance our government deficit and our trade deficit, need their money at home now. That's really what's happening in Japan. They need their money at home now.

We must continue – we must say to the world, to the financial markets – we will not cut taxes except in the context of reducing the deficit. America is committed. Both parties are committed. Americans are committed to getting rid of this terrible burden on our future. We must continue to do it.

Now, the question is, how are we going to do that? Should we cut unnecessary spending? Of course, we should. How do you define it? Should there be more power to state and local governments and to the private sector? you bet. But what are the details?

In other words, what we've got to do in Washington now is what you do all the time. We've got to move beyond our rhetoric to reality. And I think it would be helpful for you because we need your voice to be heard. And at least my experience in the Governors Association was, or working in my own legislature was, that on these issues we could get Republicans and Democrats together. So let me go thorough what we've done, and what's still to be done.

First of all, I agree with this new Congress on three issues that were in the Republican Contract - and two of them are already law. Number one, Congress should apply to itself all the laws it puts on the private sector. We should know when we make laws in Washington what we're doing to other people by experiencing it ourselves. That was a good thing.

Number two, I signed the unfunded mandates legislation to make it harder, but not impossible when its important, but much harder, for congress to put on you and your taxpayers unfunded mandates from the federal government where we make you pay for something that we in Washington want to do. I strongly support that, and I think all of you do, as well.

The third thing we are doing that we have not finished yet, although both Houses have approved a version of it, is the line-item veto. Almost every governor has it. I don't want to embarrass anybody here, but I don't know how many times I had a legislator say, now, Governor, I'm going to slip thing in this bill because I've got to do it, and then you can scratch it out for me. And it was fine. We did it. Now if they slip it in a bill, I have to decide what to do or not. I have to decide.

When the farmers in Iowa desperately needed the restoration of the tax deduction for health insurance, the 25 percent tax deduction that self-employed farmers and others get for health insurance, there was a provision of that bill I didn't like very much. I had to decide, am I going to give this back to 3.3 million self-employed Americans and their families, to lower to cost of health care by tax day, or not? But when we have the line-item veto, It won't be that way. And we need it.

Here are the hard ones. number one, the farm bill. Should we reduce farm supports? yes, we should, as required by GATT. I worked hard to get the Europeans to the table in agriculture in this trade agreement. A lot of you understand that. The deal was, they would reduce their subsidies more that we would reduce ours, so we would at least move toward some parity, so that our farmers would get a fair break for a change. Now some say, let's just get rid of all these farm support programs.

Well, if we do it now, we give our competitors the advantage we worked for eight years to take away. We put family farms more at risk. Now if anybody's got better ideas about what should be in the Farm Bill, that's fine. If anybody's got a better idea about how to save the family farmers, let's do it. If anybody has new ideas about what should be put in for rural development, fine. But let us do no harm. Let us not labor under the illusion that having fought so hard to have a competitive agricultural playing field throughout the world, having achieved a \$20 billion surplus in agriculture, we can turn and walk away from the farmers of the country in the name of cutting spending. That is not the way to cut the federal deficit.

I'll give you another example. Some believe that we should flat fund the school lunch program. And then there's a big argument in Washington, is it a cut or not. Let me tell you something, all these block grants are designed not only to give you more flexibility, but to save the federal government money. Now it may be a good

deal, or it may not. you have to decide. But when we wanted to cut the Agriculture Department budget – we're closing nearly 1,200 offices, we're reducing employment by 13,000, we eliminated 14 divisions in the Department of Agriculture – my own view is, that is better than putting an arbitrary cap on the school lunch program, which will be terribly unfair to the number – to the numerous school districts in this country that have increasing burdens from low income children. There are a lot of kids in this country – a lot of kids – the only decent meal they get every day is the meal they get at school. This program works. If it's not broke, we shouldn't fix it. So I don't agree with that. But you have to decide.

Welfare reform. I've already said, we have now given more welfare reform waivers to states to get out from under the federal government than were given in the last 12 years put together. In two years, we've given more than 12 years. I am for you figuring out how you want to run your welfare system and move people from welfare to work. I am for that.

But here are the questions. Number one, should we have cumbersome federal rules that say you have to penalize teenage girls who give birth to children and cut them off? I don't think so. We should never punish children for the mistakes of their parents. And these children who become parents prematurely, we should say, you made a mistake, you shouldn't do that – no child should do that. But what we're going to do is impose responsibilities on you for the future, to make you a responsible parent, a responsible student, a responsible worker. That's what your program does. Why should the federal government tell you that you have to punish children, when what you really want to do is move people from welfare to work so that more people are good parents and good workers. You should decide that. We do not need to be giving you lectures about how you have to punish the kids of this country. We need a welfare bill that is tough on work and compassionate toward children – not a welfare bill that is weak on work and tough on children. I feel that that should be a bipartisan principle that all of us should be able to embrace.

Now, the second issue in welfare reform is whether we should give you a block grant. Instead of having the welfare being an individual entitlement to every poor person on welfare, should we just give you whatever money we gave you last year or over the last three years and let you spend it however you want? These are two issues here that I ask you to think about, not only from your perspective, but from the perspective of every other state.

In Florida, the Republicans in the legislature I spoke with were not for this. And here's why. The whole purpose of the block grant is twofold. One is, we give you more flexibility. The second is, we say in return for more flexibility, you ought to be able to do the job for less money, so we won't increase the money you're getting over the next five years, which means we'll get to save money and lower the deficit. If it works for everybody concerned it's a good deal.

But what are the stakes – there are two problems with a block grant in this area, and I want you to help me work through it, because I am for more flexibility for the states. I would give every state every waiver that I have given to any state. I want you to decide what to do with this. I want you to be out there creating innovative ways to break the cycle of welfare dependency.

But there are two problems with this. Number one, if you have a state with a very large number of children eligible for public assistance and they're growing rapidly, it's very hard to devise any formula that keeps you from getting hurt in the block grants over a five-year period. And some states have rapidly growing populations – Florida, Texas, probably California.

Number two, a total block grant relieves the state of any responsibility to put up the match that is now required for you to participate in the program. Now, you may say, well, we would do that anyway. We have a tradition in Iowa of taking care of our own. But what if you lived in a state with a booming population growth, with wildly competing demands for dollars? And what about when the next recession comes? Keep in mind, we're making all these decisions today in the second year in which every state economy is growing. That has not happened in a very long time.

Will that really be fair? How do you know that there won't be insurmountable pressure in some states just to say, well, we can't take care of these children anymore; we've got to give the money to our school teachers; we've got to give the money to our road program; we've got to give the money to economic development; we've got environmental problems. So I ask you to think about those things. We can find a way to let you control the welfare system and move people from welfare to work, but there are two substantive problems with the block grant program that I want to see overcome before I sign off on it, because there is a national responsibility to care for the children of the country, to make sure a minimum standard of care is given.

In the crime bill, there is a proposal to take what we did last time, which was to divide the money between police, prisons and prevention, and basically give you a block grant in prevention, and instead create two separate block grants, one for prisons and one for police and prevention, in which you would reduce the amount of money for police and prevention and increase the amount of money for prisons, but you could only get it if you decided - a mandate, but a funded one - if you decided to make all people who committed serious crimes serve 85 percent of their sentences.

So Washington is telling you how you have to sentence people but offering you money to build prisons. The practical impact means that a lot of the money won't be taken care of, and we will reduce the amount of money we're spending for police and for prevention programs. I think that's a mistake.

I'm more than happy for you to have block grants for prevention programs. You know more about what keeps kids out of jail and off the streets and from committing crime in Des Moines or Cedar Rapids or Ames or anyplace else than I would ever know. But we do know that the violent crime rate has tripled in the last 30 years, and the number of police on our streets has only gone up by 10 percent. And we know there is city, after city, after city in America where the crime rate has gone down a lot, a lot when police have been put on the street in community policing roles.

So I say, let's keep the 100,000 police program. It is totally nonbureaucratic. Small towns in Iowa can get it by filling out a one-page, eight-question form. There is no hassle. And we should do this because we know it works. There is a national interest in safer streets, and it's all paid for by reducing the federal bureaucracy. So my view is, keep the 100,000 police, give the states flexibility on prevention. And I hope you will agree with that. That, at any rate, is my strong feeling.

Lastly, let me say on education, I simply don't believe that we should be cutting education to reduce the deficit or pay for tax cuts. I don't believe that. I just don't believe that.

So my view - my view on this is that the way to save money is to give every university in the country and every college in the country the right to do what Iowa State has done - go to the direct loan program, cut out the middle man, lower the cost of loans, save the taxpayer money.

I am strongly opposed to charging the students interest on their student loans while they're in college. That will add 18 to 20 percent to the cost of education for a lot of our young people. We'll have fewer people going to school. We want more people going to school. I think that is a mistake.

I believe if we're going to have a tax cut, it should be targeted to middle class people and to educational needs. I believe strongly we should do two things more than anything else. Number one, give more people the advantage of an IRA, which they can put money into and save and then withdraw to pay for education or health care costs, purchase of a first-time home, or care of an elderly parent tax-free. Number two, allow the deduction of the cost of education after high school to all American middle-class families. Now, that, I think, will make a difference.

This is very important for you because, remember we have a smaller total tax cut, if we target it to the middle class, we can have deficit reduction without cutting education. We can have deficit reduction without having severe cuts in Medicare. Governor Branstad said today, one of our biggest problems is the unfairness of the distribution of Medicare funds. You are right. It's not fair to rural America. But there's a lot more coming, and more than you need to have if we have an excessive tax cut that is not targeted to education and to the middle class.

So that, in brief, is the laundry list of the new federalism – the things you need to decide on. I do not believe these issues I have spoken with you about have a partisan tinge in Des Moines. They need not have one in Washington.

But I invite you, go back home – this is being televised tonight – go back home and talk to the people you represent, and ask them what they want you to say to your members of Congress about what we do in Washington; what you do in Des Moines; what we do in our private lives; what should be spent to reduce the deficit; what should be spent on a tax cut; what should be in a block grant; and where should we stand up and say we've got to protect the children of the country. These are great and exciting issues.

Believe me, if we make the right decisions – if we make the right decisions, the 21st century will still be the America century.

Thank you all, and God Bless you.

Senator Horn presented President Clinton with a gift of the Iowa Capitol etched in crystal in a walnut stand on behalf of the Iowa General Assembly.

On motion by Husak of Tama, the joint session was adjourned at 8:20 p.m.

JOURNAL OF THE HOUSE

One Hundreth-eighth Calendar Day - Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 26, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Father John Joseph Walsh, St. Thomas Aquinas Church, Webster City.

The Journal of April 25, 1995 was approved.

INTRODUCTION OF BILL

House File 574, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for other properly related matters, and providing an effective date.

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

SPECIAL PRESENTATION

Carroll of Poweshiek presented to the House four Public School System Administrators from the Grinnell Sister City of Zheleznovodsk, Stavropol, Russia.

The Administrators are studying the Grinnell School system and this fall several Grinnell Administrators will visit schools in Zheleznovodsk to study their progressive and experimental schools. Those visitors were: Ludmilla Skorokhod, Superintendent; Irina Vasilyeva, Vice Superintendent; Valentina Burlutzkaya, School Principal and Zinaida Nastyukova, Teacher of Foreign Languages.

SENATE AMENDMENTS CONSIDERED

Bradley of Clinton called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4056:

H-4056

- 1 Amend House File 203, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:

5 "Section 1. Section 35A.2, subsection 2, Code
6 1995, is amended to read as follows:

7 2. ~~Five~~ Six commissioners shall be honorably
8 discharged members of the armed forces of the United
9 States. The American legion of Iowa, disabled
10 American veterans department of Iowa, veterans of
11 foreign wars department of Iowa, American veterans of
12 World War II, Korea, and Vietnam, the Vietnam veterans
13 of America, and the military order of the purple
14 heart, through their department commanders, shall
15 submit two names respectively from their organizations
16 to the governor. The governor shall appoint from each
17 of the organizations one representative to serve as a
18 member of the commission, unless the appointments
19 would conflict with the bipartisan and gender balance
20 provisions of sections 69.16 and 69.16A. In addition,
21 the governor shall appoint ~~two members~~ one member of
22 the public, knowledgeable in the general field of
23 veterans affairs, to serve on the commission."

24 2. Page 1, by inserting after line 2 the
25 following:

26 "Sec. ____ Section 35A.3, Code 1995, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 13. Conduct an equal number of
29 meetings at Camp Dodge and the Iowa veterans home.
30 The agenda for each meeting shall include a reasonable
31 time period for public comment."

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

34 "Sec. ____ INFORMATION STORAGE — TRAINING —
35 REPORTS.

36 The commission of veterans affairs shall do the
37 following:

38 1. Develop and issue for response requests for
39 proposals for storing information and data concerning
40 the military service records of Iowa veterans, and
41 other information the commission deems appropriate,
42 upon microfilm, electronic computer, or data
43 processing equipment, and for proposals for the
44 purchase of the equipment necessary to store the
45 records and information. The commission shall also
46 make every reasonable effort to obtain federal funding
47 for the storing of information and data and the
48 purchase of equipment as provided in this subsection.
49 The commission shall deliver a written report on all
50 proposals submitted in response to the requests for

Page 2

1 proposals along with the commission's recommendations
2 to the general assembly not later than January 1,
3 1996.

4 2. Study the costs of training provided to
5 executive directors of county commissions of veteran

- 6 affairs under subsection 12. The commission shall
 7 submit a report of its findings and recommendations to
 8 the general assembly by January 1, 1996."
 9 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4056.

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

On the question "Shall the bill pass?" (H.F. 203)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	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
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
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 O'Brien

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.

Heaton of Henry called up for consideration **House File 393**, a bill for an act relating to certain exemptions from federal motor carrier safety regulations, amended by the Senate, and moved that the House concur in the following Senate amendment H-4068:

H-4068

- 1 Amend House File 393, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "requirements" the following: "under 49 C.F.R. §
- 5 395.1(e)(5)".

The motion prevailed and the House concurred in the Senate amendment H-4068.

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

On the question "Shall the bill pass?" (H.F. 393)

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	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	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

Hammitt

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 203 and 393.**

HOUSE FILE 534 WITHDRAWN

Houser of Pottawattamie asked and received unanimous consent to withdraw House File 534 from further consideration by the House.

Tyrrell of Iowa called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4069:

H-4069

- 1 Amend House File 507, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 19A.3, Code 1995, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 23. Up to six nonprofessional
- 8 employees designated at the discretion of each
- 9 statewide elected official."
- 10 3. Page 1, line 4, by inserting after the word
- 11 and figure "~~October-15~~" the following: "appointed
- 12 during a department's designated six-month seasonal
- 13 employment period during the same annual twelve-month
- 14 period, as approved by the director".
- 15 2. Page 1, by inserting after line 4 the
- 16 following:
- 17 "Sec. 2. NEW SECTION. 19A.3A EMPLOYEES OF
- 18 STATEWIDE ELECTED OFFICIALS.
- 19 The exempt position classifications of employees of
- 20 statewide elected officials as of June 30, 1994, shall
- 21 remain exempt and any employees subsequently hired to
- 22 fill any exempt position vacancies shall be classified
- 23 as exempt employees."
- 24 4. Page 1, line 16, by inserting after the word

25 "applicable." the following: "The director shall
 26 notify the chairpersons of the standing committees on
 27 appropriations of the senate and the house of
 28 representatives and the chairpersons of the
 29 appropriate subcommittees of those committees of the
 30 proposed projects. The notice from the director shall
 31 include the purpose of the project, a description of
 32 the project and how the project will be evaluated.
 33 Chairpersons notified shall be given at least two
 34 weeks to review and comment on the proposal before the
 35 project is implemented."
 36 5. By renumbering, relettering, or redesignating
 37 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4069.

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

On the question "Shall the bill pass?" (H.F. 507)

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	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

Myers

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

Tyrrell of Iowa called up for consideration **House File 94**, a bill for an act to permit certain dissolutions of marriage to take place without a hearing, amended by the Senate, and moved that the House concur in the following Senate amendment H-4058:

H-4058

- 1 Amend House File 94, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "(4) There are no children of the marriage for
- 6 whom support, as defined under section 598.1, may be
- 7 ordered."
- 8 2. Page 1, by inserting after line 35 the
- 9 following:
- 10 "(3) There are no children of the marriage for
- 11 whom support, as defined under section 598.1, may be
- 12 ordered."

The motion prevailed and the House concurred in the Senate amendment H-4058.

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

On the question "Shall the bill pass?" (H.F. 94)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	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	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
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 9:

Branstad	Carroll	Cormack	Ertl
Klemme	Renken	Sukup	Van Maanen
Veenstra			

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

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 94 and 507.**

Harrison of Scott called up for consideration **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, amended by the Senate amendment H-3428 as follows:

H-3428

- 1 Amend House File 215 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "labor" the following: "at a location other than
- 5 within or on the grounds of a correctional
- 6 institution".
- 7 2. Page 1, line 17, by striking the word "may"
- 8 and inserting the following: "shall".
- 9 3. Page 1, by striking lines 32 and 33 and
- 10 inserting the following: "physical labor performed by
- 11 an inmate for at least forty hours".
- 12 4. By striking page 1, line 35 through page 2,
- 13 line 1 and inserting the following: "chain gangs,
- 14 menial labor, any training necessary to perform".
- 15 5. By striking page 2, line 16 through page 3,

16 line 10.

- 17 6. Title page, by striking lines 2 and 3 and
 18 inserting the following: "control of the department
 19 of corrections perform hard labor."
 20 7. By renumbering, relettering, or redesignating
 21 and correcting internal references as necessary.

Harrison of Scott offered amendment H-4074, to the Senate amendment H-3428, filed by him and requested division as follows:

H-4074

- 1 Amend the Senate amendment, H-3428, to House File
 2 215, as amended, passed, and reprinted by the House,
 3 as follows:

H-4074A

- 4 1. Page 1, line 4, by inserting before the word
 5 "at" the following: "on chain gangs".

H-4074B

- 6 2. Page 1, by inserting after line 8 the
 7 following:
 8 "_. Page 1, line 19, by inserting after the
 9 word "institutions." the following: "Inmates
 10 performing other types of hard labor at locations
 11 other than within or on the grounds of a correctional
 12 institution may also be required by the department to
 13 wear the brightly colored uniforms. Inmates not
 14 required to wear brightly colored uniforms while
 15 performing hard labor shall be otherwise clearly
 16 designated as inmates of correctional institutions."

H-4074C

- 17 3. Page 1, by striking lines 9 through 11.

H-4074D

- 18 4. Page 1, line 14, by inserting after the word
 19 "labor." the following: "substance abuse or sex
 20 offender treatment programs."
 21 5. Page 1, by striking lines 15 through 19 and
 22 inserting the following:
 23 "_. Page 2, by striking line 28 and inserting
 24 the following: "shall provide for implementation of
 25 hard labor work programs during the interval of time
 26 between the effective date of this Act and July 1,
 27 1997, with full implementation of the requirements".
 28 __. Page 3, by striking line 6 and inserting the
 29 following: "a report to the general assembly on".
 30 __. Page 3, line 7, by striking the figure
 31 "1997" and inserting the following: "1996".
 32 __. Page 3, line 9, by striking the word "July"
 33 and inserting the following: "January".
 34 6. By numbering and renumbering as necessary.

Harrison of Scott moved the adoption of amendment H-4074A, to the Senate amendment H-3428.

Roll call was requested by Brunkhorst of Bremer and Grubbs of Scott.

On the question "Shall amendment H-4074A, to the Senate amendment H-3428, be adopted?" (H.F. 215)

The ayes were, 72:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Cormack	Cornelius	Daggett
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kreiman	Kremer	Lamberti
Larson	Lord	Main	Martin
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Mr. Speaker Corbett

The nays were, 23:

Baker	Bernau	Burnett	Cohoon
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Larkin
Mascher	May	Moreland	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Witt	

Absent or not voting, 5:

Brammer	Cataldo	Connors	Dinkla
Grundberg			

Amendment H-4074A was adopted.

Harrison of Scott moved the adoption of amendment H-4074B, to the Senate amendment H-3428.

A non-record roll call was requested.

The ayes were 37, nays 9.

Amendment H-4074B was adopted.

On motion by Harrison of Scott, amendment H-4074C, to the Senate amendment H-3428, was adopted.

On motion by Harrison of Scott, amendment H-4074D, to the Senate amendment H-3428, was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 10:52 a.m.

On motion by Harrison of Scott, the House concurred in the Senate amendment H-3428, as amended.

Harrison 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. 215)

The ayes were, 94:

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
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
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, 5:

Bernau	Doderer	Fallon	Holveck
Ollie			

Absent or not voting, 1:

Brammer

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

HOUSE FILE 110 WITHDRAWN

Harper of Black Hawk asked and received unanimous consent to withdraw House File 110 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 215** be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 570, a bill for an act relating to funding for and the name of the national center for talented and gifted education and making an appropriation, was taken up for consideration.

Grubbs of Scott offered the following amendment H-4067 filed by him and Ollie and moved its adoption:

H-4067

- 1 Amend House File 570 as follows:
- 2 1. Page 1, by striking lines 16 through 20 and
- 3 inserting the following: "of the foundation. The
- 4 cumulative total value of contributions received
- 5 includes the value of the amount deposited in the
- 6 national international center endowment fund
- 7 established in section 263.8A in excess of eight
- 8 hundred seventy-five thousand dollars and not
- 9 exceeding two million dollars for the fiscal years
- 10 beginning July 1, 1995, and July 1, 1996. For the
- 11 fiscal year beginning July 1, 1997, the cumulative
- 12 total value of contributions received includes the
- 13 value of the amount deposited in the international
- 14 center endowment fund in excess of eight hundred
- 15 seventy thousand dollars and not exceeding one million
- 16 four hundred thirty-seven thousand five hundred
- 17 dollars. For the fiscal year beginning July 1, 1998,
- 18 and thereafter, the cumulative total value of
- 19 contributions received includes only the value of
- 20 contributions received under section 257A.7 for
- 21 deposit in the fund and for the use of the foundation.
- 22 The value of in-kind contributions shall be".

Amendment H-4067 was adopted.

Grubbs of Scott offered the following amendment H-4045 filed by him and moved its adoption:

H-4045

- 1 Amend House File 570 as follows:
- 2 1. Page 3, line 34, by striking the words
- 3 "department of education" and inserting the following:
- 4 "state board of regents".
- 5 2. Page 4, line 3, by inserting after the word
- 6 "For" the following: "allocation to the state
- 7 university of Iowa for".

Amendment H-4045 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. 570)

The ayes were, 98:

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	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	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

Schrader

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 570** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4055 to the House amendment:

H-4055

- 1 Amend the House amendment, S-3489, to Senate File
- 2 358, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 9.
- 5 2. Page 1, by striking lines 24 through 27.
- 6 3.. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4055, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 358)

The ayes were, 96:

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
Renken	Running	Salton	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 Corbett, Spkr. Rants Schrader

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 358** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 575, by committee on appropriations, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters.

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

On motion by Siegrist of Pottawattamie, the House was recessed at 12:01 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:45 p.m., Siegrist of Pottawattamie in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-nine members present, forty-one absent.

Speaker pro tempore Van Maanen of Marion in the chair at 1:48 p.m.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 179**, a bill for an act relating to the maximum property tax levy for certain county hospitals, previously deferred and placed on the unfinished business calendar.

Jacobs of Polk offered the following amendment H-4077 filed by Jacobs, Connors, Metcalf, McCoy, Grundberg, Fallon, Lamberti, Cataldo, Disney, Baker, Churchill and Holveck from the floor and moved its adoption:

H-4077

- 1 Amend Senate File 179, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 19.
- 4 2. Page 1, line 34, by striking the words
- 5 "eighty-nine" and inserting the following: "seventy-
- 6 five".
- 7 3. By renumbering as necessary.

Amendment H-4077 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?" (S.F. 179)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Fallon	Gipp	Greig	Gries
Grundberg	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Metcalf	Meyer	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:

Garman	Millage
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Absent or not voting, 8:

Brammer	Cornelius	Ertl	Greiner
Grubbs	Hahn	Koenigs	Mertz

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 179** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 366**, a bill for an act relating to the exhibition of humans, previously deferred and placed on the unfinished business calendar.

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. 366)

The ayes were, 98:

Arnold	Baker	Bell	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	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 Ertl

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

IMMEDIATE MESSAGE

Boddicker of Cedar asked and received unanimous consent that **Senate File 366** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ertl of Dubuque, for the remainder of the day, on request of Kremer of Buchanan.

SENATE AMENDMENT CONSIDERED

Cormack of Webster called up for consideration **House File 482**, a bill for an act relating to the funding for the Iowa communications network and providing an appropriation, amended by the Senate amendment H-4059 as follows:

H-4059

- 1 Amend House File 482, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 16, through page 3,
- 4 line 19, and inserting the following:
- 5 "Sec. ____ Section 8D.13, Code 1995, is amended by
- 6 adding the following new subsection:"
- 7 2. Page 4, line 1, by inserting after the word
- 8 "purposes," the following: "for the subsidization of
- 9 video rates for authorized users as determined by the
- 10 commission and consistent with chapter 8D,".
- 11 3. Page 4, by striking lines 6 through 11.

- 12 4. Page 4, by striking lines 16 and 17 and
 13 inserting the following:
 14 "3. STUDY RELATING TO SALE OR CONVERSION OF
 15 NETWORK."
 16 5. Page 5, by inserting after line 20 the
 17 following:
 18 "Upon the appropriation of the funds in this
 19 section to the Iowa communications network fund, the
 20 Iowa telecommunications and technology commission
 21 shall immediately transfer \$12,783,000 of the
 22 appropriated amount to a separate fund established in
 23 the office of the treasurer of state, to be used
 24 solely for debt service for the Iowa communications
 25 network. The commission shall certify to the
 26 treasurer of state when a debt service payment is due,
 27 and upon receipt of the certification the treasurer
 28 shall make the payment. The commission shall pay any
 29 additional amount due from funds deposited in the Iowa
 30 communications network fund."
 31 6. By renumbering, relettering, or redesignating
 32 and correcting internal references as necessary.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-4073, to the Senate amendment H-4059, filed by him on April 25, 1995.

On motion by Cormack of Webster, the House concurred in the Senate amendment H-4059.

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

On the question "Shall the bill pass?" (H.F. 482)

The ayes were, 92:

Arnold	Baker	Bell	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	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Main

Martin	Mascher	May	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	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 6:

Drees	Fallon	Kreiman	McCoy
O'Brien	Tyrrell		

Absent or not voting, 2:

Brammer	Ertl
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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

Gipp of Pottawattamie asked and received unanimous consent that **House File 482** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Salton of Palo Alto called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4072 to the House amendment:

H-4072

- 1 Amend the amendment, S-3543, to Senate File 150, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 8 through 11 and
- 5 inserting the following:
- 6 "NEW PARAGRAPH. g. The".
- 7 2. Page 1, lines 17 and 18, by striking the words
- 8 "upon completion of the agreement requirements".
- 9 3. Page 5, by striking lines 30 through 32 and
- 10 inserting the following: "but not limited to
- 11 permanency planning and placement review meetings,
- 12 which shall include discussion of the child's
- 13 rehabilitative treatment needs."

- 14 4. Page 5, by striking lines 46 through 49 and
15 inserting the following:
16 "NEW PARAGRAPH. j. The actions".
17 5. Page 6, lines 4 and 5, by striking the words
18 "upon completion of the agreement requirements".
19 6. Page 8, line 30, by inserting after the word
20 "parents." the following: "The court may, in deciding
21 whether to order the parties to participate in
22 mediation, consider whether ordering mediation may
23 place a party at risk of domestic abuse if there is a
24 credible history of domestic abuse between the
25 parties."
26 7. Page 8, by striking line 31.
27 8. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-4072, to the House amendment.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 150** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 558, 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.

Also: That the Senate has on April 26, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 208, a bill for an act relating to child abuse and termination of parental rights provisions, and providing an effective date.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **House File 528**, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, 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, amended by the Senate amendment H-4057 as follows:

H-4057

- 1 Amend House File 528, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 8 and 9, by striking the words
- 4 "~~including the name of a juvenile involved~~."
- 5 2. Page 1, lines 33 and 34, by striking the words
- 6 "~~including the name of a juvenile involved~~."
- 7 3. Page 2, by striking lines 31 and 32 and
- 8 inserting the following: "those facilities or
- 9 institutions. Human immunodeficiency".
- 10 4. By striking page 3, line 24, through page 4,
- 11 line 13.
- 12 5. Page 5, line 21, by striking the word "~~shall~~"
- 13 and inserting the following: "may".
- 14 6. Page 6, line 10, by striking the word "~~shall~~"
- 15 and inserting the following: "~~shall~~ may".
- 16 7. By striking page 6, line 20, through page 7,
- 17 line 1.
- 18 8. Page 7, by striking lines 17 through 23 and
- 19 inserting the following: "prosecuted as otherwise
- 20 provided by law. The district court shall have all
- 21 the dispositional powers of the juvenile court under
- 22 this chapter, notwithstanding section 124.401B and
- 23 chapters 902 and 903, regarding a child convicted of a
- 24 violation excluded from the jurisdiction of the
- 25 juvenile court under this paragraph. Alternatively,
- 26 the child may be sentenced, as an adult, pursuant to
- 27 section 124.401B or chapter 902 or 903."
- 28 9. Page 7, by striking lines 24 through 27.
- 29 10. Page 8, line 8, by striking the words "~~may~~
- 30 ~~shall~~" and inserting the following: "may".
- 31 11. Page 8, line 10, by striking the words
- 32 "However, wherever possible the" and inserting the
- 33 following: "~~However, wherever possible the~~ The".
- 34 12. Page 8, by striking lines 15 through 23.
- 35 13. By striking page 9, line 27, through page 10,
- 36 line 9.
- 37 14. Page 11, line 2, by inserting after the word
- 38 "~~act~~" the following: ", which would be an aggravated
- 39 misdemeanor or felony if committed by an adult.".

40 15. Page 11, by inserting after line 18 the
41 following:

42 "Sec. ____ NEW SECTION. 280.17B STUDENTS
43 SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS
44 WEAPONS.

45 The board of directors of a public school and the
46 authorities in control of a nonpublic school shall
47 prescribe procedures for continued school involvement
48 with a student who is suspended or expelled for
49 possession of a dangerous weapon, as defined in
50 section 702.7, on school premises in violation of

Page 2

1 school policy or state law and for the reintegration
2 of the student into the school following the
3 suspension or expulsion.

4 Sec. ____ NEW SECTION. 280.21B EXPULSION —
5 WEAPONS IN SCHOOL.

6 The board of directors of a school district and the
7 authorities in charge of a nonpublic school which
8 receives services supported by federal funds shall
9 expel from school for a period of not less than one
10 year a student who is determined to have brought a
11 weapon to a school under the jurisdiction of the board
12 or the authorities. However, the superintendent or
13 chief administering officer of a school or school
14 district may modify expulsion requirements on a case-
15 by-case basis. This section shall not be construed to
16 prevent the board of directors of a school district or
17 the authorities in charge of a nonpublic school that
18 have expelled a student from the student's regular
19 school setting from providing educational services to
20 the student in an alternative setting. If both this
21 section and section 282.4 apply, this section takes
22 precedence over section 282.4. For purposes of this
23 section, "weapon" means a firearm as defined in 18
24 U.S.C. § 921. This section shall be construed in a
25 manner consistent with the federal Individuals with
26 Disabilities Education Act, 20 U.S.C. § 1400 et seq."

27 16. Page 19, line 18, by striking the word
28 "twenty-three" and inserting the following: "twenty-
29 one".

30 17. Page 19, line 20, by striking the word
31 "twenty-three" and inserting the following: "twenty-
32 one".

33 18. Page 19, by striking lines 25 and 26 and
34 inserting the following: "and also includes the
35 source documents of the information included in the
36 criminal history data and fingerprint records."

37 19. Page 22, line 31, by striking the word
38 "designee," and inserting the following: "designee;
39 the attorney general or the attorney general's
40 designee;".

41 20. Page 23, line 8, by inserting after the word
42 "issues," the following: "two members of the senate,
43 one each appointed by the majority and minority
44 leaders and two members of the house of
45 representatives, appointed by the speaker of the house
46 of representatives after consultation with the
47 majority and minority leaders;".
48 21. Title page, line 5, by striking the
49 words "identifying information regarding juveniles
50 involved in" and inserting the following:

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1 "information regarding".
2 22. Title page, lines 7 and 8, by striking the
3 words "placing a juvenile in detention as a
4 dispositional alternative," and inserting the
5 following: "providing for the expulsion of a student
6 for bringing a weapon to school."
7 23. Title page, lines 16 through 18, by striking
8 the words "authorizing the transmission of
9 communicable disease information by radio in certain
10 circumstances, and enhancing or" and inserting the
11 following: "and".
12 24. By renumbering as necessary.

Lamberti of Polk offered the following amendment H-4083, to the Senate amendment H-4057 filed by him and Grubbs from the floor and moved its adoption:

H-4083

1 Amend the Senate amendment, H-4057, to House File
2 528, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 3, through page 3,
5 line 11, and inserting the following:
6 " . Page 11, by inserting after line 10 the
7 following:
8 "Sec. ____ NEW SECTION. 279.58 SCHOOL DRESS CODE
9 POLICIES.
10 1. The general assembly finds and declares that
11 the students and the administrative and instructional
12 staffs of Iowa's public schools have the right to be
13 safe and secure at school. Gang-related apparel worn
14 at school draws attention away from the school's
15 learning environment and directs it toward thoughts or
16 expressions of violence, bigotry, hate, and abuse.
17 2. The board of directors of a school district may
18 adopt, for the district or for an individual school
19 within the district, a dress code policy that requires
20 students to wear specific attire or prohibits students
21 from wearing gang-related or other specific apparel if
22 the board determines that the policy is necessary for

23 the health and safety of students and staff in the
 24 school environment or for the appropriate discipline
 25 and operation of the school. Adoption and enforcement
 26 of a dress code policy is not a violation of section
 27 280.22.

28 3. If the district adopts a policy for the entire
 29 school district, the specific attire selected shall be
 30 determined by a committee composed of representatives
 31 from the district's administrative staff,
 32 instructional staff, and parents and legal guardians
 33 of students enrolled in the district. If the district
 34 adopts a policy for an individual school, the specific
 35 attire shall be selected by a committee composed of
 36 the individual school's administration,
 37 representatives from the school's instructional staff,
 38 and parents and legal guardians of students enrolled
 39 in the school. A dress code policy that requires
 40 students to wear specific attire shall not be
 41 implemented with less than six months' notice to
 42 parents and legal guardians. A school implementing a
 43 dress code policy requiring specific attire shall make
 44 resources available to assist economically
 45 disadvantaged students in securing the specific
 46 attire.

47 4. The board shall provide a method by which
 48 parents and legal guardians may choose not to have
 49 their children comply with an adopted dress code
 50 policy that requires specific attire. If a board

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1 chooses to adopt a policy pursuant to this section,
 2 the policy shall include a provision that a student
 3 shall not be penalized academically or otherwise
 4 discriminated against or denied attendance to school
 5 if the student's parent or legal guardian chooses not
 6 to have the student comply with a school dress code
 7 policy that would require the student to wear specific
 8 attire. A policy adopted pursuant to this section
 9 shall not preclude students that participate in a
 10 nationally recognized youth organization, exempt from
 11 federal income taxation under section 501(c)(3) of the
 12 Internal Revenue Code, from wearing organization
 13 uniforms on days that the organization has a scheduled
 14 meeting."

15 __. Page 11, by inserting after line 18 the
 16 following:

17 "Sec. 999. NEW SECTION. 280.21B EXPULSION —
 18 WEAPONS IN SCHOOL.

19 The board of directors of a school district and the
 20 authorities in charge of a nonpublic school which
 21 receives services supported by federal funds shall
 22 expel from school for a period of not less than one
 23 year a student who is determined to have brought a

24 weapon to a school under the jurisdiction of the board
25 or the authorities. However, the superintendent or
26 chief administering officer of a school or school
27 district may modify expulsion requirements on a case-
28 by-case basis. This section shall not be construed to
29 prevent the board of directors of a school district or
30 the authorities in charge of a nonpublic school that
31 have expelled a student from the student's regular
32 school setting from providing educational services to
33 the student in an alternative setting. If both this
34 section and section 282.4 apply, this section takes
35 precedence over section 282.4. For purposes of this
36 section, "weapon" means a firearm as defined in 18
37 U.S.C. § 921. This section shall be construed in a
38 manner consistent with the federal Individuals with
39 Disabilities Education Act, 20 U.S.C. § 1400 et seq."
40 __. Page 20, by inserting after line 16 the
41 following:
42 "Sec. __. Section 708.1, Code 1995, is amended by
43 adding the following new unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH. Provided, that where the
45 person doing any of the above enumerated acts is
46 employed by a school district or accredited nonpublic
47 school, or is an area education agency staff member
48 who provides services to a school or school district,
49 and intervenes in a fight or physical struggle, or
50 other disruptive situation, that takes place in the

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1 presence of the employee or staff member performing
2 employment duties in a school building, on school
3 grounds, or at an official school function regardless
4 of the location, the act shall not be an assault,
5 whether the fight or physical struggle or other
6 disruptive situation is between students or other
7 individuals if the degree and the force of the
8 intervention is reasonably necessary to restore order
9 and to protect the safety of those assembled."
10 __. Page 22, by inserting after line 10 the
11 following:
12 "Sec. __. Section 808A.1, subsection 1, paragraph
13 d, Code 1995, is amended to read as follows:
14 d. A school locker, desk, or other facility or
15 space issued or assigned to, or chosen by, the student
16 for the storage of personal belongings of any kind,
17 which the student locks or is permitted to lock.
18 School officials may conduct periodic inspections of
19 all school lockers or a randomly selected number of
20 school lockers. ~~However, the school district shall~~
21 ~~provide notice to the students, at least twenty-four~~
22 ~~hours prior to the inspection, of the date and time of~~
23 ~~the inspection."~~
24 __. Page 23, by inserting after line 30 the

25 following:

26 "Sec. ____ EFFECTIVE DATE. Section 999 of this
27 Act, being deemed of immediate importance, takes
28 effect upon enactment."

29 ____ Title page, line 18, by inserting after the
30 word "circumstances," the following: "authorizing
31 school districts to adopt a dress code policy,
32 providing for the expulsion of a student for bringing
33 a weapon to school, creating an exemption in the
34 definition of assault, eliminating the twenty-four
35 hour notice to students of a periodic inspection of
36 students' lockers,".

37 ____ Title page, line 19, by inserting after the
38 word "penalties" the following: "and providing an
39 effective date".

Amendment H-4083 was adopted.

On motion by Lamberti of Polk, the House concurred in the Senate amendment H-4057, as amended.

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

On the question "Shall the bill pass?" (H.F. 528)

The ayes were, 92:

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
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
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
Welter

Warnstadt
Wise

Weidman
Witt

Weigel
Van Maanen,
Presiding

The nays were, 2:

Fallon

Holveck

Absent or not voting, 6:

Brammer
Mundie

Corbett, Spkr.
Myers

Ertl

Moreland

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.

The House stood at ease at 2:58 p.m., until the fall of the gavel.

The House resumed session at 4:30 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILL

House File 576, by committee on ways and means, a bill for an act relating to the assessment of certain long distance telephone companies for purposes of property taxation.

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

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 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside

specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-4081 April 26, 1995.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 481.

Appropriations Calendar

Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Brauns of Muscatine asked and received unanimous consent to withdraw the committee amendment H-3985, filed by the committee on appropriations on April 19, 1995, placing out of order the following amendments, to the committee amendment H-3985:

H-3997 filed by Blodgett of Cerro Gordo and May on April 20, 1995.

H-4035 filed by Brauns of Muscatine on April 24, 1995.

H-4036 filed by Brauns of Muscatine on April 24, 1995.

H-4037 filed by Brauns of Muscatine on April 24, 1995.

H-4047 filed by Koenigs of Mitchell and Ollie on April 24, 1995.

H-4053 filed by Cohoon of Des Moines, Ollie and Warnstadt on April 24, 1995.

H-4065 filed by Fallon of Polk on April 25, 1995.

H-4075 filed by Mundie of Webster from the floor.

H-4076 filed by Mundie of Webster from the floor.

The House stood at ease at 4:34 p.m., until the fall of the gavel.

The House resumed session at 6:28 p.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Schrader of Marion.

Brauns of Muscatine offered amendment H-4081 filed by the committee on appropriations, from the floor, as follows:

H-4081

1 Amend Senate File 481, 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 "DIVISION I
 6 STATE DEPARTMENT OF TRANSPORTATION
 7 Section 1. There is appropriated from the general
 8 fund of the state to the state department of
 9 transportation for the fiscal year beginning July 1,
 10 1995, and ending June 30, 1996, the following amounts,
 11 or so much thereof as is necessary, to be used for the
 12 purposes designated:
 13 1. a. For providing assistance for the
 14 restoration, conservation, improvement, and
 15 construction of railroad main lines, branch lines,
 16 switching yards, and sidings as required in section
 17 327H.18, for use by the railway finance authority as
 18 provided in chapter 327I:
 19 \$ 1,497,000
 20 b. For airport engineering studies and improvement
 21 projects as provided in chapter 328:
 22 \$ 2,262,000
 23 2. For planning and programming, for salaries,
 24 support, maintenance, and miscellaneous purposes:
 25 \$ 241,000
 26 Sec. 2. There is appropriated from the road use
 27 tax fund to the state department of transportation for
 28 the fiscal year beginning July 1, 1995, and ending
 29 June 30, 1996, the following amounts, or so much
 30 thereof as is necessary, for the purposes designated:
 31 1. For the payment of costs associated with the
 32 production of motor vehicle licenses, as defined in
 33 section 321.1, subsection 43:
 34 \$ 1,070,000
 35 2. For salaries, support, maintenance, and
 36 miscellaneous purposes:
 37 a. Operations and finance:
 38 \$ 4,211,321
 39 b. Administrative services:
 40 \$ 80,552
 41 c. Planning and programming:
 42 \$ 400,595
 43 d. Motor vehicles:
 44 \$ 21,960,473
 45 Of the moneys appropriated in this paragraph, a
 46 sufficient amount shall be allocated to provide

- 47 effective and necessary oversight of the county
 48 treasurers' issuance of motor vehicle licenses in
 49 accordance with this Act.
 50 3. For payments to the department of personnel for

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1 expenses incurred in administering the merit system on		
2 behalf of the state department of transportation, as		
3 required by chapter 19A:		
4	\$	35,000
5 4. Unemployment compensation:		
6	\$	17,000
7 5. For payments to the department of personnel for		
8 paying workers' compensation claims under chapter 85		
9 on behalf of employees of the state department of		
10 transportation:		
11	\$	75,000
12 6. For payment to the general fund of the state		
13 for indirect cost recoveries:		
14	\$	120,000
15 7. For reimbursement to the auditor of state for		
16 audit expenses as provided in section 11.5B:		
17	\$	32,480
18 8. For paving, grading, and replacement of scale		
19 facilities at Salix, Storm Lake, and Early:		
20	\$	570,000
21 The provisions of section 8.33 do not apply to the		
22 funds appropriated in subsection 8, which shall remain		
23 available for expenditure for the purposes designated		
24 until June 30, 1998. Unencumbered or unobligated		
25 funds remaining on June 30, 1998, from funds		
26 appropriated in subsection 8, shall revert to the fund		
27 from which appropriated on August 30, 1998.		
28 Sec. 3. There is appropriated from the primary		
29 road fund to the state department of transportation		
30 for the fiscal year beginning July 1, 1995, and ending		
31 June 30, 1996, the following amounts, or so much		
32 thereof as is necessary, to be used for the purposes		
33 designated:		
34 1. For salaries, support, maintenance,		
35 miscellaneous purposes and the following full-time		
36 equivalent positions:		
37 a. Operations and finance:		
38	\$	25,869,545
39	FTEs	282.0
40 b. Administrative services:		
41	\$	5,040,535
42	FTEs	94.0
43 c. Planning and programming:		
44	\$	7,636,322
45	FTEs	174.0
46 d. Project development:		
47	\$	52,862,681
48	FTEs	1185.0
49 e. Maintenance:		
50	\$	98,780,764

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1	FTEs	1646.0
2 f. Motor vehicles:		
3	\$	840,800
4	FTEs	549.0
5 2. For deposit in the state department of		
6 transportation's highway materials and equipment		
7 revolving fund established by section 307.47 for		
8 funding the increased replacement cost of equipment:		
9	\$	3,120,000
10 3. For payments to the department of personnel for		
11 expenses incurred in administering the merit system on		
12 behalf of the state department of transportation, as		
13 required by chapter 19A:		
14	\$	665,000
15 4. Unemployment compensation:		
16	\$	328,000
17 5. For payments to the department of personnel for		
18 paying workers' compensation claims under chapter 85		
19 on behalf of the employees of the state department of		
20 transportation:		
21	\$	1,425,000
22 6. For costs associated with underground storage		
23 tank replacement and cleanup:		
24	\$	1,000,000
25 7. For payment to the general fund for indirect		
26 cost recoveries:		
27	\$	880,000
28 8. For reimbursement to the auditor of state for		
29 audit expenses as provided in section 11.5B:		
30	\$	199,520
31 9. a. For improvements to upgrade the handling of		
32 wastewater at various field facilities throughout the		
33 state:		
34	\$	750,000
35 b. For construction of large salt storage		
36 facilities at various locations throughout the state:		
37	\$	600,000
38 c. For payment of a court-ordered drainage		
39 assessment to Polk county:		
40	\$	213,213
41 d. For replacement of roofs at various field		
42 facility locations throughout the state:		
43	\$	510,000
44 e. For replacement of brick exterior on the		
45 Atlantic office building:		
46	\$	150,000
47 f. For replacement of the roof on the		
48 administration building at the Ames complex:		
49	\$	200,000
50 g. For tuck pointing and repairs to the brick		

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1 exteriors of the northeast and northwest office
 2 buildings at the Ames central office complex:
 3 \$ 150,000
 4 h. For replacement and updating the exhaust system
 5 at the Ames laboratory building:
 6 \$ 150,000

7 The provisions of section 8.33 do not apply to the
 8 funds appropriated in subsection 9 which shall remain
 9 available for expenditure for the purposes designated
 10 until June 30, 1998. Unencumbered or unobligated
 11 funds remaining on June 30, 1998, from funds
 12 appropriated in subsection 9 shall revert to the fund
 13 from which appropriated on August 30, 1998.

DIVISION II

HIGHWAY PATROL

16 Sec. 4. There is appropriated from the highway
 17 safety patrol fund to the division of highway safety,
 18 uniformed force, and radio communications of the
 19 department of public safety, for the fiscal year
 20 beginning July 1, 1995, and ending June 30, 1996, the
 21 following amount, or so much thereof as is necessary,
 22 to be used for the purpose designated:

23 For salaries, support, maintenance, workers'
 24 compensation costs, and miscellaneous purposes,
 25 including the state's contribution to the peace
 26 officers' retirement, accident, and disability system
 27 provided in chapter 97A in the amount of 18 percent of
 28 the salaries for which the funds are appropriated, and
 29 for not more than the following full-time equivalent
 30 positions:

31 \$ 33,210,467
 32 FTEs 553.50

33 Sec. 5. Highway Safety Patrol Fund. There is
 34 appropriated from the general fund of the state to the
 35 highway safety patrol fund created in section 80.41,
 36 the following amounts for the fiscal years indicated:

37 1. For the fiscal year beginning July 1, 1996, and
 38 ending June 30, 1997, \$9,000,000.

39 2. For the fiscal year beginning July 1, 1997, and
 40 ending June 30, 1998, \$18,000,000.

41 3. For the fiscal year beginning July 1, 1998, and
 42 ending June 30, 1999, \$27,000,000.

43 4. For the fiscal year beginning July 1, 1999, and
 44 ending June 30, 2000, \$36,000,000, or such increased
 45 amounts as is necessary to fully fund those expenses
 46 for which an appropriation is made pursuant to section
 47 80.41.

48 Sec. 6. The division of highway safety, uniformed
 49 force, and radio communications may expend an amount
 50 proportional to the costs that are reimbursable from

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1 the highway safety patrol fund created in section
 2 80.41, as enacted by this Act. Spending for these
 3 costs may occur from any unappropriated funds in the
 4 state treasury upon a finding by the department of
 5 management that all of the amounts requested and
 6 approved are reimbursable from the highway safety
 7 patrol fund. Upon payment to the highway safety
 8 patrol fund, the division of highway safety, uniformed
 9 force, and radio communications shall credit the
 10 payments necessary to reimburse the state treasury.

11 Sec. 7. There is appropriated from the general
 12 fund of the state to the department of public safety
 13 for the fiscal year beginning July 1, 1995, and ending
 14 June 30, 1996, the following amounts, or so much
 15 thereof as is necessary, to be used for the purposes
 16 designated:

17 For payment to the department of personnel for
 18 expenses incurred in administering the merit system on
 19 behalf of the division of highway safety, uniformed
 20 force, and radio communications:

21 \$ 88,390

22 Sec. 8. NEW SECTION. 80.41 HIGHWAY SAFETY PATROL
 23 FUND.

24 1. A highway safety patrol fund is created as a
 25 separate fund in the state treasury under the control
 26 of the department of revenue and finance. Interest
 27 and other moneys earned by the fund shall be deposited
 28 in the fund. The fund shall include moneys credited
 29 from the use tax as allocated under section 423.24,
 30 subsection 2.

31 2. Moneys credited to the fund shall be expended,
 32 pursuant to appropriations made from the fund by the
 33 general assembly, by the division of highway safety,
 34 uniformed force, and radio communications of the
 35 department of public safety for salaries, including
 36 salary adjustment moneys, support, maintenance, and
 37 miscellaneous purposes, including workers'
 38 compensation expenses and the state's contribution to
 39 the peace officers' retirement, accident, and
 40 disability system provided in chapter 97A.

41 3. Notwithstanding section 8.33, moneys credited
 42 to the fund which remain unobligated or unexpended at
 43 the close of a fiscal year shall not revert to the
 44 general fund of the state but shall be credited to the
 45 fund from which they were appropriated.

46 4. This section is repealed July 1, 2000.

47 Sec. 9. Section 423.24, subsection 2, Code 1995,
 48 is amended to read as follows:

49 2. Twenty percent of all revenue derived from the
 50 use tax on motor vehicles, trailers, and motor vehicle

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1 accessories and equipment as collected pursuant to
 2 section 423.7 shall be deposited in the GAAP deficit
 3 ~~reduction account established in the department of~~
 4 ~~management pursuant to section 8.57, subsection 2, and~~
 5 ~~shall be used and credited to the road use tax fund,~~
 6 except to the extent that the department directs that
 7 moneys are deposited in the highway safety patrol fund
 8 created in section 80.41 to the fund the
 9 appropriations made from the highway safety patrol
 10 fund in accordance with the provisions of that section
 11 80.41. The department shall determine the amount of
 12 moneys to be credited to the highway safety patrol
 13 fund and shall deposit that amount into the highway
 14 safety patrol fund.

DIVISION III

CAPITAL PROJECTS

BOARD OF REGENTS

18 Sec. 10. There is appropriated from the rebuild
 19 Iowa infrastructure account of the state to the state
 20 board of regents for the fiscal year beginning July 1,
 21 1995, and ending June 30, 1996, the following amounts,
 22 or so much thereof as is necessary, to be used for the
 23 purposes designated:

24 1. For replacement of the boiler at the Iowa
 25 braille and sight saving school:

26 \$ 296,000

27 2. For compliance with the federal Americans with
 28 Disabilities Act at the state school for the deaf:

29 \$ 50,000

30 3. For fire and environmental safety, renovation,
 31 or deferred maintenance, at Iowa state university of
 32 science and technology:

33 \$ 1,000,000

34 4. For fire and environmental safety, renovation,
 35 or deferred maintenance at the state university of
 36 Iowa:

37 \$ 1,000,000

38 5. For the performing arts center at the
 39 university of northern Iowa:

40 \$ 2,000,000

41 Notwithstanding section 8.33, unencumbered or
 42 unobligated funds remaining on June 30, 1996, from the
 43 funds appropriated in subsections 1 through 4, shall
 44 revert to the rebuild Iowa infrastructure account of
 45 the state on August 31, 1996, and unencumbered or
 46 unobligated funds remaining on June 30, 1999, from the
 47 funds appropriated in subsection 5, shall revert to
 48 the rebuild Iowa infrastructure account of the state
 49 on August 31, 1999.

50 DEPARTMENT OF CORRECTIONS

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1 Sec. 11. There is appropriated from the rebuild
2 Iowa infrastructure account of the state to the
3 department of corrections for the fiscal year
4 beginning July 1, 1995, and ending June 30, 1996, the
5 following amounts, or so much thereof as is necessary,
6 to be used for the purpose designated:
7 For connection of the Fort Madison correctional
8 facility with the Iowa communications network:
9 \$ 161,000
10 DEPARTMENT OF CULTURAL AFFAIRS
11 Sec. 12. There is appropriated from the rebuild
12 Iowa infrastructure account of the state to the
13 department of cultural affairs for the fiscal year
14 beginning July 1, 1995, and ending June 30, 1996, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:
17 To correct water seepage problems and complete
18 design specifications for rehabilitation work on the
19 centennial building in Iowa City:
20 \$ 180,000
21 Notwithstanding section 8.33, unencumbered or
22 unobligated funds remaining on June 30, 1997, from the
23 funds appropriated in this section, shall revert to
24 the rebuild Iowa infrastructure account of the state
25 on August 31, 1997.
26 DEPARTMENT OF GENERAL SERVICES
27 Sec. 13. There is appropriated from the rebuild
28 Iowa infrastructure account of the state to the
29 department of general services for the fiscal year
30 beginning July 1, 1995, and ending June 30, 1996, the
31 following amounts, or so much thereof as is necessary,
32 to be used for the purposes designated:
33 1. For exterior state capitol building
34 restoration:
35 \$ 7,165,000
36 2. For interior state capitol building
37 restoration:
38 \$ 2,100,000
39 3. For health, fire safety, and interior
40 maintenance needs of the state capitol building:
41 \$ 1,600,000
42 4. For major maintenance needs including health,
43 life and fire safety and for compliance with the
44 federal Americans with disabilities Act for state-
45 owned buildings and facilities:
46 \$ 4,000,000
47 Notwithstanding section 8.33, unencumbered or
48 unobligated funds remaining on June 30, 2000, from the
49 funds appropriated in this section, shall revert to
50 the rebuild Iowa infrastructure account of the state

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1 on August 31, 2000.

2 DEPARTMENT OF HUMAN SERVICES

3 Sec. 14. There is appropriated from the rebuild
4 Iowa infrastructure account of the state to the
5 department of human services for the fiscal year
6 beginning July 1, 1995, and ending June 30, 1996, the
7 following amount, or so much thereof as is necessary,
8 to be used for the purpose designated:

9 For costs associated with the development of the X-
10 pert computer system:

11 \$ 1,076,000

12 Notwithstanding section 8.33, unencumbered or unobligated
13 funds remaining on June 30, 1997, from the funds appropriated
14 in this section, shall revert to the rebuild Iowa
15 infrastructure account of the state on August 31, 1997.

16 DEPARTMENT OF MANAGEMENT

17 Sec. 15. There is appropriated from the rebuild
18 Iowa infrastructure account of the state to the
19 department of management for the fiscal year beginning
20 July 1, 1995, and ending June 30, 1996, the following
21 amount, or so much thereof as is necessary, to be used
22 for the purpose designated:

23 For the innovations fund:

24 \$ 1,245,000

25 DEPARTMENT OF NATURAL RESOURCES

26 Sec. 16. There is appropriated from the marine
27 fuel tax receipts deposited in the general fund of the
28 state to the department of natural resources for the
29 fiscal year beginning July 1, 1995, and ending June
30 30, 1996, the following amount, or so much thereof as
31 is necessary, to be used for the purpose designated:

32 For the purpose of funding capital projects
33 traditionally funded from marine fuel tax receipts for
34 the purposes specified in section 452A.79:

35 \$ 1,600,000

36 Notwithstanding section 8.33, unencumbered or
37 unobligated funds remaining on June 30, 1997, from the
38 funds appropriated in this section, shall revert to
39 the general fund of the state on August 31, 1997.

40 DEPARTMENT OF PUBLIC DEFENSE

41 Sec. 17. There is appropriated from the rebuild
42 Iowa infrastructure account of the state to the
43 department of public defense for the fiscal year
44 beginning July 1, 1995, and ending June 30, 1996, the
45 following amounts, or so much thereof as is necessary,
46 to be used for the purposes designated:

47 1. For maintenance and repair of national guard
48 armories and facilities:

49 \$ 382,000

50 2. To match federal funds for completion of the

1 addition and renovation of the armory in Fairfield:
 2 \$ 250,000
 3 3. To match federal funds for construction of a
 4 motor vehicle storage building at the Camp Dodge
 5 maintenance armory:
 6 \$ 420,000

7 Notwithstanding section 8.33, unencumbered or
 8 unobligated funds remaining on June 30, 1996, from the
 9 funds appropriated in this section, shall revert to
 10 the rebuild Iowa infrastructure account of the state
 11 on August 31, 1996.

12 LOTTERY TRANSFER

13 Sec. 18. Notwithstanding the requirement in
 14 section 99E.10, subsection 1, to transfer lottery
 15 revenue remaining after expenses are deducted,
 16 notwithstanding the requirement under section 99E.20,
 17 subsection 2, for the commissioner to certify and
 18 transfer a portion of the lottery fund to the CLEAN
 19 fund, and notwithstanding the appropriations and
 20 allocations in section 99E.34, all lottery revenues
 21 received during the fiscal year beginning July 1,
 22 1995, and ending June 30, 1996, after deductions as
 23 provided in section 99E.10, subsection 1, and as
 24 appropriated under any Act of the Seventy-sixth
 25 General Assembly, 1995 Session, shall not be
 26 transferred to and deposited into the CLEAN fund but
 27 shall be transferred and credited to the general fund
 28 of the state.

29 Sec. 19. Notwithstanding 1994 Iowa Acts, chapter
 30 1199, section 12, of the lottery revenues remaining
 31 after \$34,400,000 is transferred and credited to the
 32 general fund of the state during the fiscal year
 33 beginning July 1, 1994, the following amounts shall be
 34 transferred in descending priority order as follows:

35 1. To the treasurer of state for the continued
 36 funding of Iowa's participation in the funding of the
 37 world food prize:
 38 \$ 250,000

39 It is the intent of the general assembly that this
 40 appropriation of public funds will result in a
 41 commitment for additional funding for the world food
 42 prize from private sources.

43 The treasurer of state shall only provide the funds
 44 appropriated in this section to the world food prize
 45 foundation if sufficient private funds are raised to
 46 maintain the world food prize foundation in Iowa and
 47 the foundation is structured to include representation
 48 that reflects environmental concerns and sustainable
 49 agriculture.

50 2. To the treasurer of state for purposes of

1 allocating moneys to assist each of the 103 county
 2 fairs which are members of the association of Iowa
 3 fairs, for purposes of supporting annual county fairs
 4 and improvements to the county fairgrounds:

5 \$ 1,000,000

6 The treasurer of state shall allocate an equal
 7 amount to each member fair. However, moneys shall
 8 only be expended by a county fair on a dollar-for-
 9 dollar matching basis with moneys received from
 10 donations contributed to the county fair from private
 11 sources or moneys contributed by a county to aid the
 12 county fair pursuant to section 174.14.

13 3. The remaining revenues to the Iowa state fair
 14 foundation for capital projects and major maintenance
 15 improvements at the Iowa state fairgrounds.

16 DIVISION IV

17 Sec. 20. 1994 Iowa Acts, chapter 1199, section 10,
 18 is amended by adding the following new unnumbered
 19 paragraph:

20 NEW UNNUMBERED PARAGRAPH. The provisions of
 21 section 8.33 do not apply to the funds appropriated in
 22 this section. Unencumbered or unobligated funds
 23 remaining on June 30, 1995, from funds appropriated
 24 for the fiscal year beginning July 1, 1994, shall not
 25 revert but shall remain available for expenditure
 26 during the fiscal year beginning July 1, 1995, for the
 27 purposes for which they were appropriated.

28 Sec. 21. 1993 Iowa Acts, chapter 169, section 14,
 29 subsection 2, paragraph a, is amended to read as
 30 follows:

31 a. The department shall retain all administrative
 32 authority over licensing functions which shall include
 33 administrative procedures relating to cancellation,
 34 revocation, or suspension of licenses, including
 35 administrative hearings and appeals and training and
 36 shall retain all supervisory authority over the
 37 issuance of commercial driver's licenses and the
 38 administration of written tests.

39 Sec. 22. 1993 Iowa Acts, chapter 169, section 14,
 40 subsection 2, is amended by adding the following new
 41 paragraph:

42 NEW PARAGRAPH. f. The county treasurers shall be
 43 subject to the supervision of the state department of
 44 transportation and shall be considered agents of the
 45 department when performing motor vehicle licensing
 46 functions.

47 Sec. 23. 1993 Iowa Acts, chapter 169, section 14,
 48 subsection 3, is amended to read as follows:

49 3. Notwithstanding the provisions of chapters 321
 50 and 321L which grant sole authority to the department

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1 for the issuance of motor vehicle licenses,
2 nonoperator's identification cards, and handicapped
3 identification devices, the county treasurer in each
4 of the counties chosen for the pilot project shall be
5 granted the same authority as is given to the
6 department in relation to the issuance of motor
7 vehicle licenses, nonoperator's identification cards,
8 and handicapped identification devices under chapters
9 321 and 321L. However, a county shall only be
10 authorized to issue commercial driver's licenses if
11 certified to do so by the department. If a county
12 fails to meet the standards for certification under
13 this section, the department itself shall provide for
14 the issuance of commercial driver's licenses in that
15 county. The department shall certify the county
16 treasurers to issue commercial driver's licenses if
17 all of the following conditions are met:

18 a. The driving skills test is the same as that
19 which would otherwise be administered by the state.

20 b. The county examiner contractually agrees to
21 comply with the requirements of 49 C.F.R. § 383.75,
22 adopted as of a specific date by rule by the
23 department.

24 c. The department provides supervision over the
25 issuance of commercial driver's licenses by the county
26 treasurers.

27 Sec. 24. DRIVER'S LICENSE PILOT PROJECT.

28 1. The driver's license pilot project implemented
29 in accordance with 1993 Iowa Acts, chapter 169,
30 section 14, is extended until June 30, 1996.

31 2. The legislative council is requested to
32 establish an interim study committee to evaluate
33 expansion of the driver's license pilot program to
34 include additional counties and to determine the
35 feasibility of permanently transferring authority to
36 the six pilot project counties to issue driver's
37 licenses. The committee shall evaluate the benefits
38 to the public from the issuance of driver's licenses
39 by the counties and the cost effectiveness of doing
40 so. The committee shall hear testimony from federal
41 transportation officials regarding issuance of
42 commercial driver's licenses and compliance with
43 federal regulations. The committee shall provide
44 recommendations regarding such expansion to the
45 general assembly no later than December 15, 1995.

46 3. Notwithstanding any other provisions to the
47 contrary, the county treasurers of Adams, Cass,
48 Fremont, Mills, Montgomery, and Page counties may
49 retain for deposit in the county general fund, up to
50 five dollars for each motor vehicle license

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1 transaction, including, but not limited to, issuance
2 or renewal of motor vehicle licenses, nonoperator's
3 identification cards, or handicapped identification
4 devices.

5 4. As a condition for retention of moneys under
6 this subsection, a county treasurer shall document the
7 actual quarterly expenditures associated with driver's
8 license issuance including the amount of time spent
9 during that quarter on driver's license-related
10 activities, the proportionate share of salaries and
11 benefits for county employees performing driver's
12 license-related activities, the total numbers of
13 transactions conducted, and other costs related to the
14 administration of driver's license-related activities.
15 Each county treasurer shall provide the documentation
16 of expenditures to the state department of trans-
17 portation and legislative fiscal bureau. If the
18 county treasurer's total expenses are less than the
19 moneys retained under this subsection, the county
20 treasurer shall submit the difference to the treasurer
21 of state on a quarterly basis. The treasurer of state
22 shall deposit that amount in the road use tax fund.

23 Sec. 25. The state department of transportation
24 shall consider as a priority for inclusion into the
25 state five-year transportation plan the preparation of
26 planning studies for development of highway bypass
27 projects that promote the safe flow of traffic and
28 economic development in the project areas.

29 Sec. 26. The provisions of section 8.33 do not
30 apply to the \$70,000 appropriation to the state
31 department of transportation for a study to determine
32 the potential costs and benefits of the development of
33 rail passenger service between Cedar Rapids and Iowa
34 City, made in 1994 Iowa Acts, chapter 1189, section 8,
35 subsection 1, paragraph "a", but shall remain
36 available for expenditure until June 30, 1996.
37 Unencumbered or unobligated moneys remaining on June
38 30, 1996, shall revert to the general fund of the
39 state on August 31, 1996.

40 Sec. 27. Section 314.21, subsection 3, paragraph
41 b, subparagraph (1), Code 1995, is amended to read as
42 follows:

43 (1) For the fiscal period year beginning July 1,
44 ~~1989 1995~~, and ending June 30, ~~1995~~, fifty 1996 and
45 each subsequent fiscal year, seventy-five thousand
46 dollars in each fiscal year to the university of
47 northern Iowa to maintain the position of the state
48 roadside specialist and to continue its integrated
49 roadside vegetation management ~~pilot~~ program providing
50 research, education, training, and technical

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1 assistance.

2 Sec. 28. The legislative fiscal bureau shall
3 evaluate the living roadway trust program and provide
4 a written report to the joint appropriations
5 subcommittee on transportation, infrastructure and
6 capitals by January 15, 1996.

7 Sec. 29. Section 20 of this Act, being deemed of
8 immediate importance, takes effect upon enactment.
9 The sections of this Act providing for lottery
10 transfers, being deemed of immediate importance, take
11 effect upon enactment."

12 2. Title page, by striking lines 1 through 12 and
13 inserting the following: "An Act relating to and
14 making appropriations to the state department of
15 transportation including allocation and use of moneys
16 from the general fund, road use tax fund, and primary
17 road fund, making appropriations for the highway
18 patrol from the use tax and the general fund, and
19 making appropriations for capital projects from the
20 rebuild Iowa infrastructure account, the general fund
21 of the state, and lottery revenues, relating to the
22 living roadway trust fund, the state roadside
23 specialist, and the county treasurer's driver's
24 license pilot project, and providing an effective
25 date."

Blodgett of Cerro Gordo offered the following amendment H-4085,
to the committee amendment H-4081, filed by him and May from the
floor and moved its adoption:

H-4085

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 18 and inserting the
5 following: "provided in chapter 327I, and for up to
6 \$100,000 for the renovation of historical electric
7 rail cars and the payment of renovation expenses
8 incurred by the Mason City-Clear Lake electric trolley
9 railroad historical society, provided matching funds
10 are raised and expended for that purpose:"

A non-record roll call was requested.

The ayes were 42, nays 28.

Amendment H-4085 was adopted.

Cohoon of Des Moines offered the following amendment H-4099, to
the committee amendment H-4081 filed by Cohoon, Warnstadt and
Ollie from the floor and moved its adoption:

H-4099

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 45 the
5 following:

6 "It is the intent of the general assembly that the
7 state department of transportation conduct an
8 intermodal transportation study to analyze the
9 feasibility and need for additional intermodal
10 transportation facilities in Iowa. The study shall
11 include an analysis of the potential economic benefit
12 to affected communities. The study shall be conducted
13 for areas of the state located more than seventy-five
14 miles from existing intermodal transportation
15 facilities. The department shall give preference to
16 communities wishing to be included in the study. For
17 purposes of this study, "intermodal transportation
18 facility" means a facility that acts as an exchange
19 center for goods which are transferred from one
20 modality to another."

Amendment H-4099 was adopted.

Cohon of Des Moines offered amendment H-4100, to the commit-
tee amendment H-4081, filed by him from the floor as follows:

H-4100

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 4, line 16, through page 6,
5 line 14, and inserting the following:

6 "Sec. ____ NEW SECTION. 80.41 HIGHWAY SAFETY
7 PATROL FUND.

8 A highway safety patrol fund is created as a
9 separate fund in the state treasury. Interest and
10 other moneys earned by the fund shall be deposited in
11 the fund. The fund shall include moneys credited from
12 the use tax as allocated under section 423.24,
13 subsection 2. The moneys credited to the fund for the
14 fiscal year beginning July 1, 1995, and ending June
15 30, 1996, shall be appropriated as follows:

16 1. Thirty-three million, two hundred ten thousand,
17 four hundred sixty-seven dollars shall be appropriated
18 to the division of highway safety, uniformed force,
19 and radio communications of the department of public
20 safety to be used for salaries, support, maintenance,
21 and miscellaneous purposes, including workers'
22 compensation expenses and the state's contribution to
23 the peace officers' retirement, accident, and
24 disability system provided in chapter 97A in the

25 amount of eighteen percent of the salaries for which
26 the funds are appropriated.
27 2. Sufficient moneys for the division of highway
28 safety uniformed force, and radio communications of
29 the department of public safety for salary adjustment.
30 3. Any revenues remaining shall be credited to the
31 road use tax fund created under section 312.1.
32 It is the intent of the general assembly that
33 moneys be appropriated from the general fund of the
34 state to partially fund the division of highway
35 safety, uniformed force, and radio communications of
36 the department of public safety by fiscal year 1996-
37 1997 and to fully fund the division by fiscal year
38 2000-2001 and each fiscal year thereafter. It is
39 further intended that the fund created in this section
40 be repealed when the highway patrol is fully funded
41 from the general fund of the state and all use tax
42 receipts designated in section 423.24, subsection 2,
43 are deposited in the road use tax fund.
44 Sec. ____ Section 423.24, subsection 2, Code 1995,
45 is amended to read as follows:
46 2. Twenty percent of all revenue derived from the
47 use tax on motor vehicles, trailers, and motor vehicle
48 accessories and equipment as collected pursuant to
49 section 423.7 shall be deposited in the ~~GAAP deficit~~
50 ~~reduction account established in the department of~~

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1 ~~management pursuant to section 8.57, subsection 2,~~
2 highway safety patrol fund created in section 80.41,
3 and shall be used in accordance with the provisions of
4 that section.”
5 2. By renumbering as necessary.

Speaker pro tempore Van Maanen of Marion in the chair at 6:40 p.m.

On motion by Cohoon of Des Moines, amendment H-4100, to the committee amendment H-4081, lost.

Mascher of Johnson offered the following amendment H-4101, to the committee amendment H-4081 filed by Mascher, Bernau, Myers, Burnett, Doderer and Witt from the floor and moved its adoption:

H-4101

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 6, line 33, by striking the figure
5 “1,000,000” and inserting the following: “3,000,000”.

6 2. Page 6, line 37, by striking the figure
7 "1,000,000" and inserting the following: "3,000,000".

Amendment H-4101 lost.

Mundie of Webster offered the following amendment H-4094, to the committee amendment H-4081, filed by him from the floor and moved its adoption:

H-4094

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by inserting after line 9 the
5 following:

6 "Sec. ____ There is appropriated from the rebuild
7 Iowa infrastructure account of the state to the
8 department of corrections for the fiscal year
9 beginning July 1, 1995, and ending June 30, 1996, the
10 following amount, or so much thereof as is necessary,
11 to be used for the purpose designated:

12 For the construction of, or the remodeling or
13 renovation of, a building for use as a residential
14 facility and office in Fort Dodge by the second
15 judicial district department of correctional services:

16\$ 1,900,000

17 It is the intent of the general assembly that the
18 department of corrections issue a request for
19 proposals for the construction of, or the remodeling
20 or renovation of, a building for use as a residential
21 facility and office in Fort Dodge by the second
22 judicial district department of correctional services.
23 If a proposal is accepted by the department, but in no
24 event earlier than January 30, 1996, the department of
25 corrections is authorized to construct a residential
26 facility and office in Fort Dodge or remodel or
27 renovate an existing building for use as a residential
28 facility and office in Fort Dodge, for use by the
29 second judicial district department of correctional
30 services.

31 Notwithstanding section 8.33, unencumbered or
32 unobligated funds remaining on June 30, 1998, from the
33 funds appropriated in this section, shall revert to
34 the rebuild Iowa infrastructure account of the state
35 on August 31, 1998."

36 2. By renumbering as necessary.

Amendment H-4094 lost.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H-4086, to the committee amendment H-4081, filed by him and May from the floor.

Murphy of Dubuque offered the following amendment H-4088, to the committee amendment H-4081, filed by him from the floor and moved its adoption:

H-4088

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by inserting after line 25 the
5 following:

6 "DEPARTMENT OF EDUCATION

7 Sec. ____ There is appropriated from the rebuild
8 Iowa infrastructure account of the state to the
9 department of education for the fiscal year beginning
10 July 1, 1995, and ending June 30, 1996, \$5,000,000, to
11 be used for compliance with the federal Americans with
12 Disabilities Act, for fire and environmental safety,
13 for implementation of energy conservation measures,
14 for reduction of technological obsolescence in
15 instructional equipment and facilities for community
16 colleges and for other stated purposes to be allocated
17 to the merged areas in the following amounts:

18 1. Merged Area I

19 For the construction of a building to house the
20 national center for agricultural rescue and emergencies:

21 \$ 1,000,000

22 The appropriation to Merged Area I in this
23 subsection is contingent upon the receipt of federal
24 funds. If federal funding is not received, Merged
25 Area I shall be allocated \$272,700 and the remainder
26 of the appropriation shall revert to the rebuild Iowa
27 infrastructure account of the state.

- 28 2. Merged Area II \$ 234,872
- 29 3. Merged Area III \$ 233,546
- 30 4. Merged Area IV \$ 117,336
- 31 5. Merged Area V \$ 334,845
- 32 6. Merged Area VI \$ 235,187
- 33 7. Merged Area VII \$ 306,353

34 Of the appropriation in this subsection, up to
35 \$150,000 shall be used for purposes of renovating a
36 building for use as an urban center with classrooms to
37 prepare students for the workplace or to pursue
38 postsecondary education.

- 39 8. Merged Area IX \$ 275,581
- 40 9. Merged Area X \$ 480,290
- 41 10. Merged Area XI \$ 467,040
- 42 11. Merged Area XII \$ 287,189
- 43 12. Merged Area XIII \$ 264,044
- 44 13. Merged Area XIV \$ 150,162
- 45 14. Merged Area XV \$ 417,482
- 46 15. Merged Area XVI \$ 196,073

- 47 Notwithstanding section 8.33, unencumbered or
 48 unobligated funds remaining on June 30, 1997, from the
 49 funds appropriated in this section, shall revert to
 50 the rebuild Iowa infrastructure account of the state

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- 1 on August 31, 1997.”
 2 2. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question “Shall amendment H-4088, to the committee amendment H-4081, be adopted?” (S.F. 481)

The ayes were, 35:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohoon
Coon	Daggett	Doderer	Drees
Hanson	Harper	Jochum	Koenigs
Lamberti	Larkin	Mascher	May
McCoy	Mertz	Mundie	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Running	Schrader
Warnstadt	Weigel	Witt	

The nays were, 58:

Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Cornelius	Dinkla
Disney	Drake	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kreiman	Kremer	Lord
Main	Martin	Metcalf	Meyer
Millage	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, 7:

Blodgett	Brammer	Connors	Ertl
Holveck	Larson	Shoultz	

Amendment H-4088 lost.

Nelson of Pottawattamie offered the following amendment H-4103, to the committee amendment H-4081, filed by her from the floor and moved its adoption:

H-4103

- 1 Amend the amendment, H-4081, to Senate File 481, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, by inserting after line 25 the
- 5 following:
- 6 "DEPARTMENT OF ECONOMIC DEVELOPMENT
- 7 Sec. ____ There is appropriated from the rebuild
- 8 Iowa infrastructure account of the state to the
- 9 department of economic development for the fiscal year
- 10 beginning July 1, 1995, and ending June 30, 1996, the
- 11 following amount, or so much thereof as is necessary,
- 12 to be used for the purpose designated:
- 13 For completion of the western historic trails
- 14 welcome center:
- 15 \$275,000
- 16 Notwithstanding section 8.33, unencumbered or unobligated
- 17 funds remaining on June 30, 1997, from the funds appropriated
- 18 in this section, shall revert to the rebuild Iowa
- 19 infrastructure account of the state on August 31, 1997."
- 20 2. By renumbering as necessary.

Amendment H-4103 was adopted.

Murphy of Dubuque offered the following amendment H-4089, to the committee amendment H-4081, filed by him from the floor and moved its adoption:

H-4089

- 1 Amend the amendment, H-4081, to Senate File 481, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, by inserting after line 49 the
- 5 following:
- 6 "1A. To the division of community action agencies
- 7 of the department of human rights for qualifying
- 8 energy conservation programs for low-income persons,
- 9 including but not limited to, energy weatherization
- 10 projects which target the highest energy users:
- 11 \$100,000
- 12 The appropriation in this subsection is only
- 13 effective if the community action agencies budgets for
- 14 the state fiscal year 1995 are reduced by ten percent
- 15 or more due to actions taken by the federal government
- 16 for federal fiscal year 1995."
- 17 2. By renumbering and relettering as necessary.

Amendment H-4089 lost.

Millage of Scott offered the following amendment H-4090, to the committee amendment H-4081, filed by him from the floor and moved its adoption:

H-4090

- 1 Amend the amendment, H-4081, to Senate File 481, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 10, by inserting after line 15 the
- 5 following:
- 6 "The provisions of section 8.33 do not apply to the
- 7 funds appropriated in this section. Unencumbered or
- 8 unobligated funds remaining on June 30, 1995, from
- 9 funds appropriated in subsections 1 and 2 of this
- 10 section, shall not revert but shall remain available
- 11 for expenditure until June 30, 1996, and shall revert
- 12 to the general fund of the state on August 31, 1996.
- 13 Unencumbered or unobligated funds remaining on June
- 14 30, 1995, from funds appropriated in subsection 3
- 15 shall not revert but shall remain available for
- 16 expenditure until June 30, 1998, and shall revert to
- 17 the general fund of the state on August 31, 1998."
- 18 2. By renumbering as necessary.

Amendment H-4090 was adopted.

Weidman of Cass offered the following amendment H-4091, to the committee amendment H-4081, filed by Weidman, Houser, Boggess, Hammitt, Daggett and Drake from the floor and moved its adoption:

H-4091

- 1 Amend the amendment, H-4081, to Senate File 481, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 10, line 28, through page 11,
- 5 line 26.
- 6 2. Page 11, by striking lines 28 through 30.
- 7 3. Page 11, by striking lines 34 through 37 and
- 8 inserting the following: "include additional
- 9 counties. The committee shall evaluate the benefits".
- 10 4. Page 13, by inserting after line 1 the
- 11 following:
- 12 "Sec. ____ NEW SECTION. 321.179 COUNTY
- 13 TREASURERS — ISSUANCE OF MOTOR VEHICLE LICENSES.
- 14 1. Notwithstanding the provisions of this chapter
- 15 or chapter 321L which grant sole authority to the
- 16 department for the issuance of motor vehicle licenses,
- 17 nonoperator's identification cards, and handicapped
- 18 identification devices, the counties of Adams, Cass,
- 19 Fremont, Mills, Montgomery, and Page shall be
- 20 authorized to issue motor vehicle licenses,

21 nonoperator's identification cards, and handicapped
 22 identification devices on a permanent basis. However,
 23 a county shall only be authorized to issue commercial
 24 driver's licenses if certified to do so by the
 25 department. If a county fails to meet the standards
 26 for certification under this section, the department
 27 itself shall provide for the issuance of commercial
 28 driver's licenses in that county. The department
 29 shall certify the county treasurers in the permanent
 30 counties to issue commercial driver's licenses if all
 31 of the following conditions are met:

32 a. The driving skills test is the same as that
 33 which would otherwise be administered by the state.

34 b. The county examiner contractually agrees to
 35 comply with the requirements of 49 C.F.R. § 383.75,
 36 adopted as of a specific date by rule by the
 37 department.

38 c. The department provides supervision over the
 39 issuance of commercial driver's licenses and the
 40 administration of written tests by the county
 41 treasurers.

42 2. The county treasurers shall be subject to the
 43 supervision of the department and shall be considered
 44 agents of the department when performing motor vehicle
 45 licensing functions."

46 5. By renumbering as necessary.

Roll call was requested by Cohoon of Des Moines and Ollie of Clinton.

On the question "Shall amendment H-4091, to the committee amendment H-4081, be adopted?" (S.F. 481)

The ayes were, 54:

Arnold	Boddicker	Boggess	Brand
Brunkhorst	Carroll	Coon	Corbett, Spkr.
Daggett	Dinkla	Drake	Drees
Eddie	Fallon	Greig	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jochum
Kreiman	Lamberti	Larson	Lord
Main	May	Mertz	Metcalf
Meyer	Moreland	Mundie	Nelson, B.
O'Brien	Rants	Renken	Salton
Schrader	Schulte	Siegrist	Sukup
Teig	Tyrrrell	Vande Hoef	Veenstra
Weidman	Van Maanen, Presiding		

The nays were, 41:

Baker	Bell	Bernau	Blodgett
Bradley	Branstad	Brauns	Burnett

Cataldo	Churchill	Cohoon	Connors
Cormack	Disney	Doderer	Garman
Gipp	Hahn	Hanson	Jacobs
Klemme	Koenigs	Kremer	Larkin
Martin	Mascher	McCoy	Millage
Murphy	Myers	Nelson, L.	Nutt
Ollie	Running	Shoultz	Thomson
Van Fossen	Warnstadt	Weigel	Welter
Witt			

Absent or not voting, 5:

Brammer	Cornelius	Ertl	Holveck
Wise			

Amendment H-4091 was adopted.

Koenigs of Mitchell offered the following amendment H-4096, to the committee amendment H-4081, filed by Koenigs, Ollie and Welter from the floor and moved its adoption:

H-4096

1 Amend the amendment, H-4081, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 11, line 46, through page 12,
 5 line 4, and inserting the following: "Notwithstanding
 6 section 321.191, the county treasurers in the six
 7 pilot project counties shall add an additional five-
 8 dollar fee to the cost of a motor vehicle license.
 9 This fee shall be paid by the licensee and shall be in
 10 addition to the fee imposed pursuant to section
 11 321.191. This fee shall be retained by the county
 12 treasurer and shall be deposited in the county general
 13 fund."

A non-record roll call was requested.

The ayes were 39, nays 50.

Amendment H-4096 lost.

Koenigs of Mitchell offered the following amendment H-4097, to the committee amendment H-4081, filed by Koenigs, Ollie and Welter from the floor and moved its adoption:

H-4097

1 Amend the amendment, H-4081, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 11, line 46, through page 12,
 5 line 4, and inserting the following: "Notwithstanding

6 section 321.191, the county treasurers in the six
7 pilot project counties shall add an additional three-
8 dollar fee to the cost of a motor vehicle license.
9 This fee shall be paid by the licensee and shall be in
10 addition to the fee imposed pursuant to section
11 321.191. This fee shall be retained by the county
12 treasurer and shall be deposited in the county general
13 fund."

A non-record roll call was requested.

The ayes were 33, nays 43.

Amendment H-4097 lost.

Mundie of Webster offered amendment H-4092, to the committee amendment H-4081, filed by him from the floor as follows:

H-4092

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 12, by inserting after line 22 the
5 following:
6 "Sec. ____ The department of education shall
7 provide a report to the general assembly by January
8 15, 1997, regarding the progress the department is
9 making in implementing the motorcycle education course
10 under section 321.189. The report shall include an
11 analysis of the availability of classroom space, the
12 curriculum of the motorcycle education course that
13 will be offered for persons under the age of 18 and
14 for persons age 18 or above, and those organizations
15 that will be offering the motorcycle education
16 course."
17 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-4092 was not germane, to the committee amendment H-4081.

The Speaker ruled the point well taken and amendment H-4092 not germane, to the committee amendment H-4081.

Fallon of Polk offered amendment H-4095, to the committee amendment H-4081, filed by him from the floor as follows:

H-4095

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 12, by inserting after line 39 the
5 following:

6 "Sec. ____ Section 22.7, Code 1995, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 33. Personal information
9 contained in state department of transportation
10 handicapped parking permit records capable of
11 disclosure by bulk distribution for purposes of
12 surveys, marketing, or solicitations, unless the
13 individual who is the subject of the record has been
14 given an opportunity by the state department of
15 transportation to prohibit the disclosure."

16 2. Page 13, by inserting after line 1 the
17 following:

18 "Sec. ____ Section 321.11, Code 1995, is amended
19 by adding the following new unnumbered paragraph:
20 NEW UNNUMBERED PARAGRAPH. However, personal
21 information contained in department handicapped
22 parking permit records may only be disclosed by bulk
23 distribution for purposes of surveys, marketing, or
24 solicitations, if the individual who is the subject of
25 the record has been given an opportunity by the
26 department to prohibit the disclosure."

27 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-4095 was not germane, to the committee amendment H-4081.

The Speaker ruled the point well taken and amendment H-4095 not germane, to the committee amendment H-4081.

Fallon of Polk moved to suspend the rules to consider amendment H-4095.

A non-record roll call was requested.

The ayes were 22, nays 45.

The motion to suspend the rules lost.

Mundie of Webster asked and received unanimous consent to withdraw amendment H-4093, to the committee amendment H-4081, filed by him from the floor.

Siegrist of Pottawattamie offered the following amendment H-4105, to the committee amendment H-4081, filed by him and Nelson of Pottawattamie from the floor and moved its adoption:

H-4105

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 6, line 28, by inserting after the word
5 "Act" the following: "or for fire and environmental
6 safety".

Amendment H-4105 was adopted.

On motion by Brauns of Muscatine, the following amendment H-4107, filed from the floor, to the committee amendment H-4081, was adopted by unanimous consent:

H-4107

- 1 Amend the amendment, H-4081, to Senate File 481, as
- 2 amended, passed, and reprinted by the Senate; as
- 3 follows:
- 4 Page 4, line 35, by striking the word "highway" and
- 5 inserting the word "highway".

On motion by Brauns of Muscatine, the committee amendment H-4081, as amended 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?" (S.F. 481)

The ayes were, 80:

Arnold	Bernau	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	May	McCoy	Mertz
Metcalf	Meyer	Millage	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Witt	Van Maanen, Presiding

The nays were, 18:

Baker	Bell	Brand	Branstad
Cohoon	Fallon	Harper	Holveck
Koenigs	Kreiman	Larkin	Mascher

Moreland
Warnstadt

Murphy
Wise

Running

Shultz

Absent or not voting, 2:

Brammer

Ertl

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 481** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 577, by committee on ways and means, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters.

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

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of **House File 574**.

House File 574, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for other properly related matters, and providing an effective date, was taken up for consideration.

Brand of Benton offered the following amendment H-4087 filed by him from the floor and moved its adoption:

H-4087

- 1 Amend House File 574 as follows:
- 2 1. Page 4, by inserting after line 18 the follow-
- 3 ing: "The insurance division shall adopt rules to
- 4 require a cost-based reimbursement for health services
- 5 provided by rural health clinics serving federal
- 6 health care manpower shortage areas."

Amendment H-4087 lost.

Hanson of Black Hawk offered the following amendment H-4079 filed by him from the floor and moved its adoption:

H-4079

- 1 Amend House File 574 as follows:
- 2 1. Page 16, line 16, by inserting after the word
- 3 "training" the following: ", and".
- 4 2. Page 19, line 4, by striking the figure "8"
- 5 and inserting the following: "5".
- 6 3. Page 23, line 13, by inserting after the word
- 7 "finance," the following: "and".

Amendment H-4079 was adopted.

Kreiman of Davis asked and received unanimous to withdraw amendment H-4078 filed by Kreiman, Disney and Ertl from the floor.

Kreiman of Davis offered amendment H-4080 filed by him from the floor as follows:

H-4080

- 1 Amend House File 574 as follows:
- 2 1. Page 24, by inserting before line 1 the
- 3 following:
- 4 "Sec. 101. Section 476.6, Code 1995, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 22. If a rate-regulated public
- 7 utility acquires all or part of another rate-regulated
- 8 utility, the acquired public utility service area
- 9 shall be considered a separate service area of the
- 10 public utility for the purpose of determining customer
- 11 rates, charges, and schedules. The board shall
- 12 approve rate adjustments, charges, and schedules only
- 13 which reflect the differences between the customer
- 14 rates, charges, and schedules of the separate service
- 15 areas at the time of acquisition."
- 16 2. Page 24, line 1, by inserting after the words
- 17 "and section" the following: "101, being deemed of
- 18 immediate importance, take effect upon enactment.
- 19 Section 101 of this Act is retroactive to April 1,
- 20 1995. Section".
- 21 3. Title page, line 3, by inserting after the
- 22 word "for" the following: "regulatory authority and".
- 23 4. Title page, line 4, by inserting after the
- 24 word "date" the following: "and retroactive date".

Millage of Scott rose on a point of order that amendment H-4080 was not germane.

The Speaker ruled the point well taken and amendment H-4080 not germane.

Murphy of Dubuque offered the following amendment H-4109 filed by him from the floor and moved its adoption:

H-4109

- 1 Amend House File 574 as follows:
- 2 1. Page 5, by striking lines 19 through 22.

Roll call was requested by Running of Linn and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-4109 be adopted?" (H.F. 574)

The ayes were, 34:

Baker	Bell	Bernau	Bogges
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 63:

Arnold	Blodgett	Boddicker	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, 3:

Brammer	McCoy	Mertz
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Amendment H-4109 lost.

Rule 76 invoked, McCoy of Polk and Mertz of Kossuth invoked Rule 76, conflict of interest, and refrained from voting.

Murphy of Dubuque offered the following amendment H-4110 filed by him from the floor and moved its adoption:

H-4110

- 1 Amend House File 574 as follows:
- 2 1. Page 15, line 2, by striking the figure
- 3 "1,959,287" and inserting the following: "1,899,287".
- 4 2. Page 15, line 3, by striking the figure
- 5 "29.00" and inserting the following: "28.00".

Amendment H-4110 lost.

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. 574)

The ayes were, 71:

Arnold	Blodgett	Boddicker	Boggest
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Murphy	Nelson, B.	Nutt	O'Brien
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

The nays were, 26:

Baker	Bell	Bernau	Brand
Burnett	Cohoon	Drees	Fallon
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Moreland	Mundie
Myers	Nelson, L.	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 3:

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

Rule 76 invoked, McCoy of Polk and Mertz of Kossuth invoked Rule 76, conflict of interest and refrained from voting.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 574** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 26, 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 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.

Also: That the Senate has on April 26, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 26, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 257, a bill for an act relating to the administration of trusts and estates by corporate fiduciaries.

Also: That the Senate has on April 26, 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 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.

Also: That the Senate has on April 26, 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 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.

JOHN F. DWYER, Secretary

SENATE AMENDMENTS CONSIDERED

Halvorson of Clayton called up for consideration **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, amended by the following Senate amendment H-4102:

H-4102

1 Amend House File 247, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ Section 87.4, Code 1995, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The workers'
8 compensation premium written on a municipality which
9 is a member of an insurance pool which provides
10 workers' compensation insurance coverage to a
11 statewide group of municipalities, as defined in
12 section 670.1, shall not be considered in the
13 determination of any assessments levied pursuant to an
14 agreement established under section 515A.15."

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

17 "Sec. ____ NEW SECTION. 505.22 CERTAIN RELIGIOUS
18 ORGANIZATION ACTIVITIES EXEMPT FROM REGULATION.

19 A religious organization which, through its
20 publication to subscribers, solicits funds for the
21 payment of medical expenses of other subscribers,
22 shall not be considered to be engaging in the business
23 of insurance for purposes of this chapter or any other
24 provision of Title XIII, and shall not be subject to
25 the jurisdiction of the commissioner of insurance, if
26 all of the following apply:

27 1. The religious publication is provided by a
28 nonprofit charitable organization described in section
29 501(c)(3) of the Internal Revenue Code.

30 2. Participation is limited to subscribers who are
31 members of the same denomination or religion.

32 3. The publication is registered with the United
33 States postal service and acts as an organizational
34 clearinghouse for information between subscribers who
35 have financial, physical, or medical needs, and
36 subscribers who choose to assist with those needs,

37 matching subscribers with the present ability to pay
38 with subscribers with a present financial or medical
39 need.

40 4. The organization, through its publication,
41 provides for the payment for subscriber financial or
42 medical needs through direct payments from one
43 subscriber to another.

44 5. The organization, through its publication,
45 suggests amounts to contribute that are voluntary
46 among the subscribers, with no assumption of risk or
47 promise to pay either among the subscribers or between
48 the subscribers and the publication."

49 3. Page 2, by inserting after line 2 the
50 following:

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1 "Sec. ____ Section 507B.4, subsection 7, Code
2 1995, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. c. Making or permitting any
5 discrimination in the sale of insurance solely on the
6 basis of domestic abuse as defined in section 236.2."

7 4. Page 5, by inserting after line 9 the
8 following:

9 "Sec. ____ NEW SECTION. 514C.8 COORDINATION OF
10 HEALTH CARE BENEFITS WITH STATE MEDICAL ASSISTANCE.

11 1. An insurer, health maintenance organization, or
12 hospital and medical service plan providing health
13 care coverage to individuals in this state shall not
14 consider the availability of or eligibility for
15 medical assistance under Title XIX of the federal
16 Social Security Act and chapter 249A, when determining
17 eligibility of the individual for coverage or
18 calculating payments to the individual under the
19 health care coverage plan.

20 2. The state acquires the rights of an individual
21 to payment from an insurer, health maintenance
22 organization, or hospital or medical service plan to
23 the extent payment for covered expenses is made
24 pursuant to chapter 249A for health care items or
25 services provided to the individual. Upon
26 presentation of proof that payment was made pursuant
27 to chapter 249A for covered expenses, the insurer,
28 health maintenance organization, or hospital or
29 medical service plan shall make payment to the state
30 medical assistance program to the extent of the
31 coverage provided in the policy or contract.

32 3. An insurer shall not impose requirements on the
33 state with respect to the assignment of rights
34 pursuant to this section that are different from the
35 requirements applicable to an agent or assignee of a
36 covered individual.

37 4. For purposes of this section, "insurer" means

38 an entity which offers a health benefit plan,
39 including a group health plan under the federal
40 Employee Retirement Income Security Act of 1974.
41 Sec. ____ NEW SECTION. 514C.9 MEDICAL SUPPORT —
42 INSURANCE REQUIREMENTS.
43 1. An insurer shall not deny coverage or
44 enrollment of a child under the health plan of the
45 obligor upon any of the following grounds:
46 a. The child is born out of wedlock.
47 b. The child is not claimed as a dependent on the
48 obligor's federal income tax return.
49 c. The child does not reside with the obligor or
50 in the insurer's service area. This section shall not

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1 be construed to require a health maintenance
2 organization regulated under chapter 514B to provide
3 any services or benefits for treatment outside of the
4 geographic area described in its certificate of
5 authority which would not be provided to a member
6 outside of that geographic area pursuant to the terms
7 of the health maintenance organizations contract.
8 2. An insurer of an obligor providing health care
9 coverage to the child for which the obligor is legally
10 responsible to provide support shall do all of the
11 following:
12 a. Provide information to the obligee or other
13 legal custodian of the child as necessary for the
14 child to obtain benefits through the coverage of the
15 insurer.
16 b. Allow the obligee or other legal custodian of
17 the child, or the provider with the approval of the
18 obligee or other legal custodian of the child, to
19 submit claims for covered services without the
20 approval of the obligor.
21 c. Make payment on a claim submitted in paragraph
22 "b" directly to the obligee or other legal custodian
23 of the child, the provider, or the state medical
24 assistance agency for claims submitted by the obligee
25 or other legal custodian of the child, by the provider
26 with the approval of the obligee or other legal
27 custodian of the child, or by the state medical
28 assistance agency.
29 3. If an obligor is required by a court order or
30 administrative order to provide health coverage for a
31 child and the obligor is eligible for dependent health
32 coverage, the insurer shall do all of the following:
33 a. Allow the obligor to enroll under dependent
34 coverage a child who is eligible for coverage pursuant
35 to the applicable terms and conditions of the health
36 benefit plan and the standard enrollment guidelines of
37 the insurer without regard to an enrollment season
38 restriction.

- 39 b. Enroll a child who is eligible for coverage
40 under the applicable terms and conditions of the
41 health benefit plan and the standard enrollment
42 guidelines of the insurer, without regard to any time
43 of enrollment restriction, under dependent coverage
44 upon application by the obligee or other legal
45 custodian of the child or by the department of human
46 services in the event an obligor required by a court
47 order or administrative order fails to apply for
48 coverage for the child.
- 49 c. Maintain coverage and not cancel the child's
50 enrollment unless the insurer obtains satisfactory

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- 1 written evidence of any of the following:
- 2 (1) The court order or administrative order is no
3 longer in effect.
- 4 (2) The child is eligible for or will enroll in
5 comparable health coverage through an insurer which
6 shall take effect not later than the effective date of
7 the cancellation of enrollment of the original
8 coverage.
- 9 (3) The employer has eliminated dependent health
10 coverage for its employees.
- 11 (4) The obligor is no longer paying the required
12 premium because the employer no longer owes the
13 obligor compensation, or because the obligor's
14 employment has terminated and the obligor has not
15 elected to continue coverage.
- 16 4. A group health plan shall establish reasonable
17 procedures to determine whether a child is covered
18 under a qualified medical child support order issued
19 pursuant to chapter 252E. The procedures shall be in
20 writing, provide for prompt notice of each person
21 specified in the medical child support order as
22 eligible to receive benefits under the group health
23 plan upon receipt by the plan of the medical child
24 support order, and allow an obligee or other legal
25 custodian of the child under chapter 252E to designate
26 a representative for receipt of copies of notices in
27 regard to the medical child support order that are
28 sent to the obligee or other legal custodian of the
29 child and the department of human services' child
30 support recovery unit.
- 31 5. For purposes of this section, unless the
32 context otherwise requires:
- 33 a. "Child" means a person, other than an obligee's
34 spouse or former spouse, who is recognized under a
35 qualified medical child support order as having a
36 right to enrollment under a group health plan as the
37 obligor's dependent.
- 38 b. "Court order" or "administrative order" means a
39 ruling by a court or administrative agency in regard

40 to the support an obligor shall provide to the
41 obligor's child.
42 c. "Insurer" means an entity which offers a health
43 benefit plan.
44 d. "Obligee" means an obligee as defined in
45 section 252E.1.
46 e. "Obligor" means an obligor as defined in
47 section 252E.1.
48 f. "Qualified medical child support order" means a
49 child support order which creates or recognizes a
50 child's right to receive health benefits for which the

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1 child is eligible under a group health benefit plan,
2 describes or determines the type of coverage to be
3 provided, specifies the length of time for which the
4 order applies, and specifies the plan to which the
5 order applies.
6 Sec. . NEW SECTION. 514C.10 COVERAGE FOR
7 ADOPTED CHILD.
8 1. DEFINITIONS. For purposes of this section,
9 unless the context otherwise requires:
10 a. "Child" means, with respect to an adoption or a
11 placement for adoption of a child, an individual who
12 has not attained age eighteen as of the date of the
13 issuance of a final adoption decree, or upon an
14 interlocutory adoption decree becoming a final
15 adoption decree, as provided in chapter 600, or as of
16 the date of the placement for adoption.
17 b. "Placement for adoption" means the assumption
18 and retention of a legal obligation for the total or
19 partial support of the child in anticipation of the
20 adoption of the child. The child's placement with a
21 person terminates upon the termination of such legal
22 obligation.
23 2. COVERAGE REQUIRED. A policy or contract
24 providing for third-party payment or prepayment of
25 health or medical expenses shall provide coverage
26 benefits to a dependent child adopted by, or placed
27 for adoption with, an insured or enrollee under the
28 same terms and conditions as apply to a biological,
29 dependent child of the insured or enrollee. The
30 issuer of the policy or contract shall not restrict
31 coverage under the policy or contract for a dependent
32 child adopted by, or placed for adoption with, the
33 insured or enrollee solely on the basis of a
34 preexisting condition of such dependent child at the
35 time that the child would otherwise become eligible
36 for coverage under the plan, if the adoption or
37 placement occurs while the insured or enrollee is
38 eligible for coverage under the policy or contract.
39 This section applies to the following classes of
40 third-party payment provider contracts or policies

- 41 delivered, issued for delivery, continued, or renewed
 42 in this state on or after July 1, 1995:
 43 a. Individual or group accident and sickness
 44 insurance providing coverage on an expense-incurred
 45 basis.
 46 b. An individual or group hospital or medical
 47 service contract issued pursuant to chapter 509, 514,
 48 or 514A.
 49 c. An individual or group health maintenance
 50 organization contract regulated under chapter 514B.

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- 1 d. An individual or group Medicare supplemental
 2 policy, unless coverage pursuant to such policy is
 3 preempted by federal law.
 4 e. An organized delivery system licensed by the
 5 director of public health.”
 6 5. Page 8, by striking lines 6 through 18 and
 7 inserting the following:
 8 “Sec. ____ Section 515A.15, Code 1995, is amended
 9 to read as follows:
 10 515A.15 ASSIGNED RISKS.
 11 Agreements ~~may shall~~ be made among insurers with
 12 respect to the equitable apportionment among them of
 13 insurance which may be afforded applicants who are in
 14 good faith entitled to but who are unable to procure
 15 such insurance through ordinary methods and such
 16 insurers may agree among themselves on the use of
 17 reasonable rate modifications for such insurance, ~~such~~
 18 ~~the~~ agreements and rate modifications to be subject to
 19 the approval of the commissioner.
 20 For purposes of this section, “insurer” includes,
 21 in addition to insurers defined pursuant to section
 22 515A.2, a self-insurance association formed on or
 23 after July 1, 1995, pursuant to section 87.4 except
 24 for an association comprised of cities or counties, or
 25 both, or an association comprised of community
 26 colleges as defined in section 260C.2, which have
 27 entered into an agreement pursuant to chapter 28E for
 28 the purpose of establishing a self-insured program for
 29 the payment of workers’ compensation benefits.”
 30 6. Page 16, lines 2 and 3, by striking the words
 31 “REFUSED — ADMINISTRATIVE PENALTY” and inserting the
 32 following: “SUSPENSION”.
 33 7. Page 16, by striking lines 7 through 20 and
 34 inserting the following: “this chapter”.
 35 8. Page 24, lines 19 and 20, by striking the
 36 words “REFUSED — ADMINISTRATIVE PENALTY” and
 37 inserting the following: “SUSPENSION”.
 38 9. By striking page 24, line 24, through page 25,
 39 line 2, and inserting the following: “with this
 40 chapter”.
 41 10. Page 25, by striking lines 3 through 8 and

42 inserting the following:

43 "Sec. ____ Section 521.1, Code 1995, is amended to
44 read as follows:

45 521.1 DEFINITIONS.

46 "Company" or "companies" when used in this chapter
47 means a company or association organized under chapter
48 508, 511, 515, 518, 518A, or 520, ~~except county~~
49 mutuals and includes a mutual insurance holding
50 company organized pursuant to section 521A.14."

Page 7

1 11. Page 25, by inserting after line 26 the
2 following:

3 "Sec. ____ NEW SECTION. 521A.14 MUTUAL INSURANCE
4 HOLDING COMPANIES.

5 1. a. A domestic mutual insurance company upon
6 approval of the commissioner, may reorganize by
7 forming an insurance holding company based upon a
8 mutual plan and continuing the corporate existence of
9 the reorganizing insurance company as a stock
10 insurance company. The commissioner, after a public
11 hearing as provided in section 521A.3, subsection 4,
12 paragraph "b", if satisfied that the interests of the
13 policyholders are properly protected and that the plan
14 of reorganization is fair and equitable to the
15 policyholders, may approve the proposed plan of
16 reorganization and may require as a condition of
17 approval such modifications of the proposed plan of
18 reorganization as the commissioner finds necessary for
19 the protection of the policyholder's interests. The
20 commissioner may retain consultants as provided in
21 section 521A.3, subsection 4, paragraph "c". A
22 reorganization pursuant to this section is subject to
23 section 521A.3, subsections 1, 2, and 3. The
24 commissioner shall retain jurisdiction over a mutual
25 insurance holding company organized pursuant to this
26 section to assure that policyholder interests are
27 protected.

28 b. All of the initial shares of the capital stock
29 of the reorganized insurance company shall be issued
30 to the mutual insurance holding company. The
31 membership interests of the policyholders of the
32 reorganized insurance company shall become membership
33 interests in the mutual insurance holding company.
34 Policyholders of the reorganized insurance company
35 shall be members of the mutual insurance holding
36 company in accordance with the articles of
37 incorporation and bylaws of the mutual insurance
38 holding company. The mutual insurance holding company
39 shall at all times own a majority of the voting shares
40 of the capital stock of the reorganized insurance
41 company.

42 2. a. A domestic mutual insurance company, upon

43 the approval of the commissioner, may reorganize by
44 merging its policyholders membership interests into a
45 mutual insurance holding company formed pursuant to
46 subsection 1 and continuing the corporate existence of
47 the reorganizing insurance company as a stock
48 insurance company subsidiary of the mutual insurance
49 holding company. The commissioner, after a public
50 hearing as provided in section 521A.3, subsection 4,

Page 8

1 paragraph "b", if satisfied that the interest of the
2 policyholders are properly protected and that the
3 merger is fair and equitable to the policyholders, may
4 approve the proposed merger and may require as a
5 condition of approval such modifications of the
6 proposed merger as the commissioner finds necessary
7 for the protection of the policyholder's interests.
8 The commissioner may retain consultants as provided in
9 section 521A.3, subsection 4, paragraph "c". A merger
10 pursuant to this section is subject to section 521A.3,
11 subsections 1, 2, and 3. The commissioner shall
12 retain jurisdiction over the mutual insurance holding
13 company organized pursuant to this section to assure
14 that policyholder interests are protected.

15 b. All of the initial shares of the capital stock
16 of the reorganized insurance company shall be issued
17 to the mutual insurance holding company. The
18 membership interests of the policyholders of the
19 reorganized insurance company shall become membership
20 interests in the mutual insurance holding company.
21 Policyholders of the reorganized insurance company
22 shall be members of the mutual insurance holding
23 company in accordance with the articles of
24 incorporation and bylaws of the mutual insurance
25 holding company. The mutual insurance holding company
26 shall at all times own a majority of the voting shares
27 of the capital stock of the reorganized insurance
28 company. A merger of policyholder's membership
29 interests in a mutual insurance company into a mutual
30 insurance holding company shall be deemed to be a
31 merger of insurance companies pursuant to chapter 521
32 and chapter 521 is also applicable.

33 3. A mutual insurance holding company resulting
34 from the reorganization of a domestic mutual insurance
35 company organized under chapter 491 shall be
36 incorporated pursuant to chapter 491. This
37 requirement shall supersede any conflicting provisions
38 of section 491.1. The articles of incorporation and
39 any amendments to such articles of the mutual
40 insurance holding company shall be subject to approval
41 of the commissioner and the attorney general in the
42 same manner as those of an insurance company.

43 4. A mutual insurance holding company is deemed to

44 be an insurer subject to chapter 507C and shall
45 automatically be a party to any proceeding under
46 chapter 507C involving an insurance company which as a
47 result of a reorganization pursuant to subsection 1 or
48 2 is a subsidiary of the mutual insurance holding
49 company. In any proceeding under chapter 507C
50 involving the reorganized insurance company, the

Page 9

1 assets of the mutual insurance holding company are
2 deemed to be assets of the estate of the reorganized
3 insurance company for purposes of satisfying the
4 claims of the reorganized insurance company's policy-
5 holders. A mutual insurance holding company shall not
6 dissolve or liquidate without the approval of the
7 commissioner or as ordered by the district court
8 pursuant to chapter 507C.

9 5. a. Chapters 508B and 515G are not applicable
10 to a reorganization or merger pursuant to this
11 section.

12 b. Chapter 508B is applicable to demutualization
13 of a mutual insurance holding company which resulted
14 from the reorganization of a domestic mutual life
15 insurance company organized under chapter 508 as if it
16 were a mutual life insurance company.

17 c. Chapter 515G is applicable to demutualization
18 of a mutual insurance holding company which resulted
19 from the reorganization of a domestic mutual property
20 and casualty insurance company organized under chapter
21 515 as if it were a mutual property and casualty
22 insurance company.

23 6. A membership interest in a domestic mutual
24 insurance holding company shall not constitute a
25 security as defined in section 502.102."

26 12. Page 27, by inserting after line 1 the
27 following:

28 "Sec. ____ The Code editor is directed to codify
29 new section 521A.14, as enacted in this Act, as a
30 separate division of chapter 521A."

31 13. Title page, by striking line 4 and inserting
32 the following: "contracts, providing for coordination
33 of health care benefits with state medical assistance
34 and for continuation of health care benefits pursuant
35 to court-ordered medical child support and for
36 coverage for an adopted child,".

37 14. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

Siegrist of Pottawattamie asked and received unanimous consent to defer action on the House File 247, Senate amendment H-4102 pending.

Boddicker of Cedar called up for consideration **Senate File 208**, a bill for an act relating to child abuse and termination of parental rights provisions, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4082 to the House amendment:

H-4082

1 Amend the House amendment, S-3501, to Senate File
2 208, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 11 the
5 following:

6 "_. Page 3, by striking lines 20 through 22 and
7 inserting the following:

8 "e. Develop protocols for and establish a
9 committee to review child abuse investigations which
10 involve the death of a child.

11 4. The following individuals shall designate a
12 liaison to assist the review team in fulfilling its
13 responsibilities:

- 14 a. Director of public health.
- 15 b. Director of human services.
- 16 c. Commissioner of public safety.
- 17 d. Administrator of the division of vital records
18 of the Iowa department of public health.
- 19 e. Attorney general.
- 20 f. Director of transportation.
- 21 g. Director of the department of education."

22 2. Page 1, by striking lines 12 through 14 and
23 inserting the following:

24 "_. Page 4, line 35, by inserting after the
25 word "state" the following: " each of which is at
26 least the size of a departmental county cluster,"

27 3. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4082, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 208)

The ayes were, 98:

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	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 Connors

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 208** be immediately messaged to the Senate.

The House resumed consideration of **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, previously deferred and the Senate amendment H-4102 found on pages 1953 through 1961 of the House Journal pending.

Shoultz of Black Hawk offered the following amendment H-4113, to the Senate amendment H-4102, filed by him from the floor and moved its adoption:

H-4113

- 1 Amend the Senate amendment, H-4102, to House File
- 2 247, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 15 through 48.
- 5 2. By renumbering as necessary.

Amendment H-4113 lost.

On motion by Halvorson of Clayton, the House concurred in the Senate amendment H-4102.

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

On the question "Shall the bill pass?" (H.F. 247)

The ayes were, 90:

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
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	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 7:

Harper	Moreland	Murphy	Ollie
Running	Schrader	Shoultz	

Absent or not voting, 3:

Brammer

Connors

Tyrrell

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 247** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 565, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, April 25, 1995. Had I been present, I would have voted "nay" on House File 530, and "aye" on amendment H-4023 to House File 567 and Senate Files 93, 459 and 475.

BERNAU of Story

I was necessarily absent from the House chamber on Tuesday, April 25, 1995. Had I been present, I would have voted "aye" on House File 530 and on amendment H-4023 to House File 567, and Senate Files 93, 459 and 475.

BURNETT of Story

I was necessarily absent from the House chamber on April 25, 1995. Had I been present, I would have voted "aye" on House File 530 and Senate Files 93, 459, and 475.

EDDIE of Buena Vista

I was necessarily absent from the House chamber on Monday, April 24, 1995. Had I been present, I would have voted "aye" on House File 571.

LARSON of Linn

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 25, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 113, an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals and providing for other properly related matters.

House File 128, an act relating to administrative procedures and the joint investment of funds of rural water districts.

House File 139, 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.

House File 217, an act relating to education requirements for nurses.

House File 289, an act relating to solid waste tonnage fees.

House File 346, an act relating to the verification and defendant's signature required for uniform citations and complaints and to providing false information on a uniform citation and complaint and making an existing penalty applicable.

House File 483, 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.

House File 554, 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.

House File 556, an act relating to the definition of entities eligible for property tax exemption for construction of speculative shell buildings.

Also: The Governor announced that on April 26, 1995, he approved and transmitted to the Secretary of State the following bills:

Senate File 82, 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.

Senate File 87, an act relating to nonsubstantive Code corrections, and providing effective and applicability date provisions.

Senate File 132, 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.

Senate File 142, an act establishing felonious child endangerment as a non-bailable offense.

Senate File 164, an act relating to the meetings of the commission on the status of African-Americans.

Senate File 197, an act relating to the confidentiality of financial information provided to the department of agriculture and land stewardship and providing an effective date.

Senate File 202, an act relating to public health issues, including certain birth certificates and licensing of athletic trainers.

Senate File 206, 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.

Senate File 207, 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.

Senate File 215, an act relating to agricultural management account moneys and county grants for private rural water well, testing, sealing, and closure.

Senate File 225, an act eliminating requirements for competitive bids regarding the printing of election ballots.

Senate File 226, an act relating to the disposition of valueless mobile homes, modular homes, and manufactured homes.

Senate File 229, an act eliminating certain requirements regarding the purchase of coal by public agencies.

Senate File 272, an act relating to the validity of a notarial act by an officer, director, or shareholder of a corporation and providing for retroactive application.

Senate File 292, 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.

Senate File 311, 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.

Senate File 346, 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.

Senate File 347, 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.

Senate File 371, 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.

Senate File 377, an act relating to the payment of patronage dividends by cooperative associations which are public utilities.

Senate File 385, an act authorizing the appointment of a city board of review by certain cities.

Senate File 386, an act relating to restitution in certain traffic offenses which are simple misdemeanors.

Senate File 406, 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.

Senate File 407, an act relating to alkaline manganese batteries.

Senate File 409, an act relating to the activities of clerks of the district court, and providing additional court fees.

Senate File 428, an act to provide for the reciprocal rendition of prisoners as witnesses in criminal proceedings and providing an effective date.

Senate File 436, an act relating to certification and employment provisions involving state abuse registries by providing access for purposes of certifying sex offender treatment providers, for certain publicly operated facilities or programs, for certain purposes of public employers, and requiring records checks for purposes of employment by certain medical assistance program service providers.

Senate File 437, an act relating to the entitlement to benefits and dividends under the Iowa public employees' retirement system, and providing effective and retroactive applicability date provisions.

Senate File 438, an act relating to juvenile justice including notice requirements for certain hearings and authorizing associate juvenile judges to perform marriage ceremonies.

Senate File 439, 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.

Senate File 443, 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.

PRESENTATION OF VISITORS

Nelson of Pottawattamie presented to the House, the Honorable Emil Pavich, former member of the House representing Pottawattamie County.

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

Sixty-five sixth grade students from Manson-Northwest Webster, Barnum, accompanied by Mrs. Moeding. By Mundie of Webster.

Five students from East Marshall High School, Le Grand. By Nelson of Marshall.

Fifty-three eighth grade students from St. Edwards School, Waterloo, accompanied by Don Sullivan and Caroline Miecznikowski. By Hanson, Harper and Shoultz of Black Hawk.

Thirty-five twelfth grade students from Dunkerton High School, Dunkerton, accompanied by George Pickup. By Kremer of Buchanan.

Forty fifth, sixth and seventh grade students from Lutheran Interparish School, Williamsburg, accompanied by Andy Armbrecht and Marna Dunn. By Tyrrell of Iowa.

Fifty-four fourth grade students from Stuart-Menlo Elementary, Menlo, accompanied by Rosella Tisl, Ann Vanderheiden and Debbie Statler. By Dinkla of Guthrie.

Fifty fifth grade students from Pleasant Hill Elementary, Pleasant Hill, accompanied by Sue Stanley and Staci Funk. By Disney 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\258 Verl and Joan Howell, Maquoketa – For celebrating their 50th wedding anniversary.
- 1995\259 Milton and Arleta Scheckel, Springbrook – For celebrating their 50th wedding anniversary.
- 1995\260 Delia Struble, Spragueville – For celebrating her 90th birthday.
- 1995\261 Ruth Lenz, Maquoketa – For celebrating her 92nd birthday.
- 1995\262 Bertha Irwin, Maquoketa – For celebrating her 101st birthday.
- 1995\263 Brian Biggs, Burlington – For his nomination and selection as a finalist to the Iowa Academic All-State Team.
- 1995\264 Paul and Edith Voss, Montezuma – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

Senate File 482

Judiciary: Lamberti, Chair; Grubbs and Kreiman.

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 File 472), 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** April 25, 1995.

Committee Bill, relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for other properly related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 1995.

COMMITTEE ON WAYS AND MEANS

Senate File 472, a bill for an act relating to the local option sales and services tax by authorizing political subdivisions that will receive revenues from the tax to issue bonds in anticipation of the receipt of the revenues and providing an effective date and a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-4098** April 26, 1995.

Senate File 473, a bill for an act relating to the refund of property taxes paid erroneously and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 26, 1995.

Committee Bill (Formerly House File 222), relating to the establishment of home development districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 25, 1995.

Committee Bill (Formerly House Study Bill 296), relating to the assessment of certain long distance telephone companies for purposes of property taxation.

Fiscal Note is not required.

Recommended Amend and Do Pass April 26, 1995.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 331 Ways and Means

Relating to the valuation of residential and agricultural property by limiting the percentage of actual value at which residential property is to be taxed and removing the restriction that prevented each class from increasing in valuation faster than the other and providing effective and applicability date provisions.

H.S.B. 332 Ways and Means

Relating to tax provisions involving state income tax, certain county property tax and services associated with mental health and developmental disabilities services, the county property tax limitation, and property tax on industrial machinery, equipment and computers, and providing effective and applicability dates.

RESOLUTIONS FILED

HCR 40, by Fallon, Siegrist, Baker and Grundberg, a concurrent resolution designating June 17, 1995, as the day to celebrate the ending of slavery and to recognize the worth and value of all people.

Laid over under **Rule 25**.

HR 10, by Daggett, Grubbs, Grundberg and Gries, a resolution requesting an interim study committee to review state school mandates and the unfunded or underfunded elements of the school aid formula.

Laid over under **Rule 25**.

HR 11, by Grundberg and McCoy, a resolution relating to Iowans' concerns for their children's education..

Laid over under **Rule 25**.

AMENDMENTS FILED

H-4084	H.F.	575	Metcalfe of Polk
H-4098	S.F.	472	Committee on Ways and Means
H-4104	H.F.	572	Shoultz of Black Hawk
H-4106	H.F.	572	Shoultz of Black Hawk
H-4108	S.F.	266	Gries of Crawford Daggett of Union Nelson of Pottawattamie Myers of Johnson

H-4111	H.F.	572	Grundberg of Polk
H-4112	S.F.	266	Shoultz of Black Hawk
H-4114	H.F.	577	Disney of Polk
H-4115	S.F.	266	Grubbs of Scott Greig of Emmet
H-4116	H.F.	565	Senate amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 11:22 p.m. until 8:45 a.m., Thursday, April 27, 1995.

JOURNAL OF THE HOUSE

One Hundred-ninth Calendar Day - Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 27, 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 Monsignor Leonard M. Ziegmann, St. Francis of Assisi Catholic Church, Rockwell City.

The Journal of Wednesday, April 26, 1995 was approved.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 575 and Senate File 473.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 473, a bill for an act relating to the refund of property taxes paid erroneously and providing effective and retroactive applicability dates, 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?" (S.F. 473)

The ayes were, 98:

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	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	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Van Fossen

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

Appropriations Calendar

House File 575, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters, was taken up for consideration.

Metcalf of Polk offered the following amendment H-4084 filed by her and moved its adoption:

H-4084

- 1 Amend House File 575 as follows:
- 2 1. Page 1, line 35, by striking the word
- 3 "annual".

Amendment H-4084 was adopted.

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

On the question "Shall the bill pass?" (H.F. 575)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	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
Metcalfe	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, 1:

Brunkhorst

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 File 575 and Senate File 473.**

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House File 572 and Senate File 239.

Ways and Means Calendar

House File 572, 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, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-4104 filed by him and moved its adoption:

H-4104

- 1 Amend House File 572 as follows:
 2 1. Page 4, line 27, by inserting after the word
 3 "used" the following: "as follows:
 4 (1) Sixty percent of the amount deposited from the
 5 surcharge shall be used only for traffic safety and
 6 accident prevention programs.
 7 (2) Forty percent of the amount deposited from the
 8 surcharge shall be used".
 9 2. Title page, line 4, by inserting after the
 10 word "jails" the following: "and traffic safety
 11 programs".

Amendment H-4104 lost.

Grundberg of Polk offered the following amendment H-4111 filed by her and moved its adoption:

H-4111

- 1 Amend House File 572 as follows:
 2 1. Page 4, line 33, by striking the word "Five"
 3 and inserting the following: "If the violation is
 4 other than a violation of a city ordinance, five".
 5 2. Page 5, line 2, by inserting after the word
 6 "facilities." the following: "The other five dollars
 7 of the surcharge shall be transferred to the treasurer
 8 of the county in which the violation occurred to be
 9 deposited in the general fund of the county and used
 10 only for the expansion of the capacity of the county
 11 jail or the maintenance of county jail facilities."
 12 3. Page 5, line 4, by striking the words "five
 13 dollars of the" and inserting the following: "the
 14 entire".
 15 4. Page 5, line 9, by striking the words "five
 16 dollars of the" and inserting the following: "the
 17 entire".

Amendment H-4111 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-4106 filed by him on April 26, 1995.

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. 572)

The ayes were, 96:

Arnold
Blodgett

Baker
Boddicker

Bell
Boggett

Bernau
Bradley

Brand	Branstad	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	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
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:

Drees Ertl

Absent or not voting, 2:

Brammer Brauns

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 239**, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings, previously deferred and placed on the unfinished business calendar.

Kremer of Buchanan offered the following amendment H-3817 filed by the committee on judiciary and moved its adoption:

H-3817

- 1 Amend Senate File 239, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word

4 "intervention." the following: "The court may, in
5 deciding whether to order the parties to participate
6 in mediation, consider whether ordering mediation may
7 place a party at risk of domestic abuse if there is a
8 credible history of domestic abuse between the
9 parties."

10 2. Page 1, line 29, by inserting after the word
11 "advisable." the following: "The court may, in
12 deciding whether to order the parties or a child to
13 participate in mediation, consider whether ordering
14 mediation may place a party or a child at risk of
15 domestic or child abuse if there is a credible history
16 of domestic or child abuse in the family."

The committee amendment H-3817 was adopted.

McCoy of Polk offered the following amendment H-3962 filed by him and moved its adoption:

H-3962

1 Amend Senate File 239, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 31 the
4 following:

5 "Sec. ____ Section 598.41, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 7. If an application for
8 modification of a decree or a petition for
9 modification of an order is filed, based upon
10 differences between the parents regarding the custody
11 arrangement established under the decree or order, the
12 court may require the parents to participate in
13 mediation to attempt to resolve the differences
14 between the parents."

15 2. By renumbering as necessary.

Amendment H-3962 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?" (S.F. 239)

The ayes were, 99:

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	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, 1:

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 File 572 and Senate File 239.**

Ways and Means Calendar

House File 569, a bill for an act relating to the motor vehicle leasing tax and providing an applicability provision, with report of committee recommending passage, was taken up for consideration.

Rants of Woodbury offered the following amendment H-4117 filed by Rants, Gipp and Lamberti from the floor and moved its adoption:

H-4117

- 1 Amend House File 569 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 423.4, Code 1995, is amended

5 by adding the following new subsection:
 6 NEW SUBSECTION. 16. Vehicles subject to
 7 registration under chapter 321, with a gross vehicle
 8 weight rating of less than sixteen thousand pounds,
 9 excluding motorcycles and motorized bicycles, under
 10 the following conditions:
 11 a. The present purchaser of the vehicle was the
 12 prior lessee of the vehicle.
 13 b. The lease of the vehicle was entered into on or
 14 after July 1, 1995, and was for a period of twelve
 15 months or more.
 16 c. The use tax on the vehicle was paid by the
 17 lessor as provided in section 423.6, subsection 1.”
 18 2. Title page, by striking lines 1 and 2 and
 19 inserting the following: “An Act relating to the
 20 taxation of leased motor vehicles.”

A non-record roll call was requested.

The ayes were 17, nays 52.

Amendment H-4117 lost.

Halvorson of Clayton offered amendment H-4042 filed by him as follows:

H-4042

1 Amend House File 569 as follows:
 2 1. Page 1, by inserting after line 4 the
 3 following:
 4 “Sec. ____ Section 423.2, Code 1995, is amended to
 5 read as follows:
 6 423.2 IMPOSITION OF TAX.
 7 An excise tax is imposed on the use in this state
 8 of tangible personal property purchased for use in
 9 this state, at the rate of five percent of the
 10 purchase price of the property. An excise tax is
 11 imposed on the use of leased vehicles at the rate of
 12 five percent of the amount otherwise subject to tax as
 13 calculated pursuant to section 423.7A, subsection 2.
 14 The excise tax is imposed upon every person using the
 15 property within this state until the tax has been paid
 16 directly to the county treasurer or the state
 17 department of transportation, to a retailer, or to the
 18 department. An excise tax is imposed on the use in
 19 this state of services enumerated in section 422.43 at
 20 the rate of five percent. This tax is applicable
 21 where services are rendered, furnished, or performed
 22 in this state or where the product or result of the
 23 service is used in this state. This tax is imposed on
 24 every person using the services or the product of the
 25 services in this state until the user has paid the tax
 26 either to an Iowa use tax permit holder or to the

27 department.”

28 2. By renumbering as necessary.

Halvorson of Clayton offered the following amendment H-4118, to amendment H-4042, filed by him from the floor and moved its adoption:

H-4118

1 Amend the amendment, H-4042, to House File 569, as

2 follows:

3 1. Page 1, line 13, by striking the word and

4 figure “, subsection 2”.

Amendment H-4118 was adopted.

On motion by Halvorson of Clayton, amendment H-4042, as amended, 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. 569)

The ayes were, 95:

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
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	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	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, 4:

Arnold

Gipp

Rants

Welter

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 569** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:00 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.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 April 27, 1995, insisted on its amendment to 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, and the members of the Conference Committee on the part of the Senate are: The Senator from Johnson, Senator Dvorsky, Chair; the Senator from Story, Senator Hammond; The Senator from Polk, Senator Szymoniak; the Senator from Shelby, Senator Boettger; and the Senator from Polk, Senator Kramer.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED (Senate File 150)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 150: Salton of Palo Alto, Chair; Boddicker of Cedar, Veenstra of Sioux, Jochum of Dubuque and Burnett of Story.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 472.

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 472, a bill for an act relating to the local option sales and services tax by authorizing political subdivisions that will receive

revenues from the tax to issue bonds in anticipation of the receipt of the revenues and providing an effective date and a retroactive applicability date, with report of committee recommending amendment and passage was taken up for consideration.

Teig of Hamilton offered the following amendment H-4098 filed by the committee on ways and means and moved its adoption:

H-4098

1 Amend Senate File 472, 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 422B.1, subsection 1, Code
6 1995, is amended to read as follows:

7 1. A county may impose by ordinance of the board
8 of supervisors local option taxes authorized by this
9 chapter, subject to this section and subject to the
10 exception provided in subsection 1A.

11 Sec. ____ Section 422B.1, Code 1995, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 1A. a. A city whose corporate
14 boundaries include areas of two counties may impose by
15 ordinance of its city council a local sales and
16 services tax if all of the following apply:

17 (1) All the residents of the city live in one
18 county.

19 (2) The county in which the city residents reside
20 has held an election on the question of the imposition
21 of a local sales and services tax and a majority of
22 those voting on the question in the city favored its
23 imposition.

24 (3) The city has entered into an agreement on the
25 distribution of the sales and services tax revenues
26 collected from the area where the city tax is imposed
27 with the county where such area is located.

28 b. The city council of a city authorized to impose
29 a local sales and services tax pursuant to paragraph
30 "a" shall only do so subject to all of the following
31 restrictions:

32 (1) The tax shall only be imposed in the area of
33 the city located in the county where none of its
34 residents reside.

35 (2) The tax shall be at the same rate and become
36 effective at the same time as the county tax imposed
37 in the other area of the city.

38 (3) The tax once imposed shall continue to be
39 imposed until the county imposed tax is reduced or
40 increased in rate or repealed, and then the city
41 imposed tax shall also be reduced or increased in rate
42 or repealed in the same amount and be effective on the
43 same date.

44 (4) The tax shall be imposed on the same basis as
45 provided in section 422B.8 and notification

46 requirements in section 422B.9 apply.
47 (5) The city shall assist the department of
48 revenue and finance to identify the businesses in the
49 area which are to collect the city imposed tax. The
50 process shall be ongoing as long as the city tax is

Page 2

1 imposed.
2 c. The agreement on the distribution of the
3 revenues collected from the city imposed tax shall
4 provide that fifty percent of such revenues shall be
5 remitted to the county in which the part of the city
6 where the city tax is imposed is located.
7 d. The latest certified federal census preceding
8 the election held by the county on the question of
9 imposition of the local sales and services tax shall
10 be used in determining if the city qualifies under
11 paragraph "a", subparagraph (1) to impose its own tax
12 and in determining the area where the city tax may be
13 imposed under paragraph "b", subparagraph (1).
14 e. A city is not authorized to impose a local
15 sales and services tax under this subsection after
16 January 1, 1998. A city that has imposed a local
17 sales and services tax under this subsection on or
18 before January 1, 1998, may continue to collect the
19 tax until such time as the tax is repealed by the city
20 and the fact that that area acquires residents after
21 the tax is imposed shall not affect the imposition or
22 collection of the tax.
23 Sec. ____ Section 422B.1, subsection 5, paragraph
24 a, unnumbered paragraph 1, Code 1995, is amended to
25 read as follows:
26 If a majority of those voting on the question of
27 imposition of a local option tax favor imposition of a
28 local option tax, the governing body of that county
29 shall impose the tax at the rate specified for an
30 unlimited period. However, in the case of a local
31 sales and services tax, the county shall not impose
32 the tax in any incorporated area or the unincorporated
33 area if the majority of those voting on the tax in
34 that area did not favor its imposition. For purposes
35 of the local sales and services tax, all cities
36 contiguous to each other shall be treated as part of
37 one incorporated area and the tax shall be imposed in
38 each of those contiguous cities only if the majority
39 of those voting on the tax in the total area covered
40 by the contiguous cities favored its imposition. The
41 local option tax may be repealed or the rate increased
42 or decreased or the use thereof changed after an
43 election at which a majority of those voting on the
44 question of repeal or rate or use change favored the
45 repeal or rate or use change. The election at which
46 the question of repeal or rate or use change is

47 offered shall be called and held in the same manner
48 and under the same conditions as provided in
49 subsections 3 and 4 for the election on the imposition
50 of the local option tax. However, in the case of a

Page 3

1 local sales and services tax where the tax has not
2 been imposed countywide, the question of repeal or
3 imposition or rate or use change shall be voted on
4 only by the qualified electors of the areas of the
5 county where the tax has been imposed or has not been
6 imposed, as appropriate. However, the governing body
7 of the incorporated area or unincorporated area where
8 the local sales and services tax is imposed may, upon
9 its own motion, request the county commissioner of
10 elections to hold an election in the incorporated or
11 unincorporated area, as appropriate, on the question
12 of the change in use of local sales and services tax
13 revenues. The election may be held at any time but
14 not sooner than sixty days following publication of
15 the ballot proposition. If a majority of those voting
16 in the incorporated or unincorporated area on the
17 change in use favor the change, the governing body of
18 that area shall change the use to which the revenues
19 shall be used. The ballot proposition shall list the
20 present use of the revenues, the proposed use, and the
21 date after which revenues received will be used for
22 the new use."

23 2. Page 1, by inserting after line 10 the
24 following:

25 "Sec. ____ Section 422B.10, subsection 1, Code
26 1995, is amended to read as follows:

27 1. The director shall credit the local sales and
28 services tax receipts and interest and penalties from
29 a county imposed tax to the county's account in the
30 local sales and services tax fund and from a city
31 imposed tax under section 422B.1, subsection 1A, to
32 the city's account in the local sales and services tax
33 fund. If the director is unable to determine
34 which county any of the receipts were collected, those
35 receipts shall be allocated amongst among the possible
36 counties based on allocation rules adopted by the
37 director.

38 Sec. ____ Section 422B.10, Code 1995, is amended
39 by adding the following new subsection:

40 **NEW SUBSECTION.** 4A. From each city's account, the
41 percent of revenues agreed to be distributed to the
42 county in the agreement entered into as provided in
43 section 422B.1, subsection 1A, paragraph "a",
44 subparagraph (3) and paragraph "c", shall be deposited
45 into the appropriate county's account to be remitted
46 as provided in subsections 3 and 4. The remaining
47 revenues in the city's account shall be remitted to

48 the city council. If a county does not have an
49 account, its percent of the revenues shall be remitted
50 directly to the county board of supervisors.”

Page 4

- 1 3. Page 2, line 4, by striking the words “a city”
2 and inserting the following: “an issuer”.
- 3 4. Page 2, by striking lines 6 through 9 and
4 inserting the following: “revenues of the local
5 option sales and services tax, and not from property
6 tax, by following the authorization procedures set
7 forth for cities in section 384.83. Bonds may be
8 issued for the purpose of”.
- 9 5. Page 2, by striking lines 20 and 21 and
10 inserting the following: “the bonds are to bear, and
11 the right to petition for an election, to be published
12 at least once in a”.
- 13 6. Page 2, by striking lines 26 through 32 and
14 inserting the following:
15 “If at any time before the date fixed for taking
16 action for the issuance of the bonds, a petition
17 signed by three percent of the registered voters of
18 the bond issuer is filed, asking that the question of
19 issuing the bonds be submitted to the registered
20 voters, the governing body shall either by resolution
21 declare the proposal to issue the bonds to have been
22 abandoned or shall direct the county commissioner of
23 elections to call a special election upon the question
24 of issuing the bonds. The proposition of issuing
25 bonds under this subsection is not approved unless the
26 vote in favor of the proposition is equal to at least
27 sixty percent of the vote cast. If a petition is not
28 filed, or if a petition is filed and the proposition
29 of issuing the bonds is approved at an election, the
30 governing body acting on behalf of the issuer may
31 proceed with the authorization and issuance of the
32 bonds. Bonds may”.
- 33 7. Page 3, line 22, by striking the word “used”
34 and inserting the following: “issued”.
- 35 8. Title page, line 4, by inserting after the
36 word “revenues” the following: “, by authorizing the
37 imposition of the tax in certain cities located in two
38 counties, and by setting the procedure for changing
39 the use of revenues from the tax.”.

The committee amendment H-4098 was adopted.

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?” (S.F. 472)

The ayes were, 98:

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	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	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Brammer Moreland

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 472** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie, until his return, on request of Siegrist of Pottawattamie.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of **House File 577**.

House File 577, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters, was taken up for consideration.

Disney of Polk offered amendment H-4114 filed by him as follows:

H-4114

- 1 Amend House File 577 as follows:
- 2 1. Page 3, by striking lines 9 through 16 and
- 3 inserting the following: "objections to a subsequent
- 4 annexation by a city if all or the major part of the
- 5 district is located within two miles of the boundaries
- 6 of a city."
- 7 2. Page 4, line 4, by inserting after the words
- 8 "parcels of land" the following: ", all or the major
- 9 part of which is".
- 10 3. Page 12, line 2, by inserting after the word
- 11 "if" the following: "all or the major part of".
- 12 4. Page 15, line 28, by inserting after the word
- 13 "bonds," the following: "including the power to enter
- 14 into short-term loans and issue warrants,".

Disney of Polk offered the following amendment H-4120, to amendment H-4114, filed by him from the floor and moved its adoption:

H-4120

- 1 Amend the amendment, H-4114, to House File 577, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "_. Page 11, lines 34 and 35, by striking the
- 6 words: "located within two miles of the boundaries of
- 7 a city".
- 8 _. Page 12, line 1, by inserting after the word
- 9 "housing" the following: "and shall comply with all
- 10 city design and construction standards for the public
- 11 improvements authorized in section 358C.3"."
- 12 2. By renumbering as necessary.

Amendment H-4120 was adopted.

On motion by Disney of Polk, amendment H-4114, as amended, 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. 577)

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	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:

Fallon

Absent or not voting, 2:

Brammer

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 577** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 573.

House File 573, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 573)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
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
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Meyer
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, 6:

Branstad	Brunkhorst	Coon	Fallon
Metcalf	Millage		

Absent or not voting, 3:

Brammer

Larson

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 573** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 159, a bill for an act relating to the production of ornamental, flowering, or vegetable plants for purposes of the state sales tax.

Also: That the Senate has on April 27, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

JOHN F. DWYER, Secretary

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 40

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 40, a concurrent resolution designating June 17, 1995, as the day to celebrate the ending of slavery and to recognize the worth and value of all people, 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 40** be immediately messaged to the Senate.

The House stood at ease at 2:23 p.m., until the fall of the gavel.

The House reconvened at 4:10 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-nine members present, twenty-one absent.

SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration, **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4121 to the House amendment:

H-4121

1 Amend the House amendment, S-3082, to Senate File
2 69 as passed by the Senate as follows:

3 1. By striking page 1, line 1, through page 44,
4 line 25, and inserting the following:

5 "Amend Senate File 69, as passed by the Senate, as
6 follows:

7 1. By striking everything after the enacting
8 clause and inserting the following:

9 "DIVISION I

10 INCOME TAX

11 Section 1. Section 422.7, Code 1995, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 33. For a person who is disabled,
14 or is fifty-five years of age or older, or is the
15 surviving spouse of an individual or a survivor having
16 an insurable interest in an individual who would have
17 qualified for the exemption under this subsection for
18 the tax year, subtract, to the extent included, the
19 total amount of a governmental or other pension or
20 retirement pay, including, but not limited to, defined
21 benefit or defined contribution plans, annuities,
22 individual retirement accounts, plans maintained or
23 contributed to by an employer, or maintained or
24 contributed to by a self-employed person as an
25 employer, and deferred compensation plans or any
26 earnings attributable to the deferred compensation
27 plans, up to a maximum of three thousand dollars for a
28 person who files a separate state income tax return
29 and up to a maximum of six thousand dollars for a
30 husband and wife who file a joint state income tax
31 return. However, a surviving spouse who is not
32 disabled or fifty-five years of age or older can only
33 exclude the amount of pension or retirement pay
34 received as a result of the death of the other spouse.

35 Sec. 2. Section 422.12, subsection 1, paragraph c,
36 Code 1995, is amended to read as follows:

37 c. For each dependent, an additional ~~fifteen~~ forty
38 dollars. As used in this section, the term
39 "dependent" has the same meaning as provided by the
40 Internal Revenue Code.

41 Sec. 3. TAXATION STUDY. The legislative council
42 is requested to establish a taxation study during the
43 1995 legislative interim period. The study would

44 address taxation of businesses, including subchapter S
45 corporations, taxation incentives and disincentives
46 for economic development, and the long-term objectives
47 of business taxation. The legislative council is
48 requested to authorize up to \$100,000 for consultants
49 and other costs associated with the business taxation
50 study.

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1 Sec. 4. RETROACTIVE APPLICABILITY. This division
2 of this Act applies retroactively to January 1, 1995,
3 for tax years beginning on or after that date.

4 DIVISION II

5 SUPPLEMENTAL LEVY AND COUNTY MENTAL HEALTH FUND

6 Sec. 5. Section 123.38, unnumbered paragraph 2,
7 Code 1995, is amended to read as follows:

8 Any licensee or permittee, or the licensee's or
9 permittee's executor or administrator, or any person
10 duly appointed by the court to take charge of and
11 administer the property or assets of the licensee or
12 permittee for the benefit of the licensee's or
13 permittee's creditors, may voluntarily surrender a
14 license or permit to the division. When a license or
15 permit is surrendered the division shall notify the
16 local authority, and the division or the local
17 authority shall refund to the person surrendering the
18 license or permit, a proportionate amount of the fee
19 received by the division or the local authority for
20 the license or permit as follows: If a license or
21 permit is surrendered during the first three months of
22 the period for which it was issued, the refund shall
23 be three-fourths of the amount of the fee; if
24 surrendered more than three months but not more than
25 six months after issuance, the refund shall be one-
26 half of the amount of the fee; if surrendered more
27 than six months but not more than nine months after
28 issuance, the refund shall be one-fourth of the amount
29 of the fee. No refund shall be made, however, for any
30 special liquor permit, nor for a liquor control
31 license, wine permit, or beer permit surrendered more
32 than nine months after issuance. For purposes of this
33 paragraph, any portion of license or permit fees used
34 for the purposes authorized in section 331.424,
35 subsection 1, paragraphs "a", and "b", "c", "d", "e",
36 "f", "g", and "h", and in section 331.424A, shall not
37 be deemed received either by the division or by a
38 local authority. No refund shall be made to any
39 licensee or permittee, upon the surrender of the
40 license or permit, if there is at the time of
41 surrender, a complaint filed with the division or
42 local authority, charging the licensee or permittee
43 with a violation of this chapter. If upon a hearing
44 on a complaint the license or permit is not revoked or
45 suspended, then the licensee or permittee is eligible,
46 upon surrender of the license or permit, to receive a
47 refund as provided in this section; but if the license

48 or permit is revoked or suspended upon hearing the
49 license or permittee is not eligible for the refund
50 of any portion of the license or permit fee.

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1 Sec. 6. Section 218.99, Code 1995, is amended to
2 read as follows:
3 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'
4 PERSONAL ACCOUNTS.

5 The administrator of a division of the department
6 of human services in control of a state institution
7 shall direct the business manager of each institution
8 under the administrator's jurisdiction which is
9 mentioned in section 331.424, subsection 1, paragraphs
10 "a" through "g" and "b" and for which services are
11 paid under section 331.424A to quarterly inform the
12 auditor of the county of legal settlement of any
13 patient or resident who has an amount in excess of two
14 hundred dollars on account in the patients' personal
15 deposit fund and the amount on deposit. The
16 administrators shall direct the business manager to
17 further notify the auditor of the county at least
18 fifteen days before the release of funds in excess of
19 two hundred dollars or upon the death of the patient
20 or resident. If the patient or resident has no county
21 of legal settlement, notice shall be made to the
22 director of the department of human services and the
23 administrator of the division of the department in
24 control of the institution involved.

25 Sec. 7. Section 225C.4, subsection 2, paragraph b,
26 Code 1995, is amended to read as follows:

27 b. Establish mental health and mental retardation
28 services for all institutions under the control of the
29 director of human services and establish an autism
30 unit, following mutual planning with and consultation
31 from the medical director of the state psychiatric
32 hospital, at an institution or a facility administered
33 by the administrator to provide psychiatric and
34 related services and other specific programs to meet
35 the needs of autistic persons as defined in section
36 331.424, subsection 1, and to furnish appropriate
37 diagnostic evaluation services.

38 Sec. 8. Section 331.301, subsection 12, Code 1995,
39 is amended to read as follows:

40 12. The board of supervisors may credit funds to a
41 reserve for the purposes authorized by subsection 11
42 of this section; section 331.424, subsection 1,
43 paragraph "f"; and section 331.441, subsection 2,
44 paragraph "b". Moneys credited to the reserve, and
45 interest earned on such moneys, shall remain in the
46 reserve until expended for purposes authorized by
47 subsection 11 of this section; section 331.424,
48 subsection 1, paragraph "f"; or section 331.441,
49 subsection 2, paragraph "b".

50 Sec. 9. Section 331.424, subsection 1, Code 1995,

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1 is amended to read as follows:

2 1. For general county services, an amount
3 sufficient to pay the charges for the following:
4 a. To the extent that the county is obligated by
5 statute to pay the charges for:

6 ~~(1) Care and treatment of patients by a state
7 mental health institute.~~

8 ~~—(2) Care and treatment of patients by either of
9 the state hospital schools or by any other facility
10 established under chapter 222 and diagnostic
11 evaluation under section 222.31.~~

12 ~~—(3) Care and treatment of patients under chapter
13 225.~~

14 ~~(4) (1) Care and treatment of persons at the
15 alcoholic treatment center at Oakdale. However, the
16 county may require that an admission to the center
17 shall be reported to the board by the center within
18 five days as a condition of the payment of county
19 funds for that admission.~~

20 ~~(5) (2) Care of children admitted or committed to
21 the Iowa juvenile home at Toledo.~~

22 ~~(6) (3) Clothing, transportation, medical, or
23 other services provided persons attending the Iowa
24 braille and sight saving school, the Iowa school for
25 the deaf, or the state hospital-school for severely
26 handicapped children at Iowa City, for which the
27 county becomes obligated to pay pursuant to sections
28 263.12, 269.2, and 270.4 through 270.7.~~

29 ~~b. To the extent that the board deems it advisable
30 to pay, the charges for professional evaluation,
31 treatment, training, habilitation, and care of persons
32 who are mentally retarded, autistic persons, or
33 persons who are afflicted by any other developmental
34 disability, at a suitable public or private facility
35 providing inpatient or outpatient care in the county.
36 As used in this paragraph:~~

37 ~~—(1) "Developmental disability" has the meaning
38 assigned that term by 42 U.S.C. sec. 6001(7) (1976),
39 Supp. II, 1978, and Supp. III, 1979.~~

40 ~~—(2) "Autistic persons" means persons, regardless
41 of age, with severe communication and behavior
42 disorders that became manifest during the early stages
43 of childhood development and that are characterized by
44 a severely disabling inability to understand,
45 communicate, learn, and participate in social
46 relationships. "Autistic persons" includes but is not
47 limited to those persons afflicted by infantile
48 autism, profound aphasia, and childhood psychosis.~~

49 ~~—c. Care and treatment of persons placed in the
50 county hospital, county care facility, a health care~~

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- 1 facility as defined in section 135C.1, subsection 6,
2 or any other public or private facility, which
3 placement is in lieu of admission or commitment to or
4 is upon discharge, removal, or transfer from a state
5 mental health institute, hospital, school, or other
6 facility established pursuant to chapter 222.
7 ~~d. Amounts budgeted by the board for the cost of
8 establishment and initial operation of a community
9 mental health center in the manner and subject to the
10 limitations provided by state law.~~
11 ~~e. b. Foster care and related services provided
12 under court order to a child who is under the
13 jurisdiction of the juvenile court, including court-
14 ordered costs for a guardian ad litem under section
15 232.71.~~
16 ~~f. The care, admission, commitment, and
17 transportation of mentally ill patients in state
18 hospitals, to the extent that expenses for these
19 services are required to be paid by the county,
20 including compensation for the advocate appointed
21 under section 229.10.~~
22 ~~g. Amounts budgeted by the board for mental health
23 services or mental retardation services furnished to
24 persons on either an outpatient or inpatient basis, to
25 a school or other public agency, or to the community
26 at large, by a community mental health center or other
27 suitable facility located in or reasonably near the
28 county, provided that services meet the standards of
29 the mental health and developmental disabilities
30 commission created in section 225C.5 and are
31 consistent with the annual plan for services approved
32 by the board.~~
33 ~~h. Reimbursement on behalf of mentally retarded
34 persons under section 249A.12.~~
35 ~~i. c. Elections, and voter registration pursuant
36 to chapter 48A.~~
37 ~~j. d. Employee benefits under chapters 96, 97B,
38 and 97C, which are associated with salaries for
39 general county services.~~
40 ~~k. e. Joint county and city building authorities
41 established under section 346.27, as provided in
42 subsection 22 of that section.~~
43 ~~l. f. Tort liability insurance, property
44 insurance, and any other insurance that may be
45 necessary in the operation of the county, costs of a
46 self-insurance program, costs of a local government
47 risk pool, and amounts payable under any insurance
48 agreements to provide or procure such insurance, self-
49 insurance program, or local government risk pool.~~
50 ~~m. g. The maintenance and operation of the courts,~~

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1 including but not limited to the salary and expenses
2 of the clerk of the district court and other employees
3 of the clerk's office, and bailiffs, court costs if
4 the prosecution fails or if the costs cannot be
5 collected from the person liable, costs and expenses
6 of prosecution under section 189A.17, salaries and
7 expenses of juvenile court officers under chapter 602,
8 court-ordered costs in domestic abuse cases under
9 section 236.5, the county's expense for confinement of
10 prisoners under chapter 356A, temporary assistance to
11 the county attorney, county contributions to a
12 retirement system for bailiffs, reimbursement for
13 judicial magistrates under section 602.6501, claims
14 filed under section 622.93, interpreters' fees under
15 section 622B.7, uniform citation and complaint
16 supplies under section 805.6, and costs of prosecution
17 under section 815.13.

18 ~~a. h.~~ Court-ordered costs of conciliation
19 procedures under section 598.16.

20 ~~e. i.~~ Establishment and maintenance of a joint
21 county indigent defense fund pursuant to an agreement
22 under section 28E.19.

23 ~~p. j.~~ The maintenance and operation of a local
24 emergency management agency established pursuant to
25 chapter 29C.

26 The board may require a public or private facility,
27 as a condition of receiving payment from county funds
28 for services it has provided, to furnish the board
29 with a statement of the income, assets, and legal
30 residence including township and county of each person
31 who has received services from that facility for which
32 payment has been made from county funds under
33 paragraphs "a" through "h" and "b". However, the
34 facility shall not disclose to anyone the name or
35 street or route address of a person receiving services
36 for which commitment is not required, without first
37 obtaining that person's written permission.

38 Parents or other persons may voluntarily reimburse
39 the county or state for the reasonable cost of caring
40 for a patient or an inmate in a county or state
41 facility.

42 Sec. 10. NEW SECTION. 331.424A COUNTY MENTAL
43 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
44 DISABILITIES SERVICES FUND.

45 1. For the purposes of this chapter, unless the
46 context otherwise requires, "services fund" means the
47 county mental health, mental retardation, and
48 developmental disabilities services fund created in
49 subsection 2. The county finance committee created in
50 section 333A.2 shall consult with the state-county

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1 management committee in adopting rules and prescribing
2 forms for administering the services fund.

3 2. For the fiscal year beginning July 1, 1996, and
4 succeeding fiscal years, county revenues from taxes
5 and other sources designated for mental health, mental
6 retardation, and developmental disabilities services
7 shall be credited to the mental health, mental
8 retardation, and developmental disabilities services
9 fund of the county. The board shall make
10 appropriations from the fund for payment of services
11 provided under the county management plan approved
12 pursuant to section 331.439.

13 3. For the fiscal year beginning July 1, 1996, and
14 succeeding fiscal years, receipts from the state or
15 federal government for such services shall be credited
16 to the services fund, including moneys allotted to the
17 county from the state payment made pursuant to section
18 331.439 and moneys allotted to the county for property
19 tax relief pursuant to section 426B.1.

20 4. For the fiscal year beginning July 1, 1996, and
21 for each subsequent fiscal year, the county shall
22 certify a levy for payment of services. Unless
23 otherwise provided by state law, for each fiscal year,
24 county revenues from taxes imposed by the county
25 credited to the services fund shall not exceed an
26 amount equal to the amount of base year expenditures
27 for services in the fiscal year beginning July 1,
28 1993, and ending June 30, 1994, as defined in section
29 331.438 less the amount of property tax relief to be
30 received pursuant to section 426B.2, subsections 1 and
31 3, in the fiscal year for which the budget is
32 certified. The county auditor and the board of
33 supervisors shall reduce the amount of the levy
34 certified for the services fund by the amount of
35 property tax relief to be received.

36 5. Appropriations specifically authorized to be
37 made from the mental health, mental retardation, and
38 developmental disabilities services fund shall not be
39 made from any other fund of the county.

40 Sec. 11. Section 444.25A, subsection 3, paragraph
41 b, subparagraph (3), Code 1995, is amended to read as
42 follows:

43 (3) Need for additional moneys for health care,
44 treatment, and facilities, including ~~mental health and~~
45 ~~mental retardation care and treatment~~ pursuant to
46 section 331.424, subsection 1, paragraphs "a" through
47 "h" and "b".

48 Sec. 12. EFFECTIVE AND APPLICABILITY DATES. This
49 division of this Act takes effect January 1, 1996, and
50 is applicable to taxes payable in the fiscal year

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1 beginning July 1, 1996, and subsequent fiscal years.

2 DIVISION III

3 PROPERTY TAX RELIEF PROVISIONS

4 Sec. 13. Section 222.60, unnumbered paragraph 1,
5 Code 1995, as amended by 1995 Iowa Acts, House File
6 483, section 12, is amended to read as follows:

7 All necessary and legal expenses for the cost of
8 admission or commitment or for the treatment,
9 training, instruction, care, habilitation, support and
10 transportation of persons with mental retardation, as
11 provided for in the county management plan provisions
12 implemented pursuant to section 331.439, subsection 1,
13 in a state hospital-school, or in a special unit, or
14 any public or private facility within or without the
15 state, approved by the director of the department of
16 human services, shall be paid by either:

17 Sec. 14. Section 331.438, subsection 1, paragraph
18 b, Code 1995, is amended to read as follows:

19 b. "State payment" means the payment made by the
20 state to a county determined to be eligible for the
21 payment in accordance with section 331.439.

22 1A. Except as modified based upon the actual
23 amount of the appropriation for purposes of state
24 payment under section 331.439, the amount of the state
25 payment for a fiscal year shall be calculated as fifty
26 percent of the amount by which the county's qualified
27 expenditures during the immediately preceding fiscal
28 year were in excess of the amount of the county's base
29 year expenditures by applying the inflation factor
30 adjustment established in accordance with section
31 331.439, subsection 3, for that fiscal year to the
32 amount of county expenditures for qualified services
33 in the previous fiscal year. A state payment is the
34 state funding a county receives pursuant to section
35 426B.2, subsection 2. Any state funding received by a
36 county for property tax relief in accordance with
37 section 426B.2, subsections 1 and 3, is not a state
38 payment and shall not be included in the state payment
39 calculation made pursuant to this subsection.

40 Sec. 15. Section 331.439, Code 1995, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 331.439 ELIGIBILITY FOR STATE PAYMENT.

44 1. The state payment to eligible counties under
45 this section shall be made as provided in sections
46 331.438 and 426B.2. A county is eligible for the
47 state payment, as defined in section 331.438, for the
48 fiscal year beginning July 1, 1996, and for subsequent
49 fiscal years if the director of human services, in
50 consultation with the state-county management

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1 committee, determines for a specific fiscal year that
2 all of the following conditions are met:

3 a. The county accurately reported by October 15
4 the county's expenditures for mental health, mental
5 retardation, and developmental disabilities services
6 for the previous fiscal year on forms prescribed by
7 the department of human services.

8 b. The county developed and implemented a county
9 management plan for the county's mental health, mental
10 retardation, and developmental disabilities services
11 in accordance with the provisions of this paragraph.
12 The plan shall comply with the administrative rules
13 adopted for this purpose by the council on human
14 services and is subject to the approval of the
15 director of human services in consultation with the
16 state-county management committee created in section
17 331.438. The plan shall include a description of the
18 county's service management provision for mental
19 health, mental retardation, and developmental
20 disabilities services. For mental retardation and
21 developmental disabilities service management, the
22 plan shall describe the county's development and
23 implementation of a managed system of cost-effective
24 individualized services and shall comply with the
25 provisions of paragraph "d". The goal of this part of
26 the plan shall be to assist the individuals served to
27 be as independent, productive, and integrated into the
28 community as possible. The service management
29 provisions for mental health shall comply with the
30 provisions of paragraph "c".

31 c. (1) For mental health service management, the
32 county may either directly implement a system of
33 service management and contract with service
34 providers, or contract with a private entity to manage
35 the system, provided all requirements of this lettered
36 paragraph are met by the private entity. The mental
37 health service management shall incorporate a single
38 entry point and clinical assessment process developed
39 in accordance with the provisions of section 331.440.
40 The county shall submit this part of the plan to the
41 department of human services for approval by April 1
42 for the succeeding year. Initially, this part of the
43 plan shall be submitted to the department by April 1,
44 1996, and the county shall implement the approved plan
45 by July 1, 1996.

46 (2) The basis for determining whether a managed
47 care system for mental health proposed by a county is
48 comparable to a mental health managed care contractor
49 approved by the department of human services shall
50 include but is not limited to all of the following

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1 elements which shall be specified in administrative
2 rules adopted by the council on human services in
3 consultation with the state-county management
4 committee:

- 5 (a) The enrollment and eligibility process.
- 6 (b) The scope of services included.
- 7 (c) The method of plan administration.
- 8 (d) The process for managing utilization and
9 access to services and other assistance.
- 10 (e) The quality assurance process.
- 11 (f) The risk management provisions and fiscal
12 viability of the provisions, if the county contracts
13 with a private managed care entity.

14 d. For mental retardation and developmental
15 disabilities services management, the county must
16 either develop and implement a managed system of care
17 which addresses a full array of appropriate services
18 and cost-effective delivery of services or contract
19 with a state-approved managed care contractor or
20 contractors. Any system or contract implemented under
21 this paragraph shall incorporate a single entry point
22 and clinical assessment process developed in
23 accordance with the provisions of section 331.440.
24 The elements of the managed system of care and the
25 state-approved managed care contract or contracts
26 shall be specified in rules developed by the
27 department of human services in consultation with the
28 state-county management committee and adopted by the
29 council on human services. Initially, this part of
30 the plan shall be submitted to the department for
31 approval on or before October 1, 1996, and shall be
32 implemented on or before January 1, 1997. In fiscal
33 years succeeding the fiscal year of initial
34 implementation, this part of the plan shall be
35 submitted to the department of human services for
36 approval by April 1 for the succeeding fiscal year.

- 37 e. Changes to the approved plan are submitted at
38 least sixty days prior to the proposed change and are
39 not to be implemented prior to the director of human
40 services' approval.

41 2. The county management plan shall address the
42 county's criteria for serving persons with chronic
43 mental illness, including any rationale used for
44 decision making regarding this population.

- 45 3. a. For the fiscal year beginning July 1, 1996,
46 and succeeding fiscal years, the county's mental
47 health, mental retardation, and developmental
48 disabilities service expenditures for a fiscal year
49 are limited to a fixed budget amount. The fixed
50 budget amount shall be the amount identified in the

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1 county's management plan and budget for the fiscal
2 year. The county shall be allowed an inflation factor
3 adjustment for services paid from the county's
4 services fund under section 331.424A which is in
5 accordance with the county's management plan and
6 budget, implemented pursuant to this section.

7 b. Based upon information contained in county
8 management plans and budgets, the state-county
9 management committee shall recommend an inflation
10 factor adjustment to the council on human services by
11 November 15 for the succeeding fiscal year. The
12 inflation factor adjustment shall address costs
13 associated with new consumers of service, service cost
14 inflation, and investments for economy and efficiency.
15 The council on human services shall recommend to the
16 governor the amount of the inflation factor adjustment
17 for the succeeding fiscal year for inclusion in the
18 governor's proposed budget for the succeeding fiscal
19 year.

20 c. If the general assembly has not revised the
21 amount of the inflation factor adjustment for a fiscal
22 year on the date county budgets must be approved and
23 levies must be certified for that fiscal year, the
24 budgets and levies shall utilize the inflation factor
25 adjustment for that fiscal year recommended by the
26 governor in the governor's proposed budget.

27 4. A county may provide assistance to service
28 populations with disabilities to which the county has
29 historically provided assistance but who are not
30 included in the service management provisions required
31 under subsection 1, subject to the availability of
32 funding.

33 5. Notwithstanding any other provision of law to
34 the contrary, a county shall have no obligation to pay
35 for or provide mental health, mental retardation, or
36 developmental disabilities services for any person
37 that applies through the county's single entry point
38 and clinical assessment process after the moneys in
39 the county services fund under section 331.424A are
40 expended.

41 6. 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. A county may expend all of
46 the funding anticipated to be available for the plan.

47 7. The director's approval of a county's mental
48 health, mental retardation, and developmental
49 disabilities services management plan shall not be
50 construed to constitute certification of the county's

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1 budget.

2 Sec. 16. Section 331.440, subsection 1, Code 1995,
3 is amended by adding the following new paragraph:
4 NEW PARAGRAPH. c. The single entry point and
5 clinical assessment process shall include provision
6 for the county's participation in a management
7 information system developed in accordance with rules
8 adopted pursuant to subsection 3.

9 Sec. 17. NEW SECTION. 426B.1 APPROPRIATIONS —
10 PROPERTY TAX RELIEF FUND.

11 1. A property tax relief fund is created in the
12 state treasury under the authority of the department
13 of revenue and finance. The fund shall be separate
14 from the general fund of the state and shall not be
15 considered part of the general fund of the state
16 except in determining the cash position of the state
17 for payment of state obligations. The moneys in the
18 fund are not subject to the provisions of section 8.33
19 and shall not be transferred, used, obligated,
20 appropriated, or otherwise encumbered except as
21 provided in this section. Moneys in the fund may be
22 used for cash flow purposes, provided that any moneys
23 so allocated are returned to the fund by the end of
24 each fiscal year. However, the fund shall be
25 considered a special account for the purposes of
26 section 8.53, relating to elimination of any GAAP
27 deficit. For the purposes of this chapter, unless the
28 context otherwise requires, "property tax relief fund"
29 means the property tax relief fund created in this
30 section.

31 2. There is appropriated to the property tax
32 relief fund for the indicated fiscal years from the
33 general fund of the state the following amounts:

34 a. For the fiscal year beginning July 1, 1995,
35 sixty-one million dollars.

36 b. For the fiscal year beginning July 1, 1996,
37 seventy-eight million dollars.

38 c. For the fiscal year beginning July 1, 1997, and
39 succeeding fiscal years, ninety-five million dollars.

40 Sec. 18. NEW SECTION. 426B.2 PROPERTY TAX RELIEF
41 FUND DISTRIBUTIONS.

42 Moneys in the property tax relief fund shall be
43 utilized in each fiscal year as follows in the order
44 listed:

45 1. The first sixty-one million dollars plus the
46 amount paid pursuant to subsection 3 in the previous
47 fiscal year in the property tax relief fund shall be
48 distributed to counties under this subsection. A
49 county's proportion of the moneys shall be equivalent
50 to the sum of the following three factors:

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1 a. One-third based upon the county's proportion of
2 the state's general population.

3 b. One-third based upon the county's proportion of
4 the state's total taxable property valuation assessed
5 for taxes payable in the previous fiscal year.

6 c. One-third based upon the county's proportion of
7 all counties' base year expenditures, as defined in
8 section 331.438.

9 Moneys provided to a county for property tax relief
10 in a fiscal year in accordance with this section shall
11 not be less than the amount provided for property tax
12 relief in the previous fiscal year.

13 2. Payment of moneys to eligible counties of the
14 state payment in accordance with the provisions of
15 sections 331.438 and 331.439.

16 3. For the fiscal year beginning July 1, 1996, and
17 succeeding fiscal years, the department of human
18 services shall estimate the amount of moneys required
19 for the state payment pursuant to subsection 2.
20 Moneys remaining in the property tax relief fund
21 following the payment made pursuant to subsection 1
22 and the estimated amount of the state payment pursuant
23 to subsection 2 shall be paid for property tax relief
24 in the same manner as provided in subsection 1 to
25 counties eligible for state payment under subsection
26 2. These payments shall continue until the combined
27 amount of the payments made under this subsection and
28 subsection 1 are equal to fifty percent of the total
29 of all counties' base year expenditures as defined in
30 section 331.438. The amount of moneys paid to a
31 county pursuant to this subsection shall be added in
32 subsequent fiscal years to the amount of moneys paid
33 under subsection 1.

34 4. Moneys remaining in the property tax relief
35 fund following the payments made pursuant to
36 subsections 1, 2, and 3 shall be transferred to the
37 homestead credit fund created in section 425.1. This
38 transfer shall continue until the homestead credit is
39 fully funded.

40 5. The department of human services shall notify
41 the director of revenue and finance of the amounts due
42 a county in accordance with the provisions of this
43 section. The director of revenue and finance shall
44 draw warrants on the property tax relief fund, payable
45 to the county treasurer in the amount due to a county
46 in accordance with subsections 1 and 3 and mail the
47 warrants to the county auditors in September and March
48 of each year. Warrants for the state payment in
49 accordance with subsection 2 shall be mailed in
50 January of each year.

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1 Sec. 19. NEW SECTION. 426B.3 NOTIFICATION OF
2 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
3 DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.

4 1. The county auditor shall reduce the certified
5 budget amount received from the board of supervisors
6 for the succeeding fiscal year for the county mental
7 health, mental retardation, and developmental
8 disabilities services fund created in section 331.424A
9 by an amount equal to the amount the county will
10 receive from the property tax relief fund pursuant to
11 section 426B.2, subsections 1 and 3, for the
12 succeeding fiscal year and the auditor shall determine
13 the rate of taxation necessary to raise the reduced
14 amount. On the tax list, the county auditor shall
15 compute the amount of taxes due and payable on each
16 parcel before and after the amount received from the
17 property tax relief fund is used to reduce the county
18 budget. The director of revenue and finance shall
19 notify the county auditor of each county of the amount
20 of moneys the county will receive from the property
21 tax relief fund pursuant to section 426B.2,
22 subsections 1 and 3, for the succeeding fiscal year.

23 2. The amount of property tax dollars reduced on
24 each parcel as a result of the moneys received from
25 the property tax relief fund pursuant to section
26 426B.2, subsections 1 and 3, shall be noted on each
27 tax statement prepared by the county treasurer
28 pursuant to section 445.23.

29 Sec. 20. NEW SECTION. 426B.4 RULES.

30 The council on human services shall consult with
31 the state-county management committee created in
32 section 331.438 and the director of revenue and
33 finance in prescribing forms and adopting rules
34 pursuant to chapter 17A to administer this chapter.

35 Sec. 21. PROPERTY TAX RELIEF — FISCAL YEAR 1995-
36 1996. For the fiscal year beginning July 1, 1995, the
37 department of management shall notify each county
38 auditor by June 1, 1995, of the amount the county will
39 receive from the property tax relief fund for property
40 tax relief pursuant to section 426B.2, subsection 1,
41 for that fiscal year. The county auditor shall reduce
42 by the notified amount the amount of the county's
43 certified budget to be raised by property tax for that
44 fiscal year which is to be expended for mental health,
45 mental retardation, and developmental disabilities
46 services and shall revise the rate of taxation as
47 necessary to raise the reduced amount. The county
48 auditor shall report the reduction in the certified
49 budget and the revised rate of taxation to the
50 department of management by June 30, 1995.

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1 Sec. 22. FUNDING OF SESSION LAW REQUIREMENTS. If
2 the appropriations in section 426B.1, subsection 2, as
3 created in this division of this Act, are enacted by
4 this Act, the requirements of 1994 Iowa Acts, chapter
5 1163, section 8, subsection 2, to fully fund
6 provisions of sections 331.438 and 331.439 shall be
7 considered to be met and the repeals contained in 1994
8 Iowa Acts, chapter 1163, section 8, subsection 2,
9 shall be void.

10 Sec. 23. STATE-COUNTY MANAGEMENT COMMITTEE REVIEW
11 — 1995 INTERIM. The state-county management
12 committee created in section 331.438 shall review
13 statutory provisions and administrative rules which
14 are intended to regulate and contain county
15 expenditures for mental health, mental retardation,
16 and developmental disabilities (MH/MR/DD) services and
17 the formula for distribution of property tax relief
18 moneys to counties under section 426B.2. The
19 committee should consider proposals from counties and
20 other interested persons for a distribution formula
21 factor which rewards or provides incentives for
22 economy and efficiency in providing mental health,
23 mental retardation, and developmental disabilities
24 services; and a mechanism for a county to appeal to
25 the state if it is believed the county is unfairly
26 treated under an established funding formula. In
27 addition, the committee shall consider tort and other
28 liability issues associated with a county managing
29 MH/MR/DD expenditures in accordance with a fixed
30 budget and make recommendations to address the issues.
31 The committee shall review the dates required under
32 section 331.439 and chapter 426B, as enacted by this
33 Act and make recommendations for change if revisions
34 are deemed necessary. The committee shall report to
35 the governor and the general assembly on or before
36 December 1, 1995.

37 Sec. 24. LEVY STUDY. The county finance committee
38 created in chapter 333A shall consult with any
39 interested parties in studying the ramifications of
40 consolidating the county general basic levies and the
41 general supplemental levies and other proposals
42 involving the levies. The committee shall be assisted
43 by four legislators with one each appointed by the
44 following leaders: majority leader of the senate,
45 minority leader of the senate, speaker of the house of
46 representatives, and minority leader of the house of
47 representatives. The legislative appointees are
48 eligible for per diem and actual expenses for their
49 assistance to the committee. The committee shall
50 report to the governor and the general assembly with

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1 findings and recommendations on or before January 4,
2 1996.

3 Sec. 25. EFFECTIVE DATE. Section 21 of this
4 division of this Act, relating to property tax relief
5 for fiscal year 1995-1996, being deemed of immediate
6 importance, takes effect upon enactment.

7 DIVISION IV

8 COUNTY PROPERTY TAX LIMITATION

9 Sec. 26. Section 444.25A, subsection 1, Code 1995,
10 is amended to read as follows:

11 1. COUNTY LIMITATION. The maximum amount of
12 property tax dollars which may be certified by a
13 county for taxes payable in the fiscal year beginning
14 July 1, 1995, shall not exceed the amount of property
15 tax dollars certified by the county for taxes payable
16 in the fiscal year beginning July 1, 1994, minus the
17 amount of property tax relief moneys to be received by
18 the county for the fiscal year beginning July 1, 1995,
19 pursuant to section 426B.2, subsection 1, 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, 1996, 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 1995, minus the amount by which the property tax
26 relief moneys to be received by the county in the
27 fiscal year beginning July 1, 1996, pursuant to
28 section 426B.2, subsections 1 and 3, exceeds the
29 amount of the property tax relief moneys received in
30 the fiscal year beginning July 1, 1995, for each of
31 the levies for the following, except for the levies on
32 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 Sec. 27. NEW SECTION. 444.25B PROPERTY TAX
8 LIMITATION FOR FISCAL YEAR 1998.

9 1. COUNTY LIMITATION. The maximum amount of
10 property tax dollars which may be certified by a
11 county for taxes payable in the fiscal year beginning
12 July 1, 1997, shall not exceed the amount of property
13 tax dollars certified by the county for taxes payable
14 in the fiscal year beginning July 1, 1996, minus the
15 amount by which the property tax relief moneys to be
16 received by the county in the fiscal year beginning
17 July 1, 1997, pursuant to section 426B.2, subsections
18 1 and 3, exceeds the amount of the property tax relief
19 moneys received in the fiscal year beginning July 1,
20 1996, for each of the levies for the following, except
21 for the levies on the increase in taxable valuation
22 due to new construction, additions or improvements to
23 existing structures, remodeling of existing structures
24 for which a building permit is required, annexation,
25 and phasing out of tax exemptions, and on the increase
26 in valuation of taxable property as a result of a
27 comprehensive revaluation by a private appraiser under
28 a contract entered into prior to January 1, 1992, or
29 as a result of a comprehensive revaluation directed or
30 authorized by the conference board prior to January 1,
31 1992, with documentation of the contract,
32 authorization, or directive on the revaluation
33 provided to the director of revenue and finance, if
34 the levies are equal to or less than the levies for
35 the previous year, levies on that portion of the
36 taxable property located in an urban renewal project
37 the tax revenues from which are no longer divided as
38 provided in section 403.19, subsection 2, or as
39 otherwise provided in this section:

40 a. General county services under section 331.422,
41 subsection 1.

42 b. Rural county services under section 331.422,
43 subsection 2.

44 c. Other taxes under section 331.422, subsection
45 4.

46 2. EXCEPTIONS. The limitations provided in
47 subsection 1 do not apply to the levies made for the
48 following:

49 a. Debt service to be deposited into the debt
50 service fund pursuant to section 331.430.

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1 b. Taxes approved by a vote of the people which
2 are payable during the fiscal year beginning July 1,
3 1997.

4 c. Hospitals pursuant to chapters 37, 347, and
5 347A.

6 d. Emergency management to be deposited into the
7 local emergency management fund and expended for
8 development of hazardous substance teams pursuant to
9 chapter 29C.

10 e. Unusual need for additional moneys to finance
11 existing programs which would provide substantial
12 benefit to county residents or compelling need to
13 finance new programs which would provide substantial
14 benefit to county residents. The increase in taxes
15 levied under this exception for the fiscal year
16 beginning July 1, 1997, is limited to no more than the
17 product of the total tax dollars levied in the fiscal
18 year beginning July 1, 1996, and the percent change,
19 computed to two decimal places, in the price index for
20 government purchases by type for state and local
21 governments computed for the third quarter of calendar
22 year 1996 from that computed for the third quarter of
23 calendar year 1995.

24 For purposes of this paragraph, the price index for
25 government purchases by type for state and local
26 governments is defined by the bureau of economic
27 analysis of the United States department of commerce
28 and published in table 7.11 of the national income and
29 products accounts. For the fiscal year beginning July
30 1, 1997, the price index used shall be the revision
31 published in the November 1996 edition of the United
32 States department of commerce publication, "survey of
33 current business". For purposes of this paragraph,
34 tax dollars levied in the fiscal year beginning July
35 1, 1996, shall not include funds levied for paragraphs
36 "a", "b", and "c" of this subsection.

37 Application of this exception shall require an
38 original publication of the budget and a public
39 hearing and a second publication and a second hearing
40 both in the manner and form prescribed by the director
41 of the department of management, notwithstanding the
42 provisions of section 331.434. The publications and
43 hearings prescribed in this paragraph shall be held
44 and the budget certified no later than March 15. The
45 taxes levied for counties whose budgets are certified
46 after March 15, 1997, shall be frozen at the fiscal
47 year beginning July 1, 1996, level.

48 3. APPEAL PROCEDURES. In lieu of the procedures
49 in sections 24.48 and 331.426, which procedures do not
50 apply for taxes payable in the fiscal year beginning

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1 July 1, 1997, if a county needs to raise property tax
2 dollars from a tax levy in excess of the limitations
3 imposed by subsection 1, the following procedures
4 apply:

5 a. Not later than March 1, and after the
6 publication and public hearing on the budget in the
7 manner and form prescribed by the director of the
8 department of management, notwithstanding section
9 331.434, the county shall petition the state appeal
10 board for approval of a property tax increase in
11 excess of the increase provided for in subsection 2,
12 paragraph "e", on forms furnished by the director of
13 the department of management. Applications received
14 after March 1 shall be automatically ineligible for
15 consideration by the board.

16 b. Additional costs incurred by the county due to
17 any of the following circumstances shall be the basis
18 for justifying the excess in property tax dollars:

19 (1) Natural disaster or other life-threatening
20 emergencies.

21 (2) 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.

26 (3) Need for additional moneys for health care,
27 treatment, and facilities pursuant to section 331.424,
28 subsection 1, paragraphs "a" and "b".

29 (4) Judgments, settlements, and related costs
30 arising out of civil claims against the county and its
31 officers, employees, and agents, as defined in chapter
32 670.

33 c. The state appeal board shall approve,
34 disapprove, or reduce the amount of excess property
35 tax dollars requested. The board shall take into
36 account the intent of this section to provide property
37 tax relief. The decision of the board shall be
38 rendered at a regular or special meeting of the board
39 within twenty days of the board's receipt of an
40 appeal.

41 d. Within seven days of receipt of the decision of
42 the state appeal board, the county shall adopt and
43 certify its budget under section 331.434, which budget
44 may be protested as provided in section 331.436. The
45 budget shall not contain an amount of property tax
46 dollars in excess of the amount approved by the state
47 appeal board.

48 4. Rate adjustment by county auditor. In addition
49 to the requirement of the county auditor in section
50 444.3 to establish a rate of tax which does not exceed

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1 the rate authorized by law, the county auditor shall
2 also adjust the rate if the amount of property tax
3 dollars to be raised is in excess of the amount
4 specified in subsection 1, as may be adjusted pursuant
5 to subsection 3.

6 Sec. 28. Section 444.27, Code 1995, is amended to
7 read as follows:

8 444.27 SECTIONS VOID.

9 1. For purposes of section 444.25, sections 24.48
10 and 331.426 are void for the fiscal years beginning
11 July 1, 1993, and July 1, 1994. For purposes of
12 section 444.25A, sections 24.48 and 331.426 are void
13 for the fiscal years beginning July 1, 1995, and July
14 1, 1996.

15 2. For purposes of section 444.25B, sections 24.48
16 and 331.426 are void for the fiscal year beginning
17 July 1, 1997.

18 **DIVISION V**
19 **INDUSTRIAL MACHINERY, EQUIPMENT AND COMPUTERS PROPERTY**
20 **TAX**

21 **EXEMPTION AND REPLACEMENT**
22 Sec. 29. Section 427B.17, Code 1995, is amended to
23 read as follows:

24 **427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.**

25 1. For property defined in section 427A.1,
26 subsection 1, paragraphs "e" and "j", acquired or
27 initially leased on or after January 1, 1982, the
28 taxpayer's valuation shall be limited to thirty
29 percent of the net acquisition cost of the property,
30 except as otherwise provided in subsections 2 and 3.
31 For purposes of this section, "net acquisition cost"
32 means the acquired cost of the property including all
33 foundations and installation cost less any excess cost
34 adjustment.

35 For purposes of this section subsection:

36 1. Property assessed by the department of revenue
37 and finance pursuant to sections 428.24 to 428.29, or
38 chapters 433, 434 and 436 to 438 shall not receive the
39 benefits of this section.

40 2. a. Property acquired before January 1, 1982,
41 which was owned or used before January 1, 1982, by a
42 related person shall not receive the benefits of this
43 section subsection.

44 3. b. Property acquired on or after January 1,
45 1982, which was owned and used by a related person
46 shall not receive any additional benefits under this
47 section subsection.

48 4. c. Property which was owned or used before
49 January 1, 1982, and subsequently acquired by an
50 exchange of like property shall not receive the

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1 benefits of this section ~~subsection~~.

2 5. d. Property which was acquired on or after
3 January 1, 1982, and subsequently exchanged for like
4 property shall not receive any additional benefits
5 under this section ~~subsection~~.

6 6. e. Property acquired before January 1, 1982,
7 which is subsequently leased to a taxpayer or related
8 person who previously owned the property shall not
9 receive the benefits of this section ~~subsection~~.

10 7. f. Property acquired on or after January 1,
11 1982, which is subsequently leased to a taxpayer or
12 related person who previously owned the property shall
13 not receive any additional benefits under this section
14 ~~subsection~~.

15 For purposes of this section ~~subsection~~, "related
16 person" means a person who owns or controls the
17 taxpayer's business and another business entity from
18 which property is acquired or leased or to which
19 property is sold or leased. Business entities are
20 owned or controlled by the same person if the same
21 person directly or indirectly owns or controls fifty
22 percent or more of the assets or any class of stock or
23 who directly or indirectly has an interest of fifty
24 percent or more in the ownership or profits.

25 2. Property defined in section 427A.1, subsection
26 1, paragraphs "e" and "f", which is first assessed for
27 taxation in this state on or after January 1, 1995,
28 shall be exempt from taxation.

29 3. Property defined in section 427A.1, subsection
30 1, paragraphs "e" and "f", and assessed under section
31 427B.17, subsection 1, shall be valued by the local
32 assessor as follows for the following assessment
33 years:

34 a. For the assessment year beginning January 1,
35 1999, at twenty-two percent of the net acquisition
36 cost.

37 b. For the assessment year beginning January 1,
38 2000, at fourteen percent of the net acquisition cost.

39 c. For the assessment year beginning January 1,
40 2001, at six percent of the net acquisition cost.

41 d. For the assessment year beginning January 1,
42 2002, and succeeding assessment years, at zero percent
43 of the net acquisition cost.

44 4. Property assessed pursuant to this section
45 shall not be eligible to receive a partial exemption
46 under sections 427B.1 to 427B.6.

47 5. This section shall not apply to property
48 assessed by the department of revenue and finance
49 pursuant to sections 428.24 to 428.29, or chapters
50 433, 434, and 436 to 438, and such property shall not

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1 receive the benefits of this section.
2 Any electric power generating plant which operated
3 during the preceding assessment year at a net capacity
4 factor of more than twenty percent, shall not receive
5 the benefits of this section or of sections 15.332 and
6 15.334. For purposes of this section, "electric power
7 generating plant" means any name plate rated electric
8 power generating plant, in which electric energy is
9 produced from other forms of energy, including all
10 taxable land, buildings, and equipment used in the
11 production of such energy. "Net capacity factor"
12 means net actual generation divided by the product of
13 net maximum capacity times the number of hours the
14 unit was in the active state during the assessment
15 year. Upon commissioning, a unit is in the active
16 state until it is decommissioned. "Net actual
17 generation" means net electrical megawatt hours
18 produced by the unit during the preceding assessment
19 year. "Net maximum capacity" means the capacity the
20 unit can sustain over a specified period when not
21 restricted by ambient conditions or equipment
22 deratings, minus the losses associated with station
23 service or auxiliary loads.

24 6. The taxpayer's valuation of property defined in
25 section 427A.1, subsection 1, paragraphs "e" and "j",
26 and located in an urban renewal area for which an
27 urban renewal plan provides for the division of taxes
28 as provided in section 403.19 to pay the principal and
29 interest on loans, advances, bonds issued under the
30 authority of section 403.9, subsection 1, or
31 indebtedness incurred by a city or county to finance
32 an urban renewal project within the urban renewal
33 area, if such loans, advances, or bonds were issued or
34 indebtedness incurred, on or after January 1, 1982,
35 and on or before June 30, 1995, shall be limited to
36 thirty percent of the net acquisition cost of the
37 property. Such property located in an urban renewal
38 area shall not be valued pursuant to subsection 2 or
39 3, whichever is applicable, until the assessment year
40 following the calendar year in which the obligations
41 created by any loans, advances, bonds, or indebtedness
42 payable from the division of taxes as provided in
43 section 403.19 have been retired. The taxpayer's
44 valuation for such property shall then be the
45 valuation specified in subsection 2 or 3, whichever is
46 applicable, for the applicable assessment year. If
47 the loans, advances, or bonds issued, or indebtedness
48 incurred between January 1, 1982, and June 30, 1995,
49 are refinanced or refunded after June 30, 1995, the
50 valuation of such property shall then be the valuation

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1 specified in subsection 2 or 3, whichever is
2 applicable, for the applicable assessment year
3 beginning with the assessment year following the
4 calendar year in which any of those loans, advances,
5 bonds, or other indebtedness are refinanced or
6 refunded after June 30, 1995.

7 7. For the purpose of dividing taxes under section
8 260E.4 or 260F.4, the employer's or business's
9 valuation of property defined in section 427A.1,
10 subsection 1, paragraphs "e" and "j", and used to fund
11 a new jobs training project which project's first
12 written agreement providing for a division of taxes as
13 provided in section 403.19 is approved on or before
14 June 30, 1995, shall be limited to thirty percent of
15 the net acquisition cost of the property. An
16 employer's or business's taxable property used to fund
17 a new jobs training project shall not be valued
18 pursuant to subsection 2 or 3, whichever is
19 applicable, until the assessment year following the
20 calendar year in which the certificates or other
21 funding obligations have been retired or escrowed.
22 The taxpayer's valuation for such property shall then
23 be the valuation specified in subsection 1 for the
24 applicable assessment year. If the certificates
25 issued, or other funding obligations incurred, between
26 January 1, 1982, and June 30, 1995, are refinanced or
27 refunded after June 30, 1995, the valuation of such
28 property shall then be the valuation specified in
29 subsection 2 or 3, whichever is applicable, for the
30 applicable assessment year beginning with the
31 assessment year following the calendar year in which
32 those certificates or other funding obligations are
33 refinanced or refunded after June 30, 1995.

34 **Sec. 30. NEW SECTION. 427B.18 REPLACEMENT.**

35 Beginning with the fiscal year beginning July 1,
36 1996, each county treasurer shall be paid from the
37 industrial machinery, equipment and computers
38 replacement fund an amount equal to the amount of the
39 industrial machinery, equipment and computers tax
40 replacement claim, as calculated in section 427B.19.

41 **Sec. 31. NEW SECTION. 427B.19 ASSESSOR AND**
42 **COUNTY AUDITOR DUTIES.**

43 1. On or before July 1 of each fiscal year, the
44 assessor shall determine the total assessed value of
45 the property assessed under section 427B.17 for taxes
46 payable in that fiscal year and the total assessed
47 value of such property assessed as of January 1, 1994,
48 and shall report the valuations to the county auditor.

49 2. On or before July 1 of each fiscal year, the
50 assessor shall determine the valuation of all

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1 commercial and industrial property assessed for taxes
2 payable in that fiscal year and the valuation of such
3 property assessed as of January 1, 1994, and shall
4 report the valuations to the county auditor.
5 3. On or before July 1, 1996, and on or before
6 July 1 of each succeeding fiscal year through June 30,
7 2006, the county auditor shall prepare a statement,
8 based upon the report received pursuant to subsections
9 1 and 2, listing for each taxing district in the
10 county:
11 a. Beginning with the assessment year beginning
12 January 1, 1995, the difference between the assessed
13 valuation of property assessed pursuant to section
14 427B.17 for that year and the total assessed value of
15 such property assessed as of January 1, 1994. If the
16 total assessed value of the property assessed as of
17 January 1, 1994, is less, there is no tax replacement
18 for the fiscal year.
19 b. The tax levy rate for each taxing district for
20 that fiscal year.
21 c. The industrial machinery, equipment and
22 computers tax replacement claim for each taxing
23 district. For fiscal years beginning July 1, 1996,
24 and ending June 30, 2001, the replacement claim is
25 equal to the amount determined pursuant to paragraph
26 "a", multiplied by the tax rate specified in paragraph
27 "b". For fiscal years beginning July 1, 2001, and
28 ending June 30, 2006, the replacement claim is equal
29 to the product of the amount determined pursuant to
30 paragraph "a", less any increase in valuations
31 determined in paragraph "d", and the tax rate
32 specified in paragraph "b". If the amount subtracted
33 under paragraph "d" is more than the amount determined
34 in paragraph "a", there is no tax replacement for the
35 fiscal year.
36 d. Beginning with the assessment year beginning
37 January 1, 2000, the auditor shall reduce the amount
38 listed in paragraph "a", by the increase, if any, in
39 assessed valuations of commercial and industrial
40 property in the assessment year beginning January 1,
41 1994, and the assessment year for which taxes are due
42 and payable in that fiscal year. If the calculation
43 under this paragraph indicates a net decrease in
44 aggregate valuation of such property, the industrial
45 machinery, equipment and computers tax replacement
46 claim for each taxing district is equal to the amount
47 determined pursuant to paragraph "a", multiplied by
48 the tax rate specified in paragraph "b".
49 4. The county auditor shall certify and forward
50 one copy of the statement to the department of revenue

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1 and finance not later than July 1 of each year.

2 Sec. 32. NEW SECTION. 427B.19A FUND CREATED.

3 1. The industrial machinery, equipment and
4 computers property tax replacement fund is created.
5 For the fiscal year beginning July 1, 1996, through
6 the fiscal year ending June 30, 2006, there is
7 appropriated annually from the general fund of the
8 state to the department of revenue and finance to be
9 credited to the industrial machinery, equipment and
10 computers property tax replacement fund, an amount
11 sufficient to implement this division.

12 2. If an amount appropriated for a fiscal year is
13 insufficient to pay all claims, the director shall
14 prorate the disbursements from the fund to the county
15 treasurers and shall notify the county auditors of the
16 pro rata percentage on or before August 1.

17 3. The replacement claims shall be paid to each
18 county treasurer in equal installments in September
19 and March of each year. The county treasurer shall
20 apportion the replacement claim payments among the
21 eligible taxing districts in the county.

22 Sec. 33. NEW SECTION. 427B.19B GUARANTEE OF
23 STATE REPLACEMENT FUNDS.

24 For the fiscal years beginning July 1, 1996, and
25 ending June 30, 2006, if the industrial machinery,
26 equipment and computers property tax replacement fund
27 is insufficient to pay in full the total of the
28 amounts certified to the director of revenue and
29 finance, the director shall compute for each county
30 the difference between the total of all replacement
31 claims for each taxing district within the county and
32 the amount paid to the county treasurer for
33 disbursement to each taxing district in the county.
34 The assessor, for the assessment year for which taxes
35 are due and payable in the fiscal year for which a
36 sufficient appropriation was not made, shall revalue
37 all industrial machinery, equipment and computers
38 described in section 427B.17, subsections 2 and 3, in
39 the county at a percentage of net acquisition cost
40 which will yield from each taxing district its
41 shortfall and the property shall be assessed and taxed
42 in such manner for taxes due and payable in the
43 following fiscal year in addition to being assessed
44 and taxed in the applicable manner under section
45 427B.17. When conducting the revaluation, the
46 assessor shall increase the percentage of net
47 acquisition cost of such property by the same
48 percentage point. Property tax dollar amounts
49 certified pursuant to this section shall not be
50 considered property tax dollars certified for purposes

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1 of the property tax limitation in chapter 444.
 2 Sec. 34. Section 257.3, subsection 1, Code 1995,
 3 is amended by adding the following new unnumbered
 4 paragraph:
 5 NEW UNNUMBERED PARAGRAPH. The amount paid to each
 6 school district for the tax replacement claim for
 7 industrial machinery, equipment and computers under
 8 section 427B.19A shall be regarded as property tax.
 9 The portion of the payment which is foundation
 10 property tax shall be determined by applying the
 11 foundation property tax rate to the amount computed
 12 under section 427B.19, subsection 3, paragraph "a", as
 13 adjusted by paragraph "d", if any adjustment was made.

14 DIVISION VI

15 FISCAL YEAR 1996 PAYMENT

16 Sec. 35. FISCAL YEAR 1996 RELIEF FUND PAYMENT.
 17 Notwithstanding 1995 Iowa Acts, House File 132,
 18 section 13, the appropriation in that section shall
 19 not be made from the general fund of the state but
 20 shall be made from the property tax relief fund
 21 created in section 426B.1, as enacted by this Act.
 22 Notwithstanding section 426B.2, subsection 2, as
 23 enacted by this Act, for the fiscal year beginning
 24 July 1, 1995, the amount of moneys distributed under
 25 that subsection shall be \$54.4 million."
 26 2. Title page, by striking lines 1 through 4 and
 27 inserting the following: "An Act relating to tax
 28 provisions involving state income tax, certain county,
 29 property tax and services associated with mental
 30 health and developmental disabilities services, the
 31 county property tax limitation, and property tax on
 32 industrial machinery, equipment and computers,
 33 providing appropriations, and providing effective and
 34 applicability dates."

The motion prevailed and the House concurred in the Senate amendment H-4121, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 69)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	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	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:

Fallon

Absent or not voting, 1:

Brammer

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

IMMEDIATE MESSAGE

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 April 27, 1995, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 471, a bill for an act relating to the wagering tax on gambling games at pari-mutuel racetrack enclosures.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 578, by committee on appropriations, a bill for an act relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes.

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

SENATE MESSAGE CONSIDERED

Senate File 471, by committee on ways and means, a bill for an act relating to the wagering tax on gambling games at pari-mutuel racetrack enclosures.

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

SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **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, amended by the Senate amendment H-4123 as follows:

H-4123

- 1 Amend House File 185, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 5, by inserting after the word
- 4 "exemption." the following: "'Printer" means that
- 5 portion of a person's business engaged in printing
- 6 that completes a finished product for ultimate sale at
- 7 retail or means that portion of a person's business
- 8 used to complete a finished printed packaging material
- 9 used to package a product for ultimate sale at retail.
- 10 "Printer" does not mean an in-house printer who prints
- 11 or copyrights its own materials."
- 12 2. By renumbering, relettering, or redesignating
- 13 and correcting internal references as necessary.

Weigel of Chickasaw offered the following amendment H-4125, to the Senate amendment H-4123, filed by him from the floor and moved its adoption:

H-4125

- 1 Amend the Senate amendment, H-4123, to House File
- 2 185, as passed by the House, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "materials." the following: "'Publisher" means a

5 newspaper and also means that portion of a person's
 6 business engaged in after the effective date of this
 7 Act that publishes for ultimate sale at wholesale or
 8 retail or contracts for the manufacture or printing
 9 for ultimate sale at wholesale or retail books,
 10 pamphlets, periodicals, brochures, or magazines."

Amendment H-4125 lost.

Weigel of Chickasaw offered amendment H-4124, to the Senate amendment H-4123, filed by him from the floor as follows:

H-4124

1 Amend the Senate amendment, H-4123, to House File
 2 185, as passed by the House, as follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "_. Page 2, by striking line 10 and inserting
 6 the following: "1995".
 7 _ Page 2, line 11, by striking the words
 8 "aggregate and".
 9 _ Page 2, by striking lines 13 through 17 and
 10 inserting the following: "provision of law."
 11 _ Title page, lines 2 and 3, by striking the
 12 words "limiting the amount of refunds,""

Speaker pro tempore Van Maanen of Marion in the chair at 5:39 p.m.

Grubbs of Scott rose on a point of order that amendment H-4124 was not germane, to the Senate amendment H-4123.

The Speaker ruled the point well taken and amendment H-4124 not germane, to the Senate amendment H-4123.

Weigel of Chickasaw offered the following amendment H-4126, to the Senate amendment H-4123, filed by him from the floor and moved its adoption:

H-4126

1 Amend the Senate amendment, H-4123, to House File
 2 185, as passed by the House, as follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "materials." the following:
 5 ""Publisher" means that portion of an entity's
 6 business that publishes for ultimate sale at retail or
 7 contracts for the manufacture or printing for ultimate
 8 sale at retail books, pamphlets, periodicals,
 9 brochures, magazines, or newspapers."

Amendment H-4126 lost.

On motion by Grubbs of Scott, the House concurred in the Senate amendment H-4123.

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

On the question "Shall the bill pass?" (H.F. 185)

The ayes were, 96:

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	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	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	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Murphy	Shoultz	Witt
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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 185 be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 579, by committee on appropriations, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date.

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

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on ways and means.

The House stood at ease at 5:55 p.m., until the fall of the gavel.

The House resumed session at 7:14 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-three members present, thirty-seven absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Schrader of Marion.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 578.

Appropriations Calendar

House File 578, a bill for an act relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes, was taken up for consideration.

Harrison of Scott offered amendment H-4131 filed by Harrison, Jacobs, Wise, Dinkla, Mascher, Nelson of Marshall, Myers, Jochum and Brand from the floor as follows:

H-4131

- 1 Amend House File 578 as follows:
- 2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. APPROPRIATIONS.

5 1. PART III AUTHORIZED USERS.

6 a. There is appropriated from the general fund of
7 the state to the Iowa telecommunications network fund
8 under the control of the Iowa telecommunications and
9 technology commission for the fiscal year beginning
10 July 1, 1995, and ending June 30, 1996, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purpose designated:

13 For the connection of a minimum of 100 Part III
14 authorized users as determined by the commission and
15 communicated to the general assembly:

16 \$ 18,540,000

17 It is the intent of the general assembly that the
18 contracts for the connection of such authorized user
19 sites be awarded based on the low site-by-site,
20 defined geographical area, or merged area bids as
21 determined by the commission and communicated to the
22 general assembly. It is also the intent of the
23 general assembly that all area education agencies
24 which are not connected to the network be connected to
25 the network during the fiscal year which begins on
26 July 1, 1995. It is also the intent of the general
27 assembly that the contracts awarded for the
28 connections funded pursuant to this subsection include
29 a lease period of seven years with the option for an
30 extension of three additional years.

31 b. It is the intent of the general assembly that
32 the appropriation provided for in this section and the
33 connections to be made with that appropriation
34 represent the first phase of a plan the total cost of
35 which is anticipated to be approximately \$94,690,000.
36 It is intended that the first four years of the plan
37 include the connection of a minimum of 474 Part III
38 authorized users. It is anticipated that the total
39 cost of connections to be completed in the first four
40 years of the plan which are to be funded by the
41 general assembly through general fund appropriations
42 is to be approximately \$80,880,000 with additional
43 lease costs to be incurred in years five through eight
44 of approximately \$13,810,000. The costs identified in
45 this paragraph include all maintenance costs
46 associated with state-owned hardware, and a three
47 percent increase for inflation in fiscal year 1997-
48 1998 and a six percent increase for inflation in
49 fiscal year 1998-1999.

50 2. SUPPORT SERVICES. There is appropriated from

Page 2

1 the general fund of the state to the Iowa
2 telecommunications network fund under the control of
3 the Iowa telecommunications and technology commission

4 for the fiscal year beginning July 1, 1995, and ending
 5 June 30, 1996, the following amount, or so much
 6 thereof as is necessary, to be used for the purposes
 7 designated:

8 For purposes designated in paragraphs "a" through
 9 "c":

10 \$ 2,387,117

11 a. As a condition of the appropriation in this
 12 subsection, \$314,117 of the amount appropriated shall
 13 be expended by the public broadcasting division of the
 14 department of education to provide support for
 15 functions related to the network, including but not
 16 limited to the following functions: scheduling for
 17 video classrooms; design, preparation, and support of
 18 interactive classrooms; development of a central
 19 information source on Internet relating to the
 20 network; and coordinating the work of the education
 21 telecommunications council. The division is
 22 authorized an additional 7 FTEs for the purpose of
 23 providing such support.

24 b. As a further condition of the appropriation in
 25 this subsection, \$1,573,000 of the amount appropriated
 26 shall be allocated by the public broadcasting division
 27 of the department of education to the regional
 28 telecommunications councils established in section
 29 8D.5. The regional telecommunications councils, with
 30 assistance from the department of education, shall use
 31 the funds to provide direct staff development for
 32 educators, staff development for educational uses of
 33 Internet and other on-line services, technical
 34 assistance for network classrooms, and other related
 35 activities.

36 c. As a further condition of the appropriation in
 37 this subsection, \$500,000 of the amount appropriated
 38 shall be expended by the university of northern Iowa
 39 to coordinate staff development for educators using
 40 educational technology in this state.

41 3. BRAILLE AND DEAF SCHOOLS. There is
 42 appropriated from the general fund of the state to the
 43 Iowa telecommunications network fund under the control
 44 of the Iowa telecommunications and technology
 45 commission for the fiscal year beginning July 1, 1995,
 46 and ending June 30, 1996, the following amount, or so
 47 much thereof as is necessary, to be used for the
 48 purpose designated:

49 For the connection of the Iowa braille and sight
 50 saving school established under chapter 269 and the

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1 school for the deaf established under chapter 270:
 2 \$ 286,000

3 4. STARC ARMORY. There is appropriated from the
 4 general fund of the state to the department of public

5 defense for the fiscal year beginning July 1, 1995,
6 and ending June 30, 1996, the following amount, or so
7 much thereof as is necessary, to be used for the
8 purpose designated:

9 For salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions, for providing technical
12 assistance in the operation of the Iowa communications
13 network interactive classroom located at the STARC
14 armory national guard facility:

15	\$	100,000
16	FTEs	2.0

17 Sec. 2. ADDITIONAL CONNECTIONS. Notwithstanding
18 section 8D.13, subsection 5, the state may own and the
19 commission shall provide for the construction and
20 connection to the network of all of the following:

- 21 1. The heartland area education agency.
- 22 2. Fort Madison high school.
- 23 3. Seventeen sites identified by the commission
24 which are Part III authorized users and which are
25 located within one and one-half miles from a national
26 guard fiber optic cable route used or to be used for
27 connecting a facility, identified by the commission
28 and communicated to the general assembly.
- 29 4. Two sites identified by the commission which
30 are Part III authorized users and which are associated
31 with the Rock Island-Iowa national guard fiber
32 project.

33 Sec. 3. METRO CONNECTIONS. Notwithstanding the
34 provisions of chapter 8D, the commission shall provide
35 for the connection and normalization to the network of
36 the following:

- 37 1. The Dubuque, Iowa, metronet, which includes
38 three Part III schools on a leased network.
- 39 2. The Des Moines, Iowa, metronet, which includes
40 12 Part III schools on a leased network."

Meyer of Sac offered the following amendment H-4135, to amend-
ment H-4131, filed by him from the floor and moved its adoption:

H-4135

- 1 Amend the amendment, H-4131, to House File 578 as
- 2 follows:
- 3 1. Page 1, by striking lines 23 and 24 and
- 4 inserting the following: "general assembly that no
- 5 additional area education agencies be connected to".
- 6 2. Page 3, by striking line 21.
- 7 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 22, nays 50.

Amendment H-4135 lost.

Harrison of Scott offered the following amendment H-4136, to amendment H-4131, filed by him from the floor and moved its adoption:

H-4136

- 1 Amend the amendment, H-4131, to House File 578 as
- 2 follows:
- 3 1. Page 1, lines 6 and 7, by striking the words
- 4 "general fund of the state" and inserting the
- 5 following: "rebuild Iowa infrastructure account of
- 6 the state created in section 8.57, subsection 5,".
- 7 2. Page 2, line 10, by striking the figure
- 8 "2,387,117" and inserting the following: "1,700,000".
- 9 3. Page 2, line 12, by striking the figure
- 10 "314,117" and inserting the following: "250,000".
- 11 4. Page 2, line 22, by striking the figure "7"
- 12 and inserting the following: "5".
- 13 5. Page 2, line 25, by striking the figure
- 14 "1,573,000" and inserting the following: "1,200,000".
- 15 6. Page 2, line 37, by striking the figure
- 16 "500,000" and inserting the following: "250,000".
- 17 7. Page 2, line 42, by striking the words
- 18 "general fund of the state" and inserting the
- 19 following: "rebuild Iowa infrastructure account of
- 20 the state created in section 8.57, subsection 5,".
- 21 8. Page 3, line 2, by striking the figure
- 22 "286,000" and inserting the following: "250,000".

Amendment H-4136 was adopted.

Harrison of Scott moved the adoption of amendment H-4131, as amended.

Roll call was requested by Brunkhorst of Bremer and Coon of Warren.

On the question "Shall amendment H-4131, as amended, be adopted?" (H.F. 578)

The ayes were, 61:

Arnold	Baker	Bell	Bernau
Bogges	Bradley	Brand	Branstad
Burnett	Cataldo	Churchill	Cohoon
Connors	Daggett	Dinkla	Disney
Doderer	Greig	Grubbs	Grundberg
Hammit	Harper	Harrison	Holveck
Huseman	Jacobs	Jochum	Koenigs
Lamberti	Larkin	Larson	Main
Martin	Mascher	May	Metcalf
Meyer	Moreland	Mundie	Murphy

Myers	Nelson, B.	Nelson, L.	O'Brien
Ollie	Rants	Renken	Running
Schrader	Shoultz	Siegrist	Teig
Thomson	Van Fossen	Vande Hoef	Warnstadt
Weidman	Weigel	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 38:

Blodgett	Boddicker	Brauns	Brunkhorst
Carrroll	Coon	Cormack	Cornelius
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greiner
Gries	Hahn	Halvorson	Hanson
Heaton	Houser	Hurley	Klemme
Kreiman	Kremer	Lord	McCoy
Mertz	Millage	Nutt	Salton
Schulte	Sukup	Tyrrell	Van Maanen
Veenstra	Welter		

Absent or not voting, 1:

Brammer

Amendment H-4131, as amended, was adopted, placing out of order the following amendments filed from the floor:

H-4130 filed by Brunkhorst of Bremer.

H-4134 filed by Meyer of Sac.

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. 578)

The ayes were, 73:

Arnold	Baker	Bell	Bernau
Boggess	Bradley	Brand	Branstad
Burnett	Cataldo	Churchill	Cohoon
Connors	Daggett	Dinkla	Disney
Doderer	Drees	Gipp	Greig
Gries	Grubbs	Grundberg	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Koenigs	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Metcalf
Meyer	Moreland	Mundie	Murphy

Myers	Nelson, B.	Nelson, L.	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Wise	Witt
Mr. Speaker Corbett			

The nays were, 26:

Blodgett	Boddicker	Brauns	Brunkhorst
Carroll	Coon	Cormack	Cornelius
Drake	Eddie	Ertl	Fallon
Garman	Greiner	Hahn	Hurley
Klemme	Kreiman	Kremer	McCoy
Mertz	Millage	Nutt	Tyrrell
Van Fossen	Welter		

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 578** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 26, 1995. Had I been present, I would have voted "nay" on amendment H-4088 to Senate File 481.

LARSON of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of April, 1995: House Files 41, 197, 387, 460, 461, 485, 490, 492, 504, 548.

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 27, 1995, he approved and transmitted to the Secretary of State the following bills:

Senate File 66, an act relating to cruelty to police service dogs and providing for enhanced penalties.

Senate File 152, an act relating to the name of those persons who engage in the practice of podiatry.

Senate File 155, 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.

Senate File 176, an act relating to the filing of intergovernmental agreements for the joint exercise of governmental powers in certain counties.

Senate File 205, an act relating to shared superintendents for purposes of the supplementary weighting plan for public school districts and providing effective and retroactive applicability dates.

Senate File 228, 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.

Senate File 341, 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.

Senate File 351, an act authorizing certain cities to appoint additional members to certain city commissions.

Senate File 431, 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.

Senate File 433, 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.

PRESENTATION OF VISITORS

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

Seventy-one sixth grade students from Riverside Middle School, Carson, accompanied by Louise Merkle. By Houser of Pottawattamie.

Ninety-five eleventh and twelfth grade students from North High School, Sioux City, accompanied by Mr. Larry Twait, Mrs. Lucas and Mr. Anderson. By Warnstadt and Nutt of Woodbury County.

Thirty-two sixth grade students from Roosevelt Elementary School, Iowa City, accompanied by Vick Sanders. By Mascher and Myers of Johnson.

Thirty fourth and fifth grade students from Grand Elementary, Boxholm, accompanied by Mrs. Finnested. By O'Brien of Boone.

Fifteen eighth grade students from St. Patricks School, Sheldon, accompanied by Pam Wehmeyer. By Vande Hoef of Osceola.

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\265 Maquoketa Community School – For being selected as Most Outstanding Chapter four years in a row.
- 1995\266 Elaine Watters, Maquoketa – For being selected as Outstanding Business Person of the Year.
- 1995\267 Molly Grant, Maquoketa – For being selected as the 1995-96 Future Business Leaders of America Secretary.
- 1995\268 Amanda Ewoldt, Maquoketa – For being selected as the 1994-95 Future Business Leaders of America State President.
- 1995\269 Melissa Horner, Maquoketa – For being selected as the 1995-96 Future Business Leaders of America State Parliamentarian.
- 1995\270 Dani Beauchamp, Maquoketa – For being selected as the 1995-96 Future Business Leaders of America State Reporter.

- 1995\271 Bedford Ambulance Service, Bedford – For their volunteer efforts on the fourth annual Make A Difference Day.
- 1995\272 Raja Chari, Cedar Falls – For being a finalist to the Iowa Academic All-State Team.
- 1995\273 Tanner Ryan Rundall, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\274 Michael Emil Wilson, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 331

Ways and Means: Halvorson, Chair; Dinkla, Larkin, Main and Myers.

House Study Bill 332

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 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 the compensation and benefits for public officials and employees and making appropriations and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 27, 1995.

Committee Bill, relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 1995.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 1995.

AMENDMENTS FILED

H-4119	H.F.	576	Halvorson of Clayton
H-4122	H.F.	576	Renken of Grundy
			Millage of Scott
			Nelson of Pottawattamie
H-4127	H.F.	519	Greig of Emmet
H-4128	H.F.	519	Greig of Emmet
H-4129	H.F.	519	Greig of Emmet
H-4132	H.F.	519	Greig of Emmet
H-4133	H.F.	519	Greig of Emmet
H-4137	H.F.	576	Bernau of Story
H-4138	H.F.	579	Boddicker of Cedar
			Metcalf of Polk
H-4139	H.F.	579	Running of Linn
H-4140	H.F.	126	Senate amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 9:35 p.m. until 8:45 a.m., Friday, April 28, 1995.

JOURNAL OF THE HOUSE

One Hundred-tenth Calendar Day - Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 28, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Boyd Kuester, Church of Christ, Cedar Falls.

The Journal of Thursday, April 27, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hurley of Fayette on request of Siegrist of Pottawattamie; Cohoon of Des Moines, until he arrives, on request of Wise of Lee.

PETITION FILED

The following petition was received and placed on file:

By Koenigs of Mitchell, from one hundred forty constituents of District 29, favoring Senate File 69, relating to county expenditures of property taxes for mental health and disability costs.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1995, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 528, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, 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.

Also: That the Senate has on April 27, 1995, adopted the conference committee report and passed 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 April 27, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 27, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

JOHN F. DWYER, Secretary

HOUSE INSISTS

Lamberti of Polk called up for consideration **House File 528**, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, 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.

The House stood at ease at 9:06 a.m., until the fall of the gavel.

The House resumed session at 10:48 a.m. Speaker Corbett in the chair.

Lamberti of Polk moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(House File 528)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 528: Lamberti of Polk, Chair; Grubbs of Scott, Gries of Crawford, Kreiman of Davis and Doderer of Johnson.

INTRODUCTION OF BILLS

House File 580, by Dinkla, a bill for an act relating to grain transactions, by providing for credit sale contracts.

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

House File 581, by Dinkla, Metcalf, Renken, Churchill, Welter, Houser, Larson, and Ertl, 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 referred to committee on **commerce-regulation**.

House File 582, by Dinkla, a bill for an act providing a private property protection Act, by awarding compensation to owners of real property subject to regulatory actions which affect the value of the property.

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

HOUSE REFUSED TO CONCUR

Brauns of Muscatine called up for consideration **Senate File 481**, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4143 to the House amendment:

H-4143

1 Amend the amendment, S-3597, to Senate File 431, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 4, line 36 through page 6,
5 line 34 and inserting the following:

6 "Sec. ____ DEPARTMENT OF PUBLIC SAFETY. There is
7 appropriated from the general fund of the state to the
8 department of public safety for the fiscal year
9 beginning July 1, 1995, and ending June 30, 1996, the
10 following amounts, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 1. For the division of highway safety, uniformed
13 force, and radio communications to be used for
14 salaries, support, maintenance, workers' compensation
15 costs, and miscellaneous purposes, including the
16 state's contribution to the peace officers'
17 retirement, accident, and disability system provided
18 in chapter 97A in the amount of 18 percent of the
19 salaries for which the funds are appropriated, and for
20 not more than the following full-time equivalent
21 positions:

22 \$ 32,960,467
23 FTEs 553.50

24 An employee of the department of public safety who
25 retires after the effective date of this Act but prior
26 to June 30, 1996, is eligible for payment of life or
27 health insurance premiums as provided for in the
28 collective bargaining agreement covering the public
29 safety bargaining unit at the time of retirement if
30 that employee previously served in a position which
31 would have been covered by the agreement. The
32 employee shall be given credit for the service in that
33 prior position as though it were covered by that
34 agreement. The provisions of this paragraph shall not
35 operate to reduce any retirement benefits an employee
36 may have earned under other collective bargaining
37 agreements or retirement programs.

38 2. For costs associated with the maintenance of
39 the automated fingerprint information system (AFIS):

40 \$ 211,576

41 3. For salaries, support, maintenance, and
42 miscellaneous purposes of the pari-mutuel law
43 enforcement agents, including the state's contribution
44 to the peace officers' retirement, accident, and
45 disability system provided in chapter 97A in the
46 amount of 18 percent of the salaries for which the
47 funds are appropriated:

48 \$ 308,602"

49 2. By striking page 6, line 38, through page 9,
50 line 33 and inserting the following:

Page 2

1 "Sec. ____ There is appropriated from the rebuild
2 Iowa infrastructure account of the state to the state
3 board of regents for the fiscal year beginning July 1,
4 1995, and ending June 30, 1996, the following amounts,
5 or so much thereof as is necessary, to be used for the
6 purposes designated:

7 1. For fire and environmental safety and for
8 replacement of the boiler and the telephone system at
9 the Iowa braille and sight saving school:
10 \$ 341,000
11 Of the appropriation in this subsection, \$45,000
12 shall be used for replacement of the telephone system.
13 It is the intent of the general assembly that an
14 additional \$35,000 shall be appropriated in fiscal
15 year 1997 for funding additional costs for replacement
16 of the telephone system at the Iowa braille and sight
17 saving school.

18 2. For compliance with the federal Americans with
19 Disabilities Act or for fire and environmental safety
20 at the state school for the deaf:
21 \$ 50,000

22 3. For fire and environmental safety, renovation,
23 or for deferred maintenance at Iowa state university
24 of science and technology:
25 \$ 3,000,000

26 4. For fire and environmental safety, renovation,
27 or for deferred maintenance at the state university of
28 Iowa:
29 \$ 3,000,000

30 5. For the performing arts center at the
31 university of northern Iowa:
32 \$ 4,000,000

33 Notwithstanding section 8.33, unencumbered or
34 unobligated funds remaining on June 30, 1996, from the
35 funds appropriated in subsections 1 through 4, shall
36 revert to the rebuild Iowa infrastructure account of
37 the state on August 31, 1996, and unencumbered or
38 unobligated funds remaining on June 30, 1999, from the
39 funds appropriated in subsection 5, shall revert to
40 the rebuild Iowa infrastructure account of the state
41 on August 31, 1999.

42 The state board of regents shall report to the
43 legislative fiscal bureau and to the education and
44 transportation, infrastructure and capitals joint
45 appropriations subcommittees by January 15, 1996,
46 regarding actual and proposed project expenditures of
47 moneys appropriated under subsections 3 and 4.

48 DEPARTMENT OF CORRECTIONS
49 Sec. ____ There is appropriated from the rebuild
50 Iowa infrastructure account of the state to the

Page 3

1 department of corrections for the fiscal year
 2 beginning July 1, 1995, and ending June 30, 1996, the
 3 following amount, or so much thereof as is necessary,
 4 to be used for the purpose designated:

5 For the construction of, or the remodeling or
 6 renovation of a building for use as a residential
 7 facility and office in Fort Dodge by the second
 8 judicial district department of correctional services
 9 and for remodeling and expansion of the visitation
 10 area at the Mitchellville correctional facility:

11 \$ 2,300,000

12 Of the total appropriation in this section, up to
 13 \$400,000 may be used for remodeling and expansion of
 14 the visitation area at Mitchellville.

15 It is the intent of the general assembly that the
 16 department of corrections issue a request for
 17 proposals for the construction of, or the remodeling
 18 or renovation of a building for use as a residential
 19 facility and office in Fort Dodge by the second
 20 judicial district department of correctional services.
 21 If a proposal is accepted by the department, but in no
 22 event earlier than January 30, 1996, the department of
 23 corrections is authorized to construct a residential
 24 facility and office in Fort Dodge or remodel or
 25 renovate an existing building for use as a residential
 26 facility and office in Fort Dodge, for use by the
 27 second judicial district department of correctional
 28 services.

29 Notwithstanding section 8.33, unencumbered or
 30 unobligated funds remaining on June 30, 1998, from the
 31 funds appropriated in this section, shall revert to
 32 the rebuild Iowa infrastructure account of the state
 33 on August 31, 1998.

34 DEPARTMENT OF CULTURAL AFFAIRS

35 Sec. ____ There is appropriated from the rebuild
 36 Iowa infrastructure account of the state to the
 37 department of cultural affairs for the fiscal year
 38 beginning July 1, 1995, and ending June 30, 1996, the
 39 following amount, or so much thereof as is necessary,
 40 to be used for the purpose designated:

41 To correct water seepage problems and complete
 42 design specifications for rehabilitation work on the
 43 centennial building in Iowa City:

44 \$ 180,000

45 Notwithstanding section 8.33, unencumbered or
 46 unobligated funds remaining on June 30, 1997, from the
 47 funds appropriated in this section, shall revert to
 48 the rebuild Iowa infrastructure account of the state
 49 on August 31, 1997.

50 DEPARTMENT OF ECONOMIC DEVELOPMENT

Page 4

1 Sec. ____ There is appropriated from the rebuild
2 Iowa infrastructure account of the state to the
3 department of economic development for the fiscal year
4 beginning July 1, 1995, and ending June 30, 1996, the
5 following amounts, or so much thereof as is necessary,
6 to be used for the purposes designated:

7 1. For completion of the construction of the
8 Northwood welcome center:
9 \$ 300,000

10 2. For the construction of the western historic
11 trails welcome center:
12 \$ 275,000

13 3. For construction of a welcome center in Bremer
14 county:
15 \$ 100,000

16 4. For construction of a welcome center at
17 Winterset:
18 \$ 75,000

19 The appropriations in subsections 3 and 4 shall be
20 conditioned upon the provision of an equal amount of
21 local matching funds.

22 Notwithstanding section 8.33, unencumbered or
23 unobligated funds remaining on June 30, 1997, from the
24 funds appropriated in this section, shall revert to
25 the rebuild Iowa infrastructure account of the state
26 on August 30, 1997.

27 DEPARTMENT OF EDUCATION

28 Sec. ____ There is appropriated from the rebuild
29 Iowa infrastructure account of the state to the
30 department of education for the fiscal year beginning
31 July 1, 1995, and ending June 30, 1996, \$5,000,000, to
32 be used for compliance with the federal Americans with
33 Disabilities Act, for fire and environmental safety,
34 for implementation of energy conservation measures,
35 for reduction of technological obsolescence in
36 instructional equipment and facilities for community
37 colleges and for other stated purposes to be allocated
38 to the merged areas in the following amounts:

39 1. Merged Area I
40 For the construction of a building to house the
41 national center for agricultural rescue and emergencies:
42 \$ 1,000,000

43 The appropriation to Merged Area I in this
44 subsection is contingent upon the receipt of federal
45 funds. If federal funding is not received, Merged
46 Area I shall be allocated \$272,700 and the remainder
47 of the appropriation shall revert to the rebuild Iowa
48 infrastructure account of the state.

49 2. Merged Area II \$ 234,872
50 3. Merged Area III \$ 233,546

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1	4.	Merged Area IV	\$ 117,336
2	5.	Merged Area V	\$ 334,845
3	6.	Merged Area VI	\$ 235,187
4	7.	Merged Area VII	\$ 306,353
5	8.	Merged Area IX	\$ 275,581
6	9.	Merged Area X	\$ 480,290
7	10.	Merged Area XI	\$ 467,040
8	11.	Merged Area XII	\$ 287,189
9	12.	Merged Area XIII	\$ 264,044
10	13.	Merged Area XIV	\$ 150,162
11	14.	Merged Area XV	\$ 417,482
12	15.	Merged Area XVI	\$ 196,073

13 Notwithstanding section 8.33, unencumbered or
 14 unobligated funds remaining on June 30, 1997, from the
 15 funds appropriated in this section, shall revert to
 16 the rebuild Iowa infrastructure account of the state
 17 on August 31, 1997.

18 DEPARTMENT OF GENERAL SERVICES

19 Sec. ____ There is appropriated from the rebuild
 20 Iowa infrastructure account of the state to the
 21 department of general services for the fiscal year
 22 beginning July 1, 1995, and ending June 30, 1996, the
 23 following amounts, or so much thereof as is necessary,
 24 to be used for the purposes designated:

25 For exterior state capitol building restoration,
 26 and for health and fire safety needs and renovation,
 27 restoration, and improvements at the state capitol
 28 complex:

29 \$ 25,000,000

30 Of the total appropriation in this section, up to
 31 \$2,400,000 may be used for fire and environmental
 32 safety improvements for the department of corrections'
 33 and the department of human services' institutions.

34 Notwithstanding section 8.33, unencumbered or
 35 unobligated funds remaining on June 30, 2000, from the
 36 funds appropriated in this section, shall revert to
 37 the rebuild Iowa infrastructure account of the state
 38 on August 31, 2000.

39 DEPARTMENT OF HUMAN SERVICES

40 Sec. ____ There is appropriated from the rebuild
 41 Iowa infrastructure account of the state to the
 42 department of human services for the fiscal year
 43 beginning July 1, 1995, and ending June 30, 1996, the
 44 following amount, or so much thereof as is necessary,
 45 to be used for the purpose designated:

46 For costs associated with the development of the X-
 47 pert computer system:

48 \$ 1,076,000

49 Notwithstanding section 8.33, unencumbered or
 50 unobligated funds remaining on June 30, 1997, from the

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1 funds appropriated in this section, shall revert to
 2 the rebuild Iowa infrastructure account of the state
 3 on August 31, 1997.

4 DEPARTMENT OF MANAGEMENT

5 Sec. ____ There is appropriated from the rebuild
 6 Iowa infrastructure account of the state to the
 7 department of management for the fiscal year beginning
 8 July 1, 1995, and ending June 30, 1996, the following
 9 amount, or so much thereof as is necessary, to be used
 10 for the purpose designated:

11 For the innovations fund, if enacted by the
 12 Seventy-sixth General Assembly, 1995 Session:

13 \$ 1,000,000

14 DEPARTMENT OF NATURAL RESOURCES

15 Sec. ____ There is appropriated from the marine
 16 fuel tax receipts deposited in the general fund of the
 17 state to the department of natural resources for the
 18 fiscal year beginning July 1, 1995, and ending June
 19 30, 1996, the following amount, or so much thereof as
 20 is necessary, to be used for the purpose designated:

21 For the purpose of funding capital projects
 22 traditionally funded from marine fuel tax receipts for
 23 the purposes specified in section 452A.79:

24 \$ 1,600,000

25 Notwithstanding section 8.33, unencumbered or
 26 unobligated funds remaining on June 30, 1997, from the
 27 funds appropriated in this section, shall revert to
 28 the general fund of the state on August 31, 1997.

29 DEPARTMENT OF PUBLIC DEFENSE

30 Sec. ____ There is appropriated from the rebuild
 31 Iowa infrastructure account of the state to the
 32 department of public defense for the fiscal year
 33 beginning July 1, 1995, and ending June 30, 1996, the
 34 following amounts, or so much thereof as is necessary,
 35 to be used for the purposes designated:

36 1. For maintenance and repair of national guard
 37 armories and facilities:

38 \$ 382,000

39 2. To match federal funds for completion of the
 40 addition and renovation of the armory in Fairfield:

41 \$ 250,000

42 3. To match federal funds for construction of a
 43 motor vehicle storage building at the Camp Dodge
 44 maintenance armory:

45 \$ 420,000

46 Notwithstanding section 8.33, unencumbered or
 47 unobligated funds remaining on June 30, 1996, from the
 48 funds appropriated in this section, shall revert to
 49 the rebuild Iowa infrastructure account of the state
 50 on August 31, 1996.

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1 COUNTY FAIRS

2 Sec. ____ There is appropriated from the rebuild
 3 Iowa infrastructure account of the state to the
 4 treasurer of state for the fiscal year beginning July
 5 1, 1995, and ending June 30, 1996, for purposes of
 6 allocating moneys to assist each of the 103 county
 7 fairs which are members of the association of Iowa
 8 fairs, for purposes of supporting annual county fairs
 9 and improvements to the county fairgrounds:

10 \$ 1,000,000

11 The treasurer of state shall allocate an equal
 12 amount to each member fair. However, moneys shall
 13 only be expended by a county fair on a dollar-for-
 14 dollar matching basis with moneys received from
 15 donations contributed to the county fair from private
 16 sources or moneys contributed by a county to aid the
 17 county fair pursuant to section 174.14.

18 IOWA STATE FAIR

19 Sec. ____ There is appropriated from the rebuild
 20 Iowa infrastructure account of the state to the Iowa
 21 state fair foundation for the fiscal year beginning
 22 July 1, 1995, and ending June 30, 1996, the following
 23 amount, or so much thereof as is necessary, to be used
 24 for the purpose designated:

25 For major repairs and improvements at the Iowa
 26 state fairgrounds:

27 \$ 9,000,000

28 Notwithstanding section 8.33, unencumbered or
 29 unobligated funds remaining on June 30, 1999, from the
 30 funds appropriated in this section, shall revert to
 31 the rebuild Iowa infrastructure account of the state
 32 on August 31, 1999.

33 PRIMARY ROAD FUND

34 Sec. ____ There is appropriated from the rebuild
 35 Iowa infrastructure account of the state to the
 36 primary road fund for the fiscal year beginning July
 37 1, 1995, and ending June 30, 1996, the following
 38 amount, or so much thereof as is necessary, to be used
 39 as designated:

40 For the commercial and industrial network:

41 \$ 10,000,000

42 Notwithstanding section 8.33, funds appropriated
 43 under this section shall not revert to the rebuild
 44 Iowa infrastructure account of the state, but shall
 45 remain available until expended.

46 ROAD USE TAX FUND

47 Sec. ____ There is appropriated from the rebuild
 48 Iowa infrastructure account of the state to the road
 49 use tax fund for the fiscal year beginning July 1,
 50 1995, and ending June 30, 1996, the following amount,

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1 to be distributed in accordance with section 312.2:
2 \$ 10,000,000
3 Notwithstanding section 8.33, funds appropriated
4 under this section shall not revert to the rebuild
5 Iowa infrastructure account of the state, but shall
6 remain available until expended.”
7 3. Page 10, by striking lines 7 through 49 and
8 inserting the following:
9 “1. To the Loess Hills development and
10 conservation authority, for deposit in the Loess Hills
11 development and conservation fund created in section
12 161D.2 for the purposes specified in section 161D.1:
13 \$ 400,000
14 2. To the department of agriculture and land
15 stewardship to use in cooperation with the department
16 of corrections for a project of repairs and
17 improvements at the national heritage orientation
18 center and public market. It is the intent of the
19 general assembly that the project serve as a pilot
20 community services program using prison labor for
21 regional economic development initiatives supporting
22 Iowa agriculture and food products:
23 \$ 325,000
24 3. To the Iowa resources enhancement and
25 protection fund which is in addition to any other
26 appropriations made to the fund:
27 \$ 500,000
28 4. To the department of economic development for a
29 grant to the Wallace foundation for rural research and
30 development for costs to develop an educational and
31 outreach center:
32 \$ 750,000
33 5. To the department of cultural affairs for
34 maintenance and improvement at the gothic house
35 visitors center:
36 \$ 225,000
37 6. To the department of natural resources for
38 purposes of continuing natural lake preservation
39 efforts:
40 \$ 100,000
41 The department shall award the amount transferred
42 in this subsection to a city as defined in section
43 362.2. The department shall award the amount on a
44 matching basis with the department contributing one
45 dollar for each one dollar dedicated by the city, or
46 the city acting in conjunction with a county,
47 regardless of the source from which the city or county
48 obtains the money, for the continuation of natural
49 lake preservation efforts, if the city or county has
50 previously received state funding for such purposes.

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1	However, the city, or the city and county, must have	
2	dedicated at least \$100,000 of local funds in order to	
3	qualify for the award. The city must also be located	
4	in a county having a population of less than 12,000.	
5	7. To the department of natural resources for	
6	capital improvements at Backbone lake, other	
7	improvements of that state park, and preparation work	
8	and other costs associated with the park's 75th	
9	anniversary:	
10	.....	\$ 500,000
11	8. To the department of natural resources, to be	
12	combined with local match funding, for a study of	
13	dredging at Crystal lake in Winnebago county:	
14	.....	\$ 25,000
15	9. To the department of natural resources for	
16	purposes of creating, improving, or enhancing recrea-	
17	tional opportunities directly related to the	
18	restoration and development of lake Ahquabi and	
19	related facilities, which shall include any necessary	
20	dredging operations, and which may also include	
21	swimming, boating, and fishing facilities:	
22	.....	\$ 184,000
23	The department shall return any amount of the	
24	transfer expended by the department under this	
25	subsection to the general fund of the state to the	
26	extent that the department receives moneys from the	
27	clean lakes program, administered by the United States	
28	environmental protection agency, for purposes	
29	described in this subsection.	
30	10. To the department of economic development for	
31	operation and support of the Dows welcome center:	
32	.....	\$ 20,000
33	11. To the department of natural resources, to be	
34	combined with local match funding of two dollars for	
35	every one state dollar, for repair and replacement	
36	costs associated with the spillway at Hickory Grove	
37	lake:	
38	.....	\$ 250,000
39	12. To the department of agriculture and land	
40	stewardship for providing assistance in reconstructing	
41	and repairing flood-damaged dikes and levees on	
42	pasture and other agricultural land which is not used	
43	for crops:	
44	.....	\$ 100,000
45	13. To the department of education for a grant to	
46	Southeast Polk community school district to implement	
47	an interagency coalition strategy combining education,	
48	health, and social services in addressing the problems	
49	of children and families through school-linked	
50	services:	

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1	\$	60,000
2 14. To the Iowa department of public health for a		
3 grant to establish a rural medical care center in		
4 Tama:		
5	\$	50,000
6 15. To the department of natural resources for a		
7 grant for costs associated with the Sauk rail trail		
8 and park improvements in Carroll:		
9	\$	30,000
10 16. To the department of natural resources for a		
11 grant for costs associated with renovation of the		
12 Boone walking trail:		
13	\$	5,000
14 17. To Iowa state university of science and		
15 technology for allocation to the Iowa institute for		
16 public leadership for operations costs:		
17	\$	25,000
18 18. To the printing division of the department of		
19 general services for publication of the under the		
20 golden dome publication as specified by the authoring		
21 agency:		
22	\$	45,000
23 19. To the department of corrections for a grant		
24 to the amer-i-can program for training of inmates and		
25 correctional staff:		
26	\$	125,000
27 20. To the department of education for contracting		
28 with the Iowa alliance for arts education to execute		
29 the local arts comprehensive educational strategies		
30 program:		
31	\$	150,000
32 21. To the department of education for a grant to		
33 a community college to assist in a public-private		
34 partnership between the community college, a city, and		
35 a county in developing a center or program to provide		
36 child day care for nontraditional students:		
37	\$	75,000
38 22. To the department of general services for		
39 planning, design, site acquisition and preparation,		
40 and other expenditures necessary to establish a fee-		
41 based child day care program available to public		
42 employees officed at or near the capitol complex:		
43	\$	500,000
44 a. The general assembly considers child day care		
45 to be an important service for employers, employees,		
46 and their children. Employer-supported child care can		
47 have a positive impact upon employee morale and		
48 retention and can positively affect the children who		
49 are receiving child care services. High quality child		
50 care is of significant value to employers. It is		

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1 believed that a quality, on-site child care program
2 available to the children of state employees will
3 provide a model for other employers in this state to
4 emulate.

5 b. (1) The legislative council is requested to
6 appoint a capitol complex child day care program
7 steering committee to provide direction to the
8 department of general services in developing facility
9 plans, establishing the facilities, developing
10 operation policies, contracting with a vendor to
11 operate the program, and other decisions involving
12 establishment and operation of the program. The
13 steering committee shall utilize the March 1990
14 consultant report to the capitol complex ad hoc
15 committee on child care, particularly the intermediate
16 quality recommendations, in its decision making.

17 (2) The steering committee membership shall
18 include members of the general assembly;
19 representatives of the departments of general
20 services, personnel, human services, and education;
21 employees officed at the capitol complex who purchase
22 child day care services; a representative of the state
23 board of regents center for early childhood education;
24 a representative of the Iowa state university of
25 science and technology early childhood education
26 programs; and other persons knowledgeable concerning
27 child day care programs.

28 c. In consultation with the steering committee,
29 the director of the department of general services
30 shall retain a consultant to oversee the process of
31 developing the program and shall contract with a
32 vendor to manage the program.

33 d. The program shall be designed to operate with a
34 capacity of 150 children and to regularly serve
35 infants, toddlers, preschool, school age, and mildly
36 ill children.

37 23. To the commission of veterans affairs, for
38 donation to the women in military service for America
39 memorial foundation for the purpose of constructing
40 the women in military service memorial to be built at
41 the gateway to Arlington national cemetery in
42 Arlington, Virginia:

43 \$ 47,000

44 The executive director of the commission of
45 veterans affairs shall forward this donation to the
46 women in military service for America memorial
47 foundation upon certification by the foundation that
48 sufficient funding has been pledged to complete the
49 construction of the memorial.

50 24. To the Iowa peace institute:

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1	\$	100,000
2 25. To the division of highway safety, uniformed		
3 force, and radio communications of the department of		
4 public safety for purchase and activation charges for		
5 cellular phones for force members:		
6	\$	50,000
7 26. To the department of economic development for		
8 expansion of the microbusiness rural enterprise		
9 demonstration project created pursuant to 1994 Iowa		
10 Acts, chapter 1119, section 34, to 30 additional		
11 counties in the fiscal year beginning July 1, 1995:		
12	\$	50,000
13 27. To the Iowa department of public health for a		
14 conference to develop a plan for provision of health		
15 insurance coverage to children of low-income families		
16 who are ineligible for medical assistance and have no		
17 health care coverage:		
18	\$	20,000
19 28. To the Iowa department of public health for a		
20 domestic violence conference:		
21	\$	20,000
22 29. To the department of corrections for a study		
23 of the development and use of a telecommunications		
24 network for worker training, inmate rehabilitation,		
25 and other related purposes in the sixth judicial		
26 district:		
27	\$	25,000
28 30. To Iowa state university of science and		
29 technology for a study of alternative project delivery		
30 systems for publicly funded infrastructure projects,		
31 provided the study is publicly distributed upon		
32 completion:		
33	\$	39,000
34 31. To the department of economic development for		
35 the Iowa members' cost share for the Lewis and Clark		
36 rural water system:		
37	\$	25,000
38 32. To the department of elder affairs for the		
39 1995 older Iowans legislature:		
40	\$	20,000
41 33. To the judicial department for development and		
42 implementation of a long-range and strategic plan for		
43 the judicial branch of Iowa government:		
44	\$	50,000
45 34. To the department of education for allocation		
46 to the community college that experienced the highest		
47 percentage of increase in full-time fall enrollment		
48 for the period beginning July 1, 1989, and ending June		
49 30, 1995, for purposes of renovating a building for		
50 use as an urban center with classrooms to prepare		

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1	students for the workplace or to pursue postsecondary	
2	education:	
3	\$ 150,000
4	35. To the department of human services for	
5	application by the department for grants to establish	
6	pilot projects for placements of geriatric patients	
7	who have a mental illness:	
8	.....	\$ 25,000

9 Any grant received may be used by the department to
 10 fund a coordinator to work with hospitals and nursing
 11 homes concerning placements of geriatric patients who
 12 have a mental illness.

13 Notwithstanding section 8.33, moneys transferred in
 14 accordance with this section shall not revert to the
 15 general fund of the state at the close of the fiscal
 16 year but shall remain available for expenditure for
 17 the purposes designated. Unless otherwise provided in
 18 this section, moneys transferred in this section which
 19 remain unobligated or unexpended for the purpose
 20 designated shall revert to the general fund of the
 21 state on August 31, 1997.

22 Sec. ____ BLOOD RUN NATIONAL HISTORIC LANDMARK.

23 The department of cultural affairs may use moneys
 24 appropriated to the department in 1994 Iowa Acts,
 25 chapter 1199, section 35, as necessary, to contract
 26 with the midwest region of the national park service
 27 to complete a study of blood run national historic
 28 landmark for the purpose of determining the
 29 feasibility of incorporating the landmark into the
 30 national park system. Notwithstanding section 8.33,
 31 moneys from the appropriation which remain unobligated
 32 or unexpended on June 30, 1995, shall not revert to
 33 the general fund of the state but shall remain
 34 available for use as provided in this section in the
 35 succeeding fiscal year."

36 4. Page 12, by inserting after line 19 the
 37 following:

38 "Sec. ____ Section 22.7, Code 1995, is amended by
 39 adding the following new subsection:

40 NEW SUBSECTION. 33. Personal information
 41 contained in state department of transportation
 42 handicapped parking permit records capable of
 43 disclosure by bulk distribution for purposes of
 44 surveys, marketing, or solicitations, unless the
 45 individual who is the subject of the record has been
 46 given an opportunity by the state department of
 47 transportation to prohibit the disclosure."

48 5. Page 12, by inserting after line 31 the
 49 following:

50 "Sec. ____ Section 321.1, subsection 32, paragraph

Page 14

1 f, Code 1995, as amended by 1995 Iowa Acts, Senate
2 File 298, section 1, is amended to read as follows:
3 f. Self-propelled machinery ~~or machinery towed by~~
4 ~~a motor vehicle or farm tractor~~ operated at speeds of
5 less than thirty miles per hour or machinery towed by
6 a motor vehicle or farm tractor. The machinery must
7 be specifically designed for, or especially adapted to
8 be capable of, incidental over-the-road and primary
9 off-road usage. In addition, the machinery must be
10 used exclusively for the mixing and dispensing of
11 nutrients to bovine animals fed at a feedlot, or the
12 application of organic or inorganic plant food
13 materials, agricultural limestone, or agricultural
14 chemicals. However, the machinery shall not be
15 specifically designed or intended for the
16 transportation of such nutrients, plant food
17 materials, agricultural limestone, or agricultural
18 chemicals.”

19 6. Page 12, by inserting after line 31 the
20 following:

21 “Sec. ____ Section 321.11, Code 1995, is amended
22 by adding the following new unnumbered paragraph:
23 NEW UNNUMBERED PARAGRAPH. However, personal
24 information contained in department handicapped
25 parking permit records may only be disclosed by bulk
26 distribution for purposes of surveys, marketing, or
27 solicitations, if the individual who is the subject of
28 the record has been given an opportunity by the
29 department to prohibit the disclosure.”

30 7. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-4143, to the House amendment.

IMMEDIATE MESSAGE

Brauns of Muscatine asked and received unanimous consent that Senate File 481 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 150)

Salton of Palo Alto called up for consideration the report of the conference committee on Senate File 150 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 150

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 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, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4072.

2. That the House amendment, S-3543, to Senate File 150, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Section 1. Section 232.2, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:"

2. Page 1, by striking lines 8 through 11 and inserting the following:

"NEW PARAGRAPH. g. The".

3. Page 1, lines 17 and 18, by striking the words "upon completion of the agreement requirements".

4. Page 5, by striking lines 30 through 32 and inserting the following: "but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs."

5. Page 5, by inserting after line 42 the following:

""Sec. ____ Section 237.15, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., §§ 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:"

6. Page 5, by striking lines 46 through 49 and inserting the following:

"NEW PARAGRAPH. j. The actions".

7. Page 6, lines 4 and 5, by striking the words "upon completion of the agreement requirements".

8. Page 6, by inserting after line 21 the following:

““Sec. __. Section 598.8, Code 1995, is amended to read as follows:

598.8 HEARINGS.

Hearings for dissolution of marriage shall be held in open court upon the oral testimony of witnesses, or upon the depositions of such witnesses taken as in other equitable actions or taken by a commissioner appointed by the court. However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court. Upon request of either party, the court shall provide security in the courtroom during the custody hearing if a history of domestic abuse relating to either party exists.”

9. Page 6, lines 39 and 40, by striking the words “credible evidence of a history of domestic abuse” and inserting the following: “that a history of domestic abuse exists”.

10. Page 6, line 48, by striking the words “credible evidence” and inserting the following: “a history”.

11. Page 6, line 50, by striking the words “credible evidence” and inserting the following: “a history”.

12. Page 7, by striking lines 3 and 4 and inserting the following: “domestic abuse relocates or is absent from the home based upon the”.

13. Page 7, line 9, by striking the words “to the absent parent”.

14. Page 7, lines 25 and 26, by striking the words “of credible evidence of domestic abuse” and inserting the following: “that a history of domestic abuse exists”.

15. Page 7, line 33, by striking the words “credible evidence exists of domestic abuse” and inserting the following: “a history of domestic abuse exists”.

16. By striking page 7, line 49, through page 8, line 9, and inserting the following:

“NEW PARAGRAPH. j. Whether a history of domestic abuse, as defined in section 236.2, exists. In determining whether a history of domestic abuse exists, the court’s consideration shall include but is not limited to,”.

17. Page 8, line 27, by inserting after the word “order,” the following: “unless the court determines that a history of domestic abuse exists as specified in subsection 3, paragraph “j”, or unless the court determines that direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result.”.

18. Page 8, by striking line 31.

19. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

BILL SALTON, Chair
DAN BODDICKER
CECELIA BURNETT
PAM JOCHUM
KEN VEENSTRA

ON THE PART OF THE SENATE:

ROBERT DVORSKY, Chair
NANCY BOETTGER
JOHNNIE HAMMOND
MARY E. KRAMER
ELAINE SZYMONIAK

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (S.F. 150)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
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
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 Cohoon Hurley

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 150** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Dinkla of Guthrie called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4140:

H-4140

1 Amend House File 126, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 523H.2, Code 1995, is amended
6 to read as follows:

7 523H.2 APPLICABILITY.

8 This chapter applies to a new or existing franchise
9 that is operated in the state of Iowa. For purposes
10 of this chapter, the franchise is operated in this
11 state only if the premises from which the franchise is
12 operated is physically located in this state. For
13 purposes of this chapter, a franchise including
14 marketing rights in or to this state, is deemed to be
15 operated in this state only if the franchisee's
16 principal business office is physically located in
17 this state. This chapter does not apply to a
18 franchise solely because an agreement relating to the
19 franchise provides that the agreement is subject to or
20 governed by the laws of this state. The provisions of
21 this chapter do not apply to any existing or future
22 contracts between Iowa franchisors and out-of-state
23 franchisees who operate franchises located out-of-
24 state.

25 Sec. 2. Section 523H.5, Code 1995, is amended to
26 read as follows:

27 523H.5 TRANSFER OF FRANCHISE.

28 1. A franchisee may transfer the franchised
29 business and franchise to a transferee, provided that
30 the transferee satisfies the reasonable current
31 qualifications of the franchisor for new franchisees.
32 For the purposes of this section, a reasonable current
33 qualification for a new franchisee is a qualification
34 based upon a legitimate business reason. If the
35 proposed transferee does not meet the reasonable
36 current qualifications of the franchisor, the
37 franchisor may refuse to permit the transfer, provided
38 that the refusal of the franchisor to consent to the
39 transfer is not arbitrary or capricious ~~when compared~~
40 ~~to the actions of the franchisor in other similar~~
41 ~~circumstances.~~

42 2. Except as otherwise provided in this section, a
43 franchisor may exercise a right of first refusal
44 contained in a franchise agreement after receipt of a
45 proposal from the franchisee to transfer the
46 franchise.

47 3. A franchisor may require as a condition of a

- 48 transfer any of the following:
49 a. That the transferee successfully complete a
50 reasonable training program.

Page 2

1 b. That a reasonable transfer fee be paid to
2 reimburse the franchisor for the franchisor's
3 reasonable and actual expenses directly attributable
4 to the transfer.

5 c. That the franchisee pay or make provision
6 reasonably acceptable to the franchisor to pay any
7 amount due the franchisor or the franchisor's
8 affiliate.

9 d. That the financial terms of the transfer comply
10 at the time of the transfer with the franchisor's
11 current financial requirements for franchisees.

12 ~~4. A franchisor shall not withhold consent to a~~
13 ~~franchisee making a public offering of the~~
14 ~~franchisee's securities without good cause, provided~~
15 ~~the franchisee or the owners of the franchise retain~~
16 ~~control of more than fifty percent of the voting power~~
17 ~~in the franchise.~~

18 ~~5. 4. A franchisee may transfer the franchisee's~~
19 ~~interest in the franchise, for the unexpired term of~~
20 ~~the franchise agreement, and a franchisor shall not~~
21 ~~require the franchisee or the transferee to enter into~~
22 ~~a new or different franchise agreement as a condition~~
23 ~~of the transfer.~~

24 ~~6. 5. A franchisee shall give the franchisor no~~
25 ~~less than sixty days' written notice of a transfer~~
26 ~~which is subject to the provisions of this section,~~
27 ~~and on request from the franchisor shall provide in~~
28 ~~writing the ownership interests of all persons holding~~
29 ~~or claiming an equitable or beneficial interest in the~~
30 ~~franchise subsequent to the transfer or the~~
31 ~~franchisee, as appropriate. A franchisee shall not~~
32 ~~circumvent the intended effect of a contractual~~
33 ~~provision governing the transfer of the franchise or~~
34 ~~an interest in the franchise by means of a management~~
35 ~~agreement, lease, profit-sharing agreement,~~
36 ~~conditional assignment, or other similar device.~~

37 ~~7. 6. A franchisor shall not transfer its interest~~
38 ~~in a franchise unless the franchisor makes reasonable~~
39 ~~provision for the performance of the franchisor's~~
40 ~~obligations under the franchise agreement by the~~
41 ~~transferee. A franchisor shall provide the franchisee~~
42 ~~notice of a proposed transfer of the franchisor's~~
43 ~~interest in the franchise at the time the disclosure~~
44 ~~is required of the franchisor under applicable~~
45 ~~securities laws, if interests in the franchisor are~~
46 ~~publicly traded, or if not publicly traded, at the~~
47 ~~time such disclosure would be required if the~~
48 ~~interests in the franchisor were publicly traded. For~~
49 purposes of this subsection, "reasonable provision"
50 means that upon the transfer, the entity assuming the

Page 3

1 franchisor's obligations has the financial means to
2 perform the franchisor's obligations in the ordinary
3 course of business, but does not mean that the
4 franchisor transferring the franchise is required to
5 guarantee obligations of the underlying franchise
6 agreement.

7 ~~8.~~ 7. A transfer by a franchisee is deemed to be
8 approved sixty days after the franchisee submits the
9 request for consent to the transfer unless the
10 franchisor withholds consent to the transfer as
11 evidenced in writing, specifying the reason or reasons
12 for withholding the consent. The written notice must
13 be delivered to the franchisee prior to the expiration
14 of the sixty-day period. Any such notice is
15 privileged and is not actionable based upon a claim of
16 defamation.

17 ~~9.~~ 8. A franchisor shall not discriminate against
18 a proposed transferee of a franchise on the basis of
19 race, color, national origin, religion, sex, or
20 physical handicap disability.

21 ~~10.~~ 9. A franchisor, as a condition to a transfer
22 of a franchise, shall not obligate a franchisee to
23 undertake obligations or relinquish any rights
24 unrelated to the franchise proposed to be transferred,
25 or to enter into a release of claims broader than a
26 similar release of claims by the franchisor against
27 the franchisee which is entered into by the
28 franchisor.

29 ~~11.~~ 10. A franchisor, after a transfer of a
30 franchise, shall not seek to enforce any covenant of
31 the transferred franchise against the transferor which
32 prohibits the transferor from engaging in any lawful
33 occupation or enterprise. However, this subsection
34 does not prohibit the franchisor from enforcing a
35 contractual covenant against the transferor not to
36 exploit the franchisor's trade secrets or intellectual
37 property rights, unless otherwise agreed to by the
38 parties.

39 ~~12.~~ 11. For purposes of this section, "transfer"
40 means any change in ownership or control of a
41 franchise, franchised business, or a franchisee.

42 ~~13.~~ 12. The following occurrences shall not be
43 considered transfers requiring the consent of the
44 franchisor under a franchise agreement, and shall not
45 result in the imposition of any penalties or make
46 applicable any right of first refusal by the
47 franchisor:

48 a. The succession of ownership of a franchise upon
49 the death or disability of a franchisee, or of an
50 owner of a franchise, to the franchisee's surviving

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1 spouse, child or children heir, or a partner active in
2 the management of the franchisee unless the successor
3 fails to meet within one year the then current
4 reasonable qualifications of the franchisor for
5 franchisees and the enforcement of the reasonable
6 current qualifications is not arbitrary or capricious
7 ~~when compared to actions of the franchisor in other~~
8 ~~similar circumstances.~~

9 ~~b. The succession of a spouse, child, partner, or~~
10 ~~other owner as operating manager upon the death or~~
11 ~~disability of the operating manager, unless the~~
12 ~~successor fails to meet the then current reasonable~~
13 ~~qualifications of the franchisor for an operating~~
14 ~~manager, and enforcement of the reasonable current~~
15 ~~qualifications is not arbitrary or capricious when~~
16 ~~compared to actions of the franchisor in other similar~~
17 ~~circumstances.~~

18 e. b. Incorporation of a proprietorship
19 franchisee, provided that such incorporation does not
20 prohibit a franchisor from requiring a personal
21 guaranty by the franchisee of obligations related to
22 the franchise.

23 d. c. A transfer within an existing ownership
24 group of a franchise provided that more than fifty
25 percent of the franchise is held by persons who meet
26 the franchisor's reasonable current qualifications for
27 franchisees. If less than fifty percent of the
28 franchisor would be owned by persons who meet the
29 franchisor's reasonable current qualifications, the
30 franchisor may refuse to authorize the transfer,
31 provided that enforcement of the reasonable current
32 qualifications is not arbitrary or capricious ~~when~~
33 ~~compared to actions of the franchisor in other similar~~
34 ~~circumstances.~~

35 e. d. A transfer of less than a controlling
36 interest in the franchise to the franchisee's spouse
37 or child or children, provided that more than fifty
38 percent of the entire franchise is held by those who
39 meet the franchisor's reasonable current
40 qualifications. If less than fifty percent of the
41 franchise would be owned by persons who meet the
42 franchisor's reasonable current qualifications, the
43 franchisor may refuse to authorize the transfer,
44 provided that enforcement of the reasonable current
45 qualifications is not arbitrary or capricious ~~when~~
46 ~~compared to actions of the franchisor in other similar~~
47 ~~circumstances.~~

48 f. e. A transfer of less than a controlling
49 interest in the franchise of an employee stock
50 ownership plan, or employee incentive plan, provided

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1 that more than fifty percent of the entire franchise
2 is held by those who meet the franchisor's reasonable
3 current qualifications for franchisees. If less than
4 fifty percent would be owned by persons who meet the
5 franchisor's reasonable current qualifications, the
6 franchisor may refuse to authorize the transfer,
7 provided that enforcement of the reasonable current
8 qualifications is not arbitrary or capricious when
9 compared to actions of the franchisor in other similar
10 circumstances.

11 g. f. A grant or retention of a security interest
12 in the franchised business or its assets, or an
13 ownership interest in the franchisee, provided the
14 security agreement establishes an obligation on the
15 part of the secured party enforceable by the
16 franchisor to give the franchisor notice of the
17 secured party's intent to foreclose on the collateral
18 simultaneously with notice to the franchisee, and a
19 reasonable opportunity to redeem the interests of the
20 secured party and recover the secured party's interest
21 in the franchise or franchised business by paying the
22 secured obligation.

23 ~~14. 13.~~ A franchisor shall not interfere or
24 attempt to interfere with any disposition of an
25 interest in a franchise or franchised business as
26 described in subsection ~~13~~ 12, paragraphs "a" through
27 "~~g~~" "f".

28 Sec. 3. Section 523H.6, Code 1995, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 **523H.6 ENCROACHMENT.**

32 1. If a franchisor develops, or grants to a
33 franchisee the right to develop, a new outlet or
34 location which sells essentially the same goods or
35 services under the same trademark, service mark, trade
36 name, logotype, or other commercial symbol as an
37 existing franchisee and the new outlet or location has
38 an adverse effect on the gross sales of the existing
39 franchisee's outlet or location, the existing
40 adversely affected franchisee has a cause of action
41 for monetary damages in an amount calculated pursuant
42 to subsection 3, unless any of the following apply:

43 a. The franchisor has first offered the new outlet
44 or location to the existing franchisee on the same
45 basic terms and conditions available to the other
46 potential franchisee, or, if the new outlet or
47 location is to be owned by the franchisor, on the
48 terms and conditions that would ordinarily be offered
49 to a franchisee for a similarly situated outlet or
50 location.

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1 b. The adverse impact on the existing franchisee's
2 annual gross sales, based on a comparison to the
3 annual gross sales from the existing outlet or
4 location during the twelve-month period immediately
5 preceding the opening of the new outlet or location,
6 is determined to have been less than five percent
7 during the first twelve months of operation of the new
8 outlet or location.

9 c. The existing franchisee, at the time the
10 franchisor develops, or grants to a franchisee the
11 right to develop, a new outlet or location is not in
12 compliance with the franchisor's then current
13 reasonable criteria for eligibility for a new
14 franchise. A franchisee determined to be ineligible
15 pursuant to this paragraph shall be afforded the
16 opportunity to seek compensation pursuant to the
17 formal procedure established under paragraph "d",
18 subparagraph (2). Such procedure shall be the
19 franchisee's exclusive remedy.

20 d. The franchisor has established both of the
21 following:

22 (1) A formal procedure for hearing and acting upon
23 claims by an existing franchisee with regard to a
24 decision by the franchisor to develop, or grant to a
25 franchisee the right to develop, a new outlet or
26 location, prior to the opening of the new outlet or
27 location.

28 (2) A reasonable formal procedure for awarding
29 compensation or other form of consideration to a
30 franchisee to offset all or a portion of the
31 franchisee's lost profits caused by the establishment
32 of the new outlet or location. The procedure shall
33 involve, at the option of the franchisee, one of the
34 following:

35 (a) A panel, comprised of an equal number of
36 members selected by the franchisee and the franchisor,
37 and one additional member to be selected unanimously
38 by the members selected by the franchisee and the
39 franchisor.

40 (b) A neutral third-party mediator or an
41 arbitrator with the authority to make a decision or
42 award in accordance with the formal procedure. The
43 procedure shall be deemed reasonable if approved by a
44 majority of the franchisor's franchisees in the United
45 States, either individually or by an elected
46 representative body.

47 (c) Arbitration of any dispute before neutral
48 arbitrators pursuant to the rules of the American
49 arbitration association. The award of an arbitrator
50 pursuant to this subparagraph subdivision is subject

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1 to judicial review pursuant to chapter 679A.

2 2. A franchisor shall establish and make available
3 to its franchisees a written policy setting forth its
4 reasonable criteria to be used by the franchisor to
5 determine whether an existing franchisee is eligible
6 for a franchise for an additional outlet or location.

7 3. a. In establishing damages under a cause of
8 action brought pursuant to this section, the
9 franchisee has the burden of proving the amount of
10 lost profits attributable to the compensable sales.
11 In any action brought under this section, the damages
12 payable shall be limited to no more than three years
13 of the proven lost profits. For purposes of this
14 subsection, "compensable sales" means the annual gross
15 sales from the existing outlet or location during the
16 twelve-month period immediately preceding the opening
17 of the new outlet or location less both of the
18 following:

19 (1) Five percent.

20 (2) The actual gross sales from the operation of
21 the existing outlet or location for the twelve-month
22 period immediately following the opening of the new
23 outlet or location.

24 b. Compensable sales shall exclude any amount
25 attributable to factors other than the opening and
26 operation of the new outlet or location.

27 4. Any cause of action brought under this section
28 must be filed within eighteen months of the opening of
29 the new outlet or location or within three months
30 after the completion of the procedure under subsection
31 1, paragraph "d", subparagraph (2), whichever is
32 later.

33 5. Upon petition by the franchisor or the
34 franchisee, the district court may grant a permanent
35 or preliminary injunction to prevent injury or
36 threatened injury for a violation of this section or
37 to preserve the status quo pending the outcome of the
38 formal procedure under subsection 1, paragraph "d",
39 subparagraph (2).

40 Sec. 4. Section 523H.7, Code 1995, is amended to
41 read as follows:

42 523H.7 TERMINATION.

43 1. Except as otherwise provided by this chapter, a
44 franchisor shall not terminate a franchise prior to
45 the expiration of its term except for good cause. For
46 purposes of this section, "good cause" is cause based
47 upon a legitimate business reason. "Good cause"
48 includes the failure of the franchisee to comply with
49 any material lawful requirement of the franchise
50 agreement, provided that the termination by the

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1 franchisor is not arbitrary or capricious when
2 compared to the actions of the franchisor in other
3 similar circumstances. The burden of proof of showing
4 that action of the franchisor is arbitrary or
5 capricious shall rest with the franchisee.

6 2. Prior to termination of a franchise for good
7 cause, a franchisor shall provide a franchisee with
8 written notice stating the basis for the proposed
9 termination. After service of written notice, the
10 franchisee shall have a reasonable period of time to
11 cure the default, which in no event shall be less than
12 thirty days or more than ninety days. In the event of
13 nonpayment of moneys due under the franchise
14 agreement, the period to cure need not exceed thirty
15 days.

16 3. Notwithstanding subsection 2, a franchisor may
17 terminate a franchisee upon written notice and without
18 an opportunity to cure if any of the following apply:

19 a. The franchisee or the business to which the
20 franchise relates is declared bankrupt or judicially
21 determined to be insolvent.

22 b. All or a substantial part of the assets of the
23 franchise or the business to which the franchisee
24 relates are assigned to or for the benefit of any
25 creditor which is subject to chapter 681. An
26 assignment for the benefit of any creditor pursuant to
27 this paragraph does not include the granting of a
28 security interest in the normal course of business.

29 b. c. The franchisee voluntarily abandons the
30 franchise by failing to operate the business for five
31 consecutive business days during which the franchisee
32 is required to operate the business under the terms of
33 the franchise, or any shorter period after which it is
34 not unreasonable under the facts and circumstances for
35 the franchisor to conclude that the franchisee does
36 not intend to continue to operate the franchise,
37 unless the failure to operate is due to circumstances
38 beyond the control of the franchisee.

39 e. d. The franchisor and franchisee agree in
40 writing to terminate the franchise.

41 d. e. The franchisee knowingly makes any material
42 misrepresentations or knowingly omits to state any
43 material facts relating to the acquisition or
44 ownership or operation of the franchise business.

45 e. f. ~~The franchisee repeatedly fails to comply~~
46 ~~with the same material provision of a franchise~~
47 ~~agreement, when the enforcement of the material~~
48 ~~provision by the franchisor is not arbitrary or~~
49 ~~capricious when compared to the franchisor in other~~
50 ~~similar circumstances. After three material breaches~~

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1 of a franchise agreement occurring within a twelve-
2 month period, for which the franchisee has been given
3 notice and an opportunity to cure, the franchisor may
4 terminate upon any subsequent material breach within
5 the twelve-month period without providing an
6 opportunity to cure, provided that the action is not
7 arbitrary and capricious.

8 f. g. The franchised business or business premises
9 of the franchisee are lawfully seized, taken over, or
10 foreclosed by a government authority or official.

11 g. h. The franchisee is convicted of a felony or
12 any other criminal misconduct which materially and
13 adversely affects the operation, maintenance, or
14 goodwill of the franchise in the relevant market.

15 h. i. The franchisee operates the franchised
16 business in a manner that imminently endangers the
17 public health and safety.

18 Sec. 5. Section 523H.8, Code 1995, is amended to
19 read as follows:

20 523H.8 NONRENEWAL OF A FRANCHISE.

21 1. A franchisor shall not refuse to renew a
22 franchise unless both of the following apply:

23 1. a. The franchisee has been notified of the
24 franchisor's intent not to renew at least six months
25 prior to the expiration date or any extension of the
26 franchise agreement.

27 2. b. Any of the following circumstances exist:

28 a. (1) Good cause exists as defined in section
29 523H.7, provided that the refusal of the franchisor to
30 renew is not arbitrary or capricious ~~when compared to~~
31 ~~the actions of the franchisor in other similar~~
32 ~~circumstances. For purposes of this section, "good~~
33 ~~cause" means cause based on a legitimate business~~
34 ~~reason.~~

35 b. (2) The franchisor and franchisee agree not to
36 renew the franchise, ~~provided that upon the expiration~~
37 ~~of the franchise, the franchisor agrees not to seek to~~
38 ~~enforce any covenant of the nonrenewed franchise not~~
39 ~~to compete with the franchisor or franchisees of the~~
40 ~~franchisor.~~

41 e. (3) The franchisor completely withdraws from
42 directly or indirectly distributing its products or
43 services in the geographic market served by the
44 franchisee, provided that upon expiration of the
45 franchise, the franchisor agrees not to seek to
46 enforce any covenant of the nonrenewed franchise not
47 to compete with the franchisor or franchisees of the
48 franchisor.

49 2. As a condition of renewal of the franchise, a
50 franchise agreement may require that the franchisee

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1 meet the then current requirements for franchises and
 2 that the franchisee execute a new agreement
 3 incorporating the then current terms and fees for new
 4 franchises.
 5 Sec. 6. Section 523H.11, Code 1995, is amended to
 6 read as follows:
 7 523H.11 REPURCHASE OF ASSETS.
 8 A franchisor shall not prohibit a franchisee from,
 9 or enforce a prohibition against a franchisee,
 10 engaging in any lawful business at any location after
 11 a termination or refusal to renew by a franchisor,
 12 unless it is one which relies on a substantially
 13 similar marketing program as the terminated or
 14 nonrenewed franchise or unless the franchisor offers
 15 in writing no later than ten business days before
 16 expiration of the franchise to purchase the assets of
 17 the franchised business for its fair market value as a
 18 going concern. The value of the assets shall not
 19 include the goodwill of the business attributable to
 20 the trademark licensed to the franchisee in the
 21 franchise agreement. The offer may be conditioned
 22 upon the ascertainment of a fair market value by an
 23 impartial appraiser. This section does not apply to
 24 assets of the franchised business which the franchisee
 25 did not purchase from the franchisor, or the agent of
 26 the franchisor."

The motion prevailed and the House concurred in the Senate amendment H-4140.

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

On the question "Shall the bill pass?" (H.F. 126)

The ayes were, 86:

Arnold	Bell	Blodgett	Boddicker
Bogess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Metcalf	Meyer	Millage
Moreland	Mundie	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton

Schulte
Teig
Van Maanen
Weidman
Witt

Shoultz
Thomson
Vande Hoef
Weigel
Mr. Speaker
Corbett

Siegrist
Tyrrell
Veenstra
Welter

Sukup
Van Fossen
Warnstadt
Wise

The nays were, 9:

Bernau
Fallon
Schrader

Connors
Holveck

Doderer
Mertz

Drees
Murphy

Absent or not voting, 5:

Baker
Lamberti

Brammer

Cohoon

Hurley

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

Rule 76 invoked; Lamberti of Polk invoked Rule 76, conflict of interest, and refrained from voting.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 126** be immediately messaged to the Senate.

WITHDRAWN FROM COMMITTEE

Doderer of Johnson asked and received unanimous consent to withdraw from committee Senate Concurrent Resolution 24 for immediate consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 24

Doderer of Johnson asked and received unanimous consent for the immediate consideration of 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, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 24** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Eddie of Buena Vista called up for consideration **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, amended by the Senate amendment H-4033 as follows:

H-4033

1 Amend House File 519, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ Section 13.13, subsection 2, Code 1995,
6 is amended to read as follows:

7 2. The farm assistance program coordinator shall
8 contract with a nonprofit organization chartered in
9 this state to provide mediation services as provided
10 in chapters 654A and 654B. ~~The contract shall be~~
11 ~~awarded to the organization by July 1, 1990. The farm~~
12 ~~assistance program coordinator shall contract with a~~
13 ~~nonprofit organization to provide mediation services~~
14 ~~as provided in chapter 654C based upon a designation~~
15 ~~forwarded by the organic nutrient management board. A~~
16 contract may be terminated by the coordinator upon
17 written notice and for good cause. ~~The coordinator~~
18 ~~shall notify the board six months prior to the~~
19 ~~expiration of a contract or ten days prior to the~~
20 ~~termination of a contract involving a nonprofit~~
21 ~~organization providing mediation services as provided~~
22 ~~in chapter 654C. The coordinator shall select an~~
23 ~~organization to provide mediation services under~~
24 ~~chapter 654C, if the coordinator does not receive the~~
25 ~~board's selection in writing within thirty days~~
26 ~~following the board's receipt of the notice of~~
27 ~~expiration or termination of the contract. An~~
28 organization awarded the contract is designated as the
29 farm mediation service for ~~the chapter for which the~~
30 ~~organization is to provide mediation services, for the~~
31 duration of the contract. ~~The An~~ organization may,
32 upon approval by the coordinator, provide mediation
33 services other than as provided by law. The farm
34 mediation service is not a state agency for the
35 purposes of chapters 19A, 20, and 669.

36 Sec. ____ Section 13.14, subsections 1 and 2, Code
37 1995, are amended to read as follows:

38 1. Meetings of ~~the a~~ farm mediation service are
39 closed meetings and are not subject to chapter 21.

40 2. Verbal or written information relating to the
41 mediation process and transmitted between a party to a
42 dispute and ~~the a~~ farm mediation service, including a
43 mediator or the mediation staff, or any other person
44 present during any stage of the mediation process
45 conducted by ~~the a~~ service, whether reflected in
46 notes, memoranda, or other work products in the case
47 files, is a confidential communication. Mediators and
48 staff members shall not be examined in any judicial or
49 administrative proceeding regarding confidential
50 communications and are not subject to judicial or

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1 administrative process requiring the disclosure of
2 confidential communications.

3 Sec. ____ Section 13.15, unnumbered paragraph 1,
4 Code 1995, is amended to read as follows:

5 The a farm mediation service providing mediation
6 services under chapter 654A or 654B shall recommend
7 rules to administer those chapters to the farm
8 assistance program coordinator. A mediation service
9 providing mediation services under chapter 654C shall
10 recommend rules to administer that chapter to the
11 organic nutrient management board. The board shall
12 submit the recommendations with comments or its own
13 recommendations to the farm assistance program
14 coordinator. The coordinator shall adopt rules
15 pursuant to chapter 17A to set the compensation of
16 mediators and to implement this subchapter and
17 chapters 654A and 654B.

18 Sec. ____ Section 13.16, Code 1995, is amended to
19 read as follows:

20 13.16 LIMITATION ON LIABILITY — IMMUNITY FROM
21 SPECIAL ACTIONS.

22 1. A member of the a farm mediation mediation's
23 staff, including a mediator, employee, or agent of the
24 service, or member of a board for the service, is not
25 liable for civil damages for a statement or decision
26 made in the process of mediation, unless the member
27 acts in bad faith, with malicious purpose, or in a
28 manner exhibiting willful and wanton disregard of
29 human rights, safety, or property.

30 2. A judicial action which seeks an injunction,
31 mandamus, or similar equitable relief shall not be
32 brought against ~~the~~ a farm mediation service,
33 including a mediator, employee, or agent of the
34 service, or a member of a board for the service until
35 completion of the mediation process."

36 2. Page 1, by striking lines 6 through 11 and
37 inserting the following: "feet from a designated
38 area, unless one of the following applies:

39 1. The manure is applied by injection or
40 incorporation within twenty-four hours following the
41 application.

42 2. An area of permanent vegetation cover exists
43 for fifty feet surrounding the designated area and
44 that area is not subject to manure application.

45 As used in this section, "designated area" means a
46 known sinkhole, or a cistern, abandoned well,
47 unplugged agricultural drainage well, agricultural
48 drainage well surface inlet, drinking water well, or
49 lake, or a farm pond, or privately owned lake as
50 defined in section 462A.2. However, a "designated

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- 1 area" does not include a terrace tile outlet."
- 2 3. Page 1, line 14, by striking the words "an
3 animal" and inserting the following: "a confinement".
- 4 4. Page 1, by inserting after line 23 the
5 following:
6 "1A. "Animal weight capacity" means the same as
7 defined in section 455B.161."
- 8 5. Page 2, by striking line 2 and inserting the
9 following: "subject to a construction permit issued
10 by the".
- 11 6. Page 2, line 25, by striking the words
12 "required to" and inserting the following: "who".
- 13 7. Page 2, line 25, by striking the word and
14 figure "section 455B.191" and inserting the following:
15 "chapter 455B".
- 16 8. Page 2, line 30, by striking the word and
17 figure "section 455B.191" and inserting the following:
18 "chapter 455B".
- 19 9. Page 3, line 1, by inserting after the words
20 "related to" the following: "cleaning up the site of
21 the confinement feeding operation, including".
- 22 10. Page 3, line 4, by striking the word "two"
23 and inserting the following: "one".
- 24 11. Page 3, line 29, by striking the words "five
25 hundred thousand" and inserting the following: "one
26 million".
- 27 12. Page 4, by striking lines 3 through 6 and
28 inserting the following: "The amount of the fees
29 shall be based on the following:
- 30 1. If the animal feeding operation has an animal
31 weight capacity of less than six hundred twenty-five
32 thousand pounds, the following shall apply:
- 33 a. For all animals other than poultry, the amount
34 of the fee shall be five cents per animal unit of
35 capacity for confinement feeding operations.
- 36 b. For poultry, the amount of the fee shall be two
37 cents per animal unit of capacity for confinement
38 feeding operations.
- 39 2. If the animal feeding operation has an animal
40 weight capacity of six hundred twenty-five thousand or
41 more pounds but less than one million two hundred
42 fifty thousand pounds, the following shall apply:
- 43 a. For all animals other than poultry, the amount
44 of the fee shall be seven and one-half cents per
45 animal unit of capacity for confinement feeding
46 operations.
- 47 b. For poultry, the amount of the fee shall be
48 three cents per animal unit of capacity for
49 confinement feeding operations.
- 50 3. If the animal feeding operation has an animal

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1 weight capacity of one million two hundred fifty
2 thousand or more pounds, the following shall apply:

3 a. For all animals other than poultry, the amount
4 of the fee shall be ten cents per animal unit of
5 capacity for confinement feeding operations.

6 b. For poultry, the amount of the fee shall be
7 four cents per animal unit of capacity for confinement
8 feeding operations.
9 The”.

10 13. Page 4, line 14, by inserting after the words
11 “costs of” the following: “cleaning up the site of
12 the confinement feeding operation, including the costs
13 of”.

14 14. Page 4, line 32, by striking the word “fifty”
15 and inserting the following: “one hundred”.

16 15. Page 4, by striking lines 33 and 34 and
17 inserting the following: “percent of the claim, as
18 provided in this section. IF”.

19 16. Page 5, by inserting after line 25 the
20 following:

21 “Sec. ____ NEW SECTION. 204.4A MANURE REMOVAL.

22 A county which has acquired real estate containing
23 a confinement feeding operation structure, as defined
24 in section 455B.161, following the nonpayment of taxes
25 pursuant to section 446.19, may remove and dispose of
26 the manure at any time, and seek reimbursement for the
27 costs of the removal and disposal from the person
28 abandoning the real estate.”.

29 17. Page 5, by inserting after line 33 the
30 following:

31 “Sec. ____ Section 260E.3, Code 1995, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 6. After August 31, 1995, a
34 community college shall not enter into an agreement
35 for a project which includes program services for
36 employees of a confinement feeding operation as
37 defined in section 455B.161.

38 Sec. ____ NEW SECTION. 455A.7A ORGANIC NUTRIENT
39 MANAGEMENT BOARD.

40 1. An organic nutrient management board is
41 established. Sections 69.16 and 69.16A apply to the
42 composition of the board. Members shall be entitled
43 to receive per diem as provided in section 7E.6 and
44 actual expenses.

45 2. The board shall consist of the following:

46 a. The following persons appointed as voting
47 members by the governor:

48 (1) Four persons actively engaged in agricultural
49 production. Each person must be a member of a
50 commodity organization or association which represents

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1 agricultural producers generally.

2 (2) One person who is interested in environmental
3 quality issues. The person must be a member of an
4 association or organization interested in the
5 protection or preservation of the natural environment.

6 b. The following persons who shall serve as voting
7 members:

8 (1) The director of the soil conservation division
9 of the department of agriculture and land stewardship
10 or a designee.

11 (2) The chairperson of the Iowa business council
12 or a designee.

13 c. The following persons who shall serve as ex
14 officio nonvoting members:

15 (1) A designee of the state office of the natural
16 resources conservation service of the United States
17 department of agriculture, upon request by the
18 governor.

19 (2) The director of the department of natural
20 resources or the director's designee.

21 (3) The dean of the college of agriculture at Iowa
22 state university or the dean's designee.

23 (4) Four members of the general assembly two of
24 whom are state senators, one appointed by the
25 president of the senate, after consultation with the
26 majority leader of the senate, and one appointed by
27 the minority leader of the senate, after consultation
28 with the president of the senate, from their
29 respective parties; and two of whom are state
30 representatives appointed by the speaker of the house,
31 one from the majority party after consultation with
32 the majority leader of the house and one from the
33 minority party after consultation with the minority
34 leader of the house.

35 3. The department shall furnish the board with a
36 meeting place, staff, and all articles, supplies, and
37 services necessary to enable the board to perform its
38 duties.

39 4. The members appointed by the governor shall
40 serve three-year terms beginning and ending as
41 provided in section 69.19. However, the governor
42 shall appoint some initial members to serve for less
43 than three years to ensure members serve staggered
44 terms. A member appointed by the governor is eligible
45 for reappointment. However, a member shall not serve
46 for more than two full consecutive terms. A vacancy
47 on the board shall be filled for the unexpired portion
48 of the regular term in the same manner as regular
49 appointments are made. The board shall elect a
50 chairperson each year and meet at least once every

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1 three months, and at the call of the chairperson or
2 upon the written request to the chairperson of three
3 or more voting members. Written notice of the time
4 and place of the meeting shall be given to each
5 member. Four voting members constitute a quorum and
6 the affirmative vote of a majority of the voting
7 members present is necessary for any substantive
8 action to be taken by the board, except that a lesser
9 number may adjourn a meeting. The majority shall not
10 include any member who has a conflict of interest and
11 a statement by a member that the member has a conflict
12 of interest is conclusive for this purpose. A vacancy
13 in the membership does not impair the duties of the
14 board.

15 5. The board shall do all of the following:

16 a. Advise the department and the environmental
17 protection commission regarding manure management
18 practices.

19 b. Study the effects of animal feeding operations
20 and recommend to the department and commission
21 solutions and policy or regulatory alternatives
22 relating to animal feeding operations, including
23 recommendations for rulemaking by the department
24 pursuant to chapter 17A or recommendations to the
25 general assembly.

26 c. Designate to the farm assistance program
27 coordinator as provided in section 13.13, a nonprofit
28 organization to provide mediation services under
29 chapter 654C. The board shall consider designating
30 the farm mediation service selected by the farm
31 assistance program coordinator to provide mediation
32 services under chapters 654A and 654B. The board
33 shall forward its designation to the farm assistance
34 program coordinator not later than thirty days
35 following the board's receipt of a notice by the
36 coordinator of the expiration or termination of a
37 contract with a nonprofit organization providing
38 mediation services under chapter 654C.

39 d. Consider rules submitted by a farm mediation
40 service to the board, and make comments or further
41 recommendations which shall be submitted to the farm
42 assistance program coordinator pursuant to section
43 13.15.

44 e. Provide other information or perform other
45 duties which may be of assistance to animal feeding
46 operations.

47 Sec. ____ Section 455B.109, subsection 4, Code
48 1995, is amended to read as follows:

49 4. All civil penalties assessed by the department
50 and interest on the penalties shall be deposited in

Page 7

1 the general fund of the state. However, civil
2 penalties assessed by the department and interest on
3 the penalties, arising out of violations imposed upon
4 a person obtaining a permit for the construction of an
5 animal feeding operation, as provided in division II,
6 part 2, shall be deposited in the manure storage
7 indemnity fund as created in section 204.2. Civil
8 penalties assessed by the department and interest on
9 the penalties arising out of a violation imposed upon
10 a person obtaining a permit for an animal feeding
11 operation as provided in division III, which may be
12 assessed pursuant to section 455B.191, shall be
13 deposited in the manure storage indemnity fund as
14 created in section 204.2.

15 Sec. ____ NEW SECTION. 455B.110 ANIMAL FEEDING
16 OPERATIONS — COMMISSION APPROVAL.

17 The department shall not initiate an enforcement
18 action in response to a violation by an animal feeding
19 operation as provided in this chapter or a rule
20 adopted pursuant to this chapter, or request the
21 commencement of legal action by the attorney general
22 pursuant to section 455B.141, unless the commission
23 has approved the intended action. This section shall
24 not apply to an order to terminate an emergency issued
25 by the director pursuant to section 455B.175.”

26 18. Page 6, line 30, by striking the words
27 “SEPARATION DISTANCE” and inserting the following:
28 “ANIMAL FEEDING OPERATIONS”.

29 19. Page 6, line 30, by inserting after the word
30 “PART” the following: “2”.

31 20. Page 7, line 25, by inserting after the word
32 “storage.” the following: “An animal feeding
33 operation does not include a livestock market.”

34 21. By striking page 7, line 32, through page 8,
35 line 6, and inserting the following:

36 “_ “Commercial enterprise” means a building
37 which is used as a part of a business that
38 manufactures goods, delivers services, or sells goods
39 or services, which is customarily and regularly used
40 by the general public during the entire calendar year
41 and which is connected to utility services, which may
42 include electric, water, or sewer services. A
43 commercial enterprise does not include a farm
44 operation.”

45 22. Page 8, line 22, by striking the word “twice”
46 and inserting the following: “once”.

47 23. Page 8, line 35, by inserting after the word
48 “manure” the following: “from a confinement feeding
49 operation”.

50 24. Page 9, by inserting after line 2 the

Page 8

1 following:
 2 “_” “Livestock market” means any place where
 3 animals are assembled from two or more sources for
 4 public auction, private sale, or on a commission
 5 basis, which is under state or federal supervision,
 6 including a livestock sale barn or auction market, if
 7 such animals are kept for ten days or less.”

8 25. Page 9, by striking lines 6 through 8 and
 9 inserting the following:

10 “_” “Public use area” means that portion of
 11 public land where persons customarily congregate, or
 12 where persons are planning to customarily congregate,
 13 as provided for in a recreation master plan approved
 14 by the area’s policymaking body.”

15 26. Page 9, line 9, by striking the words
 16 “building, constructed” and inserting the following:
 17 “building”.

18 27. Page 9, by striking line 10 and inserting the
 19 following: “in which an active”.

20 28. Page 9, by inserting after line 11 the
 21 following:

22 “17. “Small animal feeding operation” means an
 23 animal feeding operation which has an animal weight
 24 capacity of two hundred thousand pounds or less for
 25 animals other than beef cattle, or four hundred
 26 thousand pounds or less for beef cattle.”

27 29. Page 9, by striking line 20 and inserting the
 28 following:

29 “1. Except as provided in subsection 2, the
 30 following table shall apply to animal feeding
 31 operation structures:

32 a. The following table represents the minimum
 33 separation”.

34 30. By striking page 9, line 25, through page 10,
 35 line 13, and 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

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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	Anaerobic lagoon	1,250	1,875	2,500
15	Uncovered earthen			
16	manure storage			
17	basin	1,250	1,875	2,500
18	Uncovered formed			
19	manure storage			
20	structure	1,000	1,500	2,000
21	Covered earthen			
22	manure storage			
23	basin	750	1,000	1,500
24	Covered formed			
25	manure storage			
26	structure	750	1,000	1,500
27	Confinement			
28	building	750	1,000	1,500
29	Egg washwater			
30	storage structure	750	1,000	1,500"
31	31. Page 10, line 14, by striking the figure			
32	"2." and inserting the following: "b."			
33	32. Page 10, line 16, by inserting after the word			
34	"or" the following: "a residence not owned by the			
35	owner of the animal feeding operation, a commercial			
36	enterprise, a bona fide religious institution, or an			
37	educational institution located within".			
38	33. Page 10, by striking lines 18 through 31 and			
39	inserting the following:			
40			"Minimum	
41			separation	
42			distance	
43	Minimum	in feet	Minimum	separation
44	separation	for opera-	separation	distance
45	distance	tions hav-	distance	
46	in feet	ing an	in feet	
47	for opera-	animal	for opera-	
48	tions hav-	weight ca-	tions hav-	
49	ing an	capacity of	ing an	
50	animal	625,000	animal	

Page 10

1	weight ca-	or more	weight ca-
2	capacity of	pounds, but	capacity of
3	less than	less than	1,250,000
4	625,000	1,250,000	or more
5	pounds	pounds	pounds
6	for	for ani-	for
7	animals	mals other	animals
8	other	than beef	other
9	than	cattle, or	than
10	beef	1,600,000	beef
11	cattle,	or more	cattle, or
12	or less	pounds but	3,200,000
13	than	less than	or more
14	1,600,000	3,200,000	pounds
15	pounds	pounds	for
16	for beef	for beef	beef
17	Type of structure	cattle	cattle

18 Animal feeding

19 operation structure 1,250 1,875 2,500".

20 34. Page 10, by inserting before line 32 the following:

21 following:

22 "2. A confinement feeding operation having an

23 animal weight capacity of one million two hundred

24 fifty thousand or more pounds for animals other than

25 beef cattle, or three million two hundred thousand or

26 more pounds for beef cattle, shall only use a

27 confinement feeding operation, which, to every extent

28 practicable, incorporates generally accepted methods

29 and techniques for the treatment and stabilization of

30 sewage originating from human populations, according

31 to rules adopted by the department. The type and

32 degree of treatment technology required to be

33 installed shall be based on the size of the

34 confinement feeding operation. The rules shall

35 require that a confinement feeding operation subject

36 to this subsection, and constructed on or after the

37 effective date of this Act, be required to install a

38 treatment system employing bacterial action which is

39 maintained by the utilization of air or oxygen, and

40 which shall include aeration equipment. The equipment

41 shall be installed, operated, and maintained in

42 accordance with the manufacturer's instructions and

43 the requirements of rules adopted pursuant to this

44 subsection. This subsection shall not apply to a

45 confinement feeding operation which stores manure as

46 dry matter, or to an egg washwater storage structure."

47 35. Page 11, line 34, by striking the words "An

48 animal feeding operation" and inserting the following:

49 "A confinement feeding operation structure".

50 36. Page 12, by striking lines 3 and 4 and

Page 11

1 inserting the following: "confinement feeding
2 operation which qualifies as a small animal feeding
3 operation."

4 37. Page 12, line 28, by inserting after the word
5 "institution," the following: "commercial
6 enterprise".

7 38. Page 12, line 29, by inserting before the
8 word "religious" the following: "bona fide".

9 39. Page 12, line 30, by inserting after the
10 words "educational institution," the following:
11 "commercial enterprise,".

12 40. Page 12, line 30, by inserting before the
13 word "religious" the following: "bona fide".

14 41. Page 13, by inserting after line 2 the the
15 following:

16 "Sec. ____ NEW SECTION. 455B.166 PUBLIC
17 HEARINGS.

18 A city, upon request, shall hold a public hearing
19 of residents who are affected by the construction or
20 expansion of the animal feeding operation within the
21 corporate limits of the city. A county, upon request,
22 shall hold a public hearing of residents who are
23 affected by the construction or expansion of an animal
24 feeding operation within the county. The hearing
25 shall be held within thirty days of a request for a
26 public hearing by a resident. The city or county
27 shall provide ten days' advance notice of the date,
28 time, and location of the public hearing."

29 42. Page 13, line 13, by inserting after the word
30 "disposal." the following: "An animal feeding
31 operation does not include a livestock market as
32 defined in section 455B.161."

33 43. Page 13, by inserting after line 13 the
34 following:

35 "NEW SUBSECTION. 1B. "Animal weight capacity"
36 means the same as defined in section 455B.161."

37 44. Page 13, by inserting after line 20 the
38 following:

39 "NEW SUBSECTION. 23A. "Small animal feeding
40 operation" means the same as defined in section
41 455B.161."

42 45. Page 14, line 8, by inserting after the
43 figure "12." the following: "a."

44 46. Page 14, line 13, by inserting after the word
45 "operations." the following: "The department shall
46 not require that a person obtain a permit for the
47 construction of an animal feeding operation structure,
48 if the structure is part of a small animal feeding
49 operation."

50 47. Page 14, line 15, by inserting after the word

Page 12

1 "permit." the following: "The department shall not
2 approve a permit for the construction of three or more
3 animal feeding operation structures unless the
4 applicant files a statement approved by a professional
5 engineer registered pursuant to chapter 542B
6 certifying that the construction of the animal feeding
7 operation structure will not impede the drainage
8 through established drainage tile lines which cross
9 property boundary lines unless measures are taken to
10 reestablish the drainage prior to completion of
11 construction."

12 48. Page 14, line 18, by striking the words "the
13 construction of".

14 49. Page 14, line 22, by inserting after the word
15 "permit." the following: "An applicant for a
16 construction permit shall not begin construction at
17 the location of a site planned for the construction of
18 an animal feeding operation structure, until the
19 person has been granted a permit for the construction
20 of the structure by the department. The department
21 shall make a determination regarding the approval or
22 denial of a permit within sixty days from the date
23 that the department receives a completed application
24 for a permit. However, the sixty-day requirement
25 shall not apply to an application, if the applicant is
26 not required to obtain a permit in order to construct
27 an animal feeding operation structure or to operate an
28 animal feeding operation."

29 50. Page 14, by striking line 26 and inserting
30 the following: "confinement feeding operation or
31 confinement feeding operation structure".

32 51. Page 14, line 30, by striking the word "may"
33 and inserting the following: "shall".

34 52. Page 14, line 31, by inserting after the word
35 "supervisors," the following: "regarding compliance
36 by the applicant with the legal requirements for the
37 construction of the confinement feeding operation
38 structure as provided in this chapter, and rules
39 adopted by the department pursuant to this chapter,".

40 53. Page 15, line 9, by striking the word
41 "subsection" and inserting the following:
42 "paragraph".

43 54. Page 15, line 13, by striking the word
44 "subsection" and inserting the following:
45 "paragraph".

46 55. Page 15, line 14, by striking the word
47 "offense" and inserting the following: "violation".

48 56. Page 15, line 14, by striking the word
49 "animal" and inserting the following: "confinement".

50 57. Page 15, line 17, by striking the word

Page 13

- 1 "offender" and inserting the following: "violator".
- 2 58. Page 15, line 19, by striking the word
- 3 "offender" and inserting the following: "violator".
- 4 59. Page 15, line 20, by striking the word
- 5 "offender" and inserting the following: "violator".
- 6 60. Page 15, line 22, by striking the word
- 7 "offenders" and inserting the following: "violators".
- 8 61. Page 15, by inserting after line 26 the
- 9 following:
- 10 "b. Provide for the issuance of permits for the
- 11 application of manure by spray irrigation equipment.
- 12 The department shall revoke a permit issued to a
- 13 person, and shall not issue a permit to a person,
- 14 under this paragraph, for five years after the date of
- 15 the last offense committed by the person or a
- 16 confinement feeding operation in which the person
- 17 holds a controlling interest, during which the person
- 18 or operation is classified as a habitual violator
- 19 under section 455B.191."
- 20 62. Page 15, line 30, by striking the word
- 21 "offender" and inserting the following: "violator".
- 22 63. Page 15, line 31, by inserting after the word
- 23 "each" the following: "subsequent violation for
- 24 each".
- 25 64. Page 15, line 31, by striking the word
- 26 "offense" and inserting the following: "violation".
- 27 65. Page 15, line 33, by striking the word
- 28 "offender" and inserting the following: "violator".
- 29 66. Page 15, line 33, by striking the word
- 30 "offenses" and inserting the following: "violations".
- 31 67. Page 15, by striking lines 34 and 35, and
- 32 inserting the following: "as described in this
- 33 subsection. To be considered a violation that is
- 34 applicable to a habitual violator determination, a
- 35 violation must have been committed prior to the
- 36 effective date of this Act and be subject to an action
- 37 which is pending on the effective date of this Act, or
- 38 the violation must be committed on or after the
- 39 effective date of this Act. In addition, each
- 40 violation must be subject to the assessment".
- 41 68. Page 16, line 2, by striking the words
- 42 "offense, counting any offense" and inserting the
- 43 following: "violation provided in this subsection,
- 44 counting any violation".
- 45 69. Page 16, line 5, by striking the word
- 46 "offender" and inserting the following: "violator".
- 47 70. Page 16, line 6, by striking the word
- 48 "animal" and inserting the following: "confinement".
- 49 71. Page 16, line 8, by striking the word
- 50 "offenses" and inserting the following: "violations".

Page 14

- 1 72. Page 16, line 9, by striking the word
2 "offenses" and inserting the following: "violations".
3 73. Page 16, line 10, by striking the word
4 "offense" and inserting the following: "violation".
5 74. Page 16, line 11, by striking the word
6 "offense" and inserting the following: "violation".
7 75. Page 16, line 11, by striking the word
8 "offenses" and inserting the following: "violations".
9 76. Page 16, by striking line 12 and inserting
10 the following: "separate violations regardless of
11 whether the violations were".
12 77. Page 16, line 13, by striking the word
13 "offense" and inserting the following: "violation".
14 78. Page 17, line 14, by striking the word
15 "offender" and inserting the following: "violation".
16 79. Page 17, line 18, by striking the words
17 "required to obtain" and inserting the following:
18 "obtaining".
19 80. Page 17, line 29, by inserting after the word
20 "surface" the following: "water".
21 81. Page 17, line 30, by inserting before the
22 word "this" the following: "the provisions of state
23 law, including".
24 82. Page 17, by inserting after line 34 the
25 following:
26 "_. The owner of the confinement feeding
27 operation which discontinues the use of the operation
28 shall remove all manure from related confinement
29 feeding operation structures used to store manure, by
30 a date specified in an order issued to the operation
31 by the department of natural resources, or six months
32 following the date that the confinement feeding
33 operation is discontinued, whichever is earlier."
34 83. Page 17, by inserting after line 34 the
35 following:
36 "_. A person shall not apply manure by spray
37 irrigation equipment, unless the person holds a permit
38 issued by the department authorizing such application,
39 as provided in section 455B.173."
40 84. By striking page 17, line 35, through page
41 19, line 33, and inserting the following:
42 "Sec. __. **NEW SECTION. 455B.202 MANURE**
43 **MANAGEMENT PLAN — REQUIREMENTS.**
44 1. In order to receive a permit for the
45 construction of a confinement feeding operation as
46 provided in section 455B.173, a person shall submit a
47 manure management plan to the department together with
48 the application for a construction permit.
49 2. A manure management plan shall include all of
50 the following:

Page 15

1 a. Calculations necessary to determine the land
2 area required for the application of manure from a
3 confinement feeding operation based on nitrogen use
4 levels in order to obtain optimum crop yields
5 according to a crop schedule specified in the plan,
6 and according to requirements adopted by the
7 department after receiving recommendations from the
8 organic nutrient management advisory board established
9 pursuant to section 455A.7A.

10 b. Manure nutrient levels as determined by either
11 manure testing or accepted standard manure nutrient
12 values.

13 c. Manure application methods, timing of manure
14 application, and the location of the manure
15 application.

16 d. If the location of the application is on land
17 other than land owned by the person applying for the
18 construction permit, the plan shall include a copy of
19 each written agreement executed between the person and
20 the landowner where the manure will be applied.

21 e. An estimate of the annual livestock production
22 and manure volume or weight produced by the
23 confinement feeding operation.

24 f. Methods, structures, or practices to prevent or
25 diminish soil loss and potential surface water
26 pollution.

27 g. Methods or practices to minimize potential
28 odors caused by the application of manure by the use
29 of spray irrigation equipment.

30 3. A person classified as a habitual violator or a
31 confinement feeding operation in which a habitual
32 violator owns a controlling interest, as provided in
33 section 455B.191, shall submit a manure management
34 plan to the department on an annual basis, which must
35 be approved by the department for the following year
36 of operation."

37 85. By striking page 19, line 34, through page
38 20, line 10.

39 86. Page 20, by striking lines 12 through 14 and
40 inserting the following: "operation at any time
41 during normal working hours. The department shall
42 regularly".

43 87. Page 20, line 17, by striking the word
44 "offender" and inserting the following: "violator".

45 88. Page 20, line 23, by striking the words
46 "required to submit" and inserting the following:
47 "submitting".

48 89. Page 21, by striking lines 8 through 11 and
49 inserting the following: "known sinkhole, or a
50 cistern, abandoned well, unplugged agricultural

Page 16

1 drainage well, agricultural drainage well surface
2 inlet, drinking water well, or lake, or a farm pond or
3 privately owned lake as defined in section 462A.2.”

4 90. Page 21, by inserting before line 12 the
5 following:

6 “Sec. ____ NEW SECTION. 654C.1 DEFINITIONS.

7 As used in this chapter, unless otherwise required:

8 1. “Animal feeding operation structure” means the
9 same as defined in section 455B.161.

10 2. “Dispute” means a controversy between a
11 permittee and a neighbor, which arises from
12 negotiations between the parties to establish an
13 animal feeding operation structure within the
14 separation distance.

15 3. “Farm mediation service” means the organization
16 selected pursuant to section 13.13.

17 4. “Neighbor” means a person benefiting from a
18 separation distance required pursuant to section
19 455B.162, including a person owning a residence other
20 than the owner of the animal feeding operation, a
21 commercial enterprise, bona fide religious
22 institution, educational institution, or a city,
23 authorized to execute a waiver.

24 5. “Participate” or “participation” means
25 attending a mediation meeting, and having knowledge
26 about and discussing issues concerning a subject
27 relating to a dispute.

28 6. “Permittee” means a person obtaining a permit
29 for the construction of an animal feeding operation
30 structure as provided in section 455B.173.

31 7. “Waiver” means a waiver executed between a
32 permittee and a neighbor as provided in section
33 455B.165.

34 Sec. ____ NEW SECTION. 654C.2 MEDIATION
35 PROCEEDINGS.

36 1. A person who is a permittee or a neighbor may
37 file a request for mediation with the farm mediation
38 service. Upon receipt of the request for mediation,
39 the farm mediation service shall conduct an initial
40 consultation with each party to the dispute privately
41 and without charge. Mediation shall be cancelled
42 after the initial consultation, unless both parties
43 agree to proceed.

44 2. Both parties to the dispute shall file with the
45 farm mediation service information required by the
46 service to conduct mediation.

47 3. Unless mediation is cancelled, within twenty-
48 one days after receiving a mediation request, the farm
49 mediation service shall send a mediation meeting
50 notice to all parties to the dispute setting a time

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1 and place for an initial mediation meeting between the
2 parties and a mediator directed by the farm mediation
3 service to assist in mediation. An initial mediation
4 meeting shall be held within twenty-one days of the
5 issuance of the mediation meeting notice.

6 Sec. ____ NEW SECTION. 654C.3 DUTIES OF THE
7 MEDIATOR.

8 At the initial mediation meeting and subsequent
9 meetings, the mediator shall:

- 10 1. Listen to all involved parties.
- 11 2. Attempt to mediate between all involved
12 parties.
- 13 3. Encourage compromise and workable solutions.
- 14 4. Advise, counsel, and assist the parties in
15 attempting to arrive at an agreement for the future
16 conduct of relations among themselves.

17 Sec. ____ NEW SECTION. 654C.4 MEDIATION PERIOD.

18 The mediator may call mediation meetings during the
19 mediation period, which is up to forty-two days after
20 the farm mediation service received the mediation
21 request. However, if all parties consent, mediation
22 may continue after the end of the mediation period.

23 Sec. ____ NEW SECTION. 654C.5 MEDIATION
24 AGREEMENT.

25 1. If an agreement is reached between all parties,
26 the mediator shall draft a written mediation
27 agreement, which shall be signed by the parties. The
28 mediation release shall provide for a waiver which the
29 mediator shall file in the office of the recorder of
30 deeds of the county in which the benefited land is
31 located, as provided in section 455B.165. The
32 mediator shall forward a mediation agreement to the
33 farm mediation service.

34 2. The parties shall participate in at least one
35 mediation meeting. A party to a dispute may be
36 represented by another person, if the person
37 participates in mediation and has authority to discuss
38 the dispute on behalf of the party being represented.
39 This section does not require a party to reach an
40 agreement. This section does not require a person to
41 change a position, alter an activity which is a
42 subject of the dispute, alter an application for a
43 permit for construction of an animal feeding
44 operation, or restructure a contract.

45 3. The parties to the mediation agreement may
46 enforce the mediation agreement as a legal contract.

47 4. If the parties do not agree to proceed with
48 mediation, or if a mediation agreement is not reached,
49 the parties may sign a statement prepared by the
50 mediator that mediation proceedings were not conducted

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1 or concluded or that the parties did not reach an
2 agreement.
3 Sec. ____ NEW SECTION. 654C.6 EXTENSION OF
4 DEADLINES.

5 Upon petition by all parties, the farm mediation
6 service may, for good cause, extend a deadline imposed
7 by section 654B.2 or 654B.4 for up to thirty days.

8 Sec. ____ NEW SECTION. 654C.7 EFFECT OF
9 MEDIATION.

10 An interest in property or rights and obligations
11 under a contract are not affected by the failure of a
12 person to obtain a mediation agreement.”

13 91. Page 21, by inserting before line 12 the
14 following:

15 “Sec. ____ Section 657.1, Code 1995, is amended to
16 read as follows:

17 657.1 NUISANCE — WHAT CONSTITUTES — ACTION TO
18 ABATE.

19 Whatever is injurious to health, indecent, or
20 unreasonably offensive to the senses, or an
21 obstruction to the free use of property, so as
22 essentially to interfere with the comfortable
23 enjoyment of life or property, is a nuisance, and a
24 civil action by ordinary proceedings may be brought to
25 enjoy and abate the same and to recover damages
26 sustained on account thereof.

27 Sec. ____ Section 657.2, subsection 1, Code 1995,
28 is amended to read as follows:

29 1. The erecting, continuing, or using any building
30 or other place for the exercise of any trade,
31 employment, or manufacture, which, by occasioning
32 noxious exhalations, unreasonably offensive smells, or
33 other annoyances, becomes injurious and dangerous to
34 the health, comfort, or property of individuals or the
35 public.”

36 92. By striking page 21, line 25, through page
37 22, line 30, and inserting the following:

38 “_. If a person obtains all applicable permits
39 as required in chapter 455B for an animal feeding
40 operation as defined in section 455B.161, and if the
41 animal feeding operation complies with federal
42 statutes and regulations and state statutes and rules,
43 there shall be a rebuttable presumption that the
44 animal feeding operation is not a public or private
45 nuisance under this chapter or under principles of
46 common law, regardless of the established date of the
47 animal feeding operation’s construction or expansion,
48 or whether the person is required to obtain a permit
49 or has obtained a permit voluntarily. However, if a
50 person submits a manure management plan as required

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1 pursuant to section 455B.203 for a small animal
2 feeding operation, the person is not required to
3 obtain a permit as provided in section 455B.173 in
4 order to enjoy the same nuisance suit protection. The
5 rebuttable presumption may be overcome by clear and
6 convincing evidence that the animal feeding operation
7 unreasonably and continuously interferes with an
8 adjoining landowner's use and enjoyment of the
9 landowner's real property in a manner that causes harm
10 to the use and enjoyment of the landowner's real
11 property. This nuisance suit protection includes
12 protection for, but is not limited to, the care and
13 feeding of animals; the handling or transportation of
14 animals; the treatment or disposal of wastes resulting
15 from animals; the transportation and application of
16 animal wastes; and the creation of noise, odor, dust,
17 or fumes arising from an animal feeding operation.

18 _____. If a claim contains an averment of a public
19 or private nuisance, it shall be accompanied by a
20 verification. The verification shall constitute a
21 certification by the signor that the party and the
22 party's attorney have carefully read the pleadings,
23 motions, or other papers of the case, and based on a
24 reasonable inquiry, believe that the claim is well
25 grounded in fact, is warranted by existing law, or a
26 good faith argument can be made for the extension,
27 modification, or reversal of existing law; or that the
28 claim is not made for an improper purpose, including
29 to harass, to cause unnecessary delay, or to impose a
30 needless increase in the cost of litigation. The
31 court, upon motion or its own initiative, shall award
32 the prevailing party costs of an action, which shall
33 be paid by the losing party or the losing party's
34 attorney, and which costs may include but are not
35 limited to reasonable attorney fees, if the action is
36 based upon a claim of public or private nuisance,
37 which is not well grounded in fact and is not
38 warranted by existing law or a good faith argument for
39 the extension, modification, or reversal of existing
40 law, or is brought for an improper purpose.

41 _____. The nuisance suit protection provided in this
42 section does not apply to a nuisance action brought
43 against an animal feeding operation which arises out
44 of an injury to a person or damages to property caused
45 by the animal feeding operation before the effective
46 date of this Act. If the applicable permits are or
47 the manure management plan is obtained on or after the
48 effective date of this Act, the nuisance suit
49 protection does not apply to injury or damages caused
50 before the date the applicable permits are obtained or

Page 20

1 the manure management plan is submitted.”

2 93. Page 23, line 15, by striking the word and
3 figures “March 31, 2005” and inserting the following:
4 “July 1, 1995”.

5 94. Page 25, line 4, by striking the word
6 “Seventy-fifth” and inserting the following:
7 “Seventy-sixth”.

8 95. Page 25, line 16, by striking the word
9 “shall” and inserting the following: “may”.

10 96. Page 25, line 19, by inserting after the
11 figure “266.39.” the following: “The identity of the
12 ten animal feeding operations shall be confidential
13 and not subject to chapter 22. The findings of the
14 study shall not be used in a case or proceeding
15 brought against a person based upon a violation of
16 state law.”

17 97. Page 25, by inserting after line 21, the
18 following:

19 “Sec. ____ INTERIM STUDY COMMITTEE — LIVESTOCK
20 PRODUCTION.

21 1. The legislative council is requested to
22 establish an interim study committee to examine the
23 practices engaged in by packers, processors, and
24 buyers, including persons regulated by the grain
25 inspection, packers and stockyards administration,
26 United States department of agriculture, under the
27 federal Packers and Stockyards Act of 1921, as
28 amended, 21 U.S.C. § 181, et seq. The interim
29 committee shall study the following issues:

30 a. The increasing degree of vertical integration
31 of the livestock market by packers and processors,
32 including threats to economic competition, independent
33 production, and consumer protection.

34 b. Market practices engaged in by packers,
35 processors, or buyers which increasingly threaten open
36 and fair markets, by establishing arbitrary and
37 inconsistent pricing without public disclosure or
38 price discovery mechanisms, including price
39 differences based on the time of delivery, transaction
40 volume, and private pricing arrangements under
41 contract.

42 2. The interim committee shall hold a public
43 hearing in each congressional district.

44 3. The interim committee shall report its findings
45 and recommendations to the general assembly not later
46 than the first day of the 1996 legislative session,
47 unless another date is established by the legislative
48 council.”

49 98. Page 25, by inserting before line 22 the
50 following:

Page 21

1 "Sec. ____ SEVERABILITY. If any provision of this
2 Act or the application of this Act to any person or
3 circumstance is held invalid, the invalidity does not
4 affect other provisions or applications of this Act
5 which shall be given effect without the invalid
6 provision or application, and to this end the
7 provisions of this Act are severable."
8 99. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

Eddie of Buena Vista offered amendment H-4145, to the Senate amendment H-4033, filed by him from the floor as follows:

H-4145

1 Amend the Senate amendment, H-4033, to House File
2 519, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 10 through 31 and
5 inserting the following: "in chapters 654A and, 654B,
6 and 654C. ~~The contract shall be awarded to the~~
7 ~~organization by July 1, 1990. The contract may be~~
8 ~~terminated by the coordinator upon written notice and~~
9 ~~for good cause. The organization awarded the contract~~
10 ~~is designated as the farm mediation service for the~~
11 ~~duration of the contract. The organization may,"~~
12 2. By striking page 1, line 36, through page 2,
13 line 35, and inserting the following:
14 "Sec. ____ Section 13.15, unnumbered paragraph 1,
15 Code 1995, is amended to read as follows:
16 The farm mediation service shall recommend rules to
17 the farm assistance program coordinator. The
18 coordinator shall adopt rules pursuant to chapter 17A
19 to set the compensation of mediators and to implement
20 this subchapter and chapters 654A, and 654B, and
21 654C."
22 3. Page 2, line 49, by striking the word "pond,"
23 and inserting the following: "pond".
24 4. Page 3, line 1, by striking the word "outlet"
25 and inserting the following: "inlet".
26 5. Page 3, by inserting after line 10 the
27 following:
28 " ____ Page 2, line 8, by inserting after the word
29 "of" the following: "a manure storage structure,
30 or."
31 6. Page 3, by striking lines 11 through 18 and
32 inserting the following:
33 " ____ Page 2, by striking lines 25 through 30 and
34 inserting the following: "to chapter 455B, against
35 permittees; moneys paid as a settlement involving an
36 enforcement action for a civil penalty subject to
37 assessment and collection against permittees by the
38 department of natural resources pursuant to chapter

- 39 455B; interest, property, and securities.”
- 40 7. Page 3, by striking lines 22 and 23 and
41 inserting the following:
42 “_. Page 3, by striking lines 4 and 5 and
43 inserting the following: “fiscal year, the department
44 shall not use more than one percent of the total
45 amount which is available in the fund or ten thousand
46 dollars, whichever is less, to pay.”
- 47 8. Page 3, line 30, by striking the words “animal
48 feeding” and inserting the following: “confinement
49 feeding”.
- 50 9. Page 3, line 39, by striking the words “animal

Page 2

- 1 feeding” and inserting the following: “confinement
2 feeding”.
- 3 10. Page 3, line 50, by striking the words
4 “animal feeding” and inserting the following:
5 “confinement feeding”.
- 6 11. Page 4, by inserting after line 18 the
7 following:
8 “_. Page 5, line 25, by inserting after the
9 word “fund” the following: “to pay the claim by the
10 county”.”
- 11 12. Page 4, line 21, by striking the words
12 “MANURE REMOVAL” and inserting the following: “SITE
13 CLEANUP”.
- 14 13. Page 4, by striking lines 25 and 26 and
15 inserting the following: “pursuant to section 446.19,
16 may cleanup the site, including removing and disposing
17 of manure at any time. The county may seek
18 reimbursement including by bringing an action for
19 the”.
- 20 14. Page 4, by striking line 28 and inserting the
21 following: “abandoning the real estate.
22 A person cleaning up a site located on real estate
23 acquired by a county may dispose of any building or
24 equipment used in the confinement feeding operation
25 located on the land according to rules adopted by the
26 department of natural resources pursuant to chapter
27 17A, which apply to the disposal of farm buildings or
28 equipment by an individual or business organization.”
- 29 15. By striking page 4, line 38, through page 6,
30 line 46.
- 31 16. Page 7, by striking lines 3 through 5 and
32 inserting the following: “penalties arising out of
33 violations committed by animal feeding operations
34 under division II.”
- 35 17. Page 7, by striking lines 9 through 11 and
36 inserting the following: “the penalties arising out
37 of violations committed by animal feeding operations
38 under division III, which may be”.
- 39 18. Page 7, line 23, by inserting after the word
40 “shall” the following: “not apply to an enforcement

- 41 action in which the department enforces a civil
 42 penalty of three thousand dollars or less. This
 43 section shall also".
 44 19. Page 7, by striking lines 41 and 42 and
 45 inserting the following: "and which is connected to
 46 electric, water, and sewer systems. A".
 47 20. Page 7, by inserting before line 45 the
 48 following:
 49 "_. Page 8, by inserting after line 17 the
 50 following:

Page 3

- 1 "_. "Covered" means organic or inorganic
 2 material placed upon an animal feeding operation
 3 structure used to store manure as provided by rules
 4 adopted by the department after receiving
 5 recommendations which shall be submitted to the
 6 department by the college of agriculture at Iowa state
 7 university.""
 8 21. Page 8, by striking lines 10 through 14 and
 9 inserting the following:
 10 "_. "Public use area" means that portion of
 11 land owned by the United States, the state, or a
 12 political subdivision with facilities which attract
 13 the public to congregate and remain in the area for
 14 significant periods of time, as provided by rules
 15 which shall be adopted by the department pursuant to
 16 chapter 17A.""
 17 22. Page 8, line 25, by striking the words "beef
 18 cattle" and inserting the following: "bovine".
 19 23. Page 8, by striking line 26 and inserting the
 20 following: "thousand pounds or less for bovine."
 21 "_. "Swine farrow-to-finish operation" means a
 22 confinement feeding operation in which porcine are
 23 produced and in which a primary portion of the phases
 24 of the production cycle are conducted at one
 25 confinement feeding operation. Phases of the
 26 production cycle include, but are not limited to,
 27 gestation, farrowing, growing, and finishing.""
 28 24. Page 9, by striking lines 1 through 13 and
 29 inserting the following:
- | | | | |
|----|-------------------|------------|--------------|
| 30 | "pounds | pounds | pounds |
| 31 | for | for ani- | for |
| 32 | animals | mals other | ani- |
| 33 | other | than | mals |
| 34 | than | bovine, or | other |
| 35 | bovine, | 1,600,000 | than |
| 36 | or | or more | bovine, |
| 37 | less | pounds but | or |
| 38 | than | less than | 4,000,000 |
| 39 | 1,600,000 | 4,000,000 | or more |
| 40 | pounds | pounds | pounds |
| 41 | Type of structure | for bovine | for bovine". |
- 42 25. Page 10, by striking lines 5 through 17 and
 43 inserting the following:

44	"pounds	pounds	pounds
45	for	for ani-	for
46	animals	mals other	ani-
47	other	than	mals
48	than	bovine, or	other
49	bovine,	1,600,000	than
50	or	or more	bovine,

Page 4

1 less pounds but or
2 than less than 4,000,000
3 1,600,000 4,000,000 or more
4 pounds pounds
5 Type of structure for bovine for bovine for bovine".

6 26. Page 10, by striking lines 22 through 46 and
7 inserting the following:
8 "2. a. As used in this subsection, a "qualified
9 confinement feeding operation" means a confinement
10 feeding operation having an animal weight capacity of
11 two million or more pounds for animals other than
12 animals kept in a swine farrow-to-finish operation or
13 bovine kept in a confinement feeding operation; a
14 swine farrow-to-finish operation having an animal
15 weight capacity of two million five hundred thousand
16 or more pounds; or a confinement feeding operation
17 having an animal weight capacity of four million or
18 more pounds for bovine.

19 b. A qualified confinement feeding operation shall
20 only use an animal feeding operation structure which
21 employs bacterial action which is maintained by the
22 utilization of air or oxygen, and which shall include
23 aeration equipment. The type and degree of treatment
24 technology required to be installed shall be based on
25 the size of the confinement feeding operation,
26 according to rules adopted by the department. The
27 equipment shall be installed, operated, and maintained
28 in accordance with the manufacturer's instructions and
29 requirements of rules adopted pursuant to this
30 subsection.

31 c. This subsection shall not apply to a
32 confinement feeding operation which stores manure as
33 dry matter, or to an egg washwater storage structure.
34 This subsection shall not apply to a confinement
35 feeding operation, if the operation was constructed
36 prior to the effective date of this Act, or the
37 department issued a permit prior to the effective date
38 of this Act for the construction of an animal feeding
39 operation structure connected to a confinement feeding
40 operation and the construction began prior to the
41 effective date of this Act."

42 27. Page 10, by inserting before line 47 the
43 following:
44 " . Page 11, line 23, by striking the words
45 "beef cattle" and inserting the following: "bovine".
46 . Page 11, line 25, by striking the words

- 47 "beef cattle" and inserting the following: "bovine".
 48 28. Page 11, by inserting after line 3 the
 49 following:
 50 "_. Page 12, line 26, by inserting after the

Page 5

- 1 word "residences" the following: ", educational
 2 institutions, commercial enterprises, bona fide
 3 religious institutions, or public use areas,"
 4 29. Page 11, by striking lines 14 through 28.
 5 30. Page 11, by striking lines 42 and 43.
 6 31. Page 13, by striking lines 8 through 30 and
 7 inserting the following:
 8 "_. Page 15, by striking lines 30 through 33
 9 and inserting the following: "penalty upon a habitual
 10 violator which shall not exceed twenty-five thousand
 11 dollars for each day the violation continues. The
 12 increased penalty may be assessed for each violation
 13 committed subsequent to the violation which results in
 14 classifying the person as a habitual violator. A
 15 person shall be classified as a habitual violator, if
 16 the person has committed three or more violations".
 17 32. Page 13, by striking lines 35 through 39 and
 18 inserting the following: "violation must have been
 19 committed on or after January 1, 1995. In addition,
 20 each violation must have been referred to the attorney
 21 general for legal action under this chapter, and
 22 each".
 23 33. Page 14, by inserting after line 13 the
 24 following:
 25 "_. Page 17, line 2, by striking the word "the"
 26 and inserting the following: "a".
 27 34. Page 14, by striking lines 16 through 18 and
 28 inserting the following:
 29 "_. Page 17, by striking lines 17 through 19
 30 and inserting the following: "penalties and interest
 31 earned on civil penalties, arising out of a violation
 32 involving an animal feeding operation shall be
 33 deposited in the manure".
 34 35. Page 14, line 31, by striking the words "of
 35 natural resources".
 36 36. Page 14, by striking lines 36 through 39 and
 37 inserting the following:
 38 ""_. A person shall not apply manure by spray
 39 irrigation equipment, except as provided by rules
 40 which shall be adopted by the department pursuant to
 41 chapter 17A.""
 42 37. Page 14, line 42, by striking the figure
 43 "455B.202" and inserting the following: "455B.203".
 44 38. Page 15, by striking lines 8 and 9 and
 45 inserting the following: "animal agriculture
 46 consulting organization provided for in this Act."
 47 39. Page 15, line 21, by striking the word
 48 "livestock" and inserting the following: "animal".
 49 40. Page 15, by striking lines 37 through 42.
 50 41. Page 15, by inserting after line 44 the

Page 6

- 1 following:
- 2 “_. Page 20, line 22, by inserting after the
- 3 word “operation.” the following: “The department
- 4 shall comply with section 455B.103 in conducting an
- 5 investigation of the premises where the animals are
- 6 kept.””
- 7 42. By striking page 15, line 48, through page
- 8 16, line 3, and inserting the following:
- 9 “_. Page 21, by striking lines 8 through 11 and
- 10 inserting the following: “designated area than
- 11 provided in section 159.27.””
- 12 43. Page 16, lines 10 and 11, by striking the
- 13 words “a permittee” and inserting the following: “an
- 14 owner”.
- 15 44. Page 16, by inserting after line 23, the
- 16 following:
- 17 “_. “Owner” means the owner of an animal feeding
- 18 operation, as defined in section 455B.161, which
- 19 utilizes an animal feeding operation structure.”
- 20 45. Page 16, by striking lines 28 through 30.
- 21 46. Page 16, lines 31 and 32, by striking the
- 22 words “a permittee” and inserting the following: “an
- 23 owner”.
- 24 47. Page 16, line 36, by striking the words “a
- 25 permittee” and inserting the following: “an owner”.
- 26 48. Page 17, line 28, by striking the word
- 27 “release” and inserting the following: “agreement”.
- 28 49. Page 17, line 34, by inserting after the word
- 29 “parties” the following: “agreeing to mediation”.
- 30 50. Page 18, line 7, by striking the figures and
- 31 word “654B.2 or 654B.4” and inserting the following:
- 32 “654C.2 or 654C.4”.
- 33 51. By striking page 18, line 13, through page
- 34 20, line 1, and inserting the following:
- 35 “_. By striking page 21, line 12, through page
- 36 22, line 30, and inserting the following:
- 37 “Sec. ____ Section 657.1, Code 1995, is amended to
- 38 read as follows:
- 39 657.1 NUISANCE — WHAT CONSTITUTES — ACTION TO
- 40 ABATE.
- 41 Whatever is injurious to health, indecent, or
- 42 unreasonably offensive to the senses, or an
- 43 obstruction to the free use of property, so as
- 44 essentially to unreasonably interfere with the
- 45 comfortable enjoyment of life or property, is a
- 46 nuisance, and a civil action by ordinary proceedings
- 47 may be brought to enjoin and abate the same and to
- 48 recover damages sustained on account thereof.
- 49 Sec. ____ Section 657.2, subsection 1, Code 1995,
- 50 is amended to read as follows:

Page 7

1 1. The erecting, continuing, or using any building
2 or other place for the exercise of any trade,
3 employment, or manufacture, which, by occasioning
4 noxious exhalations, unreasonably offensive smells, or
5 other annoyances, becomes injurious and dangerous to
6 the health, comfort, or property of individuals or the
7 public.

8 Sec. ____ NEW SECTION. 657.11 ANIMAL FEEDING
9 OPERATIONS.

10 1. The purpose of this section is to protect
11 animal agricultural producers who manage their
12 operations according to state and federal requirements
13 from the costs of defending nuisance suits, which
14 negatively impact upon Iowa's competitive economic
15 position and discourage persons from entering into
16 animal agricultural production. This section is
17 intended to promote the expansion of animal
18 agriculture in this state by protecting persons
19 engaged in the care and feeding of animals. The
20 general assembly has balanced all competing interests
21 and declares its intent to protect and preserve animal
22 agricultural production operations.

23 2. If a person has received all permits required
24 pursuant to chapter 455B for an animal feeding
25 operation, as defined in section 455B.161, there shall
26 be a rebuttable presumption that an animal feeding
27 operation is not a public or private nuisance under
28 this chapter or under principles of common law, and
29 that the animal feeding operation does not
30 unreasonably interfere with another person's
31 comfortable use and enjoyment of the person's life or
32 property under any other cause of action. The
33 rebuttable presumption also applies to persons who are
34 not required to obtain a permit pursuant to chapter
35 455B for an animal feeding operation as defined in
36 section 455B.161. The rebuttable presumption shall
37 not apply if the injury to a person or damage to
38 property is proximately caused by a failure to comply
39 with a federal statute or regulation or a state
40 statute or rule which applies to the animal feeding
41 operation.

42 3. The rebuttable presumption may be overcome by
43 clear and convincing evidence of both of the
44 following:

45 a. The animal feeding operation unreasonably and
46 continuously interferes with an adjoining landowner's
47 comfortable use and enjoyment of the landowner's life
48 or property.

49 b. The injury or damage is proximately caused by
50 the negligent operation of the animal feeding

Page 8

1 operation.

2 For purposes of this section, "continuously" means
3 more than a majority of the time.

4 4. The rebuttable presumption created by this
5 section shall apply regardless of the established date
6 of operation or expansion of the animal feeding
7 operation. The rebuttable presumption includes, but
8 is not limited to, a defense for actions arising out
9 of the care and feeding of animals; the handling or
10 transportation of animals; the treatment or disposal
11 of manure resulting from animals; the transportation
12 and application of animal manure; and the creation of
13 noise, odor, dust, or fumes arising from an animal
14 feeding operation.

15 5. An animal feeding operation that complies with
16 the requirements in chapter 455B for animal feeding
17 operations shall be deemed to meet any common law
18 requirements regarding the standard of a normal person
19 living in the locality of the operation.

20 6. A person who brings a losing cause of action
21 against a person for whom the rebuttable presumption
22 created under this section is not rebutted, shall be
23 liable to the person against whom the action was
24 brought for all costs and expenses incurred in the
25 defense of the action, if the court determines that a
26 claim is frivolous.

27 7. The rebuttable presumption created in this
28 section does not apply to an injury to a person or
29 damages to property caused by the animal feeding
30 operation before the effective date of this Act."

31 52. Page 20, by striking lines 2 through 4.

32 53. Page 20, by inserting before line 5 the
33 following:

34 " __. Page 22, line 31, by striking the words
35 "CONSULTATION WITH INTERESTED ORGANIZATIONS." and
36 inserting the following: "ANIMAL AGRICULTURE
37 CONSULTING ORGANIZATION."

38 __. Page 22, line 35, by inserting after the
39 word "association," the following: "an organization
40 representing agricultural producers generally,".

41 __. Page 22, line 35, by inserting after the
42 word "university," the following: "the soil
43 conservation division of the department of agriculture
44 and land stewardship,".

45 __. Page 23, by striking lines 4 through 8 and
46 inserting the following: "Act, and the Act's
47 implementation. The department shall consult with"."

48 54. By renumbering as necessary.

Siegrist of Pottawattamie asked and received unanimous consent
to defer action on House File 519.

(The Senate amendment H-4033 and amendment H-4145, to the Senate amendment H-4033, pending.)

Disney of Polk in the chair at 11:43 a.m.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:15 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 fifty-nine members present, forty-one absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1995, appointed the conference committee to House File 528, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, 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 and the members of the Senate are: The Senator from Story, Senator Hammond, Chair; the Senator from Marshall, Senator Giannetto; the Senator from Dubuque, Senator Connolly; the Senator from Shelby, Senator Boettger and the Senator from Polk, Senator Maddox.

Also: That the Senate has on April 28, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 573, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program.

Also: That the Senate has on April 28, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 472, a bill for an act relating to the local option sales and services tax by authorizing political subdivisions that will receive revenues from the tax to issue bonds in anticipation of the receipt of the revenues and providing an effective date and a retroactive applicability date.

Also: That the Senate has on April 28, 1995, amended the House amendment, concurred in the House amendment, as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 475, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates.

Also: That the Senate has, on April 28, 1995 insisted on its amendment to Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Webster, Senator Halvorson, chair; the Senator from Fayette, Senator Murphy; the Senator from Wapello, Senator Gettings; the Senator from Adair, Senator Douglas; the Senator from Black Hawk, Senator Lind.

JOHN F. DWYER, Secretary

SENATE AMENDMENT FURTHER CONSIDERED

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, the Senate amendment H-4033, found on pages 2064 through 2084, and amendment H-4145, to the Senate amendment, found on pages 2084 through 2091 of the House Journal, pending.

Greig of Emmet offered the following amendment H-4151, to amendment H-4145 to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4151

- 1 Amend the amendment, H-4145, to Senate amendment,
- 2 H-4033, to House File 519, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 1, by inserting after line 25 the
- 5 following:
- 6 " Page 3, by inserting after line 3 the
- 7 following:
- 8 " Page 1, by striking lines 17 and 18."
- 9 2. Page 2, by inserting after line 28 the
- 10 following:

11 "_. Page 4, by inserting before line 29 the
12 following:

13 "Sec. . NEW SECTION. 204.4B INAPPLICABILITY
14 TO CATTLE OPERATIONS.

15 This part shall not apply to a lot, yard, corral,
16 building, or other area in which cattle are confined,
17 fed, and maintained."'''

18 3. Page 2, by inserting after line 43 the
19 following:

20 "_. Page 7, line 33, by inserting after the
21 word "market." the following: "An animal feeding
22 operation does not include a lot, yard, corral,
23 building, or other area in which cattle are confined,
24 fed, and maintained."'''

25 4. Page 3, by striking lines 17 through 20 and
26 inserting the following:

27 "_. Page 8, by striking lines 25 and 26 and
28 inserting the following: "animals other than
29 cattle."'''

30 5. By striking page 3, line 28, through page 4,
31 line 5, and inserting the following:

32 "_. By striking page 8, line 36, through page
33 9, line 13, and inserting the following:

34		"Minimum	
35		separation	
36		distance	Minimum
37		in feet	separation
38	Minimum	for opera-	distance
39	separation	tions hav-	in feet
40	distance	ing an	for opera-
41	in feet	animal	tions hav-
42	for opera-	weight ca-	ing an
43	tions hav-	capacity of	animal
44	ing an	625,000	weight ca-
45	animal	or more	capacity of
46	weight ca-	pounds but	1,250,000
47	capacity of	less than	or more
48	less than	1,250,000	pounds
49	625,000	pounds	for
50	pounds	for ani-	animals
	for		

Page 2

1	animals	mals other	other
2	than	than	than
3	cattle	cattle	cattle

4 Type of structure"

5 _ . By striking page 9, line 40, through page
6 10, line 17, and inserting the following:

7		"Minimum	
8		separation	
9		distance	Minimum
10	Minimum	in feet	separation
11	separation	for opera-	distance
12	distance	tions hav-	in feet
13	in feet	ing an	

14	for opera-	animal	for opera-
15	tions hav-	weight ca-	tions hav-
16	ing an	capacity of	ing an
17	animal	625,000	animal
18	weight ca-	or more	weight ca-
19	capacity of	pounds but	capacity of
20	less than	less than	1,250,000
21	625,000	1,250,000	or more
22	pounds	pounds	pounds
23	for	for ani-	for
24	animals	imals	animals
25	other	other	other
26	than	than	than
27	cattle	cattle	cattle

28 Type of structure”

29 6. Page 4, lines 12 and 13, by striking the words
30 “or bovine kept in a confinement feeding operation, a”
31 and inserting the following: “; area”.

32 7. Page 4, by striking lines 16 through 18 and
33 inserting the following: “or more pounds.”

34 8. Page 4, by striking lines 44 through 47 and
35 inserting the following:

36 “_. Page 11, by inserting before line 29 the
37 following:

38 “_. Page 13, by inserting after line 2 the
39 following:

40 “Sec. . NEW SECTION. 455B.167 INAPPLICABILITY
41 TO CATTLE OPERATIONS.

42 This part shall not apply to a lot, yard, corral,
43 building, or other area in which cattle are confined,
44 fed, and maintained.””

45 9. Page 5, by inserting before line 5 the
46 following:

47 “_. Page 11, line 32, by inserting after the
48 figure “455B.161.” the following: “An animal feeding
49 operation does not include a lot, yard, corral,
50 building, or other area in which cattle are confined,

Page 3

1 fed, and maintained.””

2 10. Page 6, by inserting after line 11 the
3 following:

4 “_. Page 16, by inserting before line 4 the
5 following:

6 “_. Page 21, by inserting before line 12 the
7 following:

8 “Sec. . NEW SECTION. 455B.205 INAPPLICABILITY
9 TO CATTLE OPERATIONS.

10 This part shall not apply to a lot, yard, corral,
11 building, or other area in which cattle are confined,
12 fed, and maintained.””

13 11. Page 8, by inserting before line 38 the
14 following:

15 “_. Page 22, line 33, by striking the words

- 16 "the Iowa cattlemen's association,"
 17 12. By renumbering and correcting internal
 18 references.

Roll call was requested by Greig of Emmet and Meyer of Sac.

Rule 75 was invoked.

On the question "Shall amendment H-4151, to amendment H-4145, to the Senate amendment H-4033 be adopted?" (H.F. 519)

The ayes were, 48:

Baker	Bell	Bernau	Boddicker
Brand	Brunkhorst	Burnett	Cataldo
Connors	Coon	Doderer	Drees
Ertl	Fallon	Garman	Greig
Gries	Hahn	Halvorson	Hammitt
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Larson	Mascher
May	McCoy	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Salton	Schrader
Schulte	Shoultz	Vande Hoef	Warnstadt
Weigel	Welter	Wise	Witt

The nays were, 49:

Arnold	Blodgett	Boguess	Bradley
Branstad	Brauns	Carroll	Churchill
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Gipp	Greiner	Grubbs	Grundberg
Hanson	Harrison	Heaton	Houser
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Martin
Mertz	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Veenstra	Weidman
Van Maanen, Presiding			

Absent or not voting, 3:

Brammer	Cohoon	Hurley
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Amendment H-4151 lost.

Greig of Emmet offered the following amendment H-4152, to amendment H-4145 to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4152.

- 1 Amend the amendment, H-4145, to Senate amendment H-
- 2 4033, to House File 519, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 3, by inserting after the line 27 the
- 5 following:
- 6 "_. Page 8, by striking lines 27 through 33."
- 7 2. Page 3, by inserting after line 41 the
- 8 following:
- 9 "_. Page 9, by striking lines 31 and 32."
- 10 3. Page 4, by striking lines 6 through 41 and
- 11 inserting the following:
- 12 "_. Page 10, by striking lines 20 through 46."

Amendment H-4152 lost.

Mundie of Webster offered the following amendment H-4157, to amendment H-4145 to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4157

- 1 Amend the amendment, H-4145, to the Senate
- 2 amendment, H-4033, to House File 519, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 5, by striking lines 6 through 22 and
- 5 inserting the following:
- 6 "_. Page 13, by striking lines 8 through 40 and
- 7 inserting the following:
- 8 "_. Page 15, by striking lines 30 through 35
- 9 and inserting the following: "penalty upon a habitual
- 10 violator which shall not exceed twenty-five thousand
- 11 dollars for each day the violation continues. A
- 12 person shall be classified as a habitual violator, if
- 13 the person has committed three or more violations as
- 14 described in this subsection prior to or after the
- 15 effective date of this Act, and was subject to the
- 16 assessment"."

Roll call was requested by Mundie of Webster and Koenigs of Mitchell.

On the question "Shall amendment H-4157 be adopted?" (H.F. 519)

The ayes were, 38:

Arnold	Bernau	Brand	Burnett
Churchill	Connors	Coon	Cormack
Doderer	Drees	Fallon	Garman
Grubbs	Harper	HoIveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz

Sukup	Teig	Vande Hoef	Warnstadt
Weigel	Witt		

The nays were, 53:

Baker	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greiner
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Mertz	Metcalf	Meyer	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Thomson	Tyrrell
Van Fossen	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 9:

Brammer	Cphoon	Corbett, Spkr.	Greig
Gries	Grundberg	Hurley	Millage
Wise			

Amendment H-4157 lost.

Koenigs of Mitchell offered the following amendment H-4149, to amendment H-4145 to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4149

- 1 Amend the amendment, H-4145, to the Senate
- 2 amendment, H-4033, to House File 519, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 7, by striking lines 32 through 36 and
- 5 inserting the following: "property under any other
- 6 cause of action. The rebuttable presumption shall".

A non-record roll call was requested.

The ayes were 30, nays 52.

Amendment H-4149 lost.

Gipp of Winneshiek in the chair at 2:48 p.m.

Moreland of Wapello asked and received unanimous consent to withdraw amendment H-4150, to amendment H-4145, to the Senate amendment H-4033, filed by him from the floor.

Moreland of Wapello offered amendment H-4156, to amendment H-4145 to the Senate amendment H-4033, filed by him from the floor as follows:

H-4156

- 1 Amend the amendment, H-4145, to the Senate
- 2 amendment, H-4033, to House File 519, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. By striking page 7, line 43, through page 8,
- 5 line 3, and inserting the following: "clear and
- 6 convincing evidence that the animal feeding operation
- 7 unreasonably and continuously interferes with a
- 8 person's comfortable use and enjoyment of the person's
- 9 life or property."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo, for the remainder of the day, on request of Siegrist of Pottawattamie.

Rants of Woodbury in the chair at 3:57 p.m.

Moreland of Wapello moved the adoption of amendment H-4156, to amendment H-4145, to the Senate amendment H-4033.

A non-record roll call was requested.

The ayes were 38, nays 52.

Amendment H-4156 lost.

Speaker Corbett in the chair at 4:18 p.m.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-4147, to amendment H-4145, to the Senate amendment H-4033, filed by him from the floor.

Koenigs of Mitchell offered amendment H-4153, to amendment H-4145 to the Senate amendment H-4033 filed by him from the floor as follows:

H-4153

- 1 Amend the amendment, H-4145, to the Senate
- 2 amendment, H-4033, to House File 519, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. By striking page 6, line 33, through page 8,
- 5 line 30.

Siegrist of Pottawattamie asked and received unanimous consent to defer action on House File 519, amendment H-4153, to amendment H-4145, to the Senate amendment H-4033 pending.

CONFERENCE COMMITTEE APPOINTED
(Senate File 481)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 481: Millage of Scott, Chair; Brauns of Muscatine, Bradley of Clinton, Ollie of Clinton and Warnstadt of Woodbury.

CONSIDERATION OF BILLS
Unfinished Business Calendar

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

Ertl of Dubuque asked and received unanimous consent to withdraw amendment H-3446 filed by him on March 23, 1995.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H-4064, filed by him and Witt of Black Hawk on April 25, 1995.

Gipp of Winneshiek offered the following amendment H-4163 filed by him and Witt from the floor and moved its adoption:

H-4163

- 1 Amend House File 508 as follows:
- 2 1. Page 1, by striking lines 11 through 14 and
- 3 inserting the following:
- 4 "(2) Beginning January 1, 1996, through December
- 5 31, 1997, two million five hundred thousand dollars
- 6 per quarter, shall be deposited into and credited to
- 7 the Iowa comprehensive petroleum underground storage
- 8 tank marketability fund created in section 455G.21.
- 9 Beginning January 1, 1998, through December 31, 2002,
- 10 four million two hundred fifty thousand dollars per
- 11 quarter, shall be deposited into and credited to the
- 12 Iowa comprehensive petroleum underground storage tank
- 13 marketability fund created in section 455G.21. The
- 14 moneys so deposited".
- 15 2. Page 1, line 20, by striking the letter "a."
- 16 3. By striking page 1, line 30, through page 2,
- 17 line 1.

18 4. Page 2, line 31, by striking the word
19 "reclassifying" and inserting the following:
20 "classifying".

21 5. Page 4, by inserting after line 20 the
22 following:

23 "(g) Remediation shall not be required on a site
24 that does not present an increased cancer risk at the
25 point of exposure of one in one million for
26 residential areas or one in ten thousand for
27 nonresidential areas."

28 6. Page 6, line 19, by striking the figures and
29 word "455G.11, and 455G.13," and inserting the
30 following: "and 455G.11, and 455G.13,".

31 7. Page 7, by inserting after line 30 the
32 following:

33 "Sec. 100. Section 455G.8, subsection 5, Code
34 1995, is amended to read as follows:

35 5. COST RECOVERY ENFORCEMENT. Cost recovery
36 enforcement net proceeds as provided by section
37 455G.13 shall be allocated ~~among the fund's accounts~~
38 ~~as directed by the board to the innocent landowners~~
39 fund created under section 455G.21, subsection 2,
40 paragraph "a". When federal cleanup funds are
41 recovered, the funds are to be deposited to the
42 remedial account of the fund and used solely for the
43 purpose of future cleanup activities."

44 8. Page 11, by inserting after line 17 the
45 following:

46 "Sec. 101. Section 455G.13, subsection 1, Code
47 1995, is amended to read as follows:

48 1. ~~FULL~~ RECOVERY SOUGHT FROM OWNER. The board
49 ~~shall may~~ seek full recovery from the owner, operator,
50 or other potentially responsible party liable for the

Page 2

1 released petroleum which is the subject of a
2 corrective action, for which the fund expends moneys
3 from the remedial account for corrective action or
4 third-party liability, and for all other costs,
5 including reasonable and necessary attorney fees and
6 costs of litigation for which moneys are expended by
7 the fund in connection with the release. The
8 liability of the owner, operator or other potentially
9 responsible party is limited to that percentage of the
10 released petroleum which was the subject of the
11 corrective action and which the board by a
12 preponderance of the evidence, demonstrates was
13 released by the owner, operator, or other potentially
14 responsible party. When federal cleanup funds are
15 recovered, the funds are to be deposited to the
16 remedial account of the fund and used solely for the
17 purpose of future cleanup activities."

18 9. Page 13, by inserting after line 8 the

19 following:

20 "7A. The board may provide for exemption from the
21 certification requirements of this section for a
22 professional engineer registered pursuant to chapter
23 542B, if the person is qualified in the field of
24 geotechnical, hydrological, environmental groundwater,
25 or hydrogeological engineering."

26 10. Page 13, line 23, by striking the word
27 "moneys".

28 11. Page 13, line 24, by striking the words
29 "Seventeen million dollars per year" and inserting the
30 following: "Moneys allocated to the fund".

31 12. Page 13, line 34, by inserting after the word
32 "board." the following: "The innocent landowners fund
33 shall also include any moneys recovered pursuant to
34 cost recovery enforcement under section 455G.13."

35 13. Page 14, line 16, by striking the words
36 "Twelve million dollars per year" and inserting the
37 following: "The remainder of the moneys".

38 14. Page 14, by striking lines 22 and 23 and
39 inserting the following: "subparagraph (2) is
40 repealed on January 1, 2003."

41 15. Page 15, line 20, by inserting after the word
42 "report" the following: "jointly with the department
43 of natural resources".

44 16. Page 15, by striking line 25 and inserting
45 the following: "when final rules referred to in
46 subparagraph (2) are adopted by the environmental
47 protection commission."

48 17. Page 16, line 2, by striking the word "Take"
49 and inserting the following: "Shall take".

50 18. Page 16, by striking lines 10 through 12 and

Page 3

1 inserting the following:

2 "3. During the period of time from the enactment
3 of this Act until such time as the rules implementing
4 the amendments to section 455B.474, contained in this
5 Act, become effective, the department of natural
6 resources may require an owner or operator to proceed
7 with corrective action only if the action is necessary
8 to protect public health and safety or the
9 environment. An owner or operator may elect to
10 proceed with corrective action pursuant to rules of
11 the department existing on January 1, 1995, until such
12 time as the rules implementing the amendments to
13 section 455B.474, contained in this Act, become
14 effective. However, the board may refuse to pay
15 corrective action costs on a site during the interim
16 period if it is likely that the site would be
17 reclassified as a lower risk site when the rules
18 implementing risk-based corrective action standards
19 become effective."

- 20 19. Page 16, by inserting after line 21 the
 21 following:
 22 "Sec. ____ APPLICABILITY. The section of this Act
 23 that amends section 455G.13, subsection 1, applies to
 24 all cases that are tried on or after the effective
 25 date of this Act."
 26 20. Page 16, line 26, by striking the figure "25"
 27 and inserting the following: "24".
 28 21. Page 16, line 29, by inserting after the
 29 figure "1995" the following: "Section 25 is
 30 effective January 1, 1996. Sections 100 and 101 of
 31 this Act, being deemed of immediate importance, take
 32 effect upon enactment."
 33 22. Title page, line 5, by inserting after the
 34 word "requirements," the following: "relating to cost
 35 recovery,".
 36 23. By renumbering as necessary.

Amendment H-4163 was adopted, placing the following amend-
 ments out of order:

H-3644 filed by Gipp of Winneshiek and Witt on March 30, 1995.

H-3736 filed by Witt of Black Hawk on April 4, 1995.

H-3643 filed by Gipp of Winneshiek on March 30, 1995.

Shoultz of Black Hawk asked and received unanimous consent to
 withdraw amendment H-3755 filed by him and Witt of Black Hawk on
 April 5, 1995.

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. 508)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	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	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:

Blodgett	Brammer	Cohoon	Hurley
Lamberti			

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; Lamberti of Polk invoked Rule 76, conflict of interest, and refrained from voting.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 508** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **Senate File 475**, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4159 to the House amendment:

H-4159

- 1 Amend the House amendment, S-3572, to Senate File
- 2 475, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 4 the
- 4 following:
- 5 " Page 3, by inserting after line 1 the
- 6 following:
- 7 Sec. __. Section 8.21, Code 1995, is amended by
- 8 adding the following new unnumbered paragraph:
- 9 **NEW UNNUMBERED PARAGRAPH.** Unless a collective
- 10 bargaining agreement, as referred to in section 20.17,
- 11 subsection 10, between a state public employer and the

12 state employee organization which represents the
13 largest number of state employees, providing for
14 salary adjustment for the ensuing fiscal year is being
15 negotiated at the time required for transmission of
16 the governor's budget, the portion of the governor's
17 budget for the ensuing fiscal year which provides the
18 details of recommended appropriations and a draft
19 appropriation bill for adjustment of state employee
20 salaries shall be submitted to the general assembly on
21 or before March 1 of the legislative session. If a
22 collective bargaining agreement, as referred to in
23 section 20.17, subsection 10, between a state public
24 employer and the state employee organization which
25 represents the largest number of state employees,
26 providing for salary adjustment for the ensuing fiscal
27 year is being negotiated at the time required for
28 transmission of the governor's budget, the portion of
29 the governor's budget for the ensuing fiscal year
30 which provides the details of recommended
31 appropriations and a draft appropriation bill for
32 adjustment of state employee salaries shall be
33 submitted to the general assembly within thirty days
34 of the date by which the collective bargaining
35 agreement between the state public employer and the
36 state employee organization is completed, either
37 through agreement or arbitration or prior to the date
38 of final adjournment of that legislative session,
39 whichever is earlier."

40 __. Page 3, line 3, by striking the word
41 "subsection" and inserting the following:
42 "subsections".

43 2. Page 1, by striking line 9 and inserting the
44 following:

45 " __. Page 3, by striking lines 15 through 22 and
46 inserting the following:

47 "NEW SUBSECTION. 6. At the meeting in which the
48 conference agrees to the revenue estimate for the
49 succeeding fiscal year in accordance with the
50 provisions of subsection 3, the conference shall also

Page 2

1 agree to a preliminary projection of the amount of the
2 appropriation necessary for the succeeding fiscal year
3 to fund the medical assistance program under chapter
4 249A. This preliminary projection shall be developed
5 based upon the state and federal requirements for the
6 medical assistance program in effect at the time the
7 projection is made unless the members of the revenue
8 estimating conference agree to assume different
9 requirements for purposes of developing the
10 projection. As a preliminary projection, it shall be
11 used as the basis for later projections deemed
12 necessary by the governor or used by the general

- 13 assembly, which are developed due to revised budget
 14 assumptions, proposed policy revisions, or other
 15 adjustments.””
 16 3. Page 3, by striking lines 37 through 49.
 17 4. Page 4, by striking lines 9 through 19.
 18 5. Page 4, by striking lines 22 through 28.
 19 6. By striking page 4, line 37, through page 6,
 20 line 13.
 21 7. Page 6, line 45, by inserting after the word
 22 “specified,” the following: “the legislative fiscal
 23 bureau shall use the amounts of the appropriations to
 24 the department or establishment for the fiscal year in
 25 process at the time the estimates are required to be
 26 submitted as the amounts for the department’s or
 27 establishment’s request in the documents submitted to
 28 the general assembly for the ensuing fiscal year and”.
 29 8. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4159, to the House amendment.

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

On the question “Shall the bill pass?” (S.F. 475)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	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	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	Tyrell

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:

Blodgett
Hurley

Brammer

Cohoon

Houser

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 **Senate File 475** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **House File 573**, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program, amended by the Senate, and moved that the House concur in the following Senate amendment H-4158:

H-4158

- 1 Amend House File 573, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 27, by inserting after the figure
- 4 "422.16A" the following: ", up to a maximum of two
- 5 million dollars each year".
- 6 2. Page 5, line 22, by inserting after the word
- 7 "fund." the following: "The maximum amount from all
- 8 employers which shall be transferred to the workforce
- 9 development fund in any year is two million dollars."

The motion prevailed and the House concurred in the Senate amendment H-4158.

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

On the question "Shall the bill pass?" (H.F. 573)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	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	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
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:

Fallon	Metcalf
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Absent or not voting, 5:

Blodgett	Brammer	Cphoon	Houser
Hurley			

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 573** be immediately messaged to the Senate.

Speaker pro tempore Van Maanen of Marion in the chair at 4:50 p.m.

Unfinished Business Calendar

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

Kremer of Buchanan offered the following amendment H-4155 filed by him from the floor and moved its adoption:

H-4155

- 1 Amend Senate File 120 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 7, by striking the words "to
- 4 complete" and inserting the following: "make progress
- 5 towards completion of".
- 6 2. Page 2, line 8, by striking the words "and
- 7 obtain".
- 8 3. Title page, lines 2 and 3, by striking the
- 9 words "or obtain" and inserting the following: "or
- 10 make progress towards completion of".

Amendment H-4155 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?" (S.F. 120)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	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	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalfe	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, 6:

Blodgett	Brammer	Churchill	Cphoon
Houser	Hurley		

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 120** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 566, a bill for an act relating to the taxation of sales of residential service contracts under the state sales, services, and use taxes.

Also: That the Senate has on April 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 486, a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

Also: That the Senate has on April 28, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 31, a concurrent resolution requesting that Congress introduce legislation providing for state sovereignty through the low-cost financing of debt and needed capital projects by state and local governments.

JOHN F. DWYER, Secretary

The House stood at ease at 4:55 p.m., until the fall of the gavel.

The House resumed session at 5:25 p.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Veenstra of Sioux, for the remainder of the day, on request of Siegrist of Pottawattamie; McCoy of Polk, until his return, on request of Schrader of Marion.

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 28, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 572, 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.

JOHN F. DWYER, Secretary

SENATE AMENDMENT FURTHER CONSIDERED

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 and amendment H-4153, found on page 2099 of the House Journal, to amendment H-4145, to the Senate amendment H-4033 pending.

Speaker pro tempore Van Maanen of Marion in the chair at 5:40 p.m.

Gipp of Winneshiek in the chair at 6:37 p.m.

Koenigs of Mitchell moved the adoption of amendment H-4153, to amendment H-4145, to the Senate amendment H-4033.

Roll call was requested by Koenigs of Mitchell and Jochum of Dubuque.

On the question "Shall amendment H-4153, to amendment H-4145, to the Senate amendment H-4033 be adopted?" (H.F. 519)

The ayes were, 37:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Connors	Coon
Daggett	Dinkla	Doderer	Drees
Fallon	Garman	Grundberg	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Nelson, L.
O'Brien	Ollie	Running	Schrader

Shoultz	Warnstadt	Weigel	Wise
Witt			
The nays were, 56:			
Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Cornelius
Disney	Drake	Eddie	Ertl
Greig	Greiner	Gries	Grubbs
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
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Weidman	Welter	Gipp, Presiding

Absent or not voting, 7:

Blodgett	Brammer	Cohoon	Hurley
McCoy	Myers	Veenstra	

Amendment H-4153 lost.

Kreiman of Davis offered the following amendment H-4166, to amendment H-4145 to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4166

- 1 Amend the amendment, H-4145, to Senate amendment,
- 2 H-4033, to House File 519, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 7, by striking lines 23 through 36 and
- 5 inserting the following:
- 6 "_. If an animal feeding operation is a small
- 7 animal feeding operation as defined in section
- 8 455B.161, there shall be a rebuttable presumption that
- 9 the small animal feeding operation is not a public or
- 10 private nuisance under this chapter or under
- 11 principles of common law, and that the small animal
- 12 feeding operation does not unreasonably interfere with
- 13 another person's comfortable use and enjoyment of the
- 14 person's life or property under any other cause of
- 15 action. The rebuttable presumption shall".

Roll call was requested by Kreiman of Davis and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-4166, to amendment H-4145, to the Senate amendment H-4033 be adopted?" (H.F. 519)

The ayes were, 39:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Coon
Daggett	Dinkla	Doderer	Drees
Fallon	Garman	Grundberg	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Schrader	Shoultz	Sukup	Warnstadt
Weigel	Wise	Witt	

The nays were, 54:

Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Cornelius	Disney
Drake	Eddie	Ertl	Greig
Greiner	Gries	Grubbs	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	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Weidman
Welter	Gipp,		
	Presiding		

Absent or not voting, 7:

Blodgett	Brammer	Cohoon	Connors
Hurley	Running	Veenstra	

Amendment H-4166 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 7:27 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Myers of Johnson.

Weigel of Chickasaw asked and received unanimous consent to defer action on amendment H-4170, to amendment H-4145, to the Senate amendment H-4033.

Weigel of Chickasaw offered the following amendment H-4171, to amendment H-4145, to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4171

- 1 Amend the amendment, H-4145, to the Senate
- 2 amendment, H-4033, to House File 519, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 5, by striking line 5.
- 5 2. Page 5, line 6, by striking the figure "8" and
- 6 inserting the following: "20".

A non-record roll call was requested.

The ayes were 28, nays 52.

Amendment H-4171 lost.

Greig of Emmet asked and received unanimous consent to withdraw amendment H-4146, to amendment H-4145, to the Senate amendment H-4033, filed by him from the floor.

Weigel of Chickasaw offered the following amendment H-4170, previously deferred, to amendment H-4145, to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4170

- 1 Amend the amendment, H-4145, to the Senate
- 2 amendment, H-4033, to House File 519, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 4, by striking lines 13 through 18 and
- 5 inserting the following: "a swine farrow-to-finish
- 6 operation having an animal weight capacity of two
- 7 million five hundred thousand or more pounds."

Amendment H-4170 lost.

The House stood at ease at 8:07 p.m., until the fall of the gavel.

The House reconvened at 9:15 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-4173 filed by him from the floor.

The House resumed consideration of amendment H-4145, to the Senate amendment H-4033.

Eddie of Buena Vista asked and received unanimous consent to defer action on amendment H-4145, to the Senate amendment H-4033.

The following amendments to the Senate amendment H-4033 were withdrawn by unanimous consent:

H-4127, H-4128, H-4129, H-4132 and H-4133, all filed by Greig of Emmet on April 27, 1995.

H-4154 filed by Mundie of Webster from the floor.

H-4161 filed by Running of Linn and Nelson of Marshall from the floor.

H-4162 and H-4165 filed by Weigel of Chickasaw from the floor.

H-4172 filed by Mundie of Webster from the floor.

Eddie of Buena Vista called up for consideration amendment H-4145, to the Senate amendment H-4033, previously deferred.

Moreland of Wapello offered the following amendment H-4174, to amendment H-4145, to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4174

- 1 Amend the amendment, H-4145, to Senate amendment,
- 2 H-4033, to House File 519, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 7, line 30, by inserting after the word
- 5 "unreasonably" the following: "and continuously".
- 6 2. Page 7, line 46, by striking the words "an
- 7 adjoining landowner's" and inserting the following:
- 8 "another person's".
- 9 3. Page 7, line 47, by striking the words "the
- 10 landowner's" and inserting the following: "the
- 11 person's".
- 12 4. Page 8, by striking lines 2 and 3.

Amendment H-4174 was adopted.

Greig of Emmet offered the following amendment H-4175, to amendment H-4145, to the Senate amendment H-4033, filed by him from the floor and moved its adoption:

H-4175

- 1 Amend the amendment, H-4145, to the Senate
- 2 amendment, H-4033, to House File 519, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 4, line 17, by striking the word "four"
- 5 and inserting the following: "six".

Amendment H-4175 was adopted.

On motion by Eddie of Buena Vista, amendment H-4145, as amended, to the Senate amendment H-4033, was adopted.

On motion by Eddie of Buena Vista, the House concurred with the Senate amendment H-4033, as amended.

Eddie of Buena Vista 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. 519)

The ayes were, 70:

Arnold	Baker	Bell	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Corbett, Spkr.	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	Larkin
Larson	Lord	Main	Martin
May	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson, B.	Nutt
O'Brien	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Warnstadt	Weidman	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 24:

Bernau	Brand	Burnett	Coon
Doderer	Drees	Fallon	Gries
Harper	Holveck	Jochum	Koenigs
Kreiman	Mascher	McCoy	Moreland
Murphy	Myers	Nelson, L.	Ollie
Running	Schrader	Shoultz	Weigel

Absent or not voting, 6:

Blodgett	Brammer	Cohoon	Connors
Hurley	Veenstra		

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.

SENATE MESSAGE CONSIDERED

Senate File 486, by committee on appropriations, a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 518, a bill for an act relating to authorization of price regulation for utilities providing communications services.

Also: That the Senate has on April 28, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 pre-condition to the granting of parole or work release, and providing exceptions.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 26, and Thursday April 27, 1995. Had I been present, I would, have voted "aye" on House Files 528, 573, 577 and Senate File 472.

MORELAND of Wapello

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 28th day of April, 1995: House File 126.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

April 27, 1995

The Honorable Leonard Boswell
President of the Senate
State Capitol Building
LOCAL

Dear Mr. President:

I hereby transmit Senate File 462, 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.

Senate File 462 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portions of Section 3, subsection 10, paragraph e. These items would require the Department of Human Services to implement a plan to pursue reimbursement for pharmacy services from third-party payors by May 1, 1996, and to include the administrative costs of adopting this new policy in the department's proposed FY 1997 budget. While I support asking the department to explore the feasibility of a "pay and chase" policy to recover the costs of pharmacy services, it would be premature to direct the department to implement the policy before a plan is even developed. Further, implementation of such a policy will result in costs to the Medicaid program which have not been included in the funds appropriated to the department for FY 1996. Also, the requirement that the director include the costs of implementing the policy in the department's FY 1997 budget requests goes beyond the authority the legislature has in the budgeting process, and for that reason can not be approved.

I am unable to approve the item designated as Section 3, subsection 14, in its entirety. This item would require the Department of Human Services to seek federal approval to develop a new program to pay persons, including relatives, to provide care in their homes for elderly individuals who are currently residing in nursing homes. In recent years, several very good programs have been established to provide alternatives to nursing home care for Iowa's elderly. As a result, the elderly who are entering nursing homes are doing so only after they have become so frail or infirm that alternative services are no longer appropriate. I am concerned that because this proposal targets the elderly who have already been placed in nursing homes, it has the potential of encouraging abuses of the Medicaid program and perhaps even of elderly Iowans who are best cared for in the nursing home setting. I urge the Department of Human Services to continue to work with the Department of Elder Affairs to develop alternative services that are cost effective and that address the needs of Iowa's elderly citizens.

I am unable to approve the item designated as Section 10, subsection 11, in its entirety. This item utilizes a budgeting gimmick to shift funds from one area of the Department of Human Service's budget to another, the result of which reduces the department's flexibility to design delinquency and child welfare services and creates

built-in increases in future years. Again this is an example of the bad budgeting practices of the past which can no longer be tolerated.

I am unable to approve the item designated as Section 10, subsection 19, in its entirety. This item provides an exception to the Department of Human Services' policies relating to foster care support obligations. The cases that would be impacted can not be easily identified and for that reason the exception as written would be difficult, if not impossible, to administer. The department has existing procedures that allow persons to request an exception to policy in appropriate cases which is already available as a remedy.

I am unable to approve the item designated as Section 11, subsection 4, in its entirety. This item would provide an additional \$100,000 for family planning services over and above the \$739,000 otherwise provided in the bill. This level of funding goes beyond the amount requested by the department and recommended by me for the program.

I am unable to approve the item designated as Section 26, subsection 1, in its entirety. This item directs the Department of Human Services to develop a plan for meeting national standards for social worker caseloads. Social worker duties vary from state to state and the differences are often related to the technology available to workers in performing their tasks. New technologies are being implemented to make it possible for our workers to perform more efficiently and effectively. Also services that may be included as part of a social worker's duties in other states are contracted out in Iowa. Given these variances, national standards can not be directly applied to Iowa's experience.

I am unable to approve the item designated as Section 37, in its entirety. This proposed statutory change fails to address the relationships of the local decategorization accounts and the current funding mechanisms for the mental health institutes and state hospital-schools. Traditionally child welfare funds have not been used for mental health institutes or hospital-school costs. Counties that decategorize child welfare funding will be able to continue to carry out their plans.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 462 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PROOF OF PUBLICATION
(Senate File 468)

Published copy of Senate File 468 and verified proof of publication of said bill in the The Daily Gate City, a daily newspaper printed and published in The City of Keokuk, Lee County, Iowa, on April 18, 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:

Twenty-six third grade students from United Community Elementary, Boone, accompanied by Mary Clarke. By O'Brien of Boone.

Eighty-five fifth grade students from McKinstry Elementary, Waterloo, accompanied by Ivy Hanson. By Hanson, Harper and Shoultz of Black Hawk.

Eighteen third and fourth grade students from Timothy Christian, Wellsburg, accompanied by Tammy Lambert. By Renken of Grundy.

Seventy-five eighth grade students from Emmetsburg Middle School, Emmetsburg, accompanied by John Joynt. By Salton of Palo Alto.

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\275 Nick Stence, Carroll – For receiving a National Merit Scholarship.

1995\276 Frank and Laura Annis, Newton – For celebrating their 50th wedding anniversary.

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

Senate File 468, a bill for an act to legalize the transfer of certain property by the City of Keokuk and providing an effective date.

Fiscal Note not required.

Recommended Do Pass April 27, 1995.

RESOLUTIONS FILED

HCR 41, by Doderer and Grundberg, a concurrent resolution commemorating the fiftieth anniversary of the founding of the United Nations.

Laid over under **Rule 25**.

SCR 31, by committee on appropriations, a concurrent resolution requesting that Congress introduce legislation providing for state sovereignty through the low-cost financing of debt and needed capital projects by state and local governments.

Referred to committee on **appropriations**.

AMENDMENTS FILED

H-4141	H.F.	579	Churchill of Polk
H-4142	S.F.	266	Hurley of Fayette Grundberg of Polk
H-4144	H.F.	579	Running of Linn Boddicker of Cedar Metcalf of Polk
H-4148	H.F.	579	Millage of Scott Murphy of Dubuque Doderer of Johnson
H-4160	H.F.	579	Brunkhorst of Bremer
H-4164	H.F.	579	Millage of Scott Murphy of Dubuque
H-4167	S.F.	416	Grubbs of Scott
H-4168	H.F.	576	Brand of Benton
H-4169	H.F.	572	Senate amendment
H-4176	H.F.	518	Senate amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 9:38 p.m. until 1:00 p.m., Monday, May 1, 1995.

JOURNAL OF THE HOUSE

One Hundred-thirteenth Calendar Day - Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 1, 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 Doug Raymond, Church of Christ, Rising Sun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend Doug Raymond.

The Journal of Friday, April 28, 1995 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 29, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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, relating to cost recovery, 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.

Also: That the Senate has on April 29, 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 519, a bill for an act providing for the regulation of animal feeding operations, fees, the expenditure of moneys, penalties, and an effective date.

Also: That the Senate has on April 29, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 578, a bill for an act relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes.

JOHN F. DWYER, Secretary

HOUSE FILES 580, 581 AND 582 WITHDRAWN

Dinkla of Guthrie asked and received unanimous consent to withdraw House Files 580, 581 and 582 from further consideration by the House.

The House stood at ease at 1:19 p.m., until the fall of the gavel.

The House reconvened at 2:53 p.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Union, until his return, on request of Siegrist of Pottawattamie.

HOUSE REFUSED TO CONCUR

Lamberti of Polk called up for consideration **House File 572**, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4169:

H-4169

1 Amend House File 572, as amended, passed, and
2 reprinted by the House, as follows:

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

5 Sec. ____ NEW SECTION. 321.218A CIVIL PENALTY —
6 DISPOSITION — REINSTATEMENT.

7 When the department receives a record of a person's
8 conviction for a violation of section 321.218, the
9 department shall assess the person a civil penalty of
10 two hundred dollars. The money collected by the
11 department under this section shall be transmitted to
12 the treasurer of state who shall deposit one-half of
13 the money in the separate fund established in section
14 912.14 and one-half of the money shall be deposited in
15 the general fund of the state. A temporary restricted
16 license shall not be issued or a motor vehicle license
17 or nonresident operating privilege reinstated until
18 the civil penalty has been paid.

19 Sec. ____ NEW SECTION. 321.561A CIVIL PENALTY —
20 DISPOSITION — REINSTATEMENT.

21 When the department receives a record of a person's
22 conviction for a violation of section 321.561, the
23 department shall assess the person a civil penalty of
24 two hundred dollars. The money collected by the
25 department under this section shall be transmitted to
26 the treasurer of state who shall deposit one-half of
27 the money in the separate fund established in section
28 912.14 and one-half of the money shall be deposited in
29 the general fund of the state. A temporary restricted
30 license shall not be issued or a motor vehicle license
31 or nonresident operating privilege reinstated until
32 the civil penalty has been paid.

33 Sec. ____ NEW SECTION. 321A.32A CIVIL PENALTY —
34 DISPOSITION — REINSTATEMENT.

35 When the department receives a record of a person's
36 conviction for a violation of section 321A.32,
37 paragraph 1, the department shall assess the person a
38 civil penalty of two hundred dollars. The money
39 collected by the department under this section shall
40 be transmitted to the treasurer of state who shall
41 deposit one-half of the money in the separate fund
42 established in section 912.14 and one-half of the
43 money shall be deposited in the general fund of the
44 state. A temporary restricted license shall not be
45 issued or a motor vehicle license or nonresident
46 operating privilege reinstated until the civil penalty
47 has been paid.

48 Sec. ____ NEW SECTION. 331.430A COUNTY SECURITY
49 FUND.

50 1. A county security fund may be established in

Page 2

1 each county. The fund shall consist of receipts of
2 county security fees taxed and collected by the clerk
3 of the district court and paid to the county
4 treasurer. The fund shall be administered by the
5 county sheriff to provide for the salaries, benefits,
6 equipment, and training of security staff and for the
7 purchase and maintenance of security equipment for the
8 county facilities, including the reimbursement of
9 security-related expenditures for county facilities
10 incurred prior to the effective date of this Act.
11 Expenditures from the fund are subject to approval of
12 the board of supervisors.

13 2. Moneys in the county security fund shall be
14 used for security-related expenditures including, but
15 not limited to, the purchase and maintenance of x-ray
16 machines and conveying systems; handheld metal
17 detectors; walk-through metal detectors;
18 identification cards and systems; electronic locking
19 and surveillance equipment; salaries, benefits,
20 uniforms, firearms, training, and other necessary
21 equipment for the performance of duties for deputy
22 sheriffs or private security staff assigned to provide
23 security at county facilities; signage; evidence
24 security and inventory systems; security hardware and
25 equipment necessary or commonly used in video
26 arraignment systems; and reimbursement for security-
27 related expenditures incurred prior to the effective
28 date of this Act.

29 3. In each county which has established a county
30 security fund, the courthouse security fee shall be
31 taxed pursuant to sections 625.8A and 815.14 as a
32 court cost by the clerk of the district court to each
33 civil action filed in the district court and each
34 criminal complaint, indictment, or citation if the
35 defendant is convicted or pleads guilty to the offense
36 contained in the complaint, indictment, or citation.

37 4. The county security fee shall not be taxed as a
38 court cost for a parking violation."

39 2. Page 1, by inserting after line 31 the
40 following:

41 "Sec. ____ NEW SECTION. 625.8A COUNTY SECURITY
42 FEE.

43 1. In each county which has established a county
44 security fund, the clerk of the district court shall
45 tax as a court cost a fee of three dollars for each
46 civil action filed in the district court. Except as
47 provided in subsection 2, the fee shall be collected
48 at the time that a civil action is filed. The revenue
49 from the fees provided for in this section shall be
50 deposited in the county's county security fund created

Page 3

1 in section 331.430A.

2 2. In a civil action brought by the state or a
3 political subdivision of the state in which the state
4 or the political subdivision of the state is a
5 prevailing party, the fee shall be taxed and collected
6 against the party which does not prevail. A county is
7 not liable for payment of the county security fee."

8 3. Page 2, by inserting after line 19 the
9 following:

10 "Sec. ____ NEW SECTION. 815.14 COUNTY SECURITY
11 FEE.

12 1. In each county which has established a county
13 security fund, the clerk of the district court shall
14 tax as a court cost the following fees, as applicable,
15 to each criminal complaint, indictment, or citation
16 filed in the district court, if the defendant is
17 convicted or pleads guilty to the offense contained in
18 the complaint, indictment, or citation:

19 a. A fee of five dollars for each felony offense.

20 b. A fee of three dollars for each misdemeanor
21 offense or uniform citation and complaint issued
22 pursuant to chapter 805 except as provided in
23 paragraph "c".

24 c. A fee of one dollar for each uniform citation
25 and complaint issued pursuant to chapter 805 for which
26 a court appearance is not required or requested.

27 2. The revenue from the fees provided for in this
28 section shall be deposited in the county's county
29 security fund created in section 331.430A. The fee
30 shall not be taxed as a court cost for a parking
31 violation."

32 4. Page 4, line 11, by striking the word "all"
33 and inserting the following: "one dollar of the
34 surcharge shall be transferred to the clerk of the
35 district court for the county in which the violation
36 occurred to defray the costs associated with
37 collecting the surcharge and nine dollars".

- 38 5. Page 4, by striking lines 12 through 15 and
39 inserting the following: "transferred to the general
40 fund of the state."
41 6. Page 4, line 20, by striking the words "Five
42 dollars" and inserting the following: "Four dollars
43 and fifty cents".
44 7. Page 4, by striking lines 21 through 24 and
45 inserting the following: "the general fund of the
46 state."
47 8. Page 4, line 25, by striking the words "Five
48 dollars" and inserting the following: "Four dollars
49 and fifty cents".
50 9. Page 4, by inserting after line 29 the

Page 4

- 1 following:
2 "c. One dollar of the surcharge shall be
3 transferred to the clerk of the district court for the
4 county in which the violation occurred to defray the
5 costs associated with collecting the surcharge."
6 10. Page 4, line 34, by striking the words "five
7 dollars" and inserting the following: "four dollars
8 and fifty cents".
9 11. By striking page 4, line 35, through page 5,
10 line 3, and inserting the following: "to the general
11 fund of the state. Four dollars and fifty cents of
12 the".
13 12. Page 5, line 10, by striking the words "the
14 entire" and inserting the following: "nine dollars of
15 the".
16 13. Page 5, line 15, by striking the words "the
17 entire" and inserting the following: "nine dollars of
18 the".
19 14. Page 5, by inserting after line 19 the
20 following:
21 "c. One dollar of the surcharge shall be
22 transferred to the clerk of the district court for the
23 county in which the violation occurred to defray the
24 costs associated with collecting the surcharge."
25 15. Title page, line 1, by inserting after the
26 word "imposing" the following: "a civil penalty for
27 certain motor vehicle license revocations, imposing".
28 16. Title page, line 4, by inserting after the
29 word "jails" the following: "and the district court,
30 providing for the creation of a county security fund,
31 the imposition of courthouse security fees as a court
32 cost, and providing for the purchase and maintenance
33 of county security equipment and the administration of
34 the county security fund, and providing effective and
35 applicability dates".
36 17. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-4169.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 572** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Gipp of Winneshiek called up for consideration **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, relating to cost recovery, 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, amended by the Senate amendment H-4177 as follows:

H-4177

- 1 Amend House File 508, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 5 through 16 and
- 4 inserting the following:
- 5 "2. "Corrective action" means an action taken to
- 6 reduce, minimize, eliminate, clean up, control, or
- 7 monitor a release to protect the public health and
- 8 safety or the environment. Corrective action includes
- 9 both passive and active systems:
- 10 a. Passive systems include only soil monitoring,
- 11 groundwater monitoring, natural attenuation, natural
- 12 biodegradation, and site management practices. A
- 13 passive system must be conducted under the direction
- 14 of a registered groundwater professional.
- 15 b. Active systems include, but are not limited to,
- 16 excavation of an underground storage tank for purposes
- 17 of repairing a leak or removal of a tank, removal of
- 18 contaminated soil, disposal or processing of
- 19 contaminated soil, cleansing of groundwaters or
- 20 surface waters, enhanced bioremediation, and
- 21 institutional controls. An active system must be
- 22 conducted under the direction of a professional
- 23 engineer registered under chapter 542B.
- 24 Corrective action does not include replacement of
- 25 an underground storage tank. Corrective action
- 26 specifically excludes third-party liability."
- 27 2. Page 8, by inserting after line 7 the
- 28 following:
- 29 "Sec. ____ Section 455G.9, subsection 4, paragraph
- 30 a, Code 1995, is amended to read as follows:
- 31 a. An owner or operator who reports a release to

32 the department of natural resources after May 5, 1989,
 33 and on or before October 26, 1990, shall be required
 34 to pay the following copayment amounts:

35 (1) If the owner or operator has a net worth of
 36 one hundred thousand dollars or less and owns no more
 37 than one site, the owner or operator shall pay no more
 38 than eighteen percent of the total costs of corrective
 39 action for that release. For purposes of this
 40 subparagraph, "net worth" means the fair market value
 41 of the site, which shall include an adjustment for
 42 anticipated benefits under this section.

43 ~~(1)~~ (2) If a site's total anticipated expenses are
 44 not reserved for more than, or actual expenses do not
 45 exceed, eighty thousand dollars, the owner or operator
 46 shall pay the greater of five thousand dollars or
 47 eighteen percent of the total costs of corrective
 48 action for that release.

49 ~~(2)~~ (3) If a site's total anticipated expenses are
 50 reserved for more than, or actual expenses exceed,

Page 2

1 eighty thousand dollars, the owner or operator shall
 2 pay the amount as designated in subparagraph ~~(1)~~ (2)
 3 plus thirty-five percent of the total costs of the
 4 corrective action for that release which exceed eighty
 5 thousand dollars."

6 3. By renumbering, relettering, or redesignating
 7 and correcting internal references as necessary.

Gipp of Winneshiek offered the following amendment H-4180, to
 the Senate amendment H-4177, filed by him and Witt from the floor
 and moved its adoption:

H-4180

1 Amend the Senate amendment, H-4177, to House File
 2 508, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. Page 1, by striking lines 3 through 26.
- 5 2. By renumbering as necessary.

Amendment H-4180 was adopted.

On motion by Gipp of Winneshiek, the House concurred in the
 Senate amendment H-4177, as amended.

Gipp of Winneshiek 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. 508)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	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
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 Connors Daggett

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 508** be immediately messaged to the Senate.

Millage of Scott called up for consideration **House File 518**, a bill for an act relating to authorization of price regulation for utilities providing communications services, amended by the Senate amendment H-4176, as follows:

H-4176

- 1 Amend House File 518, as amended, passed, and
- 2 reprinted by the House, as follows:

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

5 "Section 1. Section 476.1D, Code 1995, is amended

6 by adding the following new subsection:

7 NEW SUBSECTION. 10. The board, at the request of
8 a long distance telephone company, shall classify such
9 company as a competitive long distance telephone
10 company if more than half of the company's revenues
11 from its Iowa intrastate telecommunications services
12 and facilities are received from services and
13 facilities that the board has determined to be subject
14 to effective competition. The board shall promptly
15 notify the director of revenue and finance that a long
16 distance telephone company has been classified as a
17 competitive long distance telephone company. Upon
18 such notification by the board, the director of
19 revenue and finance shall assess the property of such
20 competitive long distance telephone company, which
21 property is first assessed for taxation in this state
22 on or after January 1, 1996, in the same manner as all
23 other property assessed as commercial property by the
24 local assessor under chapters 427, 427A, 427B, 428,
25 and 441. As used in this section, "long distance
26 telephone company" means an entity that provides
27 telephone service and facilities between local
28 exchanges, but does not include a cellular service
29 provider or a local exchange utility holding a
30 certificate issued under section 476.29, subsection
31 12."

32 2. Page 7, by striking lines 30 through 32 and
33 inserting the following: "intrastate access service
34 rates by at least fifty percent of the difference
35 between average intrastate access service rates and
36 average interstate access service rates as of the date
37 that the plan is filed and further reduce such rates
38 to the average interstate access service rates within
39 ninety days of the date that the plan becomes
40 effective."

41 3. Page 12, line 6, by inserting after the word
42 "subsection." the following: "A local exchange
43 carrier which elects to become price regulated under
44 this subsection shall also be subject to subsections 5
45 through 8 and subsection 10 in the same manner as a
46 local exchange carrier which operates under an
47 approved plan of price regulation submitted pursuant
48 to subsection 1."

49 4. Page 14, by inserting after line 15 the
50 following:

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1 "_. A local exchange carrier which elects to
2 become price regulated under this subsection shall
3 also be subject to the following:

4 (1) The local exchange carrier shall not be

- 5 subject to rate-of-return regulation while operating
6 under price regulation.
- 7 (2) All regulated services shall be provided
8 pursuant to board-approved tariffs.
- 9 (3) All new regulated service offerings shall be
10 reported to the board.
- 11 (4) Rates may be adjusted by the board to reflect
12 any changes in revenues, expenses, and investment due
13 to exogenous factors beyond the control of the local
14 exchange carrier."
- 15 5. Page 14, by inserting after line 26 the
16 following:
17 "_. This subsection shall not be construed to
18 prohibit an additional decrease or to permit any
19 increase in a local exchange carrier's average
20 intrastate access service rates during the term of the
21 local exchange carrier's operation under price
22 regulation."
- 23 6. Page 14, lines 30 and 31, by striking the
24 words "a plan of".
- 25 7. Page 15, by striking lines 15 through 17 and
26 inserting the following:
27 "In addition to the provisions required in section
28 476.30B, a local exchange carrier, prior to operating
29 under price regulation, shall make provision for the
30 following:"
- 31 8. By striking page 15, line 35, through page 16,
32 line 5, and inserting the following: "affiliates. A
33 local telecommunications facility, feature, function,
34 or capability of the local exchange carrier's network
35 is an essential facility if all of the following
36 apply:
37 a. Competitors cannot practically or economically
38 duplicate the facility, feature, function, or
39 capability, or obtain the facility, feature, function,
40 or capability from another source.
41 b. The use of the facility, feature, function, or
42 capability by potential competitors is technically and
43 economically feasible.
44 c. Denial of the use of the facility, feature,
45 function, or capability by competitors is
46 unreasonable.
47 d. The facility, feature, function, or capability
48 will enable competition."
- 49 9. By striking page 18, line 29, through page 19,
50 line 19, and inserting the following: "providers."

Page 3

- 1 10. Renumber and relettering as necessary.

Brand of Benton offered amendment H-4179, to the Senate amendment H-4176, filed by him from the floor as follows:

H-4179

- 1 Amend the Senate amendment, H-4176, to House File
- 2 518, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 31.
- 5 2. By renumbering as necessary.

Ertl of Dubuque in the chair at 3:55 p.m.

Speaker Corbett in the chair at 4:02 p.m.

Brand of Benton moved the adoption of amendment H-4179, to the Senate amendment H-4176.

Roll call was requested by Schrader of Marion and Bernau of Story.

On the question "Shall amendment H-4179, to the Senate amendment H-4176, be adopted?" (H.F. 518)

The ayes were, 33:

Arnold	Bernau	Brand	Brunkhorst
Burnett	Cohoon	Coon	Cormack
Doderer	Drees	Ertl	Fallon
Garman	Harper	Heaton	Holveck
Houser	Jochum	Klemme	Koenigs
Kreiman	Mascher	Mertz	Millage
Myers	Nelson, L.	O'Brien	Ollie
Schrader	Tyrrell	Weigel	Wise
Witt			

The nays were, 62:

Baker	Bell	Blodgett	Boddicker
Bogess	Bradley	Branstad	Brauns
Carroll	Cataldo	Churchill	Cornelius
Dinkla	Disney	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Hurley
Huseman	Jacobs	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	May	McCoy	Metcalf
Meyer	Moreland	Mundie	Nelson, B.
Nutt	Rants	Renken	Running
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 5:

Brammer	Connors	Daggett	Murphy
Shoultz			

Amendment H-4179 lost.

Weigel of Chickasaw offered the following amendment H-4181, to the Senate amendment H-4176, filed by him from the floor and moved its adoption:

H-4181

1 Amend the Senate amendment, H-4176, to House File
2 518, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting before line 32, the
5 following:

6 "Each county treasurer shall be paid an amount
7 equal to the amount of the public utility property tax
8 replacement claim as calculated pursuant to section
9 476.1E.

10 Sec. . NEW SECTION. 476.1E DEPARTMENT OF
11 REVENUE AND FINANCE AND COUNTY AUDITOR DUTIES.

12 1. On or before July 1 of each year, the
13 department of revenue and finance shall determine the
14 total valuation of all property assessed under section
15 476.1D, subsection 10, for that year and the valuation
16 of such property if it were assessed as of January 1,
17 1995, and shall report the valuations to the county
18 auditor.

19 2. On or before July 1, 1997, and on or before
20 July 1 of each subsequent year, the county auditor
21 shall prepare a statement listing for each taxing
22 district in the county:

23 a. Beginning with the assessment year beginning
24 January 1, 1996, the difference between the assessed
25 valuations of property assessed pursuant to section
26 476.1D, subsection 10, and the assessed value of such
27 property if it were assessed as of January 1, 1995.
28 The auditor shall make other adjustments as directed
29 by rule of the department of revenue and finance.

30 b. The tax levy rate for each taxing district for
31 the fiscal year.

32 c. If the calculation under paragraph "a"
33 indicates a net decrease in aggregate valuation of
34 such property, the public utility property tax
35 replacement claim for each taxing district is equal to
36 the net decrease determined pursuant to paragraph "a",
37 multiplied by the tax rate specified in paragraph "b".

38 3. The county auditor shall certify and forward
39 one copy of the statement to the department of revenue
40 and finance not later than July 1 of each year.

41 Sec. . NEW SECTION. 476.1F FUND CREATED.

42 1. The public utility property tax replacement
43 fund is created. There is appropriated annually from
44 the general fund of the state to the department of
45 revenue and finance to be credited to the public

46 utility property tax replacement fund, an amount
 47 necessary to administer this section and section
 48 476.1E.
 49 2. Each county treasurer shall be paid from the
 50 fund created in this section the amount calculated

Page 2

1 pursuant to section 476.1E. The payment shall be made
 2 in two equal installments on or before September 30
 3 and March 30 of each year. The county treasurer shall
 4 apportion the payment in the manner provided in
 5 section 445.57.

6 3. If an amount appropriated for a fiscal year is
 7 insufficient to pay all claims, the director shall
 8 prorate the disbursements from the fund to the county
 9 treasurers and shall notify the county auditors of the
 10 pro rata percentage on or before August 1. If an
 11 amount appropriated for a fiscal year is in excess of
 12 the amount necessary to pay all claims according to
 13 the replacement schedule in section 476.1E, the
 14 director shall prorate the disbursements from the fund
 15 to the county treasurers, notwithstanding the amount
 16 of the claims, and shall notify the county auditors of
 17 the pro rata percentage on or before August 1.

18 4. The replacement amount paid to each school
 19 district shall be regarded as property tax for the
 20 purposes of the school foundation property tax levy in
 21 section 257.3 and the additional property tax levy in
 22 section 257.4. The department of management shall
 23 annually make the adjustments necessary to implement
 24 this subsection.”

25 2. Page 2, by inserting after line 50 the
 26 following:

27 “_. Title page, line 2, by inserting after the
 28 word “services” the following: “and to the assessment
 29 of certain utilities for purposes of property taxation
 30 and providing replacement funds to local
 31 governments”.”

32 3. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Kreiman of Davis.

On the question “Shall amendment H-4181 be adopted?” (H.F. 518)

The ayes were, 37:

Arnold	Bernau	Blodgett	Brand
Brunkhorst	Burnett	Coon	Cormack
Cornelius	Doderer	Drake	Ertl
Fallon	Garman	Harper	Harrison
Holveck	Jochum	Koenigs	Kreiman
Larkin	Main	Mascher	May

Mertz	Mundie	Murphy	Myers
O'Brien	Ollie	Renken	Running
Schrader	Shoultz	Teig	Weigel
Witt			

The nays were, 58:

Baker	Bell	Boddicker	Boggess
Branstad	Brauns	Carroll	Cataldo
Churchill	Cohoon	Dinkla	Disney
Drees	Eddie	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Martin	McCoy
Metcalf	Meyer	Millage	Moreland
Nelson, B.	Nelson, L.	Nutt	Rants
Salton	Schulte	Sukup	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Mr. Speaker Corbett		

Absent or not voting, 5:

Bradley	Brammer	Connors	Daggett
Siegrist			

Amendment H-4181 lost.

Holveck of Polk offered amendment H-4182, to the Senate amendment H-4176, filed by him and Brand from the floor and requested division as follows:

H-4182

- 1 Amend the Senate amendment, H-4176, to House File
- 2 518, as amended, passed, and reprinted by the House,
- 3 as follows:

H-4182A

- 4 1. Page 1, by inserting after line 40 the
- 5 following:
- 6 " _ Page 9, line 30, by inserting after the
- 7 word "productivity." the following: "The plan shall
- 8 provide that a price increase shall not be undertaken
- 9 within twelve months of the effective date of the
- 10 local exchange carrier's plan, or within twelve months
- 11 of the last price change for basic communications
- 12 services."

H-4182B

- 13 2. Page 1, by inserting after line 48 the
 14 following:
 15 "_. Page 12, line 25, by inserting after the
 16 word "regulated" the following: ", or within twelve
 17 months of the last price change for basic
 18 communications services".
 19 3. Renumber as necessary.

Metcalf of Polk rose on a point of order that amendment H-4182A was not germane, to the Senate amendment H-4176.

The Speaker ruled the point well taken and amendment H-4182A not germane, to the Senate amendment H-4176.

Holveck of Polk moved the adoption of amendment H-4182B, to the Senate amendment H-4176.

Metcalf of Polk rose on a point of order that amendment H-4182B was not germane, to the Senate amendment H-4176.

The Speaker ruled the point well taken and amendment H-4182B not germane, to the Senate amendment H-4176.

Holveck of Polk asked and received unanimous consent to withdraw the following amendments filed from the floor, to the Senate amendment H-4176: H-4183, filed by Holveck of Polk and H-4185, filed by Holveck of Polk and Brand.

On motion by Metcalf of Polk, the House concurred in the Senate amendment H-4176.

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

On the question "Shall the bill pass?" (H.F. 518)

The ayes were, 90:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Cphoon	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	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	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 8:

Bernau	Brand	Burnett	Fallon
Garman	Holveck	Schrader	Weigel

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 MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 518** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1995, amended the House amendment, concurred in the House amendment, as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 239, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Appropriations Calendar

House File 579, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date, was taken up for consideration.

Millage of Scott offered the following amendment H-4164 filed by him and Murphy and moved its adoption:

H-4164

- 1 Amend House File 579 as follows:
- 2 1. Page 1, by striking line 33 and inserting the
- 3 following:
- 4 "i. Each judge who retires after July 1, 1994, and
- 5 who is assigned and who is appointed a senior judge by
- 6 the state supreme court."

Amendment H-4164 was adopted.

Millage of Scott offered the following amendment H-4148 filed by Millage, et. al., and moved its adoption:

H-4148

- 1 Amend House File 579 as follows:
- 2 1. Page 10, by striking lines 7 through 12 and
- 3 inserting the following: "It is the intent of the
- 4 general assembly that the department of management and
- 5 the legislative fiscal bureau in conjunction with the
- 6 state agency affected by this section, to prepare
- 7 recommendations concerning the application of this
- 8 section to the general assembly not later than
- 9 February 1, 1996."

Amendment H-4148 was adopted.

Churchill of Polk offered the following amendment H-4141 filed by him and moved its adoption:

H-4141

- 1 Amend House File 579 as follows:
- 2 1. Page 11, line 4, by striking the word "sixty-
- 3 five" and inserting the following: "fifty-five".

Roll call was requested by Churchill of Polk and Cormack of Webster.

Rule 75 was invoked.

On the question "Shall amendment H-4141 be adopted?" (H.F. 579)

The ayes were, 49:

Arnold	Blodgett	Bogges	Bradley
Brunkhorst	Churchill	Coon	Cormack
Cornelius	Daggett	Drake	Drees
Ertl	Fallon	Greig	Greiner
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Larson	Lord
Main	Martin	Mascher	Mertz

Meyer	Nelson, B.	Nutt	Salton
Sukup	Teig	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weigel
Witt			

The nays were, 49:

Baker	Bell	Bernau	Boddicker
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Cohoon	Dinkla
Disney	Doderer	Eddie	Garman
Gipp	Gries	Harper	Harrison
Jochum	Koenigs	Kreiman	Lamberti
Larkin	May	McCoy	Metcalf
Millage	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Rants	Renken	Running	Schrader
Schulte	Shoultz	Siegrist	Thomson
Van Maanen	Weidman	Welter	Wise
Mr. Speaker			
Corbett			

Absent or not voting, 2:

Brammer Connors

Amendment H-4141 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Schrader of Marion.

Fallon of Polk offered amendment H-4187 filed by him from the floor as follows:

H-4187

- 1 Amend House File 579 as follows:
- 2 1. Page 12, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ Section 2.10, Code 1995, is amended by
- 5 adding the following subsection:
- 6 **NEW SUBSECTION.** 9. Not later than October 1,
- 7 1996, and each four years thereafter, the commission
- 8 on compensation, expenses, and salaries for elected
- 9 state officials created pursuant to section 2A.1 shall
- 10 certify to the secretary of state its salary and
- 11 expense recommendations to be placed on the general
- 12 election ballot. The ballot question shall provide
- 13 for the approval or disapproval of the salary
- 14 recommendation by the state electorate and shall be

15 advisory to the governor and the general assembly as
 16 to the compensation and expenses for members of the
 17 general assembly and for salaries for other elective
 18 state officials.”

Millage of Scott rose on a point of order that amendment H-4187 was not germane.

The Speaker ruled the point well taken and amendment H-4187 not germane.

The following amendments were withdrawn by unanimous consent:

H-4139, filed by Running of Linn on April 27, 1995.

H-4138 filed by Boddicker of Cedar and Metcalf of Polk on April 27, 1995.

H-4144 filed by Running of Linn, et. al., on April 28, 1995.

Running of Linn offered the following amendment H-4188 filed by him and Boddicker from the floor and moved its adoption:

H-4188

1 Amend House File 579 as follows:
 2 1. Page 13, by striking lines 1 through 9 and
 3 inserting the following: “open enrollment. In lieu
 4 of membership in a state health or medical group
 5 insurance plan, a member of the general assembly may
 6 elect to receive reimbursement for the costs paid by
 7 the member for a continuation of a group coverage
 8 (COBRA) health or medical insurance plan. The member
 9 shall apply for reimbursement by submitting evidence
 10 of payment for a COBRA health or medical insurance
 11 plan. The maximum reimbursement shall be no greater
 12 than the state's contribution for health or medical
 13 insurance family plan II. A member”.

Amendment H-4188 was adopted.

Brunkhorst of Bremer offered amendment H-4160 filed by him as follows:

H-4160

1 Amend House File 579 as follows:
 2 1. Page 14, by inserting after line 11 the
 3 following:
 4 “Sec. ____ Section 97B.41, subsection 20,
 5 paragraph a, unnumbered paragraph 1, Code 1995, is
 6 amended to read as follows:
 7 Wages for a member of the general assembly means
 8 the total compensation received by a member of the

9 general assembly, whether paid in the form of per diem
 10 or annual salary, exclusive of expense and travel
 11 allowances paid to a member of the general assembly
 12 ~~except as otherwise provided in this paragraph.~~ Wages
 13 includes per diem payments paid to members of the
 14 general assembly during interim periods between
 15 sessions of the general assembly. ~~Wages also includes~~
 16 ~~daily allowances to members of the general assembly~~
 17 ~~for nontravel expenses of office during a session of~~
 18 ~~the general assembly, but does not include the portion~~
 19 ~~of the daily allowance which exceeds the maximum~~
 20 ~~established by law for members from Polk county.”~~
 21 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-4160 was not germane.

The Speaker ruled the point well taken and amendment H-4160 not germane.

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.

Rule 75 was invoked.

On the question “Shall the bill pass?” (H.F. 579)

The ayes were, 23:

Baker	Bernau	Branstad	Cataldo
Dinkla	Eddie	Gipp	Gries
Grundberg	Halvorson	Jochum	Kremer
Metcalf	Murphy	Rants	Renken
Running	Salton	Siegrist	Van Maanen
Weidman	Wise	Mr. Speaker	
		Corbett	

The nays were, 75:

Arnold	Bell	Blodgett	Boddicker
Bogess	Bradley	Brand	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Cohoon	Coon	Cormack	Cornelius
Daggett	Disney	Doderer	Drake
Drees	Ertl	Fallon	Garman
Greig	Greiner	Grubbs	Hahn
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Meyer

Millage	Moreland	Mundie	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Schrader	Schulte	Shoultz
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weigel	Welter	Witt	

Absent or not voting, 2:

Brammer Connors

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

SENATE AMENDMENT CONSIDERED

Kremer of Buchanan called up for consideration **Senate File 239**, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4186 to the House amendment:

H-4186

- 1 Amend the House amendment, S-3601, to Senate File
- 2 239, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 28 and
- 4 inserting the following:
- 5 " Page 1, line 4, by inserting after the
- 6 figure "598.41," the following: "unless the court
- 7 determines that a history of domestic abuse exists as
- 8 specified in section 598.41, subsection 3, paragraph
- 9 "j", if enacted by 1995 Iowa Acts, Senate File 150, or
- 10 unless the court determines that direct physical harm
- 11 or significant emotional harm to the child, other
- 12 children, or a parent is likely to result,"
- 13 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4186, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 239)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	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
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.

Millage

Absent or not voting, 3:

Brammer

Cataldo

Connors

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 239** be immediately messaged to the Senate.

MOTION TO RECONSIDER

Millage of Scott called up for immediate consideration the motion to reconsider House File 579, filed by him from the floor, and moved to reconsider the vote by which House File 579, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date, failed to pass the House on May 1, 1995.

A non-record roll call was requested.

The ayes were 51, nays 29.

The motion prevailed and the House reconsidered **House File 579**, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 579** be deferred and that the bill be placed on the **unfinished business calendar**.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to notice and agenda, for the meeting of the committee on **appropriations** upon adjournment.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, May 1, 1995. Had I been present, I would have voted "aye" on House File 508.

DAGGETT of Union

I was necessarily absent from the House chamber on April 28, 1995. Had I been present, I would have voted "nay" on House File 519.

VEENSTRA of Sioux

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of May, 1995: House Files 94, 117, 185, 203, 215, 246, 393, 507, 550, 552, 558 and 559.

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 29, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 126, 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.

Senate File 290, 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, 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 effective and applicability dates.

Also: the Governor announced that on May 1, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 41, an act relating to the establishment of legal settlement for certain persons, providing for the Act's applicability, and providing an effective date.

House File 197, an act relating to the expansion of the volunteer physician program to include other health care providers and to apply to certain charitable organizations.

House File 460, an act relating to governmental control of property by providing for the interest rates assessed for condemnation damages, providing for right-of-way notice filings, and concerning advertising control laws on scenic highways.

House File 461, 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.

House File 485, an act relating to remedies upon the dishonoring of a financial instrument and providing penalties.

House File 490, an act relating to limited liability companies.

House File 492, an act relating to the exclusion of certain nonprofit transitional housing from landlord-tenant agreements and remedies, tenant remedies for landlord noncompliance with a rental agreement, landlord remedies for tenant noncompliance with a rental agreement and acts constituting a clear and present danger and providing an effective date.

House File 504, an act relating to a motor vehicle owner's liability for damages caused by the driver.

House File 548, an act relating to the definition of business income for purposes of the state corporate income tax and providing effective and applicability date provisions.

Senate File 79, an act relating to the transfer of dogs to educational and scientific institutions by pounds.

Senate File 83, 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.

Senate File 85, an act providing for the regulation of farm deer and making penalties applicable.

Senate File 106, an act to provide disaster leave for certain state employees.

Senate File 146, an act relating to Iowa-foaled horses and Iowa-whelped dogs used for breeding and racing.

Senate File 181, an act providing a sales tax exemption relating to aircraft, limiting the amount of refunds, and providing effective date and retroactive applicability provisions.

Senate File 280, an act authorizing townships to provide emergency medical services.

Senate File 286, 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.

Senate File 293, 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.

Senate File 315, 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, providing for access to certain mental health information by a county responsible for payment of costs, and applying certain requirements to the state-county management committee, and providing an applicability provision and an effective date.

Senate File 373, 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 and providing for the entry of a civil judgment for restitution owed to a victim.

Senate File 398, an act relating to commutation of sentences of persons who have been sentenced to life imprisonment.

Senate File 422, 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.

Senate File 423, an act relating to delayed deposit services businesses and providing penalties.

Senate File 457, an act relating to the civil rights commission concerning the enforcement of civil rights laws.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

May 1, 1995

The Honorable Ron Corbett
Speaker of the House
House of Representatives
State Capitol Building
L O C A L

Dear Mr. Speaker:

House File 387, 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, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill reduces the term of the student member of the Board of Regents from six years to four. The Board of Regents, as well as individual members of the Board, have urged a veto of this bill.

Maintaining the student position on the Board of Regents as a full Regent in every respect, with full voting authority and length of service is important. This bill risks reducing the student role to one that is not equal to other Regents in the decision-making process. Making this change to the statute regarding the student member of the Board of Regents dilutes the student role by reducing the length of term to one that is less than the other Regents. I believe that our present system has resulted in excellent student representation on the Board. We should not dilute or diminish a system that has served Iowa's higher education well.

For the above reason, I hereby respectfully disapprove House File 387.

Sincerely,
Terry E. Branstad
Governor

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES

The Groundwater Program Status Report for the period from July 1, 1993 to June 30, 1994 and Groundwater Program Evaluation Report, June 30, 1994, pursuant to Chapter 455E.8, Code of Iowa.

IOWA CITIZENS' AIDE\OMBUDSMAN

The Small Business Ombudsman Program Quarterly Report, pursuant to Chapter 28E, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The FY 94 Annual Report of the Iowa Industrial New Jobs Training Program and the Iowa Jobs Training Program, pursuant to Chapters 260E and 260F, Code of Iowa.

IOWA COLLEGE STUDENT AID COMMISSION

The 1993-1994 Biennial Report, pursuant to Chapter 261, 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\277 Wapsie Valley FFA Chapter, Fairbank – For receiving 1st place in the Iowa FFA Chapter Secretary's Record Book Contest.
- 1995\278 Valley FFA Chapter, Elgin – For receiving 1st place in the Iowa FFA Chapter Reporter's Scrapbook Contest.
- 1995\279 Knoxville FFA Chapter, Knoxville – For receiving 1st place in the Iowa FFA SAE\Ag Ed Publicity Chapter Award Program.
- 1995\280 Creston FFA Chapter, Creston – For being selected as Iowa's 1995 winner in the Triple Crown Award Program.
- 1995\281 Creston FFA Chapter, Creston – For being selected as Iowa's 1994 winner in the National Safety Award Program.
- 1995\282 Jeremy Davis, Olin – For being named the "Star Farmer" of the Iowa FFA Association.
- 1995\283 Eric Brunsvold, Forest City – For being named the "Star in Agribusiness" of the Iowa FFA Association.
- 1995\284 Jason Clayworth, Moulton – For receiving the 1st place Gold Emblem Award in the Iowa FFA Journalism Reporter Contest.
- 1995\285 Lisa Ahrens, Osage – For receiving the 1st place Gold Emblem Award in the Iowa FFA Ag Sales Contest.
- 1995\286 Leon FFA Chapter, Leon – For receiving the 1st place Gold Emblem Award in the Iowa FFA Ag Issues and Perceptions Contest.
- 1995\287 Alburnett FFA Chapter, Alburnett – For receiving the 1st place Gold Emblem Award in the Iowa FFA Parliamentary Procedure Contest.
- 1995\288 Tabitha Kinser, Griswold – For receiving the 1st place Gold Emblem Award in the Iowa FFA Extemporaneous Speaking Contest.
- 1995\289 Andrea Lemke, Wellman – For receiving the 1st place Gold Emblem Award in the Iowa FFA Freshman Creed Speaking Contest.
- 1995\290 West Liberty FFA Chapter, West Liberty – For receiving 1st place in the Iowa FFA Chapter Treasurer's Record Book Contest.
- 1995\291 Janel Sporrer, Harlan – For receiving the 1st place Gold Emblem Award in the Iowa FFA Job Interview Contest.

- 1995\292 Guttenberg FFA Chapter, Guttenberg – For receiving the 1st place Gold Emblem Award in the Iowa FFA Conduct of Meetings Contest.
- 1995\293 Amber Ehlers, Orient – For receiving the 1st place Gold Emblem Award in the Iowa FFA Public Speaking Contest.
- 1995\294 Donnellson FFA Chapter, Donnellson – For receiving the 1st place Gold Emblem Award in the Iowa FFA Chapter Program Contest.
- 1995\295 Jason Bardole, Grand Junction – For receiving the 1st place Gold Emblem Award in the Iowa FFA Agriscience Student Contest.
- 1995\296 Andy Busch, Reinbeck – For receiving the 1st place Gold Emblem Award in the Iowa FFA Discussion Meet Contest.
- 1995\297 Dan Welk, Muscatine – For receiving the 1st place Gold Emblem Award in the Iowa FFA Ag Broadcasting\Journalism Contest.
- 1995\298 Marty Mitchell, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\299 Inwood FFA Chapter, Inwood – For receiving the 1st place Gold Emblem Award in the Iowa FFA Experience the Action Contest.
- 1995\300 G&G FFA Chapter, Guttenberg and Garnavillo – For their top team rating of the Conduct of Meeting team at the State FFA Leadership Contest.
- 1995\301 Cascade High School FFA Chapter, Cascade: Brian Conrad, Dan Delaney, Ryan Frasher, Ben Frasher, Jamie Knapp, Chuck Steffens, Steve Puetz, Ryan Schockemoehl, Ron Roling, Lisa Lynch, Jeff Lynch, Mark Kurt and Robin Wink – For receiving an Iowa FFA Degree.
- 1995\302 Fred Torneten, Council Bluffs – For celebrating his 90th birthday.
- 1995\303 Viola Kermeen, Council Bluffs – For celebrating her 90th birthday.
- 1995\304 Frank and Marge Hovey, Council Bluffs – For celebrating their 50th wedding anniversary.
- 1995\305 Mike and Dorothy McDonald, Council Bluffs – For celebrating their 50th wedding anniversary.
- 1995\306 Lisa Marie Thompson, Carter Lake – For being selected to represent the Carter Lake Boys Club as Nebraska Youth of the Year.
- 1995\307 Benjamin Lake, Council Bluffs – For winning 1st place in the Iowa division of the Federal Junior Duck Stamp contest.
- 1995\308 Peters Law Firm, Council Bluffs – For celebrating its centennial anniversary and for being the oldest law firm in Council Bluffs.

1995\309 Nathan Knause, Muscatine – For receiving 1st place in the Freshman/
Sophomore Physical Science division at the Muscatine Science and
Engineering Fair.

AMENDMENTS FILED

H-4178	S.F.	486	Daggett of Union
H-4184	S.F.	266	Weigel of Chickasaw
			Mertz of Kossuth
			May of Worth
			Mundie of Webster
			Drees of Carroll
H-4189	H.F.	579	Millage of Scott
H-4190	H.F.	579	Brunkhorst of Bremer
H-4191	S.F.	266	Hurley of Fayette
H-4192	S.F.	266	Hurley of Fayette

On motion by Siegrist of Pottawattamie, the House adjourned at
6:55 p.m. until 8:45 a.m., Tuesday, May 2, 1995.

JOURNAL OF THE HOUSE

One Hundred-fourteenth Calendar Day - Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 2, 1995

The House met pursuant to adjournment at 9:10 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Ralph Klemme, state representative from Plymouth County.

The Journal of Monday, May 1, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, until his return, on request of Schrader of Marion.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 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 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, relating to cost recovery, 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.

Also: Mr. Speaker the Senate has on May 1, 1995, insisted on its amendment to House File 572, 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, and the members of the Conference Committee on the part of the Senate are: the Senator from Henry, Senator Vilsack, Chair; the Senator from Marshall, Senator Giannetto; the Senator from Woodbury, Senator Hansen; the Senator from Muscatine, Senator Drake; and the Senator from Jones, Senator McKean.

Also: That the Senate has on May 1, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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 May 1, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 478, 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.

Also: That the Senate has on May 1, 1995, amended the House amendment, concurred in the House amendment as amended, and 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.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 478, 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 **passed on file**.

CONFERENCE COMMITTEE APPOINTED (House File 572)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 572: Lamberti of Polk, Chair; Garman of Story, Weidman of Cass, Moreland of Wapello and Kreiman of Davis.

The House stood at ease at 9:22 a.m., until the fall of the gavel.

The House reconvened at 11:28 a.m., Speaker Corbett in the chair.

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **House File 565**, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students, amended by the Senate amendment H-4116 as follows:

H-4116

- 1 Amend House File 565, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 256.17 CAREER PATHWAYS
- 6 PROGRAM.
- 7 1. If the general assembly appropriates moneys for

8 the establishment of a career pathways program, the
9 department of education shall develop a career
10 pathways grant program, criteria for the formation of
11 ongoing career pathways consortia in each merged area,
12 and guidelines and a process to be used in selecting
13 career pathways consortium grant recipients, including
14 a requirement that grant recipients shall provide
15 matching funds or match grant funds with in-kind
16 resources on a dollar-for-dollar basis. A consortium
17 shall include one or more school districts and may
18 include, but is not limited to, parents and parent
19 organizations, representatives from elementary,
20 secondary, postsecondary, and vocational education
21 institutions, appropriate state agencies and
22 departments, and business, labor, community service,
23 and nonprofit organizations. Regional school-to-work
24 partnerships may participate wherever possible. The
25 department shall provide assistance to consortia in
26 planning and implementing career pathways program
27 efforts.

28 2. To be eligible for a career pathways grant, a
29 career pathways consortium shall develop a career
30 pathways program that may include, but is not limited
31 to, the following:

32 a. Provision for an employability skills
33 assessment to public or nonpublic school students at
34 the eighth and twelfth grade levels. The
35 employability skills assessment shall measure
36 employability skills that include, but are not limited
37 to, reading for information, applied mathematics,
38 listening, and writing.

39 b. Commitment to develop and implement,
40 strengthen, and enhance a relevant curriculum for the
41 world of work, which includes career paths leading to
42 baccalaureate or associate degrees, apprenticeships,
43 or employment. The completed set of courses for the
44 career path should articulate with postsecondary
45 institutions. This curriculum shall be based on the
46 results of the employability skills assessment to
47 ensure student success in achieving basic skills for
48 the workplace. The commitment shall include a plan to
49 alter the curriculum in order to address deficiencies
50 in the basic skills for the workplace identified by

Page 2

1 the employability skills assessment.

2 c. Curricula designed to integrate academic and
3 work-based learning to achieve high employability
4 skills by all students related to career pathways.

5 The curricula shall be designed through the
6 cooperative efforts of members of the consortia.

7 d. Involvement and recognition of local business,
8 labor, and community organizations as partners in the

- 9 career pathways program.
- 10 e. Provision for program accountability.
- 11 f. Provision for career guidance and exploration
12 by the tenth grade level.
- 13 g. Encouragement of team teaching within the
14 school or in partnership with postsecondary schools,
15 and business, labor, community, and nonprofit
16 organizations.
- 17 h. Service learning opportunities for students.
- 18 3. Business, labor, and community organizations
19 are encouraged to market the career pathways program
20 to the local community and provide students with
21 mentors, shadow professionals, speakers, field trip
22 sites, summer jobs, internships, and job offers for
23 students who graduate with high performance records.
24 Students are encouraged to volunteer their time to
25 community organizations in exchange for workplace
26 learning opportunities that do not displace current
27 employees.
- 28 4. In developing career pathways program efforts,
29 each consortium shall make every effort to cooperate
30 with the juvenile courts, the department of economic
31 development, the department of employment services,
32 the department of human services, and the new Iowa
33 schools development corporation.
- 34 5. The area education agency and community college
35 within each merged area shall provide support services
36 to assist the planning and implementation of career
37 pathways programs.
- 38 6. Not later than August 1, for the school year
39 beginning the preceding July 1, the board of directors
40 of a school district, or the authorities in charge of
41 a nonpublic school, or the board of directors of a
42 community college may annually file a written request
43 with the department of education that the department
44 waive rules relating to vocational education that have
45 been adopted by the state board since the enactment of
46 the 1989 Iowa Acts, chapter 278. A request for a
47 waiver filed by the board of directors of a school
48 district, the authorities in charge of a nonpublic
49 school, or board of directors of a community college
50 shall describe actions being taken by the district,

Page 3

- 1 school, or community college to meet the requirement
2 for which the district, school, or community college
3 has requested a waiver.
- 4 7. The department of education shall direct and
5 monitor the progress of each career pathways
6 consortium in developing career pathways programs. By
7 January 15, 1998, the department shall submit to the
8 general assembly any findings and recommendations of
9 the career pathways consortia, along with the
10 department's recommendations for specific career

11 pathways program efforts and for appropriate funding
 12 levels to implement and sustain the recommended
 13 programs.

14 8. Notwithstanding section 8.33, unencumbered or
 15 unobligated funds remaining on June 30 of the fiscal
 16 year for which the funds were appropriated shall not
 17 revert but shall be available for expenditure for the
 18 following fiscal year for the purposes of this
 19 section.

20 9. A career pathways program is a comprehensive
 21 school transformation program under section 294A.14.
 22 Sec. 2. NEW SECTION. 256.17A SCHOOL-TO-WORK
 23 TRANSITION SYSTEM.

24 The departments of education, employment services,
 25 and economic development shall develop a statewide
 26 school-to-work transition system in consultation with
 27 local school districts, community colleges, and labor,
 28 business, and industry interests. The system shall be
 29 designed to attain the following objectives:

30 1. Motivate youths to stay in school and become
 31 productive citizens.

32 2. Set high standards by promoting higher academic
 33 performance levels.

34 3. Connect work and learning so that the classroom
 35 is linked to worksite learning and experience.

36 4. Ready students for work in order to improve
 37 their prospects for immediate employment after leaving
 38 school on paths that provide significant opportunity
 39 to continued education and career development.

40 5. Engage employers and workers by promoting their
 41 participation in the education of youth in order to
 42 ensure the development of a skilled, flexible, entry-
 43 level workforce.

44 6. Provide a framework to position the state to
 45 access federal resources for state youth
 46 apprenticeship systems and local programs.

47 Sec. 3. REPEAL. Section 258.18, Code 1995, is
 48 repealed."

49 2. Title page, by striking lines 1 and 2 and
 50 inserting the following: "An Act relating to a

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1 school-to-work transition system and the establishment
 2 of a career pathways program."

Wise of Lee offered the following amendment H-4196, to the Senate amendment H-4116, filed by Wise, Gries, Hanson, Nelson of Marshall and Cohoon from the floor and moved its adoption:

H-4196

1 Amend the Senate amendment, H-4116, to House File
 2 565, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. By striking page 1, line 5, through page 3,
 5 line 46, and inserting the following:
 6 ""Section 1. NEW SECTION. 256.38 SCHOOL-TO-WORK
 7 TRANSITION SYSTEM.

8 1. It is the policy of the state of Iowa to
 9 provide an education system that prepares the students
 10 of this state to meet the high skills demands of
 11 today's workplace. The general assembly recognizes
 12 the need to prepare students for any postsecondary
 13 opportunity that leads to high-wage, high-skill
 14 careers. In order to meet this need, the high school
 15 curriculum must be redesigned so students appreciate
 16 the relevance of academic course work, reach higher
 17 levels of learning in science, math, and
 18 communications skills, and acquire the ability to
 19 apply this knowledge. Career pathways will modify
 20 high school curricula and instruction to provide
 21 students with opportunities to achieve high levels of
 22 skills and knowledge within a broad range of related
 23 career areas, which will require a variety of levels
 24 of preparation.

25 2. The departments of education, employment
 26 services, and economic development shall develop a
 27 statewide school-to-work transition system in
 28 consultation with local school districts, community
 29 colleges, and labor, business, and industry interests.
 30 The system shall be designed to attain the following
 31 objectives:

- 32 a. Motivate youths to stay in school and become
 33 productive citizens.
- 34 b. Set high standards by promoting higher academic
 35 performance levels.
- 36 c. Connect work and learning so that the classroom
 37 is linked to worksite learning and experience.
- 38 d. Ready students for work in order to improve
 39 their prospects for immediate employment after leaving
 40 school through career pathways that provide
 41 significant opportunity to continued education and
 42 career development.
- 43 e. Engage employers and workers by promoting their
 44 participation in the education of youth in order to
 45 ensure the development of a skilled, flexible, entry-
 46 level workforce.
- 47 f. Provide a framework to position the state to
 48 access federal resources for state youth
 49 apprenticeship systems and local programs.

50 Sec. 2. NEW SECTION. 256.39 CAREER PATHWAYS

Page 2

1 PROGRAM.

- 2 1. If the general assembly appropriates moneys for
 3 the establishment of a career pathways program, the
 4 department of education shall develop a career
 5 pathways grant program, criteria for the formation of
 6 ongoing career pathways consortia in each merged area,
 7 and guidelines and a process to be used in selecting

8 career pathways consortium grant recipients, including
9 a requirement that grant recipients shall provide
10 matching funds or match grant funds with in-kind
11 resources on a dollar-for-dollar basis. A portion of
12 the moneys appropriated by the general assembly shall
13 be made available to schools to pay for the issuance
14 of employability skills assessments to public or
15 nonpublic school students. An existing partnership or
16 organization, including a regional school-to-work
17 partnership, that meets the established criteria, may
18 be considered a consortium for grant application
19 purposes. One or more school districts may be
20 considered a consortium for grant application
21 purposes, provided the district can demonstrate the
22 manner in which a community college, area education
23 agency, representatives from business and labor
24 organizations, and others as determined within the
25 region will be involved. Existing school-to-work
26 partnerships are encouraged to assist the local
27 consortia in developing a plan and budget. The
28 department shall provide assistance to consortia in
29 planning and implementing career pathways program
30 efforts.

31 2. To be eligible for a career pathways grant, a
32 career pathways consortium shall develop a career
33 pathways program that includes, but is not limited to,
34 the following:

35 a. Measure the employability skills of students.
36 Employability skills shall include, but are not
37 limited to, reading for information, applied
38 mathematics, listening, and writing.

39 b. Curricula designed to integrate academic and
40 work-based learning to achieve high employability
41 skills by all students related to career pathways.
42 The curricula shall be designed through the
43 cooperative efforts of secondary and postsecondary
44 education professionals, business professionals, and
45 community services professionals.

46 c. Staff development to implement the high-
47 standard curriculum. These efforts may include team
48 teaching techniques that utilize expertise from
49 partnership businesses and postsecondary institutions.

50 3. In addition to the provisions of subsection 2,

Page 3

1 a career pathways program may include, but is not
2 limited to, the following:

3 a. Career guidance and exploration for students.

4 b. Involvement and recognition of business, labor,
5 and community organizations as partners in the career
6 pathways program.

7 c. Provision for program accountability.

8 d. Encouragement of team teaching within the

- 9 school or in partnership with postsecondary schools,
 10 and business, labor, community, and nonprofit
 11 organizations.
- 12 e. Service learning opportunities for students.
- 13 4. Business, labor, and community organizations
 14 are encouraged to market the career pathways program
 15 to the local community and provide students with
 16 mentors, shadow professionals, speakers, field trip
 17 sites, summer jobs, internships, and job offers for
 18 students who graduate with high performance records.
 19 Students are encouraged to volunteer their time to
 20 community organizations in exchange for workplace
 21 learning opportunities that do not displace current
 22 employees.
- 23 5. In developing career pathways program efforts,
 24 each consortium shall make every effort to cooperate
 25 with the juvenile courts, the department of economic
 26 development, the department of employment services,
 27 the department of human services, and the new Iowa
 28 schools development corporation.
- 29 6. The department of education shall direct and
 30 monitor the progress of each career pathways
 31 consortium in developing career pathways programs. By
 32 January 15, 1998, the department shall submit to the
 33 general assembly any findings and recommendations of
 34 the career pathways consortia, along with the
 35 department's recommendations for specific career
 36 pathways program efforts and for appropriate funding
 37 levels to implement and sustain the recommended
 38 programs.
- 39 7. Notwithstanding section 8.33, unencumbered or
 40 unobligated funds remaining on June 30 of the fiscal
 41 year for which the funds were appropriated shall not
 42 revert but shall be available for expenditure for the
 43 following fiscal year for the purposes of this
 44 section.
- 45 8. A career pathways program is a comprehensive
 46 school transformation program under section 294A.14."

Amendment H-4196 was adopted.

On motion by Wise of Lee, the House concurred in the Senate amendment H-4116, as amended.

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

On the question "Shall the bill pass?" (H.F. 565)

The ayes were, 96:

Arnold
Blodgett

Baker
Bogges

Bell
Bradley

Bernau
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
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:

Boddicker

Absent or not voting, 3:

Brammer

Connors

Hurley

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 565** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Boddicker of Cedar called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4195 to the House amendment:

H-4195

- 1 Amend the House amendment, S-3055, to Senate File
- 2 13, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 1, by striking lines 11 and 12, and
5 inserting the following: "which a delay will create a
6 serious health risk or impairment of a major bodily
7 function."

8 2. Page 1, line 16, by inserting after the word
9 "minor" the following: ", a grandparent of a pregnant
10 minor, or an adult aunt or uncle of the pregnant
11 minor".

12 3. Page 1, line 29, by inserting after the word
13 "process" the following: "or other contractual
14 agreement".

15 4. Page 3, line 19, by inserting after the word
16 "minor." the following: "If the pregnant minor
17 decides to terminate parental rights following the
18 child's birth, a copy of the completed certification
19 form shall be attached to the petition for termination
20 of parental rights."

21 5. Page 3, line 41, by striking the figure "17."
22 and inserting the following: "17 and inserting the
23 following:

24 "Sec. . NEW SECTION. 135L.3 NOTIFICATION OF
25 PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE
26 CHILD.

27 Following compliance with the provisions of section
28 135L.2, a pregnant minor who chooses to place the
29 pregnant minor's child for adoption is subject to the
30 following conditions:

31 1. Notification of a parent of the pregnant minor
32 of the pregnant minor's decision to place the child
33 for adoption. Notification shall be made at least
34 twenty-four hours prior to the conducting of the
35 hearing on termination of parental rights and shall be
36 made in person or by mailing the notification by
37 restricted certified mail to the parent of the
38 pregnant minor at the usual place of abode of the
39 parent. For the purpose of delivery by restricted
40 certified mail, the time of delivery is deemed to
41 occur at twelve o'clock noon on the next day on which
42 regular mail delivery takes place, subsequent to the
43 mailing.

44 2. If the pregnant minor objects to the
45 notification of a parent, the pregnant minor may
46 petition the court to authorize waiver of the
47 notification requirement in accordance with the
48 following procedures:

49 a. The court shall ensure that the pregnant minor
50 is provided with assistance in preparing and filing

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1 the petition for waiver of notification and shall
2 ensure that the pregnant minor's identity remains
3 confidential.

4 b. The pregnant minor may participate in the court
5 proceedings on the pregnant minor's own behalf. The
6 court may appoint a guardian ad litem for the pregnant
7 minor who may be the responsible adult and the court
8 shall appoint a guardian ad litem for the pregnant
9 minor if the pregnant minor is not accompanied by an
10 adult and if the pregnant minor has not viewed the
11 video as provided pursuant to section 135L.2. The
12 court shall advise the pregnant minor of the pregnant
13 minor's right to court-appointed legal counsel and
14 shall, upon the pregnant minor's request, provide the
15 pregnant minor with court-appointed legal counsel, at
16 no cost to the pregnant minor.

17 c. The court proceedings shall be conducted in a
18 manner which protects the confidentiality of the
19 pregnant minor and all court documents pertaining to
20 the proceedings shall remain confidential. Only the
21 pregnant minor, the pregnant minor's guardian ad
22 litem, the pregnant minor's legal counsel, and persons
23 whose presence is specifically requested by the
24 pregnant minor or by the pregnant minor's guardian ad
25 litem, or by the pregnant minor's legal counsel may
26 attend the hearing on the petition.

27 d. Notwithstanding any law or rule to the
28 contrary, the court proceedings under this section and
29 section 135L.4 shall be given precedence over other
30 pending matters to ensure that the court reaches a
31 decision expeditiously.

32 e. Upon petition and following an appropriate
33 hearing, the court shall waive the notification
34 requirements if the court determines either of the
35 following:

36 (1) That the pregnant minor is mature and capable
37 of providing informed consent to the termination of
38 parental rights for the purposes of adoption of the
39 pregnant minor's child.

40 (2) That the minor is not mature, or does not
41 claim to be mature, but that notification is not in
42 the best interest of the pregnant minor.

43 f. The court shall issue specific factual findings
44 and legal conclusions, in writing, to support the
45 decision.

46 g. Upon conclusion of the hearing, the court shall
47 immediately issue a written order which shall be
48 provided immediately to the pregnant minor, the
49 pregnant minor's guardian ad litem, the pregnant
50 minor's legal counsel, or any other person designated

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1 by the pregnant minor to receive the order.

2 h. An expedited, confidential appeal shall be
3 available to a pregnant minor for whom the court
4 denies a petition for waiver of notification. An

5 order granting the pregnant minor's application for
6 waiver of notification is not subject to appeal.
7 Access to the appellate courts for the purpose of an
8 appeal under this section shall be provided to a
9 pregnant minor twenty-four hours a day, seven days a
10 week.

11 i. A pregnant minor who chooses to utilize the
12 waiver of notification procedures under this section
13 shall not be required to pay a fee at any level of the
14 proceedings. Fees charged and court costs taxed in
15 connection with a proceeding under this section are
16 waived.

17 j. Venue for proceedings under this section is in
18 any court in the state.

19 k. The supreme court shall prescribe rules to
20 ensure that the proceedings under this section are
21 performed in an expeditious and confidential manner.

22 l. The requirements of this section regarding
23 notification of a parent of a pregnant minor who
24 chooses to place the pregnant minor's child for
25 adoption do not apply if any of the following applies:

26 (1) A parent of the pregnant minor authorizes the
27 pregnant minor's decision, in writing, and a copy of
28 the written authorization is attached to the
29 termination of parental rights petition.

30 (2) The pregnant minor's attending physician
31 certifies in writing that a medical emergency exists
32 which necessitates the immediate performance of an
33 abortion in accordance with section 135L.6.

34 (3) The pregnant minor declares that the pregnant
35 minor is a victim of child abuse pursuant to section
36 232.68, the person responsible for the care of the
37 child is a parent of the child, and either the abuse
38 has been reported pursuant to the procedures
39 prescribed in chapter 232, division III, part 2, or a
40 parent of the child is named in a report of founded
41 child abuse. The department of human services shall
42 maintain confidentiality under chapter 232 regarding
43 the pregnant minor's pregnancy.

44 (4) The pregnant minor declares that the pregnant
45 minor is a victim of sexual abuse as defined in
46 chapter 709 and has reported the sexual abuse to law
47 enforcement.

48 m. A copy of the completed certification form
49 pursuant to section 135L.2, a copy of the notification
50 document mailed to a parent, or a copy of the order

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1 waiving notification shall be attached to the petition
2 for termination of parental rights, unless the
3 pregnant minor is otherwise exempt from obtaining any
4 of these documents under this chapter."

5 6. Page 4, by striking lines 1 through 25 and
6 inserting the following:

- 7 "_. Page 9, by striking lines 7 and 8 and
8 inserting the following: "proceedings on the pregnant
9 minor's own behalf. The court may appoint a guardian
10 ad litem for the pregnant minor and the court shall
11 appoint a guardian ad litem for the pregnant minor if
12 the pregnant minor is not accompanied by an adult and
13 if the pregnant minor has not viewed the video as
14 provided pursuant to section 135L.2. The".
- 15 _. Page 9, line 15, by striking the word
16 "anonymity" and inserting the following:
17 "confidentiality".
- 18 _. Page 9, line 23, by striking the word "The"
19 and inserting the following: "Notwithstanding any law
20 or rule to the contrary, the".
- 21 _. Page 10, line 7, by striking the word
22 "anonymous,".
- 23 _. Page 10, line 16, by inserting after the
24 word "proceedings." the following: "Fees charged and
25 court costs taxed in connection with a proceeding
26 under this section are waived."
- 27 _. Page 10, line 21, by striking the word "
28 anonymous,".
- 29 7. Page 4, by striking line 26.
- 30 8. Page 4, by inserting before line 27 the
31 following:
32 "_. Page 11, lines 15 and 16, by striking the
33 words "with confirmation by the senate"."
- 34 9. Page 4, by inserting after line 50 the
35 following:
36 "_. Page 12, lines 12 and 13, by striking the
37 words "pursuant to section 69.19" and inserting the
38 following: "on the date on which all members are
39 appointed".
- 40 _. Page 12, line 26, by inserting after the
41 word "process" the following: "or other contractual
42 arrangement".
- 43 _. Page 12, line 27, by inserting after the
44 word "applications" the following: "or upon agreement
45 of a simple majority of the members to a contractual
46 agreement"."
- 47 10. Page 5, by inserting after line 2 the
48 following:
49 "_. Page 13, line 20, by inserting after the
50 figure "1996." the following: "The advisory committee

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- 1 shall submit a report to the general assembly by
2 January 8, 1996, regarding the progress of the
3 committee in completing the committee's duties
4 regarding the development and distribution of the
5 video.""
- 6 11. Page 5, line 8, by inserting after the word
7 "section" the following: "135L.3 with regard to

- 8 notification of a parent prior to the termination of
 9 parental rights of a pregnant minor for the purposes
 10 of placing the child for adoption or of section".
 11 12. Page 5, by striking line 9.
 12 13. Page 5, by striking lines 10 and 11.
 13 14. Page 5, line 21, by striking the words
 14 "physician or" and inserting the following:
 15 "physician."
 16 15. Page 5, line 22, by inserting after the word
 17 "physician" the following: " , or to be attached to
 18 the termination of parental rights petition".
 19 16. Page 5, line 28, by inserting after the word
 20 "minor" the following: "or relative to the
 21 termination of parental rights of a pregnant minor".
 22 17. Page 5, by striking lines 41 through 46.
 23 18. By striking page 5, line 47, through page 6,
 24 line 4, and inserting the following:
 25 " . Page 16, line 23, by striking the word
 26 "thirty" and inserting the following: "sixty"."
 27 19. Page 6, by striking lines 5 through 9 and
 28 inserting the following:
 29 " . By striking page 16, line 28, through page
 30 17, line 3, and inserting the following:
 31 "If the advisory committee created pursuant to
 32 section 135L.5 has completed its duties regarding the
 33 development and distribution of the video pursuant to
 34 section 135L.2 prior to January 1, 1996, the remainder
 35 of this Act takes effect January 1, 1996. However, if
 36 the advisory committee has not completed its duties
 37 prior to January 1, 1996, sections 1 through 4 and 6
 38 through 9 of this Act take effect July 1, 1996.""
 39 20. By renumbering, relettering, and correcting
 40 internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-4195, to the House amendment.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 13** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:45 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 2:25 p.m., Speaker Corbett in the chair.

CONSIDERATION OF BILLS Unfinished Business Calendar

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

Boddicker of Cedar offered amendment H-3832 filed by the committee on judiciary as follows:

H-3832

1 Amend Senate File 367, as amended, passed, and re-
2 printed by the Senate, as follows:

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

5 "Section 1. Section 13.2, Code 1995, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 13. Develop written procedures
8 and policies to be followed by prosecuting attorneys
9 in the prosecution of domestic abuse cases under
10 chapters 236 and 708.

11 Sec. 2. Section 232.8, subsection 1, Code 1995, is
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. c. The juvenile court shall have
14 jurisdiction in proceedings commenced against a child
15 pursuant to section 236.3 over which the district
16 court has waived its jurisdiction. The juvenile court
17 shall hear the action in the manner of an adjudicatory
18 hearing under section 232.47, subject to the
19 following:

20 (1) The juvenile court shall abide by the
21 provisions of sections 236.4 and 236.6 in holding
22 hearings and making a disposition.

23 (2) The plaintiff is entitled to proceed pro se
24 under sections 236.3A and 236.3B.

25 Sec. 3. Section 232.22, subsection 1, Code 1995,
26 is amended by adding the following new paragraph:

27 NEW PARAGRAPH. f. There is probable cause to
28 believe that the child has committed a delinquent act
29 which would be domestic abuse under chapter 236 or a
30 domestic abuse assault under section 708.2A if
31 committed by an adult.

32 Sec. 4. Section 232.29, Code 1995, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 3. An informal adjustment
35 agreement regarding a child who has been placed in
36 detention under section 232.22, subsection 1,
37 paragraph "f", may include a provision that the child
38 voluntarily participate in a batterers' treatment
39 program under section 708.2B.

40 Sec. 5. Section 232.46, Code 1995, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 1A. A consent decree entered
43 regarding a child placed in detention under section
44 232.22, subsection 1, paragraph "f", shall require the
45 child to attend a batterers' treatment program under
46 section 708.2B. The second time the child fails to
47 attend the batterers' treatment as required by the

48 consent decree shall result in the decree being
49 vacated and proceedings commenced under section
50 232.47.

Page 2

1 Sec. 6. Section 232.52, subsection 2, Code 1995,
2 is amended by adding the following new paragraph:
3 NEW PARAGRAPH. g. In the case of a child
4 adjudicated delinquent for an act which would be a
5 violation of chapter 236 or section 708.2A if
6 committed by an adult, an order requiring the child to
7 attend a batterers' treatment program under section
8 708.2B.

9 Sec. 7. Section 236.2, subsection 4, Code 1995, is
10 amended to read as follows:

11 4. a. "Family or household members" means
12 spouses, persons cohabiting, parents, or other persons
13 related by consanguinity or affinity, ~~except children~~
14 ~~under eighteen.~~

15 b. "Family or household members" does not include
16 children under age eighteen of persons listed in
17 paragraph "a".

18 Sec. 8. Section 236.3, unnumbered paragraph 1,
19 Code 1995, is amended to read as follows:

20 A person, including a parent or guardian on behalf
21 of an unemancipated minor, may seek relief from
22 domestic abuse by filing a verified petition in the
23 district court. Venue shall lie where either party
24 resides. The petition shall state the:

25 Sec. 9. Section 236.3, Code 1995, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 1A. If the petition is being
28 filed on behalf of an unemancipated minor, the name of
29 the parent or guardian filing the petition and the
30 parent's or guardian's address. For the purposes of
31 this chapter, "plaintiff" includes a person filing an
32 action on behalf of an unemancipated minor.

33 Sec. 10. Section 236.3, Code 1995, is amended by
34 adding the following new unnumbered paragraph:
35 NEW UNNUMBERED PARAGRAPH. If the person against
36 whom relief from domestic abuse is being sought is
37 seventeen years of age or younger, the district court
38 shall waive its jurisdiction over the action to the
39 juvenile court.

40 Sec. 11. Section 236.5, Code 1995, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 2A. The court may order that the
43 defendant pay the plaintiff's attorneys fees and court
44 costs.

45 Sec. 12. Section 236.8, Code 1995, is amended to
46 read as follows:

47 236.8 CONTEMPT — HEARINGS.

48 The A person commits a simple misdemeanor or the
49 court may hold a party person in contempt for a
50 violation of an order or court-approved consent

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1 agreement entered under this chapter, for violation of
2 a temporary or permanent protective order or order to
3 vacate the homestead under chapter 598, or for
4 violation of any order that establishes conditions of
5 release or is a protective order or sentencing order
6 in a criminal prosecution arising from a domestic
7 abuse assault. If convicted or held in contempt, the
8 defendant shall serve a jail sentence. Any jail
9 sentence of more than one day imposed under this
10 section shall be served on consecutive days. A
11 defendant who is held in contempt or convicted may be
12 ordered by the court to pay the plaintiff's attorneys
13 fees and court costs incurred in the proceedings under
14 this section.

15 A hearing in a contempt proceeding brought pursuant
16 to this section shall be held not less than five and
17 not more than fifteen days after the issuance of a
18 rule to show cause, as set by the court.

19 A person shall not be convicted of and held in
20 contempt for the same violation of an order or court-
21 approved consent agreement entered under this chapter,
22 for the same violation of a temporary or permanent
23 protective order or order to vacate the homestead
24 under chapter 598, or for violation of any order that
25 establishes conditions of release or is a protective
26 order or sentencing order in a criminal prosecution
27 arising from a domestic abuse assault.

28 Sec. 13. NEW SECTION. 236.20 FOREIGN PROTECTIVE
29 ORDERS — REGISTRATION — ENFORCEMENT:

30 1. As used in this section, "foreign protective
31 order" means a protective order entered in a state
32 other than Iowa which would be an order or court-
33 approved consent agreement entered under this chapter,
34 a temporary or permanent protective order or order to
35 vacate the homestead under chapter 598, or an order
36 that establishes conditions of release or is a
37 protective order or sentencing order in a criminal
38 prosecution arising from a domestic abuse assault if
39 it had been entered in Iowa.

40 2. A copy of a foreign protective order
41 authenticated in accordance with the statutes of this
42 state may be filed with the clerk of the district
43 court of the county in which the person in whose favor
44 the order was entered resides. The clerk shall
45 provide copies of the order as required by section
46 236.5.

47 3. A foreign protective order so filed has the
48 same effect and shall be enforced in the same manner
49 as a protective order issued in this state.

50 Sec. 14. NEW SECTION. 236.21 MUTUAL PROTECTIVE

Page 4

1 ORDERS PROHIBITED — EXCEPTIONS.

2 A court in an action under this chapter shall not
3 issue mutual protective orders against the victim and
4 the abuser unless both file a petition requesting a
5 protective order.

6 Sec. 15. Section 708.2B, Code 1995, is amended by
7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. District departments or
9 contract service providers shall receive upon request
10 peace officers' investigative reports regarding
11 persons participating in programs under this section.
12 The receipt of reports under this section shall not
13 waive the confidentiality of the reports under section
14 22.7.

15 Sec. 16. Section 907.3, subsection, 1, paragraph
16 i, Code 1995, is amended to read as follows:

17 i. The offense is a conviction for or plea of
18 guilty to a violation of section 236.8 or a finding of
19 contempt pursuant to section 236.8 or 236.14.

20 Sec. 17. Section 907.3, subsection 2, Code 1995,
21 is amended to read as follows:

22 2. At the time of or after pronouncing judgment
23 and with the consent of the defendant, the court may
24 defer the sentence and assign the defendant to the
25 judicial district department of correctional services.
26 However, the court shall not defer the sentence for a
27 violation of section 708.2A if the defendant has
28 previously received a deferred judgment or sentence
29 for a violation of section 708.2 or 708.2A which was
30 issued on a domestic abuse assault, or if similar
31 relief was granted anywhere in the United States
32 concerning that jurisdiction's statutes which
33 substantially correspond to domestic abuse assault as
34 provided in section 708.2A. In addition, the court
35 shall not defer a sentence if it is imposed for a
36 conviction for or plea of guilty to a violation of
37 section 236.8 or for contempt pursuant to section
38 236.8 or 236.14. Upon a showing that the defendant is
39 not fulfilling the conditions of probation, the court
40 may revoke probation and impose any sentence
41 authorized by law. Before taking such action, the
42 court shall give the defendant an opportunity to be
43 heard on any matter relevant to the proposed action.
44 Upon violation of the conditions of probation, the
45 court may proceed as provided in chapter 908.

46 Sec. 18. The commissioner of insurance shall
47 evaluate model legislation which will be proposed by
48 the national association of insurance commissioners
49 regarding using domestic abuse as a factor in
50 determining whether a person shall be offered

Page 5

- 1 insurance coverage and make recommendations to the
- 2 general assembly regarding adopting the model
- 3 legislation."
- 4 2. Title page, by striking lines 1 through 3 and
- 5 inserting the following: "An Act relating to domestic
- 6 abuse and providing a penalty."
- 7 3. By renumbering as necessary.

Hurley of Fayette asked and received unanimous consent to withdraw amendment H-4198, to the committee amendment H-3832, filed by him from the floor.

On motion by Boddicker of Cedar, the committee amendment H-3832 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?" (S.F. 367)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
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
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	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:

Connors

Shoultz

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

SENATE AMENDMENT CONSIDERED

Rants of Woodbury called up for consideration of **Senate Concurrent Resolution 3**, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-sixth general assembly, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4193 to the House amendment:

H-4193

- 1 Amend the House amendment, S-3022, to Senate
- 2 Concurrent Resolution 3, as passed by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 12 the
- 5 following:
- 6 "_. Page 9, by inserting after line 12 the
- 7 following:
- 8 "BE IT FURTHER RESOLVED. That authorization for the
- 9 position of Administrative Assistant III to Speaker
- 10 Pro Tempore ends July 1, 1996."
- 11 _ . Page 10, line 12, by inserting after the
- 12 word "President," the following: "President Pro
- 13 Tempore,".
- 14 _ . Page 11, by inserting after line 19 the
- 15 following:
- 16 "BE IT FURTHER RESOLVED. That authorization for the
- 17 position of Administrative Secretary to President Pro
- 18 Tempore ends July 1, 1996."

The motion prevailed and the House concurred in the Senate amendment H-4193.

On motion by Rants of Woodbury, the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent to immediately message **Senate Concurrent Resolution 3**, to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1995, insisted on its amendment to 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, and the members of the conference committee on the part of the Senate are: the Senator from Polk, Senator Szymoniak, Chair; the Senator from Fayette, Senator Murphy; the Senator from Johnson, Senator Dvorsky; the Senator from Polk, Senator Kramer; and the Senator from Worth, Senator Bartz.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(Senate File 13)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 13: Boddicker of Cedar, Chair; Hurley of Fayette, Hammitt of Harrison, Doderer of Johnson and Harper of Black Hawk.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **House File 579**, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date, previously deferred and placed on the unfinished business calendar.

Metcalf of Polk offered the following amendment H-4200 filed by her from the floor and moved its adoption:

H-4200

- 1 Amend House File 579 as follows:
- 2 1. Page 2, line 19, by inserting after the word
- 3 "governor" the following: "which shall be seventy
- 4 percent of the salary of the governor".
- 5 2. Page 2, line 20, by striking the figure
- 6 "78,050" and inserting the following: "68,740".
- 7 3. Page 10, line 25, by striking the word "five"
- 8 and inserting the following: "one".
- 9 4. Page 10, line 25, by inserting after the word
- 10 "hundred" the following: "twenty".
- 11 5. Page 11, line 21, by striking the words "six
- 12 hundred" and inserting the following: "thirty".
- 13 6. Page 11, line 25, by striking the words "seven
- 14 hundred" and inserting the following: "two hundred
- 15 ninety".

Amendment H-4200 was adopted, placing out of order amendment H-4190 filed by Brunkhorst of Bremer on May 1, 1995.

Brunkhorst of Bremer asked and received unanimous consent to defer action on amendment H-4199.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-4201, filed by Churchill, Jacobs, Grundberg and Disney from the floor.

Millage of Scott asked and received unanimous consent to withdraw amendment H-4189 filed by him on May 1, 1995.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-4199, previously deferred, filed by him from the floor.

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. 579)

The ayes were, 53:

Baker	Bernau	Blodgett	Boddicker
Bogges	Brammer	Branstad	Brauns
Carroll	Cataldo	Cohoon	Dinkla
Disney	Doderer	Drake	Eddie
Garman	Gipp	Greiner	Gries
Grundberg	Halvorson	Hammit	Hanson
Holveck	Huseman	Jacobs	Jochum
Klemme	Kremer	Larkin	Martin
Mascher	McCoy	Metcalf	Millage
Murphy	Myers	Nelson, B.	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Van Maanen	Vande Hoef	Weidman	Wise
Mr. Speaker Corbett			

The nays were, 45:

Arnold	Bell	Bradley	Brand
Brunkhorst	Burnett	Churchill	Coon
Cormack	Cornelius	Daggett	Drees
Ertl	Greig	Grubbs	Hahn
Harper	Harrison	Heaton	Houser
Hurley	Koenigs	Kreiman	Lamberti
Larson	Lord	Main	May
Mertz	Meyer	Moreland	Mundie

Nelson, L.
Teig
Veenstra
Witt

Nutt
Thomson
Warnstadt

O'Brien
Tyrrell
Weigel

Sukup
Van Fossen
Welter

Absent or not voting, 2:

Connors

Fallon

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, Fallon of Polk refrained from voting.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 579** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 528)

Lamberti of Polk called up for consideration the report of the conference committee on House File 528 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 528

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 528, a bill for An Act related to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, 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, respectfully make the following report:

1. That the House recedes from its amendment, S-3586.
2. That the Senate recedes from its amendment, H-4057.
3. That House File 528, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 1 through 12.
2. By striking page 1, line 26, through page 2, line 7.
3. Page 2, by striking lines 31 and 32 and inserting the following: "those facilities or institutions. Human immunodeficiency".
4. By striking page 3, line 24, through page 4, line 13.
5. By striking page 6, line 30, through page 7, line 1.
6. Page 7, line 27, by striking the word "detention" and inserting the following: "secure custody in a facility defined in subsection 2, paragraph "a" or "b"".
7. By striking page 7, line 28, through page 8, line 14.
8. Page 8, by inserting before line 15 the following:

"Sec. ____ Section 232.28, subsection 10, Code 1995, is amended to read as follows:

10. A complaint filed with the court or its designee pursuant to this section which alleges that a child ~~fourteen years of age or older~~ has committed a delinquent act which if committed by an adult would be an aggravated misdemeanor or a felony shall be a public record and shall not be confidential under section 232.147. The court, its designee, or law enforcement officials are authorized to release the complaint, including the identity of the child named in the complaint."

9. Page 9, line 29, by striking the word "detention" and inserting the following: "secure custody".

10. Page 9, line 31, by inserting after the figure "2" the following: ", paragraph "a" or "b"".

11. Page 9, line 35, by inserting after the word "delinquency" the following: "including complaints under section 232.28.".

12. Page 10, by striking lines 6 through 9 and inserting the following: "unless otherwise provided in this chapter. Complaints under section 232.28 shall be released in accordance with section 232.28. Other official juvenile court records may be released under this section by a juvenile court officer."

13. Page 11, lines 3 and 4, by striking the words "police investigative reports are subject to the provisions of section 22.7" and inserting the following: "a criminal or juvenile justice agency shall not release the name of a child until a complaint is filed pursuant to section 232.28".

14. Page 11, by inserting after line 10 the following:

"Sec. ____ NEW SECTION. 279.58 SCHOOL DRESS CODE POLICIES.

1. The general assembly finds and declares that the students and the administrative and instructional staffs of Iowa's public schools have the right to be safe and secure at school. Gang-related apparel worn at school draws attention away from the school's learning environment and directs it toward thoughts or expressions of violence, bigotry, hate, and abuse.

2. The board of directors of a school district may adopt, for the district or for an individual school within the district, a dress code policy that prohibits students from wearing gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety, or positive educational environment of students and staff in the school environment or for the appropriate discipline and operation of the school. Adoption and enforcement of a dress code policy is not a violation of section 280.22."

15. Page 11, by inserting after line 18 the following:

"Sec. NEW SECTION. 280.17B STUDENTS SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS WEAPONS.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

Sec. NEW SECTION. 280.21B EXPULSION — WEAPONS IN SCHOOL.

The board of directors of a school district and the authorities in charge of a nonpublic school which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board or the authorities. However, the superintendent or chief administering officer of a school or school district may modify expulsion requirements on a case-by-case basis. This section shall not be construed to prevent the board of directors of a school district or the authorities in charge of a nonpublic school that have expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting. If both this section and section 282.4 apply, this section takes precedence over section 282.4. For purposes of this section, "weapon" means a firearm as defined in 18 U.S.C. § 921. This section shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq."

16. Page 19, line 18, by striking the word "twenty-three" and inserting the following: "twenty-one".

17. Page 19, line 20, by striking the word "twenty-three" and inserting the following: "twenty-one".

18. Page 19, by striking lines 21 through 27 and inserting the following: "~~For the purposes of this section, "criminal history data" includes information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data set forth in section 692.1 and also includes the source documents of the information included in the criminal history data and fingerprint records.~~

For the purposes of this section, "criminal history data" includes the following:

1. In the case of an adult, information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data in section 692.1, except that source documents shall be retained.

2. In the case of a juvenile, information maintained by any criminal or juvenile justice agency if the information otherwise meets the definition of criminal history data in section 692.1. In the case of a juvenile, criminal history data and source documents, other than fingerprint records, shall not be retained.

Fingerprint cards received that are used to establish a”.

19. Page 20, by inserting after line 16 the following:

“Sec. __. Section 708.1, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Provided, that where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, the act shall not be an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.”

20. Page 22, by striking lines 11 through 22 and inserting the following:

“5. A defendant transferred to the jurisdiction of the juvenile court shall be placed in detention under section 232.22.

Sec. __. Section 808A.1, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. A school locker, desk, or other facility or space issued or assigned to, or chosen by, the student for the storage of personal belongings of any kind, which the student locks or is permitted to lock. ~~School officials may conduct periodic inspections of all school lockers. However, the school district shall provide notice to the students, at least twenty-four hours prior to the inspection, of the date and time of the inspection.~~

Sec. __. Section 808A.2, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding subsection 1, paragraphs “a” through “c”, as they apply to searches of protected student areas, school officials may conduct periodic inspections of all, or a randomly selected number of, school lockers. However, the school district shall provide written notice to each student, and the adult who enrolls the student at the school, that school officials may conduct periodic inspections of all school lockers without prior notice. An inspection under this subsection shall only occur in the presence of the students whose lockers are being inspected.”

21. Page 22, line 31, by striking the word “designee,” and inserting the following: “designee; the attorney general or the attorney general’s designee;”.

22. Page 23, line 8, by inserting after the word “issues;” the following: “two members of the senate, one each appointed by the majority and minority leaders and two members of the house of representatives, appointed by the speaker of the house of representatives after consultation with the majority and minority leaders;”.

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

“Sec. __. 1995 Iowa Acts, House File 471, section 7, is amended to read as follows:

SEC. 7. INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim committee to study currently available sentencing and incarceration options. The study may include but shall not be limited to a review of available jail, community corrections, and prison beds; the potential impact of the use of split sentencing on jail, community corrections, and prison bed space; security needs and costs associated with the implementation of hard labor requirements for persons incarcerated in corrections institutions; and the nature and costs associated with other sentencing options and the utilization, cost, and effectiveness of placing a juvenile in secure custody under section 232.52, subsection 2, paragraph "g", if enacted in House File 528. The committee shall coordinate the study with juvenile court services personnel to obtain the information regarding juveniles. A report regarding placing juveniles in secure custody shall be made to the general assembly by January 1, 1996. A follow-up report shall be made by June 30, 1996. In addition to legislative members, the membership of the interim committee shall include the following public members:

1. A representative from the board of parole.
2. A representative from the division of criminal and juvenile justice planning of the department of human rights.
3. A representative from an association of sheriffs and deputy sheriffs.
4. A representative from the department of corrections.
5. A representative from a county board of supervisors.

The committee shall submit findings and any recommendations in a report to the general assembly by January 1, 1996."

24. Title page, line 8, by striking the word "detention" and inserting the following: "short-term secure custody".

25. Title page, line 14, by inserting after the word "offenses," the following: "authorizing school districts to adopt a dress code policy,".

26. Title page, lines 16 through 18, by striking the words "authorizing the transmission of communicable disease information by radio in certain circumstances,".

27. By renumbering as necessary.

ON THE PART OF THE HOUSE:

JEFFREY LAMBERTI, Chair
 DON GRIES
 STEVE GRUBBS
 KEITH A. KREIMAN

ON THE PART OF THE SENATE:

JOHNIE HAMMOND, Chair
 NANCY BOETTGER
 MIKE CONNOLLY
 RANDAL J. GIANNETTO
 O. GENE MADDOX

The motion prevailed and the report was adopted.

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, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	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	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	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 3:

Doderer	Fallon	Holveck
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Absent or not voting, 2:

Connors	Myers
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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 528** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 340, a bill for an act providing for the operation of snowmobiles and all-terrain vehicles by defining public land.

Also: That the Senate has on May 2, 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 565, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students.

Also: That the Senate has on May 2, 1995, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

JOHN F. DWYER, Secretary

Ways and Means Calendar

House File 557, 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, was taken up for consideration.

Halvorson of Clayton offered the following amendment H-4202 filed by him from the floor and moved its adoption:

H-4202

- 1 Amend House File 557 as follows:
- 2 1. Page 1, line 18, by striking the word "entity"
- 3 and inserting the following: "affiliate".
- 4 2. Page 1, line 18, by striking the word "and"
- 5 and inserting the following: "or".
- 6 3. Page 1, line 19, by striking the word "and"
- 7 and inserting the following: "or".

Amendment H-4202 was adopted.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-4203 filed by him and Koenigs of Mitchell from the floor.

SENATE FILE 478 SUBSTITUTED FOR HOUSE FILE 557

Halvorson of Clayton asked and received unanimous consent to substitute Senate File 478 for House File 557.

Senate File 478, 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, was taken up for consideration.

The House stood at ease at 4:12 p.m., until the fall of the gavel.

The House reconvened at 6:00 p.m., Speaker Corbett in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 478** be deferred and that the bill be placed on the **unfinished business calendar**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1995, adopted the conference committee report and passed:

House File 528, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, 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.

JOHN F. DWYER, Secretary

Appropriations Calendar

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

Grundberg of Polk asked and received unanimous consent to withdraw the committee amendment H-3498, filed by the committee on appropriations on March 27, 1995, placing out of order the following amendments, to the committee amendment H-3498:

H-3913 filed by Brauns of Muscatine, et. al., on April 12, 1995.

H-3943 filed by Hurley of Fayette on April 13, 1995.

H-3957 filed by Daggett of Union, et. al., on April 17, 1995.

H-3973 filed by Daggett of Union, et. al., on April 18, 1995.

H-3809 filed by Witt of Black Hawk, et. al., on April 10, 1995.

H-3926 filed by Mertz of Kossuth, et. al., on April 12, 1995.

- H-3576 filed by Ollie of Clinton on March 29, 1995.
H-3740 filed by Baker of Polk on April 4, 1995.
H-3901 filed by Baker of Polk on April 12, 1995.
H-3866 filed by Nelson of Pottawattamie, et. al., on April 11, 1995.
H-3881 filed by Brand of Benton, et. al., on April 11, 1995.
H-4142 filed by Hurley of Fayette and Grundberg on April 28, 1995.
H-3828 filed by Jochum of Dubuque on April 10, 1995.
H-3713 filed by Rants of Woodbury and Grundberg on April 4, 1995.
H-3880 filed by Mascher of Johnson on April 11, 1995.
H-3892 filed by Witt of Black Hawk, et. al., on April 11, 1995.
H-3935 filed by Coon of Warren on April 13, 1995.
H-3547 filed by Millage of Scott on March 28, 1995.
H-3969 filed by Brunkhorst of Bremer on April 18, 1995.
H-4112 filed by Shoultz of Black Hawk on April 26, 1995.
H-3546 filed by Millage of Scott, et. al., on March 28, 1995.
H-3964 filed by Grubbs of Scott on April 17, 1995.
H-3940 filed by Bernau of Story, et. al., on April 13, 1995.
H-4052 filed by Weigel of Chickasaw, et al., on April 24, 1995.
H-3800 filed by Brand of Benton on April 6, 1995.
H-3934 filed by Witt of Black Hawk, et. al., on April 13, 1995.
H-3937 filed by Shoultz of Black Hawk, et. al., on April 13, 1995.
H-4108 filed by Gries of Crawford, et. al., on April 26, 1995.
H-4191 filed by Hurley of Fayette on May 1, 1995.
H-4192 filed by Hurley of Fayette on May 1, 1995.
H-3790 filed by Huseman of Cherokee and Gries on April 6, 1995.
H-3741 filed by Baker of Polk on April 4, 1995.
H-3970 filed by Daggett of Union on April 18, 1995.
H-4063 filed by Kreiman of Davis on April 25, 1995.
H-4066 filed by Kreiman of Davis on April 25, 1995.
H-3694 filed by Weigel of Chickasaw, et. al., on April 3, 1995.
H-3933 filed by Shoultz of Black Hawk, et. al., on April 13, 1995.
H-3982 filed by Weigel of Chickasaw, et. al., on April 19, 1995.
H-4184 filed by Weigel of Chickasaw, et. al., on May 1, 1995.
H-3739 filed by Baker of Polk on April 4, 1995.
H-3938 filed by Shoultz of Black Hawk, et. al., on April 13, 1995.
H-3939 filed by Shoultz of Black Hawk, et. al., on April 13, 1995.
H-3897 filed by Lord of Dallas, et. al., on April 12, 1995.
H-3946 filed by Cohoon of Des Moines on April 17, 1995.
H-4115 filed by Grubbs of Scott and Greig on April 26, 1995.

H-3936 filed by Grundberg of Polk on April 13, 1995.

The House stood at ease at 6:05 p.m., until the fall of the gavel.

The House reconvened at 8:10 p.m., Speaker Corbett in the chair.

Grundberg of Polk offered amendment H-4205 filed by her from the floor as follows:

H-4205

1 Amend Senate File 266, 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 "DEPARTMENT OF EDUCATION

6 Section 1. There is appropriated from the general
7 fund of the state to the department of education for
8 the fiscal year beginning July 1, 1995, and ending
9 June 30, 1996, the following amounts, or so much
10 thereof as may be necessary, to be used for the
11 purposes designated:

12 1. GENERAL ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-
15 time equivalent positions:

16	\$	5,134,445
17	FTEs	93.95

18 The department of education shall conduct a study
19 of the possible uses for the remaining portion of the
20 interest earned on the permanent school fund after
21 transfers are made pursuant to section 257B.1A,
22 subsections 2 and 3. The department shall submit a
23 report of its findings and recommendations to the
24 general assembly and the legislative fiscal bureau by
25 January 1, 1996.

26 The department of education shall conduct a study
27 of chapter 299, the compulsory education law of this
28 state, in cooperation with interested individuals from
29 throughout the state. The department shall submit a
30 report of the findings and recommendations to the
31 general assembly by January 1, 1996.

32 2. VOCATIONAL EDUCATION ADMINISTRATION

33 For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-
35 time equivalent positions:

36	\$	644,510
37	FTEs	18.60

38 3. VOCATIONAL REHABILITATION DIVISION

39 a. For salaries, support, maintenance,
40 miscellaneous purposes, and for not more than the
41 following full-time equivalent positions:

42	\$	3,732,836
43	FTEs	285.75

44 It is the intent of the general assembly that the
45 division of vocational rehabilitation services of the

46 department of education shall seek, in addition to
 47 state appropriations, funds other than federal funds,
 48 which may include but are not limited to local funds,
 49 for purposes of matching federal vocational
 50 rehabilitation funds.

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1 Notwithstanding the full-time equivalent position
 2 limit established in this subsection for the fiscal
 3 year ending June 30, 1996, if federal funding is
 4 available to pay the costs of additional employees for
 5 the vocational rehabilitation division who would have
 6 duties relating to vocational rehabilitation services
 7 paid for through federal funding, authorization to
 8 hire not more than four full-time equivalent employees
 9 shall be provided, the full-time equivalent position
 10 limit shall be exceeded, and the additional employees
 11 shall be hired by the division.

12 b. For matching funds for programs to enable
 13 severely physically or mentally disabled persons to
 14 function more independently, including salaries and
 15 support, and for not more than the following full-time
 16 equivalent positions:

17	\$	37,445
18	FTEs	1.50

19 4. BOARD OF EDUCATIONAL EXAMINERS

20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for not more than the following full-
 22 time equivalent positions:

23	\$	187,739
24	FTEs	2.00

25 5. SCHOOL FOOD SERVICE

26 For use as state matching funds for federal
 27 programs that shall be disbursed according to federal
 28 regulations, including salaries, support, maintenance,
 29 miscellaneous purposes, and for not more than the
 30 following full-time equivalent positions:

31	\$	2,716,859
32	FTEs	14.00

33 6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

34 To provide funds for costs of providing textbooks
 35 to each resident pupil who attends a nonpublic school
 36 as authorized by section 301.1. The funding is
 37 limited to \$20 per pupil and shall not exceed the
 38 comparable services offered to resident public school
 39 pupils:

40	\$	616,000
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41 7. STATE LIBRARY

42 For salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-
 44 time equivalent positions:

45	\$	2,392,820
46	FTEs	33.50

47 8. REGIONAL LIBRARY

48 For state aid:

49	\$	1,457,000
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50 9. CENTER FOR ASSESSMENT

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1	For the purpose of developing academic standards in		
2	the areas of math, history, science, English, language		
3	arts, and geography:		
4	.....	\$	300,000
5	10. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION		
6	To assist a vocational agriculture youth		
7	organization sponsored by the schools to support the		
8	foundation established by that vocational agriculture		
9	youth organization and for other youth activities:		
10	.....	\$	59,400
11	11. CAREER PATHWAYS PROGRAM		
12	For purposes of developing and implementing a		
13	career pathways program to expand opportunities for		
14	youth and adults to become prepared for and succeed in		
15	high-wage, high-skill employment:		
16	.....	\$	650,000
17	12. FAMILY RESOURCE CENTERS		
18	For support of the family resource center		
19	demonstration program established under chapter 256C:		
20	.....	\$	120,000
21	13. CAREER OPPORTUNITY PROGRAM		
22	For purposes of providing assistance to minority		
23	persons who major in fields or subject areas where		
24	minorities are currently underrepresented or		
25	underutilized pursuant to section 260C.29, as enacted		
26	by this Act:		
27	.....	\$	60,000
28	14. PUBLIC BROADCASTING DIVISION		
29	For salaries, support, maintenance, capital		
30	expenditures, miscellaneous purposes, and for not more		
31	than the following full-time equivalent positions:		
32	.....	\$	6,380,889
33	.....	FTEs	97.00
34	Of the full-time equivalent positions provided for		
35	under this subsection for the fiscal year beginning		
36	July 1, 1995, and ending June 30, 1996, it is the		
37	intent of the general assembly that 4.0 full-time		
38	equivalent positions be provided for purposes formerly		
39	provided for under the Star Schools program.		
40	The public broadcasting division shall conduct a		
41	study, in collaboration with all entities receiving		
42	services via the Iowa communications network, of the		
43	efficiencies of the network and shall make		
44	recommendations relating to the elimination of		
45	duplicative efforts. The study shall include an		
46	investigation of the duties and functions of employees		
47	of the division, other state agencies, area education		
48	agencies, and public schools, if those duties and		
49	functions involve the Iowa communications network.		
50	The division shall submit a report of its findings and		

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1	recommendations to the general assembly and the		
2	legislative fiscal bureau by January 1, 1996.		
3	15. NATIONAL ASSESSMENT OF EDUCATION PROGRESS		
4	(NAEP)		
5	For participation by the department of education in		
6	a state and national project to determine the academic		
7	achievement of Iowa students in math, reading,		
8	science, United States history, or geography:		
9	.....	\$	50,000
10	16. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS		
11	For reimbursement for vocational education		
12	expenditures made by secondary schools:		
13	.....	\$	3,308,850
14	Funds appropriated in this subsection shall be used		
15	for expenditures made by school districts to meet the		
16	standards set in sections 256.11, 258.4, and 260C.14		
17	as a result of the enactment of 1989 Iowa Acts,		
18	chapter 278. Funds shall be used as reimbursement for		
19	vocational education expenditures made by secondary		
20	schools in the manner provided by the department of		
21	education for implementation of the standards set in		
22	1989 Iowa Acts, chapter 278.		
23	17. COMMUNITY COLLEGES		
24	Notwithstanding chapter 260D, for general state		
25	financial aid, including general financial aid to		
26	merged areas in lieu of personal property tax		
27	replacement payments under section 427A.13, to merged		
28	areas as defined in section 260C.2, for vocational		
29	education programs in accordance with chapters 258 and		
30	260C, to purchase instructional equipment for		
31	vocational and technical courses of instruction in		
32	community colleges, and for salary increases:		
33	.....	\$	120,771,270
34	The funds appropriated in this subsection shall be		
35	allocated as follows:		
36	a. Merged Area I.....	\$	5,781,157
37	b. Merged Area II.....	\$	6,809,183
38	c. Merged Area III.....	\$	6,428,778
39	d. Merged Area IV.....	\$	3,063,294
40	e. Merged Area V.....	\$	6,552,170
41	f. Merged Area VI.....	\$	6,071,324
42	g. Merged Area VII.....	\$	8,599,696
43	h. Merged Area IX.....	\$	10,620,161
44	i. Merged Area X.....	\$	16,484,261
45	j. Merged Area XI.....	\$	17,609,198
46	k. Merged Area XII.....	\$	6,979,917
47	l. Merged Area XIII.....	\$	7,154,214
48	m. Merged Area XIV.....	\$	3,173,427
49	n. Merged Area XV.....	\$	9,898,325
50	o. Merged Area XVI.....	\$	5,546,165

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1 Sec. 2. Notwithstanding 1994 Iowa Acts, chapter
 2 1193, section 2, subsection 2, funds appropriated and
 3 allocated to the merged areas pursuant to 1994 Iowa
 4 Acts, chapter 1193, section 2, for the fiscal year
 5 beginning July 1, 1994, and ending June 30, 1995,
 6 pursuant to section 8.53, unnumbered paragraph 1,
 7 shall be paid to the merged areas by June 30, 1995.

8 Sec. 3. The general assembly strongly encourages
 9 an area education agency which received funds in the
 10 fiscal year beginning July 1, 1994, and ending June
 11 30, 1995, for purposes of establishing a character
 12 education pilot program, to reallocate and expend, in
 13 the fiscal year beginning July 1, 1995, and ending
 14 June 30, 1996, \$45,300 from the amount paid to the
 15 agency for educational services under section 257.35,
 16 for purposes of continuing the progress made under the
 17 character education pilot program.

18 Sec. 4. The department of education shall conduct
 19 a study of funding for community colleges, and shall
 20 make specific recommendations on the elimination of
 21 chapter 260D and for alternatives to present community
 22 college funding including, but not limited to, a plan
 23 for distribution of funds to community colleges. The
 24 department shall submit a report of its findings and
 25 recommendations to the general assembly by January 1,
 26 1996.

27 COLLEGE STUDENT AID COMMISSION

28 Sec. 5. There is appropriated from the general
 29 fund of the state to the college student aid
 30 commission for the fiscal year beginning July 1, 1995,
 31 and ending June 30, 1996, the following amounts, or so
 32 much thereof as may be necessary, to be used for the
 33 purposes designated:

34 1. GENERAL ADMINISTRATION

35 For salaries, support, maintenance, miscellaneous
 36 purposes, and for not more than the following full-
 37 time equivalent positions:

38	\$	281,256
39	FTEs	6.05

40 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
41 SCIENCES

42 a. For forgivable loans to Iowa students attending
 43 the university of osteopathic medicine and health
 44 sciences, under the forgivable loan program pursuant
 45 to section 261.19A:

46	\$	379,260
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47 b. For the university of osteopathic medicine and
 48 health sciences for an initiative in primary health
 49 care to direct primary care physicians to shortage
 50 areas in the state:

1 \$ 395,000

2 The moneys appropriated in this lettered paragraph
3 shall be used as follows:

4 (1) To reduce student loan debt for primary care
5 physicians in an amount not to exceed \$30,000 per
6 student for a four-year period of medical service in
7 medically underserved areas of the state.

8 (2) For tuition scholarships for students
9 attending the university of osteopathic medicine and
10 health sciences who agree to practice primary care
11 medicine in medically under-served areas of the state.
12 The student shall practice in the state two years for
13 every year of tuition. A person receiving funds under
14 this subparagraph shall not be eligible for funds
15 under subparagraph (1).

16 (3) For general administration costs of the
17 university for the primary care initiative, the
18 university shall expend an amount not to exceed
19 \$50,000.

20 The university of osteopathic medicine and health
21 sciences shall report quarterly to the legislative
22 fiscal bureau concerning the expenditure of funds used
23 pursuant to subparagraphs (1), (2), and (3) of this
24 lettered paragraph. The university shall also submit
25 the annual audit of the university to the legislative
26 fiscal bureau within six months following the year
27 being audited. The college student aid commission
28 shall not provide moneys for subparagraphs (1) and (2)
29 of this lettered paragraph until the university has
30 signed and submitted contracts for the use of these
31 moneys for reduction of student loan debt and tuition
32 scholarships. Funds for subparagraph (3) of this
33 lettered paragraph shall be provided quarterly to the
34 university. Notwithstanding section 8.33, the funds
35 for this lettered paragraph shall not revert to the
36 general fund but be available for expenditure the
37 following fiscal year for purposes of subparagraphs
38 (1) and (2).

39 3. STUDENT AID PROGRAMS

40 For payments to students for the Iowa grant
41 program:

42 \$ 1,469,790

43 Sec. 6. There is appropriated from the loan
44 reserve account to the college student aid commission
45 for the fiscal year beginning July 1, 1995, and ending
46 June 30, 1996, the following amount, or so much
47 thereof as may be necessary, to be used for the
48 purposes designated:

49 For operating costs of the Stafford loan program
50 including salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:
 3 \$ 4,639,570
 4 FTEs 29.95

5 STATE BOARD OF REGENTS

6 Sec. 7. There is appropriated from the general
 7 fund of the state to the state board of regents for
 8 the fiscal year beginning July 1, 1995, and ending
 9 June 30, 1996, the following amounts, or so much
 10 thereof as may be necessary, to be used for the
 11 purposes designated:

12 1. OFFICE OF STATE BOARD OF REGENTS

13 a. For salaries, support, maintenance,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:
 16 \$ 1,097,601
 17 FTEs 15.63

18 If the moneys provided in this lettered paragraph
 19 are augmented by reimbursements from the institutions
 20 under the control of the state board of regents for
 21 the funding of the office of the state board of
 22 regents, the office shall report quarterly such
 23 reimbursements to the chairpersons and ranking members
 24 of the joint appropriations subcommittee on education.

25 b. For allocation by the state board of regents to
 26 the state university of Iowa, the Iowa state
 27 university of science and technology, and the
 28 university of northern Iowa to reimburse the
 29 institutions for deficiencies in their operating funds
 30 resulting from the pledging of tuitions, student fees
 31 and charges, and institutional income to finance the
 32 cost of providing academic and administrative
 33 buildings and facilities and utility services at the
 34 institutions:
 35 \$ 27,400,000

36 The state board of regents, the department of
 37 management, and the legislative fiscal bureau shall
 38 cooperate to determine and agree upon, by November 15,
 39 1995, the amount that needs to be appropriated for
 40 tuition replacement for the fiscal year beginning July
 41 1, 1996.

42 c. For funds to be allocated to the southwest Iowa
 43 graduate studies center:
 44 \$ 71,662

45 d. For funds to be allocated to the siouxland
 46 interstate metropolitan planning council for the
 47 tristate graduate center under section 262.9,
 48 subsection 21:
 49 \$ 72,535

50 e. For funds to be allocated to the quad-cities

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1 graduate studies center:
 2 \$ 150,374

3 2. STATE UNIVERSITY OF IOWA
 4 a. General university, including lakeside
 5 laboratory
 6 For salaries, support, maintenance, equipment,
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:
 9 \$ 192,222,000
 10 FTEs 4,020.97

11 Of the funds appropriated in this lettered
 12 paragraph, \$20,000 shall be allocated to the Iowa
 13 research council.

14 b. For the primary health care initiative in the
 15 college of medicine:
 16 \$ 770,000

17 From the moneys appropriated in this lettered
 18 paragraph, \$330,000 shall be allocated to the
 19 department of family practice at the state university
 20 of Iowa college of medicine for family practice
 21 faculty and support staff.

22 It is the intent of the general assembly that the
 23 university place additional emphasis on the locum
 24 tenus program.

25 c. University hospitals
 26 For salaries, support, maintenance, equipment, and
 27 miscellaneous purposes and for medical and surgical
 28 treatment of indigent patients as provided in chapter
 29 255, and for not more than the following full-time
 30 equivalent positions:
 31 \$ 28,821,254
 32 FTEs 5,780.87

33 Funds appropriated in this lettered paragraph shall
 34 not be used to perform abortions except medically
 35 necessary abortions, and shall not be used to operate
 36 the early termination of pregnancy clinic except for
 37 the performance of medically necessary abortions. For
 38 the purpose of this lettered paragraph, an abortion is
 39 the purposeful interruption of pregnancy with the
 40 intention other than to produce a live-born infant or
 41 to remove a dead fetus, and a medically necessary
 42 abortion is one performed under one of the following
 43 conditions:

44 (1) The attending physician certifies that
 45 continuing the pregnancy would endanger the life of
 46 the pregnant woman.

47 (2) The attending physician certifies that the
 48 fetus is physically deformed, mentally deficient, or
 49 afflicted with a congenital illness.

50 (3) The pregnancy is the result of a rape which is

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1 reported within 45 days of the incident to a law
 2 enforcement agency or public or private health agency
 3 which may include a family physician.

4 (4) The pregnancy is the result of incest which is
 5 reported within 150 days of the incident to a law
 6 enforcement agency or public or private health agency
 7 which may include a family physician.

8 (5) The abortion is a spontaneous abortion,
 9 commonly known as a miscarriage, wherein not all of
 10 the products of conception are expelled.

11 The total quota allocated to the counties for
 12 indigent patients for the fiscal year beginning July
 13 1, 1995, shall not be lower than the total quota
 14 allocated to the counties for the fiscal year
 15 commencing July 1, 1994. The total quota shall be
 16 allocated among the counties on the basis of the 1990
 17 census pursuant to section 255.16.

18 d. Psychiatric hospital

19 For salaries, support, maintenance, equipment, and
 20 miscellaneous purposes and for the care, treatment,
 21 and maintenance of committed and voluntary public
 22 patients, and for not more than the following full-
 23 time equivalent positions:

24	\$	7,018,877
25	FTEs	312.09

26 e. Hospital-school

27 For salaries, support, maintenance, miscellaneous
 28 purposes, and for not more than the following full-
 29 time equivalent positions:

30	\$	5,705,918
31	FTEs	174.01

32 f. Oakdale campus

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-
 35 time equivalent positions:

36	\$	2,845,783
37	FTEs	63.58

38 g. State hygienic laboratory

39 For salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-
 41 time equivalent positions:

42	\$	3,155,100
43	FTEs	101.38

44 h. Family practice program

45 For allocation by the dean of the college of
 46 medicine, with approval of the advisory board, to
 47 qualified participants, to carry out chapter 148D for
 48 the family practice program, including salaries and
 49 support, and for not more than the following full-time
 50 equivalent positions:

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1	\$	1,990,327
2	FTEs	180.74
3 i. Child health care services		
4 For specialized child health care services,		
5 including childhood cancer diagnostic and treatment		
6 network programs, rural comprehensive care for		
7 hemophilia patients, and the Iowa high-risk infant		
8 follow-up program, including salaries and support, and		
9 for not more than the following full-time equivalent		
10 positions:		
11	\$	440,054
12	FTEs	10.93
13 j. Agricultural health and safety programs		
14 For agricultural health and safety programs, and		
15 for not more than the following full-time equivalent		
16 positions:		
17	\$	247,117
18	FTEs	3.48
19 k. Statewide cancer registry		
20 For the statewide cancer registry, and for not more		
21 than the following full-time equivalent positions:		
22	\$	188,734
23	FTEs	3.07
24 l. Substance abuse consortium		
25 For funds to be allocated to the Iowa consortium		
26 for substance abuse research and evaluation, and for		
27 not more than the following full-time equivalent		
28 positions:		
29	\$	62,004
30	FTEs	1.15
31 m. Center for biocatalysis		
32 For the center for biocatalysis, and for not more		
33 than the following full-time equivalent positions:		
34	\$	1,284,395
35	FTEs	4.00
36 n. National advanced driving simulator		
37 For the national advanced driving simulator, and		
38 for not more than the following full-time equivalent		
39 positions:		
40	\$	599,726
41	FTEs	5.00
42 (1) Of the moneys appropriated in this lettered		
43 paragraph, for the fiscal year beginning July 1, 1995,		
44 and ending June 30, 1996, the appropriation of the sum		
45 of \$326,347 is contingent upon the announcement by the		
46 United States department of transportation of the		
47 selection of the contractor for the national advanced		
48 driving simulator system development.		
49 (2) If the contingency in subparagraph (1) is met		
50 it is the intent of the general assembly that of the		

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1 moneys appropriated in this lettered paragraph, the
 2 state university of Iowa shall expend \$350,000, for
 3 the fiscal year beginning July 1, 1995, and ending
 4 June 30, 1996, for planning and architectural services
 5 related to the construction of the facility to house
 6 the national advanced driving simulator to be located
 7 at the Oakdale research park. It is further the
 8 intent of the general assembly to provide funding in
 9 fiscal years beginning July 1, 1996, and July 1, 1997,
 10 in the total amount of \$5.35 million for the
 11 construction of the facility to house the national
 12 advanced driving simulator to match federal funds
 13 provided for the project. Funds provided for the
 14 construction of the facility to house the national
 15 advanced driving simulator in fiscal years beginning
 16 July 1, 1996, and July 1, 1997, shall only be expended
 17 upon receiving notification from the national highway
 18 traffic safety administration that the United States
 19 congress has authorized the construction of the
 20 national advanced driving simulator, that federal
 21 funds have been appropriated to begin construction,
 22 and that delivery of the motion base, graphics system,
 23 and integrating software will take place in
 24 substantial compliance with the United States
 25 department of transportation's acquisition schedule as
 26 set forth in the cooperative agreement between the
 27 state university of Iowa and the national highway
 28 traffic safety administration.

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

31 For salaries, support, maintenance, equipment,
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:

34	\$	153,080,000
35	FTEs	3,569.28

36 Of the funds appropriated in this lettered
 37 paragraph, \$20,000 shall be allocated to the Iowa
 38 research council.

39 Of the funds appropriated in this lettered
 40 paragraph, for the fiscal year beginning July 1, 1995,
 41 and ending June 30, 1996, \$1,000,000 shall be expended
 42 for purposes of the healthy livestock program.

b. Agricultural experiment station

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47	\$	30,717,738
48	FTEs	515.94

c. Cooperative extension service in agriculture and home economics

50

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1	For salaries, support, maintenance, and		
2	miscellaneous purposes, including salaries and support		
3	for the fire service institute, and for not more than		
4	the following full-time equivalent positions:		
5	.....	\$	18,268,621
6	.....	FTEs	428.25
7	d. Leopold center		
8	For agricultural research grants at Iowa state		
9	university under section 266.39B, and for not more		
10	than the following full-time equivalent positions:		
11	.....	\$	560,593
12	.....	FTEs	11.50
13	e. For deposit in and the use of the livestock		
14	disease research fund under section 267.8, and for not		
15	more than the following full-time equivalent		
16	positions:		
17	.....	\$	276,022
18	.....	FTEs	3.37
19	4. UNIVERSITY OF NORTHERN IOWA		
20	a. For salaries, support, maintenance, equipment,		
21	miscellaneous purposes, and for not more than the		
22	following full-time equivalent positions:		
23	.....	\$	68,773,000
24	.....	FTEs	1,436.18
25	Of the funds appropriated in this lettered		
26	paragraph, \$10,000 shall be allocated to the Iowa		
27	research council.		
28	b. Recycling and reuse center:		
29	.....	\$	239,745
30	5. STATE SCHOOL FOR THE DEAF		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-		
33	time equivalent positions:		
34	.....	\$	6,478,924
35	.....	FTEs	124.14
36	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
37	For salaries, support, maintenance, miscellaneous		
38	purposes, and for not more than the following full-		
39	time equivalent positions:		
40	.....	\$	3,606,189
41	.....	FTEs	83.41
42	7. TUITION AND TRANSPORTATION COSTS		
43	For payment to local school boards for the tuition		
44	and transportation costs of students residing in the		
45	Iowa braille and sight saving school and the state		
46	school for the deaf pursuant to section 262.43 and for		
47	payment of certain clothing and transportation costs		
48	for students at these schools pursuant to section		
49	270.5:		
50	\$	11,232

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1 Sec. 8. Reallocations of sums received under
2 section 7, subsections 2, 3, 4, 5, and 6, of this Act,
3 including sums received for salaries, shall be
4 reported on a quarterly basis to the co-chairpersons
5 and ranking members of the legislative fiscal
6 committee and the joint appropriations subcommittee on
7 education.

8 Sec. 9. For the fiscal year beginning July 1,
9 1995, and ending June 30, 1996, the state board of
10 regents may use notes, bonds, or other evidences of
11 indebtedness issued under section 262.48 to finance
12 projects that will result in energy cost savings in an
13 amount that will cause the state board to recover the
14 cost of the projects within an average of six years.

15 Sec. 10. MEDICAL ASSISTANCE — SUPPLEMENTAL
16 AMOUNTS.

17 For the fiscal year beginning July 1, 1995, and
18 ending June 30, 1996, the department of human services
19 shall continue the supplemental disproportionate share
20 and a supplemental indirect medical education
21 adjustment applicable to state-owned acute care
22 hospitals with more than 500 beds and shall reimburse
23 qualifying hospitals pursuant to that adjustment with
24 a supplemental amount for services provided medical
25 assistance recipients. The adjustment shall generate
26 supplemental payments intended to equal the state
27 appropriation made to a qualifying hospital for
28 treatment of indigent patients as provided in chapter
29 255. To the extent of the supplemental payments, a
30 qualifying hospital shall, after receipt of the funds,
31 transfer to the department of human services an amount
32 equal to the actual supplemental payments that were
33 made in that month. The aggregate amounts for the
34 fiscal year shall not exceed the state appropriation
35 made to the qualifying hospital for treatment of
36 indigent patients as provided in chapter 255. The
37 department of human services shall deposit the portion
38 of these funds equal to the state share in the
39 department's medical assistance account and the
40 balance shall be credited to the general fund of the
41 state. To the extent that state funds appropriated to
42 a qualifying hospital for the treatment of indigent
43 patients as provided in chapter 255 have been
44 transferred to the department of human services as a
45 result of these supplemental payments made to the
46 qualifying hospital, the department shall not,
47 directly or indirectly, recoup the supplemental
48 payments made to a qualifying hospital for any reason,
49 unless an equivalent amount of the funds transferred
50 to the department of human services by a qualifying

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1 hospital pursuant to this provision is transferred to
2 the qualifying hospital by the department.
3 If the state supplemental amount allotted to the
4 state of Iowa for the federal fiscal year beginning
5 October 1, 1995, and ending September 30, 1996,
6 pursuant to section 1923 (f)(3) of the federal Social
7 Security Act, as amended, or pursuant to federal
8 payments for indirect medical education is greater
9 than the amount necessary to fund the federal share of
10 the supplemental payments specified in the preceding
11 paragraph, the department of human services shall
12 increase the supplemental disproportionate share or
13 supplemental indirect medical education adjustment by
14 the lesser of the amount necessary to utilize fully
15 the state supplemental amount or the amount of state
16 funds appropriated to the state university of Iowa
17 general education fund and allocated to the university
18 for the college of medicine. The state university of
19 Iowa shall transfer from the allocation for the
20 college of medicine to the department of human
21 services, on a monthly basis, an amount equal to the
22 additional supplemental payments made during the
23 previous month pursuant to this paragraph. A
24 qualifying hospital receiving supplemental payments
25 pursuant to this paragraph that are greater than the
26 state appropriation made to the qualifying hospital
27 for treatment of indigent patients as provided in
28 chapter 255 shall be obligated as a condition of its
29 participation in the medical assistance program to
30 transfer to the state university of Iowa general
31 education fund on a monthly basis an amount equal to
32 the funds transferred by the state university of Iowa
33 to the department of human services. To the extent
34 that state funds appropriated to the state university
35 of Iowa and allocated to the college of medicine have
36 been transferred to the department of human services
37 as a result of these supplemental payments made to the
38 qualifying hospital, the department shall not,
39 directly or indirectly, recoup these supplemental
40 payments made to a qualifying hospital for any reason,
41 unless an equivalent amount of the funds transferred
42 to the department of human services by the state
43 university of Iowa pursuant to this paragraph is
44 transferred to the qualifying hospital by the
45 department.

46 Continuation of the supplemental disproportionate
47 share and supplemental indirect medical education
48 adjustment shall preserve the funds available to the
49 university hospital for medical and surgical treatment
50 of indigent patients as provided in chapter 255 and to

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1 the state university of Iowa for educational purposes
2 at the same level as provided by the state funds
3 initially appropriated for that purpose.

4 The department of human services shall, in any
5 compilation of data or other report distributed to the
6 public concerning payments to providers under the
7 medical assistance program, set forth reimbursements
8 to a qualifying hospital through the supplemental
9 disproportionate share and supplemental indirect
10 medical education adjustment as a separate item and
11 shall not include such payments in the amounts
12 otherwise reported as the reimbursement to a
13 qualifying hospital for services to medical assistance
14 recipients.

15 For purposes of this section, "supplemental
16 payment" means a supplemental payment amount paid for
17 medical assistance to a hospital qualifying for that
18 payment under this section.

19 DEPARTMENT OF CULTURAL AFFAIRS

20 Sec. 11. There is appropriated from the general
21 fund of the state to the department of cultural
22 affairs for the fiscal year beginning July 1, 1995,
23 and ending June 30, 1996, the following amounts, or so
24 much thereof as is necessary, to be used for the
25 purposes designated:

26 1. ARTS DIVISION

27 For salaries, support, maintenance, miscellaneous
28 purposes, including funds to match federal grants, for
29 areawide arts and cultural service organizations that
30 meet the requirements of chapter 303C, and for not
31 more than the following full-time equivalent
32 positions:

33	\$	1,050,292
34	FTEs	10.00

35 2. HISTORICAL DIVISION

36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:

39	\$	2,419,877
40	FTEs	57.00

41 It is the intent of the general assembly that the
42 capitol security staff place the security of the state
43 historical building at a priority level higher than
44 that of state capitol parking security duty.

45 3. HISTORIC SITES

46 For salaries, support, maintenance, miscellaneous
47 purposes, and for not more than the following full-
48 time equivalent positions:

49	\$	228,799
50	FTEs	3.00

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1 4. ADMINISTRATION

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions:

5	\$	213,920
6	FTEs	4.30

7 5. COMMUNITY CULTURAL GRANTS

8 For planning and programming for the community
9 cultural grants program established under section
10 303.3, and for not more than the following full-time
11 equivalent position:

12	\$	703,234
13	FTEs	0.70

14 Sec. 12. Notwithstanding section 8.33, funds
15 appropriated in 1993 Iowa Acts, chapter 180, section
16 64, remaining unencumbered or unobligated on June 30,
17 1995, shall not revert to the general fund of the
18 state but are appropriated to and shall be available
19 for expenditure by the department of education for the
20 fiscal year beginning July 1, 1995, and ending June
21 30, 1996, and of those funds remaining, \$250,000 shall
22 be expended for purposes of the career pathways
23 program in addition to any other funds provided for
24 the career pathways program under this Act.

25 Sec. 13. Notwithstanding section 8.33, funds
26 appropriated in 1994 Iowa Acts, chapter 1193, section
27 14, remaining unencumbered or unobligated on June 30,
28 1995, shall not revert to the general fund of the
29 state but shall be available for purposes of the Iowa
30 grant program, in addition to funds appropriated in
31 section 5, subsection 3, of this Act, with funds to be
32 distributed pursuant to section 261.93A.

33 Sec. 14. Notwithstanding section 8.33, funds
34 appropriated in 1994 Iowa Acts, chapter 1199, section
35 35, remaining unencumbered or unobligated on June 30,
36 1995, shall not revert to the general fund of the
37 state but shall be appropriated and available to the
38 historical division of the department of cultural
39 affairs for purposes of contracting with the national
40 park service to complete a reconnaissance study of
41 blood run national historic landmark in Lyon county to
42 determine the feasibility of incorporating the
43 landmark into the national park system.

44 Sec. 15. Notwithstanding section 257B.1A,
45 subsection 4, and 1994 Iowa Acts, chapter 1193,
46 section 15, for the fiscal year beginning July 1,
47 1994, and ending June 30, 1995, the remaining portion
48 of the interest earned on the permanent school fund
49 shall, after transfers are made pursuant to section
50 257B.1A, subsections 2 and 3, be deposited in the

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1 interest for Iowa schools fund established under this
2 Act.

3 Sec. 16. There is appropriated from the
4 scholarship and tuition grant reserve fund to the
5 college student aid commission for the fiscal year
6 beginning July 1, 1995, and ending June 30, 1996, the
7 amount of \$160,000, or the unobligated and
8 unencumbered moneys transferred by August 31, 1995, to
9 the fund at the close of the 1994-1995 fiscal year,
10 whichever amount is greater, for purposes of the work-
11 study program, in addition to funds appropriated in
12 section 261.85.

13 Sec. 17. Funds appropriated for state scholarships
14 pursuant to section 261.25, subsection 2, for the
15 fiscal year beginning July 1, 1995, and ending June
16 30, 1996, shall be used in their entirety to fund
17 scholarships to eligible students, and the college
18 student aid commission shall not place an across-the-
19 board ceiling on the amount distributed under the
20 state scholarship program.

21 Sec. 18. Section 257B.1, subsection 5, Code 1995,
22 is amended by striking the subsection.

23 Sec. 19. Section 257B.1A, Code 1995, is amended by
24 striking the section and inserting in lieu thereof the
25 following

26 257B.1A TRANSFER OF INTEREST.

27 1. The interest for Iowa schools fund is
28 established in the office of treasurer of state. The
29 department of revenue and finance shall deposit
30 interest earned on the permanent school fund in the
31 interest for Iowa schools fund. Moneys in the
32 interest for Iowa schools fund shall be transferred or
33 allocated only for school purposes as provided in this
34 section.

35 2. For a transfer of moneys from the interest for
36 Iowa schools fund to the first in the nation in
37 education foundation, prior to July 1, October 1,
38 January 1, and March 1 of each year, the governing
39 board of the first in the nation in education
40 foundation established in section 257A.2 shall certify
41 to the treasurer of state the cumulative total value
42 of contributions received under section 257A.7 for
43 deposit in the first in the nation in education fund
44 and for the use of the foundation. The cumulative
45 total value of contributions received includes the
46 value of the amount deposited in the national center
47 endowment fund established in section 263.8A in excess
48 of eight hundred seventy-five thousand dollars. The
49 value of in-kind contributions shall be based upon the
50 fair market value of the contribution determined for

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1 income tax purposes.

2 The portion of the interest in Iowa schools fund
3 that is equal to the cumulative total value of
4 contributions, less the portion of the interest in
5 Iowa schools fund dedicated to the national center for
6 gifted and talented education, is dedicated to the
7 first in the nation in education foundation for that
8 year. The interest earned on this dedicated amount
9 shall be transferred by the treasurer of state to the
10 credit of the first in the nation in education
11 foundation.

12 3. For a transfer of moneys from the interest in
13 Iowa schools fund to the national center endowment
14 fund established in section 263.8A, prior to July 1,
15 October 1, January 1, and March 1 of each year, the
16 state university of Iowa shall certify to the
17 treasurer of state the cumulative total value of
18 contributions received and deposited in the national
19 center endowment fund. Within fifteen days following
20 certification by the state university of Iowa, the
21 treasurer of state shall transfer from the interest in
22 Iowa schools fund to the national center an amount
23 equal to one-half the cumulative total value of the
24 contributions deposited in the national center
25 endowment fund, not to exceed eight hundred seventy-
26 five thousand dollars.

27 Sec. 20. NEW SECTION. 260C.24 PAYMENT OF
28 APPROPRIATION.

29 Payment of appropriations for distribution under
30 this chapter or of appropriations made in lieu of such
31 appropriations, shall be made by the department of
32 revenue and finance in monthly installments due on or
33 about the fifteenth of each month of a budget year,
34 and installments shall be as nearly equal as possible,
35 as determined by the department of revenue and
36 finance, taking into consideration the relative budget
37 and cash position of the state resources.

38 Sec. 21. NEW SECTION. 260C.29 CAREER OPPORTUNITY
39 PROGRAM — MISSION.

40 1. The mission of the career opportunity program
41 established in this section is to encourage
42 collaborative efforts by a community college, the
43 institutions under the control of the state board of
44 regents, and business and industry to enhance the
45 educational opportunities and provide for job creation
46 and career advancement for Iowa's minority persons by
47 providing assistance to minority persons who major in
48 fields or subject areas where minorities are currently
49 underrepresented or underutilized.

50 2. A career opportunity program is established to

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1 be administered by the community college located in a
2 county with a population in excess of three hundred
3 thousand. The community college shall provide office
4 space for the efficient operation of the program. The
5 community college shall employ a director for the
6 program. The director of the program shall employ
7 necessary support staff. The director and staff shall
8 be employees of the community college.

9 3. The director of the program shall do the
10 following:

11 a. Direct the coordination of the program between
12 the community college and the institutions of higher
13 education under the control of the state board of
14 regents.

15 b. Propose rules to the state board of education
16 as necessary to implement the program.

17 c. Recruit minority persons into the program.

18 d. Enlist the assistance and cooperation of
19 leaders from business and industry to provide job
20 placement services for students who are successfully
21 completing the program.

22 e. Prepare and submit an annual report to the
23 governor and the general assembly by January 15.

24 4. To be eligible for the program, a minority
25 person shall be a resident of Iowa who is accepted for
26 admission at or attends a community college or an
27 institution of higher education under the control of
28 the state board of regents. In addition, the person
29 shall major in or achieve credit toward an associate
30 degree, a bachelor's degree, or a master's degree in a
31 field or subject area where minorities are
32 underrepresented or underutilized.

33 5. The amount of assistance provided to a student
34 under this section shall not exceed the cost of
35 tuition, fees, and books required for the program in
36 which the student is enrolled and attends. As used in
37 this section, "books" may include book substitutes,
38 including reusable workbooks, loose-leaf or bound
39 manuals, and computer software materials used as book
40 substitutes. A student who meets the qualifications
41 of this section shall receive assistance under this
42 section for not more than the equivalent of two full
43 years of study.

44 6. For purposes of this section, "minority person"
45 means a person who is Black, Hispanic, Asian, or a
46 Pacific Islander, American Indian, or an Alaskan
47 native American.

48 Sec. 22. Section 260D.14A, unnumbered paragraphs 1
49 and 5, Code 1995, are amended to read as follows:

50 The department of education shall provide for the

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1 establishment of a community college excellence 2000
2 account in the office of the treasurer of state for
3 deposit of moneys appropriated to the account for
4 purposes of funding quality instructional centers and
5 program and administrative sharing agreements under
6 sections 260C.45 and 260C.46. There is appropriated
7 from the general fund of the state to the department
8 of education for the fiscal year beginning July 1,
9 ~~1995~~ 1997, an amount equal to two and five-tenths
10 percent of the total state general aid generated for
11 all community colleges during the budget year under
12 this chapter for deposit in the community college
13 excellence 2000 account. In the next succeeding two
14 fiscal years, the percent multiplier shall be
15 increased in equal increments until the multiplier
16 reaches seven and one-half percent of the total state
17 general aid generated for all community colleges
18 during the budget year.

19 It is the intent of the general assembly that the
20 general assembly enact legislation by July 1, ~~1995~~
21 1997, that will increase the maximum percent
22 multiplier established in this section from seven and
23 five-tenths percent to ten percent.

24 Sec. 23. Section 261.12, subsection 1, paragraph
25 b, Code 1995, is amended to read as follows:

26 b. For the fiscal year beginning July 1, ~~1989~~
27 1995, and for each following fiscal year, two thousand
28 ~~six~~ nine hundred ~~fifty~~ dollars.

29 Sec. 24. Section 261.25, subsection 1, Code 1995,
30 is amended to read as follows:

31 1. There is appropriated from the general fund of
32 the state to the commission for each fiscal year the
33 sum of ~~thirty-two~~ thirty-five million ~~four~~ six hundred
34 ~~twenty-two~~ sixty-four thousand ~~three~~ seven hundred
35 ~~sixty-two~~ fifty dollars for tuition grants.

36 Sec. 25. Section 261.85, unnumbered paragraph 1,
37 Code 1995, is amended to read as follows:

38 There is appropriated from the general fund of the
39 state to the commission for each fiscal year the sum
40 of two million ~~eight~~ nine hundred ~~ninety-eight~~ fifty
41 ~~thousand eight hundred forty~~ dollars for the work-
42 study program.

43 Sec. 26. Section 294A.25, subsection 8, Code 1995,
44 is amended to read as follows:

45 8. For the fiscal year beginning July 1, ~~1994~~
46 1995, to the department of education from phase III
47 moneys the amount of one million ~~two hundred fifty~~
48 thousand dollars for support for the operations of the
49 new Iowa schools development corporation and for
50 school transformation design and implementation

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1 projects administered by the corporation. Of the
2 amount provided in this subsection, one hundred fifty
3 thousand dollars shall be used for the school and
4 community planning initiative.

5 Sec. 27. Section 303.3, subsection 3, Code 1995,
6 is amended to read as follows:

7 3. Notwithstanding section 8.33, moneys committed
8 to grantees under contract that remain unexpended on
9 June 30 of any fiscal year shall not revert but shall
10 be available for expenditure for purposes of the
11 contract program until June 30 of the succeeding
12 fiscal year.

13 Sec. 28. FUNDS TRANSFERRED.

14 1. For the fiscal year beginning July 1, 1995, and
15 ending June 30, 1996, the amount of \$150,000 is to be
16 paid to the department of education from additional
17 funds transferred from phase I to phase III for
18 development of a K-12 and community college management
19 information system. Notwithstanding section 294A.20,
20 if the additional funds transferred from phase I to
21 phase III are insufficient for purposes of the
22 appropriation provided under this subsection, moneys
23 allocated to phase III, which would otherwise revert
24 to the general fund under section 294A.20, shall be
25 transferred to the department in an amount sufficient
26 to fully fund the appropriation made under this
27 subsection. The department shall submit a report to
28 the legislative fiscal bureau by January 1, 1996,
29 describing the specific expenditure of funds
30 appropriated by the general assembly for purposes of
31 the management information system; the estimated time
32 of completion of the system; the department's
33 accomplishments under the system; and any
34 recommendations for future system funding needs.

35 2. For the fiscal year beginning July 1, 1995, and
36 ending June 30, 1996, up to \$50,000 from additional
37 funds transferred from phase I to phase III is to be
38 paid to the department of education for support of the
39 Iowa mathematics and science coalition. If funds
40 available from the specified sources are insufficient
41 to fully fund the appropriation, the amount
42 appropriated to the department under this subsection
43 shall be reduced to an amount equal to the available
44 funds.

45 Sec. 29. Section 261.52A, Code 1995, is repealed.

46 Sec. 30. 1994 Iowa Acts, chapter 1193, section 15,
47 is repealed.

48 Sec. 31. Sections 2, 12 through 15, 19, 27, and 30
49 of this Act, being deemed of immediate importance,
50 take effect upon enactment."

Baker of Polk offered the following amendment H-4209, to amendment H-4205, filed by him from the floor and moved its adoption:

H-4209

- 1 Amend the amendment, H-4205, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 27, by striking the figure
- 5 "60,000" and inserting the following: "150,000".

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H-4209 lost.

Grundberg of Polk offered the following amendment H-4206, to amendment H-4205, filed by her and Gries from the floor and moved its adoption:

H-4206

- 1 Amend the amendment, H-4205, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 10, by striking the figure
- 5 "59,400" and inserting the following: "69,400".

Amendment H-4206 was adopted.

Hurley of Fayette offered amendment H-4207, to amendment H-4205, filed by Hurley, Kremer, Klemme, Daggett, Carroll, Sukup, Van Fossen, Tyrrell, Heaton, Weidman, Mertz, Mundie, Van Maanen, Eddie, Hahn, Branstad, Vande Hoef, Welter, Lamberti, Arnold, Gries, Larson, Brunkhorst, Bradley, Lord, Halvorson, Ertl, Boddicker, Schulte, Garman, Main, Huseman, Teig, Disney, Salton, Hammitt, Houser, Grubbs, Renken, Drake, Blodgett, Meyer, Thomson, Cornelius, Veenstra, Brauns, Greiner, Coon, Harrison, Hanson, Boggess, Greig, May, Rants and Dinkla, from the floor as follows:

H-4207

- 1 Amend the amendment, H-4205, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, by inserting after line 10 the
- 5 following:
- 6 "Funds appropriated in this lettered paragraph
- 7 shall not be used by the university to implement or
- 8 carry out a program or activity that has either the
- 9 purpose or effect of encouraging or supporting

10 homosexuality as a positive alternative lifestyle."

11 2. Page 11, by inserting after line 35 the

12 following:

13 "Funds appropriated in this lettered paragraph
14 shall not be used by the university to implement or
15 carry out a program or activity that has either the
16 purpose or effect of encouraging or supporting
17 homosexuality as a positive alternative lifestyle."

18 3. Page 12, by inserting after line 24 the

19 following:

20 "Funds appropriated in this lettered paragraph
21 shall not be used by the university to implement or
22 carry out a program or activity that has either the
23 purpose or effect of encouraging or supporting
24 homosexuality as a positive alternative lifestyle."

Rants of Woodbury in the chair at 9:10 p.m.

Speaker Corbett in the chair at 9:23 p.m.

Hurley of Fayette moved the adoption of amendment H-4207, to amendment H-4205.

A non-record roll call was requested.

The ayes were 50, nays 21.

Amendment H-4207 was adopted.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-4208, to amendment H-4205, filed by him from the floor.

Hurley of Fayette offered the following amendment H-4210, to amendment H-4205, filed by him from the floor and moved its adoption:

H-4210

1 Amend the amendment, H-4205, to Senate File 266, as

2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 16, line 21, by striking the figure
5 "250,000" and inserting the following: "200,000".

6 2. Page 16, by inserting after line 24 the

7 following:

8 "Sec. 706. Notwithstanding section 8.33, funds
9 appropriated in 1993 Iowa Acts, chapter 180, section
10 64, remaining unencumbered or unobligated on June 30,
11 1995, shall not revert to the general fund of the
12 state but are appropriated to and shall be available
13 for expenditure by the department of education for the
14 fiscal year beginning July 1, 1995, and ending June
15 30, 1996, and of those funds remaining, \$50,000 shall

16 be expended for purposes of the parent education pilot
 17 program established under 1994 Iowa Acts, chapter
 18 1199, section 58, in a county with fewer than 35,000
 19 inhabitants."

20 3. Page 21, line 48, by inserting after the
 21 figure "12" the following: ", 706".

22 4. By renumbering and correcting internal
 23 references as necessary.

Amendment H-4210 lost.

On motion by Grundberg of Polk, amendment H-4205, as amended,
 was adopted.

Grundberg 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. 266)

The ayes were, 67:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Koenigs	Kremer
Lamberti	Larson	Lord	Main
Martin	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 30:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Drees
Fallon	Harper	Holveck	Jochum
Kreiman	Larkin	Mascher	May
McCoy	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shultz	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 3:

Brammer	Connors	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.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that Senate Files 266 and 367 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 549, 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.

Also: That the Senate has on May 2, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 579, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday afternoon, April 28, 1995. Had I been present, I would have voted "aye" on House File 573, Senate Files 120 and 475.

HOUSER of Pottawattamie

BILL ENROLLED, SIGNED AND SENT TO SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following 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 Secretary of State for his approval on this 2nd day of May, 1995: House Joint Resolution 13.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of May, 1995: House Files 159, 252, 257, 482, 486 and 489.

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 May 2, 1995, he approved and transmitted to the Secretary of State the following bills:

Senate File 358, an act relating to certain offenders of the motor vehicle laws, by providing for an administrative adjudication of the habitual offender status, providing for a youthful offender substance abuse awareness program, requiring ignition interlock devices for temporary restricted licenses, providing penalties, and providing for the payment of fees.

Senate File 427, 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.

Senate File 432, an act relating to sexually violent predators, by providing notice of the petition to the attorney general by specifying the location for trial, by requiring the state to pay the costs incurred by a county for services in sexually violent offender proceedings, providing for notification of victims, providing for a departmental study, and providing an effective date.

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

May 2, 1995

The Honorable Leonard Boswell
President of the Senate
State Capitol Building
LOCAL

Dear Mr. President:

I hereby transmit Senate File 69, an act relating to tax provisions involving state income tax, certain county property tax and services associated with mental health and developmental disabilities services, the county property tax limitation, and property tax on industrial machinery, equipment and computers, providing appropriations, and providing effective and applicability dates.

Senate File 69 represents landmark legislation for the first session of the Seventy-Sixth General Assembly. The bill contains nearly \$100 million in tax reductions for Iowa families and businesses in fiscal year 1996, growing to \$172 million in fiscal year 2001.

With the repeal of property taxes on new machinery and equipment, this bill will have an immediate impact on Iowa's ability to attract and keep high paying jobs. This impact will grow in the future, as all property taxes on existing equipment are gradually eliminated. County taxpayers will also receive property tax relief through the mental health provisions, where 50 percent of mental health financing is shifted to the State and a process for cost containment is begun. Finally, families and retirees will see their Iowa income tax bills go down as a result of increasing the dependent credit from \$15 to \$40, and allowing the exclusion from taxable income of \$3,000 of pension income (\$6,000 for married filers).

I believe that Senate File 69 is an excellent first step towards the goals of increasing jobs, personal income and population growth. I expect additional action to be taken during the next legislative session to reduce income tax rates and treating small businesses the same as other corporations under the single-factor corporate income tax. These changes are critical to attaining our goals.

Senate File 69 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 15, identified as the third sentence of Section 331.439, subsection 3a, and Section 331.439, subsections 3b and 3c, in their entirety. These items require counties to receive an inflation factor for mental health beginning in fiscal year 1997, and spell out specific factors and procedures relating to its determination. These items fail to allow for savings from managed care, and could significantly dilute the property tax relief. Moreover, the portion of Section 15, identified as Section 331.439, subsection 3b, contains a provision that intrudes upon my executive budgeting responsibilities. The concept of an inflation factor may be appropriate to reconsider at a later date, after adequate cost containment has been achieved through the rule-making process.

I am unable to approve the designated portion of section 15, identified as Section 331.439, subsection 5, in its entirety. This item limits counties' obligations for payment of mental health, mental retardation and developmental disabilities services. I support the concept of limiting counties' obligations, except in those instances where a county elects to become its own managed care provider. The assumption of financial risk is one of the defining characteristics of managed care. If a county chooses to become its own managed care provider, it should also assume the financial risk. I will approve language that is subsequently enacted as long as it contains this exclusion.

I am unable to approve the designated portion of Section 18, identified as Section 426B.2., second unnumbered and unlettered paragraph, in its entirety. This item will hinder future efforts to change the allocation formula.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 69 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

Bogges of Taylor presented to the House twenty-two students from Bedford Community School District, accompanied by twenty-four students from Puerto Rico who are staying with the Bedford students. All the students are participating in a linked educational opportunity between the Iowa students and those from Puerto Rico. Accompanying the students were Jan Wilson and Scott Sheffield.

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

Forty students from Albia High School, Albia, accompanied by Diana Tuttle. 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\310 Nick Argyros, Eldora – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\311 Jacob Thomas, Eldora – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\312 Jacob Hobson, Eldora – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\313 Jason and Chad Demmer – For saving the life of Forrest Perry.
- 1995\314 Harold and Helen Zeimet, Springbook – For celebrating their 50th wedding anniversary.
- 1995\315 Jared Greiner, Pekin Community School – For winning the Class 1A championship in the 112 lb. weight class of the 1995 State Wrestling Tournament.
- 1995\316 Aaron and Noah Monick, Iowa City – For receiving perfect scores on the Scholastic Aptitude Test.

SUBCOMMITTEE ASSIGNMENTS

Senate File 486

Appropriations: Millage, Chair; Gipp and Murphy.

Senate Concurrent Resolution 31

Appropriations: Gipp, Chair; Garman and Kreiman.

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 486, a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-4194**, May 1, 1995.

RESOLUTION FILED

HCR 42, by Harrison, Fallon, Main, Boddicker and McCoy, a concurrent resolution to request the establishment of a legislative interim committee to study child visitation and custody issues.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-4194	S.F.	486	Committee on Appropriations
H-4197	S.F.	486	Millage of Scott
H-4204	S.F.	478	Weigel of Chickasaw Koenigs of Mitchell

On motion by Gipp of Winneshiek, the House adjourned at 9:46 p.m. until 8:45 a.m., Wednesday, May 3, 1995.

JOURNAL OF THE HOUSE

One Hundred-fifteenth Calendar Day - Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 3, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by The Honorable Dan Carroll, state representative from Poweshiek County.

The Journal of Tuesday, May 2, 1995 was approved.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 478**, 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, previously deferred and placed on the unfinished business calendar.

Weigel of Chickasaw offered the following amendment H-4204 filed by him and Koenigs and moved its adoption:

H-4204

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 24 through 27 and
- 4 inserting the following:
- 5 "Sec. ____ This Act applies retroactively to
- 6 January 1, 1995, for tax years beginning on or after
- 7 that date. However, the retroactive application of
- 8 this Act applies only to financial institutions that
- 9 have an investment in an investment subsidiary on or
- 10 after July 1, 1995, for the remainder of the
- 11 taxpayer's current taxable year."
- 12 2. Title page, line 4, by striking the words
- 13 "effective and".

Amendment H-4204 was adopted.

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

On the question "Shall the bill pass?" (S.F. 478)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carrroll	Cataldo	Churchill
Cohoon	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
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	Connors	Grubbs	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.

HOUSE FILE 557 WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to withdraw House File 557 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 478** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on **appropriations**.

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session at 10:03 a.m., Speaker Corbett in the chair.

HOUSE RECEDES

Nutt of Woodbury called up for consideration **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, amended by the House and moved that the House recede from its amendment.

A non-record roll call was requested.

The ayes were 55, nays 22.

The motion prevailed and the House recesses.

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?" (S.F. 189)

The ayes were, 83:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	May	McCoy	Mertz
Metcalf	Meyer	Millage	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
Rants	Renken	Salton	Schrader
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Witt	Mr. Speaker	
		Corbett	

The nays were, 13:

Doderer	Fallon	Garman	Harper
Holveck	Kreiman	Mascher	Moreland
Murphy	O'Brien	Ollie	Weigel
Wise			

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 189** be immediately messaged to the Senate.

RULE 60 INVOKED

Siegrist of Pottawattamie asked and received unanimous consent to invoke Rule 60 to withdraw from committee **Senate Concurrent Resolution 10**.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 10

Brauns of Muscatine asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 10**, a concurrent resolution relating to border city trucking agreements, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 10** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of **Senate File 468**.

Regular Calendar

Senate File 468, a bill for an act to legalize the transfer of certain property by the City of Keokuk and providing an effective date.

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. 468)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	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	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, none.

Absent or not voting, 4:

Brammer	Connors	Grubbs	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 **Senate File 468** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 May 3, 1995, adopted the conference committee report and passed Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

JOHN F. DWYER, Secretary

The House stood at ease at 10:40 a.m., until the fall of the gavel.

The House reconvened at 11:25 a.m., Speaker Corbett in the chair.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 481)

Millage of Scott called up for consideration the report of the conference committee on Senate File 481 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 481

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 481, a bill for An Act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment H-4143.
2. That the House recedes from its amendment S-3597.
3. That Senate File 481, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 2, line 7, by striking the figure "21,810,473" and inserting the following: "21,960,473".

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

"Of the moneys appropriated in this paragraph, a sufficient amount shall be allocated to provide effective and necessary oversight of the county treasurer's issuance of motor vehicle licenses in accordance with this Act."

3. Page 4, by striking lines 2 through 8.

4. Page 6, line 20, by striking the figure "3,000,000" and inserting the following: "2,000,000".

5. Page 6, line 23, by striking the figure "3,000,000" and inserting the following: "2,000,000".

6. Page 6, by striking lines 24 through 26 and inserting the following:

"5. For the performing arts center and for fire and environmental safety, renovation, or for deferred maintenance at the university of northern Iowa:

..... \$ 3,000,000

Of the funds appropriated in this subsection, \$1,000,000 shall be directed towards critical deferred maintenance, renovation and building costs and the remainder shall be used for the performing arts center."

7. Page 7, line 3, by striking the word and figure "January 15, 1996" and inserting the following: "August 31, 1995".

8. Page 7, by striking line 4 and inserting the following: "expenditures of moneys appropriated for fire and environmental safety, renovation, or for deferred maintenance under subsections 3 through 5."

9. Page 7, line 9, by striking the word "amount" and inserting the following: "amounts".

10. Page 7, line 10, by striking the word "purpose" and inserting the following: "purposes".

11. Page 7, by striking lines 11 through 35 and inserting the following:

"1. For connection of the Fort Madison correctional facility with the Iowa communications network:

..... \$ 161,000

2. For remodeling of the visitation area at Mitchellville:

..... \$ 100,000"

12. Page 8, line 25, by striking the figure "300,000" and inserting the following: "250,000".

13. Page 8, by striking lines 33 through 35.

14. Page 9, line 9, by striking the figure "5,000,000" and inserting the following: "2,500,000".

15. By striking page 9, line 20, through page 10, line 3, and inserting the following:

"2. Merged Area II \$ 90,534

3. Merged Area III \$ 103,952

4. Merged Area IV	\$ 38,156
5. Merged Area V	\$ 142,389
6. Merged Area VI	\$ 101,409
7. Merged Area VII	\$ 95,339
8. Merged Area IX	\$ 128,062
9. Merged Area X	\$ 205,158
10. Merged Area XI	\$ 192,269
11. Merged Area XII	\$ 83,645
12. Merged Area XIII	\$ 103,540
13. Merged Area XIV	\$ 40,819
14. Merged Area XV	\$ 104,318
15. Merged Area XVI	\$ 70,410"
16. Page 10, by inserting after line 7 the following:	

"Sec. ____ The appropriation to Merged Area I in section 8 of this Act is contingent upon the receipt of federal funds or private matching moneys. If the anticipated federal funding or private matching moneys are not received, the appropriation in section 8 shall be allocated by the department of education as follows:

1. Merged Area I	\$ 118,722
2. Merged Area II	\$ 143,725
3. Merged Area III	\$ 165,027
4. Merged Area IV	\$ 60,573
5. Merged Area V	\$ 226,046
6. Merged Area VI	\$ 160,989
7. Merged Area VII	\$ 151,352
8. Merged Area IX	\$ 203,300
9. Merged Area X	\$ 325,692
10. Merged Area XI	\$ 305,230
11. Merged Area XII	\$ 132,789
12. Merged Area XIII	\$ 164,371
13. Merged Area XIV	\$ 64,801
14. Merged Area XV	\$ 165,606
15. Merged Area XVI	\$ 111,777"
17. Page 10, by striking lines 15 through 22 and inserting the following:	

"1. For exterior state capitol building restoration:

..... \$ 7,165,000

2. For interior state capitol building restoration:

..... \$ 2,100,000

3. For health, fire safety, and interior maintenance needs of the state capitol building:

..... \$ 1,600,000

4. For major maintenance needs including health, life and fire safety and for compliance with the federal Americans with disabilities Act for state-owned buildings and facilities:

..... \$ 4,000,000

5. For improvements at the state capital complex as follows:

a. For construction of a tunnel under Grand avenue north from the State Capitol building:

..... \$ 1,500,000

b. For renovation of the old historical building:

..... \$ 6,200,000

c. For site preparation for the proposed parking ramp north of Des Moines street:

..... \$ 2,300,000"

18. By striking page 12, line 14 through page 13, line 30 and inserting the following:

"DIVISION III
LOTTERY TRANSFER

Sec. __. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1995, and ending June 30, 1996, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-sixth General Assembly, 1995 Session, shall not be transferred to and deposited into the CLEAN fund but shall be transferred and credited to the general fund of the state.

Sec. __. Notwithstanding 1994 Iowa Acts, chapter 1199, section 12, of the lottery revenues remaining after \$34,400,000 is transferred and credited to the general fund of the state during the fiscal year beginning July 1, 1994, the following amounts shall be transferred in descending priority order as follows:

1. To the treasurer of state for the continued funding of Iowa's participation in the funding of the world food prize:

..... \$ 250,000

It is the intent of the general assembly that this appropriation of public funds will result in a commitment for additional funding for the world food prize from private sources.

The treasurer of state shall only provide the funds appropriated in this section to the world food prize foundation if sufficient private funds are raised to maintain the world food prize foundation in Iowa and the foundation is structured to include representation that reflects environmental concerns and sustainable agriculture.

2. To the treasurer of state for purposes of allocating moneys to assist each of the 103 county fairs which are members of the association of Iowa fairs, for purposes of supporting annual county fairs and improvements to the county fairgrounds:

..... \$ 1,000,000

The treasurer of state shall allocate an equal amount to each member fair. However, moneys shall only be expended by a county fair on a dollar-for-dollar matching basis with moneys received from donations contributed to the county fair from private sources or moneys contributed by a county to aid the county fair pursuant to section 174.14.

3. To the Iowa state fair foundation for capital projects and major maintenance improvements at the Iowa state fairgrounds:

..... \$ 3,000,000

4. To the Loess Hills development and conservation authority, for deposit in the Loess Hills development and conservation fund created in section 161D.2 for the purposes specified in section 161D.1:

..... \$ 400,000

5. To the department of agriculture and land stewardship to use in cooperation with the department of corrections for a project of repairs and improvements at the national heritage orientation center and public market. It is the intent of the general assembly that the project serve as a pilot community services program using prison labor for regional economic development initiatives supporting Iowa agriculture and food products:

..... \$ 300,000

6. To the department of economic development for a grant to the Wallace foundation for rural research and development located in Atlantic, Iowa, for costs to develop an educational and outreach center:

..... \$ 725,000

7. To the department of cultural affairs for maintenance and improvement at the gothic house visitors center:

..... \$ 225,000

8. To the department of natural resources for purposes of continuing natural lake preservation efforts:

..... \$ 100,000

The department shall award the amount transferred in this subsection to a city as defined in section 362.2. The department shall award the amount on a matching basis with the department contributing one dollar for each one dollar dedicated by the city, or the city acting in conjunction with a county, regardless of the source from which the city or county obtains the money, for the continuation of natural lake preservation efforts, if the city or county has previously received state funding for such purposes. However, the city, or the city and county, must have dedicated at least \$100,000 of local funds in order to qualify for the award. The city must also be located in a county having a population of less than 12,000.

9. To the department of natural resources for capital improvements at Backbone lake, other improvements of that state park, and preparation work and other costs associated with the park's 75th anniversary:

..... \$ 500,000

Of the appropriation in this subsection, up to \$100,000 shall be used for bicycle trail improvements.

10. To the department of natural resources, to be combined with local match funding, for a study of dredging at Crystal lake in Winnebago county:

..... \$ 25,000

11. To the department of natural resources for purposes of creating, improving, or enhancing recreational opportunities directly related to the restoration and development of lake Ahquabi and related facilities, which shall include any necessary dredging operations, and which may also include swimming, boating, and fishing facilities:

..... \$ 184,000

The department shall return any amount of the transfer expended by the department under this subsection to the general fund of the state to the extent that

the department receives moneys from the clean lakes program, administered by the United States environmental protection agency, for purposes described in this subsection.

12. To the department of economic development for operation and support of the Dows welcome center:

..... \$ 20,000

13. To the department of natural resources, to be combined with local match funding of two dollars for every one state dollar, for repair and replacement costs associated with the spillway at Hickory Grove lake:

..... \$ 250,000

14. To the department of agriculture and land stewardship for providing assistance in reconstructing and repairing flood-damaged dikes and levees on pasture and other agricultural land which is not used for crops:

..... \$ 75,000

15. To the department of education for a grant to Southeast Polk community school district to implement an interagency coalition strategy combining education, health, and social services in addressing the problems of children and families through school-linked services:

..... \$ 60,000

16. To the Iowa department of public health for a grant to establish a rural medical care center in Tama:

..... \$ 50,000

17. To the department of natural resources for a grant for costs associated with the Sauk rail trail and park improvements in Carroll:

..... \$ 30,000

18. To the department of natural resources for a grant for costs associated with renovation of the Boone walking trail:

..... \$ 5,000

19. To Iowa state university of science and technology for allocation to the Iowa institute for public leadership for operations costs:

..... \$ 25,000

20. To the printing division of the department of general services for publication of the under the golden dome publication as specified by the authorizing agency:

..... \$ 45,000

21. To the department of corrections for a grant to the amer-i-can program for training of inmates and correctional staff:

..... \$ 25,000

22. To the department of education for contracting with the Iowa alliance for arts education to execute the local arts comprehensive educational strategies program:

..... \$ 125,000

23. To the department of education for a grant to a community college to assist in a public-private partnership between the community college, a city, and a county in developing a center or program to provide child day care for nontraditional students:

..... \$ 75,000

24. To the department of general services for planning, design, site acquisition and preparation, and other expenditures necessary to establish a fee-based child day care program available to public employees officed at or near the capitol complex:

\$ 500,000

a. The general assembly considers child day care to be an important service for employers, employees, and their children. Employer-supported child care can have a positive impact upon employee morale and retention and can positively affect the children who are receiving child care services. High quality child care is of significant value to employers. It is believed that a quality, on-site child care program available to the children of state employees will provide a model for other employers in this state to emulate.

b. (1) The legislative council is requested to appoint a capitol complex child day care program steering committee to provide direction to the department of general services in developing facility plans, establishing the facilities, developing operation policies, contracting with a vendor to operate the program, and other decisions involving establishment and operation of the program. The steering committee shall utilize the March 1990 consultant report to the capitol complex ad hoc committee on child care, particularly the intermediate quality recommendations, in its decision making.

(2) The steering committee membership shall include members of the general assembly; representatives of the departments of general services, personnel, human services, and education; employees officed at the capitol complex who purchase child day care services; a representative of the state board of regents center for early childhood education; a representative of the Iowa state university of science and technology early childhood education programs; and other persons knowledgeable concerning child day care programs.

c. In consultation with the steering committee, the director of the department of general services shall retain a consultant to oversee the process of developing the program and shall contract with a vendor to manage the program.

d. The program shall be designed to operate with a capacity of 150 children and to regularly serve infants, toddlers, preschool, school age, and mildly ill children.

25. To the commission of veterans affairs, for donation to the women in military service for America memorial foundation for the purpose of constructing the women in military service memorial to be built at the gateway to Arlington national cemetery in Arlington, Virginia:

\$ 47,000

The executive director of the commission of veterans affairs shall forward this donation to the women in military service for America memorial foundation upon certification by the foundation that sufficient funding has been pledged to complete the construction of the memorial.

26. To the Iowa peace institute:

\$ 100,000

27. To the division of highway safety, uniformed force, and radio communications of the department of public safety for purchase and activation charges for cellular phones for force members:

\$ 50,000

28. To the department of economic development for expansion of the microbusiness rural enterprise demonstration project created pursuant to 1994 Iowa Acts, chapter 1119, section 34, to 30 additional counties in the fiscal year beginning July 1, 1995:

..... \$ 50,000

29. To the Iowa department of public health for a conference to develop a plan for provision of health insurance coverage to children of low-income families who are ineligible for medical assistance and have no health care coverage:

..... \$ 20,000

30. To the Iowa department of public health for a domestic violence conference:

..... \$ 20,000

31. To the department of corrections for a study of the development and use of a telecommunications network for worker training, inmate rehabilitation, and other related purposes in the sixth judicial district:

..... \$ 25,000

32. To Iowa state university of science and technology for a study of alternative project delivery systems for publicly funded infrastructure projects, provided the study is publicly distributed upon completion:

..... \$ 39,000

33. To the department of economic development for the Iowa members' cost share for the Lewis and Clark rural water system:

..... \$ 25,000

34. To the department of elder affairs for the 1995 older Iowans legislature:

..... \$ 20,000

35. To the judicial department for development and implementation of a long-range and strategic plan for the judicial branch of Iowa government:

..... \$ 50,000

36. To the department of education for allocation to the community college that experienced the highest percentage of increase in full-time fall enrollment for the period beginning July 1, 1989, and ending June 30, 1995, for purposes of renovating a building for use as an urban center with classrooms to prepare students for the workplace or to pursue postsecondary education:

..... \$ 150,000

37. To the department of human services for application by the department for grants to establish pilot projects for placements of geriatric patients who have a mental illness:

..... \$ 25,000

Any grant received may be used by the department to fund a coordinator to work with hospitals and nursing homes concerning placements of geriatric patients who have a mental illness.

38. To the college student aid commission for the Iowa hope loan program:

..... \$ 100,000

39. To the state department of transportation for the city of Durant to construct a curb on highway 927:

..... \$ 100,000

40. The remaining revenues to the Iowa state fair foundation for capital projects and major maintenance improvements at the Iowa state fairgrounds. If the remaining lottery revenues do not equal \$5,500,000, then the remaining amount necessary to equal \$5,500,000 is appropriated from the rebuild Iowa infrastructure fund to the Iowa state fair foundation for the fiscal year beginning July 1, 1995, and ending June 30, 1996.

Notwithstanding section 8.33, moneys transferred and appropriated in accordance with this section shall not revert to the general fund of the state at the close of the fiscal year but shall remain available for expenditure for the purposes designated. Unless otherwise provided in this section, moneys transferred in this section which remain unobligated or unexpended for the purpose designated shall revert to the general fund of the state on August 31, 1997.

Sec. __. BLOOD RUN NATIONAL HISTORIC LANDMARK. The department of cultural affairs may use moneys appropriated to the department in 1994 Iowa Acts, chapter 1199, section 35, as necessary, to contract with the midwest region of the national park service to complete a study of blood run national historic landmark for the purpose of determining the feasibility of incorporating the landmark into the national park system. Notwithstanding section 8.33, moneys from the appropriation which remain unobligated or unexpended on June 30, 1995, shall not revert to the general fund of the state but shall remain available for use as provided in this section in the succeeding fiscal year.

Sec. __. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
HIGHWAY PATROL

Sec. __. There is appropriated from the highway safety patrol fund to the division of highway safety, uniformed force, and radio communications of the department of public safety, for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

	\$ 33,210,467
	FTEs 553.50

Sec. __. HIGHWAY SAFETY PATROL FUND. There is appropriated from the general fund of the state to the highway safety patrol fund created in section 80.41, the following amounts for the fiscal years indicated:

1. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, \$9,000,000.
2. For the fiscal year beginning July 1, 1997, and ending June 30, 1998, \$18,000,000.
3. For the fiscal year beginning July 1, 1998, and ending June 30, 1999, \$27,000,000.

4. For the fiscal year beginning July 1, 1999, and ending June 30, 2000, \$36,000,000, or such increased amounts as is necessary to fully fund those expenses for which an appropriation is made pursuant to section 80.41.

Sec. __. The division of highway safety, uniformed force, and radio communications may expend an amount proportional to the costs that are reimbursable from the highway safety patrol fund created in section 80.41, as enacted by this Act. Spending for these costs may occur from any unappropriated funds in the state treasury upon a finding by the department of management that all of the amounts requested and approved are reimbursable from the highway safety patrol fund. Upon payment to the highway safety patrol fund, the division of highway safety, uniformed force, and radio communications shall credit the payments necessary to reimburse the state treasury.

Sec. __. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For payment to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety, uniformed force, and radio communications:

..... \$ 88,390

Sec. __. NEW SECTION. 80.41 HIGHWAY SAFETY PATROL FUND.

1. A highway safety patrol fund is created as a separate fund in the state treasury under the control of the department of revenue and finance. Interest and other moneys earned by the fund shall be deposited in the fund. The fund shall include moneys credited from the use tax as allocated under section 423.24, subsection 2.

2. Moneys credited to the fund shall be expended, pursuant to appropriations made from the fund by the general assembly, by the division of highway safety, uniformed force, and radio communications of the department of public safety for salaries, including salary adjustment moneys, support, maintenance, and miscellaneous purposes, including workers' compensation expenses and the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A.

3. Notwithstanding section 8.33, moneys credited to the fund which remain unobligated or unexpended at the close of a fiscal year shall not revert to the general fund of the state but shall be credited to the fund from which they were appropriated.

4. This section is repealed July 1, 2000.

Sec. __. Section 423.24, subsection 2, Code 1995, is amended to read as follows:

2. Twenty percent of all revenue derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7 shall be deposited in the GAAP deficit reduction account established in the department of management pursuant to section 8.57, subsection 2, and shall be used and credited one-half to the road use tax fund and one-half to the primary road fund to be used for the commercial and industrial highway network, except to the extent that the department directs that moneys are deposited in the highway safety patrol fund created in section 80.41 to fund the appropriations made from

the highway safety patrol fund in accordance with the provisions of that section 80.41. The department shall determine the amount of moneys to be credited under this subsection to the highway safety patrol fund and shall deposit that amount into the highway safety patrol fund."

19. Page 13, by inserting before line 31 the following:

"DIVISION V"

20. By striking page 14, line 22, through page 15, line 4, and inserting the following:

"Sec. __. DRIVER'S LICENSE PILOT PROJECT.

1. The legislative council is requested to establish an interim study committee to evaluate expansion of the driver's license pilot program to include additional counties. The committee shall evaluate the benefits to the public from the issuance of driver's licenses by the counties and the cost effectiveness of doing so. The committee shall hear testimony from federal transportation officials regarding issuance of commercial driver's licenses and compliance with federal regulations. The committee shall provide recommendations regarding such expansion to the general assembly no later than December 15, 1995.

2. Notwithstanding any other provisions to the contrary, the county treasurers of Adams, Cass, Fremont, Mills, Montgomery, and Page counties may retain for deposit in the county general fund, up to five dollars for each motor vehicle license transaction, including, but not limited to, issuance or renewal of motor vehicle licenses, nonoperator's identification cards, or handicapped identification devices.

3. As a condition for retention of moneys under this subsection, a county treasurer shall document the actual quarterly expenditures associated with driver's license issuance including the amount of time spent during that quarter on driver's license-related activities, the proportionate share of salaries and benefits for county employees performing driver's license-related activities, the total numbers of transactions conducted, and other costs related to the administration of driver's license-related activities. Each county treasurer shall provide the documentation of expenditures to the state department of transportation and legislative fiscal bureau. If the county treasurer's total expenses are less than the moneys retained under this subsection, the county treasurer shall submit the difference to the treasurer of state on a quarterly basis. The treasurer of state shall deposit that amount in the road use tax fund.

Sec. __. NEW SECTION. 321.179 COUNTY TREASURERS—ISSUANCE OF MOTOR VEHICLE LICENSES.

1. Notwithstanding the provisions of this chapter or chapter 321L which grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices, the counties of Adams, Cass, Fremont, Mills, Montgomery, and Page shall be authorized to issue motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices on a permanent basis. However, a county shall only be authorized to issue commercial driver's licenses if certified to do so by the department. If a county fails to meet the standards for certification under this section, the department itself shall provide for the issuance of commercial driver's licenses in that county. The department shall certify the county treasurers in the permanent counties to issue commercial driver's licenses if all of the following conditions are met:

a. The driving skills test is the same as that which would otherwise be administered by the state.

b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75, adopted as of a specific date by rule by the department.

c. The department provides supervision over the issuance of commercial driver's licenses and the administration of written tests by the county treasurers.

2. The department shall retain all supervisory authority over the county treasurers who shall be subject to the supervision of the department and shall be considered agents of the department when performing motor vehicle licensing functions."

21. By striking page 15, line 32, through page 17, line 17.

22. Page 17, by inserting after line 26 the following:

"Sec. __ INFRASTRUCTURE APPROPRIATIONS. If section 8.57, subsection 5, Code 1995, is amended by the Seventy-sixth General Assembly, 1995 Session, to change the name of the rebuild Iowa infrastructure account to the rebuild Iowa infrastructure fund, the appropriations in this or any other Act from the rebuild Iowa infrastructure account shall be deemed to be made from the rebuild Iowa infrastructure fund.

Sec. __ Section 321.179, as enacted in 1995 Iowa Acts, is repealed July 1, 1997."

23. By renumbering, redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

DAVID MILLAGE, Chair
CLYDE E. BRADLEY
BARRY BRAUNS
C. ARTHUR OLLIE
STEVEN WARNSTADT

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair
JOANN DOUGLAS
DON E. GETTINGS
RODNEY HALVORSON
JIM LIND

A non-record roll call was requested.

The ayes were 68, nays 22.

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (S.F. 481)

The ayes were, 81:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohoon	Coon
Cormack	Cornelius	Daggett	Dinkla

Doderer	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Mascher	May
McCoy	Metcalf	Meyer	Millage
Moreland	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	Ollie	Rants
Renken	Running	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Witt
Mr. Speaker Corbett			

The nays were, 16:

Bell	Churchill	Disney	Drees
Fallon	Koenigs	Kreiman	Larkin
Mertz	Mundie	O'Brien	Salton
Schrader	Schulte	Van Fossen	Wise

Absent or not voting, 3:

Brammer	Connors	Hanson
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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 481** 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

Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-4212 May 3, 1995.

Appropriations Calendar

Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Millage of Scott offered amendment H-4212 filed by the committee on appropriations as follows:

H-4212

1 Amend Senate File 484, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. AUDITOR OF STATE. There is
6 appropriated from the general fund of the state to the
7 office of the auditor of state 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 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:

14	\$	1,310,549
15	FTEs	112.50

16 The auditor of state may retain additional full-
17 time equivalent positions as is reasonable and
18 necessary to perform governmental subdivision audits
19 which are reimbursable pursuant to section 11.20 or
20 11.21, to perform audits which are requested by and
21 reimbursable from the federal government, and to
22 perform work requested by and reimbursable from
23 departments or agencies pursuant to section 11.5A or
24 11.5B. The auditor of state shall notify the
25 department of management, the legislative fiscal
26 committee, and the legislative fiscal bureau of the
27 additional full-time equivalent positions retained.

28 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.

29 There is appropriated from the general fund of the
30 state to the Iowa ethics and campaign disclosure board
31 for the fiscal year beginning July 1, 1995, and ending
32 June 30, 1996, the following amount, or so much
33 thereof as is necessary, for the purposes designated:

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37	.....	\$	375,786
38	.....	FTEs	8.00
39	Sec. 3. DEPARTMENT OF COMMERCE. There is		
40	appropriated from the general fund of the state to the		
41	department of commerce for the fiscal year beginning		
42	July 1, 1995, and ending June 30, 1996, the following		
43	amounts, or so much thereof as is necessary, for the		
44	purposes designated:		
45	1. PROFESSIONAL LICENSING AND REGULATION DIVISION		
46	a. For salaries, support, maintenance,		
47	miscellaneous purposes, and for not more than the		
48	following full-time equivalent positions:		
49	\$	897,802
50	FTEs	14.00

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1	b. There is appropriated from the title guaranty		
2	fund created in section 16.91 to the professional		
3	licensing and regulation division, an amount up to		
4	\$25,000, to be used to pay half the cost of employing		
5	an auditor for real estate broker trust accounts. In		
6	addition to the amount appropriated in this paragraph,		
7	the commission may increase the license fees provided		
8	for in section 543B.27 in an amount sufficient to pay		
9	half the cost of employing an auditor for real estate		
10	broker trust accounts.		
11	2. ADMINISTRATIVE SERVICES DIVISION		
12	For salaries, support, maintenance, miscellaneous		
13	purposes, and for not more than the following full-		
14	time equivalent positions:		
15	.....	\$	211,586
16	.....	FTEs	2.00
17	It is the intent of the general assembly that the		
18	two positions authorized in this subsection for the		
19	division shall coordinate the administrative services		
20	to be provided to the divisions in the department.		
21	These two positions are under the direct supervision		
22	of, and shall report to, the director of the		
23	department.		
24	The division of administrative services shall		
25	assess each division within the department of commerce		
26	and the office of consumer advocate within the		
27	department of justice a pro rata share of the		
28	operating expenses of the division of administrative		
29	services. The pro rata share shall be determined		
30	pursuant to a cost allocation plan established by the		
31	division of administrative services and agreed to by		
32	the administrators of the divisions and the consumer		
33	advocate. To the extent practicable, the cost		
34	allocation plan shall be based on the proportion of		
35	the administrative expenses incurred on behalf of each		
36	division and the office of consumer advocate. Each		
37	division and the office of consumer advocate shall		
38	include in its charges assessed or revenues generated,		
39	an amount sufficient to cover the amount stated in its		
40	appropriation, any state assessed indirect costs		

41 determined by the department of revenue and finance,
 42 and the cost of services provided by the division of
 43 administrative services.

44 3. ALCOHOLIC BEVERAGES DIVISION

45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-
 47 time equivalent positions:

48 \$ 1,861,105
 49 FTEs 33.50

50 4. BANKING DIVISION

Page 3

1 For salaries, support, maintenance, miscellaneous
 2 purposes, and for not more than the following full-
 3 time equivalent positions:

4 \$ 5,375,058
 5 FTEs 84.00

6 5. CREDIT UNION DIVISION

7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:

10 \$ 1,047,066
 11 FTEs 20.00

12 6. INSURANCE DIVISION

13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:

16 \$ 2,924,482
 17 FTEs 91.50

18 Of the amounts appropriated in this section to the
 19 insurance division, not more than \$100,000 shall be
 20 used for the regulation of health insurance purchasing
 21 cooperatives.

22 The insurance division may reallocate authorized
 23 full-time equivalent positions as necessary to respond
 24 to accreditation recommendations or requirements. The
 25 insurance division expenditures for examination
 26 purposes may exceed the projected receipts, refunds
 27 and reimbursements, estimated pursuant to section
 28 505.7, subsection 7, including the expenditures for
 29 retention of additional personnel, if the expenditures
 30 are fully reimbursable and the division first does
 31 both of the following:

32 a. Notifies the department of management,
 33 legislative fiscal bureau, and the legislative fiscal
 34 committee of the need for the expenditures.

35 b. Files with each of the entities named in
 36 paragraph "a" the legislative and regulatory
 37 justification for the expenditures, along with an
 38 estimate of the expenditures.

39 7. UTILITIES DIVISION

40 For salaries, support, maintenance, miscellaneous
 41 purposes, and for not more than the following full-
 42 time equivalent positions:

43 \$ 4,911,871
 44 FTEs 79.00

45 The utilities division may expend additional funds,
 46 including funds for additional personnel, if those
 47 additional expenditures are actual expenses which
 48 exceed the funds budgeted for utility regulation.
 49 Before the division expends or encumbers an amount in
 50 excess of the funds budgeted for regulation, the

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1 director of the department of management shall approve
 2 the expenditure or encumbrance. Before approval is
 3 given, the director of the department of management
 4 shall determine that the regulation expenses exceed
 5 the funds budgeted by the general assembly to the
 6 division and that the division does not have other
 7 funds from which regulation expenses can be paid.
 8 Upon approval of the director of the department of
 9 management the division may expend and encumber funds
 10 for excess regulation expenses. The amounts necessary
 11 to fund the excess regulation expenses shall be
 12 collected from those utility companies being regulated
 13 which caused the excess expenditures, and the
 14 collections shall be treated as repayment receipts as
 15 defined in section 8.2.

16 Sec. 4. There is appropriated from the general
 17 fund of the state to the following named agencies for
 18 the fiscal year beginning July 1, 1995, and ending
 19 June 30, 1996, the following amounts, or so much
 20 thereof as is necessary, to be used for the purposes
 21 designated:

22	1. COMMISSION ON UNIFORM STATE LAWS		
23	For support of the commission and expenses of the		
24	members:		
25	.....	\$	20,803
26	2. NATIONAL CONFERENCE OF STATE LEGISLATURES		
27	For support of the membership assessment:		
28	.....	\$	87,719
29	3. AMERICAN LEGISLATIVE EXCHANGE COUNCIL		
30	For support of biennial individual dues of \$50		
31	payable upon request of a legislator:		
32	.....	\$	7,500

33 Sec. 5. There is appropriated from the general
 34 fund of the state to the department of general
 35 services for the fiscal year beginning July 1, 1995,
 36 and ending June 30, 1996, the following amounts, or so
 37 much thereof as is necessary, to be used for the
 38 purposes designated:

39	1. ADMINISTRATION DIVISION		
40	For salaries, support, maintenance, miscellaneous		
41	purposes, and for not more than the following full-		
42	time equivalent positions:		
43	.....	\$	1,190,167
44	.....	FTEs	32.35
45	2. INFORMATION SERVICES DIVISION		
46	For salaries, support, maintenance, miscellaneous		
47	purposes, and for not more than the following full-		
48	time equivalent positions:		

49	\$	5,497,002
50	FTEs	141.60

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1 3. PROPERTY MANAGEMENT DIVISION

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions:

5	\$	3,935,381
6	FTEs	113.00

7 The department of general services shall not change
8 the appropriations for the purposes designated in
9 subsections 1 through 3 from the amounts appropriated
10 under those subsections unless notice of the revisions
11 is given prior to their effective date to the
12 legislative fiscal bureau. The notice shall include
13 information on the department's rationale for making
14 the changes.

15 Savings achieved in providing telephone services
16 shall be used by the department of general services to
17 increase efficiencies in the provision of those
18 services. The department of general services shall
19 report not later than August 31, 1996, on the projects
20 undertaken to the chairpersons and the ranking members
21 of the joint appropriations subcommittee on
22 administration and regulation and to the legislative
23 fiscal bureau. The report shall include a listing of
24 the projects and efficiencies undertaken during the
25 fiscal year, the cost of each project, and the
26 benefits, including the projected savings on an annual
27 basis and for the life of the efficiency improvement.

28 4. CAPITOL PLANNING COMMISSION

29 For expenses of the members in carrying out their
30 duties under chapter 18A:

31	\$	1,256
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32 5. RENTAL SPACE

33 For payment of lease or rental costs of buildings
34 and office space at the seat of government as provided
35 in section 18.12, subsection 9, notwithstanding
36 section 18.16:

37	\$	607,955
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38 6. UTILITY COSTS

39 For payment of utility costs and for not more than
40 the following full-time equivalent positions:

41	\$	2,059,178
42	FTEs	1.00

43 The department of general services may use funds
44 appropriated in this subsection for utility costs to
45 fund energy conservation projects in the state capitol
46 complex which will have a 100 percent payback within a
47 24-month period. In addition, notwithstanding
48 sections 8.33 and 18.12, subsection 11, any excess
49 funds appropriated for utility costs in this
50 subsection shall not revert to the general fund of the

1 state on June 30, 1996, and these funds shall be used
 2 for implementation of energy conservation projects
 3 having a payback of 100 percent within a two-year to
 4 six-year period. The department of general services
 5 shall report not later than August 31, 1996, on the
 6 projects having 100 percent payback within a six-year
 7 period to the chairpersons and ranking members of the
 8 joint appropriations subcommittee on administration
 9 and regulation and to the legislative fiscal bureau.
 10 The report shall include a listing of the projects
 11 undertaken, the cost of each project, and the
 12 projected savings on an annual basis and for the life
 13 of the project.

14 7. TERRACE HILL OPERATIONS

15 For salaries, support, maintenance, and
 16 miscellaneous purposes necessary for the operation of
 17 Terrace Hill and for not more than the following full-
 18 time equivalent positions:

19	\$	164,637
20	FTEs	4.00

21 Sec. 6. There is appropriated from the designated
 22 revolving funds to the department of general services
 23 for the fiscal year beginning July 1, 1995, and ending
 24 June 30, 1996, the following amounts, or so much
 25 thereof as is necessary, to be used for the purposes
 26 designated:

27 1. From the centralized printing permanent
 28 revolving fund established by section 18.57 for
 29 salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:

32	\$	912,217
33	FTEs	26.05

34 2. The remainder of the centralized printing
 35 permanent revolving fund is appropriated for the
 36 expense incurred in supplying paper stock, offset
 37 printing, copy preparation, binding, distribution
 38 costs, original payment of printing and binding claims
 39 and contingencies arising during the fiscal year
 40 beginning July 1, 1995, and ending June 30, 1996,
 41 which are legally payable from this fund.

42 3. From the centralized purchasing permanent
 43 revolving fund established by section 18.9 for
 44 salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47	\$	734,140
48	FTEs	16.05

49 4. The remainder of the centralized purchasing
 50 permanent revolving fund is appropriated for the

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1 payment of expenses incurred through purchases by
 2 various state departments and for contingencies
 3 arising during the fiscal year beginning July 1, 1995,
 4 and ending June 30, 1996, which are legally payable
 5 from this fund.

6 5. From the vehicle dispatcher revolving fund
 7 established by section 18.119 for salaries, support,
 8 maintenance, miscellaneous purposes, and for not more
 9 than the following full-time equivalent positions:

10	\$	625,075
11	FTEs	15.00

12 6. The remainder of the vehicle dispatcher
 13 revolving fund is appropriated for the purchase of
 14 gasoline, gasohol, oil, tires, repairs, and all other
 15 maintenance expenses incurred in the operation of
 16 state-owned motor vehicles and for contingencies
 17 arising during the fiscal year beginning July 1, 1995,
 18 and ending June 30, 1996, which are legally payable
 19 from this fund.

20 The vehicle dispatcher shall report, not later than
 21 February 15, 1996, to the chairpersons and the ranking
 22 members of the joint appropriations subcommittee on
 23 administration and regulation and to the legislative
 24 fiscal bureau regarding the efficiencies of the
 25 vehicle fleet and the changes in the efficiencies.
 26 The report shall include the cost per mile, fuel
 27 efficiencies, maintenance costs, useful life, the
 28 costs of extending the useful life, and other measures
 29 which the vehicle dispatcher or the legislative fiscal
 30 bureau finds appropriate. The information shall be
 31 reported for each general type of vehicle. The
 32 overhead costs shall also be reported with the total
 33 costs of the vehicle dispatcher operations.

34 The department of general services shall report to
 35 the chairpersons and ranking members of the joint
 36 appropriations subcommittee on administration and
 37 regulation and the legislative fiscal bureau not later
 38 than February 15, 1996, a comparison of the
 39 performance of vehicles burning an 85 percent ethanol
 40 mixture and those burning a 10 percent ethanol
 41 mixture. The report shall include, but is not limited
 42 to, average mileage, vehicle life, and problems
 43 encountered.

44 Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There
 45 is appropriated from the general fund of the state to
 46 the offices of the governor and the lieutenant
 47 governor for the fiscal year beginning July 1, 1995,
 48 and ending June 30, 1996, the following amounts, or so
 49 much thereof as is necessary, to be used for the
 50 purposes designated:

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1	1. For salaries, support, maintenance, and		
2	miscellaneous purposes for the general office of the		
3	governor and the general office of the lieutenant		
4	governor, and for not more than the following full-		
5	time equivalent positions:		
6	.....	\$	1,088,936
7	.....	FTEs	17.25
8	2. For the governor's expenses and the lieutenant		
9	governor's expenses connected with office:		
10	.....	\$	2,416
11	3. For salaries, support, maintenance, and		
12	miscellaneous purposes for the governor's quarters at		
13	Terrace Hill, and for not more than the following		
14	full-time equivalent positions:		
15	.....	\$	51,746
16	.....	FTEs	1.50
17	4. For the payment of expenses of ad hoc		
18	committees, councils, and task forces appointed by the		
19	governor to research and analyze a particular subject		
20	area relevant to the problems and responsibilities of		
21	state and local government, including the employment		
22	of professional, technical, and administrative staff		
23	and the payment of per diem and actual expenses of		
24	committee, council, or task force members as specified		
25	pursuant to section 7E.6:		
26	.....	\$	1,610
27	The ad hoc committees, councils, and task forces		
28	appointed by the governor are subject to chapters 21		
29	and 22 and the members and the staff shall be informed		
30	of these requirements. A member shall not receive a		
31	per diem if the member is receiving a salary as a		
32	full-time public employee, but members shall be		
33	reimbursed for actual and necessary expenses.		
34	5. For salaries, support, maintenance, and		
35	miscellaneous purposes for the office of		
36	administrative rules coordinator, and for not more		
37	than the following full-time equivalent positions:		
38	.....	\$	108,336
39	.....	FTEs	2.00
40	6. For payment of Iowa's membership in the		
41	national governors' conference:		
42	.....	\$	74,435
43	Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS.		
44	There is appropriated from the general fund of the		
45	state to the department of inspections and appeals for		
46	the fiscal year beginning July 1, 1995, and ending		
47	June 30, 1996, the following amounts, or so much		
48	thereof as is necessary, for the purposes designated:		
49	1. FINANCE AND SERVICES DIVISION		
50	For salaries, support, maintenance, miscellaneous		

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1	purposes, and for not more than the following full-		
2	time equivalent positions:		
3	.....	\$	467,275
4	.....	FTEs	21.00
5	2. AUDITS DIVISION		
6	For salaries, support, maintenance, miscellaneous		
7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	352,092
10	.....	FTEs	11.00
11	3. APPEALS AND FAIR HEARINGS DIVISION		
12	For salaries, support, maintenance, miscellaneous		
13	purposes, and for not more than the following full-		
14	time equivalent positions:		
15	.....	\$	223,048
16	.....	FTEs	24.00
17	4. INVESTIGATIONS DIVISION		
18	For salaries, support, maintenance, miscellaneous		
19	purposes, and for not more than the following full-		
20	time equivalent positions:		
21	.....	\$	729,111
22	.....	FTEs	35.00
23	5. HEALTH FACILITIES DIVISION		
24	For salaries, support, maintenance, miscellaneous		
25	purposes, and for not more than the following full-		
26	time equivalent positions:		
27	.....	\$	1,663,070
28	.....	FTEs	101.00
29	6. INSPECTIONS DIVISION		
30	For salaries, support, maintenance, miscellaneous		
31	purposes, and for not more than the following full-		
32	time equivalent positions:		
33	.....	\$	577,869
34	.....	FTEs	13.00
35	7. EMPLOYMENT APPEAL BOARD		
36	For salaries, support, maintenance, miscellaneous		
37	purposes, and for not more than the following full-		
38	time equivalent positions:		
39	.....	\$	33,067
40	.....	FTEs	15.00
41	The employment appeal board shall be reimbursed by		
42	the labor services division of the department of		
43	employment services for all costs associated with		
44	hearings conducted under chapter 91C, related to		
45	contractor registration. The board may expend, in		
46	addition to the amount appropriated under this		
47	subsection, additional amounts as are directly		
48	billable to the labor services division under this		
49	subsection and to retain the additional full-time		
50	equivalent positions as needed to conduct hearings		

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1 required pursuant to chapter 91C.

2 8. STATE FOSTER CARE REVIEW BOARD

3 For salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-
5 time equivalent positions:

6	\$	527,041
7	FTEs	10.00

8 The department of human services, in coordination
9 with the state foster care review board and the
10 department of inspections and appeals, shall submit an
11 application for funding available pursuant to Title
12 IV-E of the federal Social Security Act for claims for
13 state foster care review board administrative review
14 costs.

15 9. The department of inspections and appeals shall
16 provide an accounting of all costs associated with
17 negotiating agreements and compacts pursuant to
18 section 10A.104, subsection 10, and all costs
19 associated with monitoring such agreements and
20 compacts. Information in the accounting shall include
21 the dates and destinations of all travel related to
22 the negotiations and monitoring, and all costs
23 associated with the personnel involved, including
24 salary, travel, and support costs.

25 Sec. 9. RACETRACK REGULATION. There is
26 appropriated from the general fund of the state to the
27 racing and gaming commission of the department of
28 inspections and appeals for the fiscal year beginning
29 July 1, 1995, and ending June 30, 1996, the following
30 amount, or so much thereof as is necessary, to be used
31 for the purposes designated:

32 For salaries, support, maintenance, miscellaneous
33 purposes, for the regulation of pari-mutuel
34 racetracks, and for not more than the following full-
35 time equivalent positions:

36	\$	1,760,378
37	FTEs	23.85

38 Sec. 10. EXCURSION BOAT REGULATION. There is
39 appropriated from the general fund of the state to the
40 racing and gaming commission of the department of
41 inspections and appeals for the fiscal year beginning
42 July 1, 1995, and ending June 30, 1996, the following
43 amount, or so much thereof as is necessary, to be used
44 for the purposes designated:

45 For salaries, support, maintenance, and
46 miscellaneous purposes for administration and
47 enforcement of the excursion boat gambling laws, and
48 for not more than the following full-time equivalent
49 positions:

50	\$	860,651
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1 FTEs 17.11

2 It is the intent of the general assembly that the

3 racing and gaming commission shall only employ

4 additional full-time equivalent positions for

5 riverboat gambling enforcement as authorized by the

6 department of management as needed for enforcement on

7 new riverboats. If more than six riverboats are

8 operating during the fiscal year beginning July 1,

9 1995, and ending June 30, 1996, the commission may

10 expend no more than \$84,917 for no more than 2.00 FTEs

11 for each additional riverboat in excess of six. The

12 additional expense associated with the positions shall

13 be paid from fees assessed by the commission as

14 provided in chapter 99F.

15 Notwithstanding section 8.39, funds shall not be

16 transferred to the department of inspections and

17 appeals which would be used for monitoring Indian

18 gaming.

19 Sec. 11. DEPARTMENT OF INSPECTIONS AND APPEALS —

20 SERVICE CHARGES. The department of inspections and

21 appeals may charge state departments, agencies, and

22 commissions for services rendered and the payment

23 received shall be considered repayment receipts as

24 defined in section 8.2.

25 Sec. 12. USE TAX APPROPRIATION. There is

26 appropriated from the use tax receipts collected

27 pursuant to section 423.7 prior to their deposit in

28 the road use tax fund pursuant to section 423.24,

29 subsection 1, to the appeals and fair hearings

30 division of the department of inspections and appeals

31 for the fiscal year beginning July 1, 1995, and ending

32 June 30, 1996, the following amount, or so much

33 thereof as is necessary, for the purposes designated:

34 For salaries, support, maintenance, and

35 miscellaneous purposes:

36 \$ 924,090

37 Sec. 13. DEPARTMENT OF MANAGEMENT. There is

38 appropriated from the general fund of the state to the

39 department of management for the fiscal year beginning

40 July 1, 1995, and ending June 30, 1996, the following

41 amounts, or so much thereof as is necessary, to be

42 used for the purposes designated:

43 1. GENERAL OFFICE

44 For salaries, support, maintenance, miscellaneous

45 purposes, and for not more than the following full-

46 time equivalent positions:

47 \$ 1,959,287

48 FTEs 29.00

49 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

50 For reimbursement to local law enforcement agencies

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1 for the training of officers who resign pursuant to
2 section 384.15, subsection 7:
3 \$ 47,500

4 3. COUNCIL OF STATE GOVERNMENTS
5 For support of the membership assessment:
6 \$ 75,500

7 Sec. 14. There is appropriated from the road use
8 tax fund to the department of management for the
9 fiscal year beginning July 1, 1995, and ending June
10 30, 1996, the following amount, or so much thereof as
11 is necessary, to be used for the purposes designated:
12 For salaries, support, maintenance, and
13 miscellaneous purposes:
14 \$ 56,000

15 The department of management shall report to the
16 chairpersons and ranking members of the senate and
17 house committees on appropriations, the chairpersons
18 and ranking members of the joint appropriations
19 subcommittee on administration and regulation, and the
20 legislative fiscal bureau, the number of furloughs and
21 the number of layoffs that occur in each state agency,
22 the savings associated with those furloughs and
23 layoffs, the effect of the furloughs and layoffs on
24 services provided by the state agency, and other
25 relevant information. The department shall provide a
26 year-end report summarizing the information for the
27 fiscal year beginning July 1, 1995, which will be due
28 by September 1, 1996.

29 When addressing staffing targets for state
30 agencies, the department of management shall state the
31 number of staff authorized for a state agency in terms
32 of full-time equivalent positions.

33 Sec. 15. There is appropriated from the general
34 fund of the state to the department of personnel for
35 the fiscal year beginning July 1, 1995, and ending
36 June 30, 1996, the following amounts, or so much
37 thereof as is necessary, to be used for the purposes
38 designated including the filing of quarterly reports
39 as required in this section:

40 1. OPERATIONS
41 For salaries, support, maintenance, and
42 miscellaneous purposes for the director's staff,
43 information services, data processing, and financial
44 services, and for not more than the following full-
45 time equivalent positions:
46 \$ 1,041,716
47 FTEs 18.58

48 2. PROGRAM DELIVERY
49 For salaries for personnel services, employment law
50 and labor relations and training for not more than the

1 following full-time equivalent positions:
 2 \$ 1,213,964
 3 FTEs 33.20

4 3. PROGRAM ADMINISTRATION AND DEVELOPMENT

5 For salaries for employment, compensation, and
 6 benefits and workers' compensation and for not more
 7 than the following full-time equivalent positions:
 8 \$ 1,386,933
 9 FTEs 32.80

10 Any funds received by the department for workers'
 11 compensation purposes other than the funds
 12 appropriated in subsection 3 shall be used only for
 13 the payment of workers' compensation claims.
 14 The funds for support, maintenance, and
 15 miscellaneous purposes for personnel assigned to
 16 program delivery under subsection 2 and program
 17 administration and development under subsection 3 are
 18 payable from the appropriation made in subsection 1.

19 The department of personnel shall report semi-
 20 annually to the chairpersons and ranking members of
 21 the joint appropriations subcommittee on
 22 administration and regulation concerning the number of
 23 vacancies in existing full-time equivalent positions
 24 and the average time taken to fill the vacancies. The
 25 reports shall include quarterly and annual averages
 26 organized according to state agency and general
 27 occupational category as established by the federal
 28 equal employment opportunity commission. All
 29 departments and agencies of the state shall cooperate
 30 with the department in the preparation of the reports.

31 Sec. 16. IPERS. There is appropriated from the
 32 Iowa public employees' retirement system fund to the
 33 department of personnel for the fiscal year beginning
 34 July 1, 1995, and ending June 30, 1996, the following
 35 amount, or so much thereof as is necessary, to be used
 36 for the purposes designated:

37 1. For salaries, support, maintenance, and other
 38 operational purposes to pay the costs of the Iowa
 39 public employees' retirement system:
 40 \$ 3,749,983

41 2. It is the intent of the general assembly that
 42 the Iowa public employees' retirement system employ
 43 sufficient staff within the appropriation provided in
 44 this section to meet the developing requirements of
 45 the investment program.

46 3. The department of personnel shall submit,
 47 annually, a report to the chairpersons and ranking
 48 members of the joint appropriations subcommittee on
 49 administration and regulation and to the legislative
 50 fiscal bureau regarding the results of the state's top

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1	achievement recognition program. The reports		
2	submitted shall include, but are not limited to,		
3	identification of the recipients, a description of the		
4	meritorious achievements, and the awards conferred.		
5	Sec. 17. There is appropriated from the primary		
6	road fund to the department of personnel for the		
7	fiscal year beginning July 1, 1995, and ending June		
8	30, 1996, the following amount, or so much thereof as		
9	is necessary, to be used for the purposes designated:		
10	For salaries, support, maintenance, and		
11	miscellaneous purposes to provide personnel services		
12	for the state department of transportation:		
13	.....	\$	331,694
14	Sec. 18. There is appropriated from the road use		
15	tax fund to the department of personnel for the fiscal		
16	year beginning July 1, 1995, and ending June 30, 1996,		
17	the following amount, or so much thereof as is		
18	necessary, to be used for the purposes designated:		
19	For salaries, support, maintenance, and		
20	miscellaneous purposes to provide personnel services		
21	for the state department of transportation:		
22	.....	\$	53,996
23	Sec. 19. There is appropriated from the general		
24	fund of the state to the department of revenue and		
25	finance for the fiscal year beginning July 1, 1995,		
26	and ending June 30, 1996, the following amounts, or so		
27	much thereof as is necessary, to be used for the		
28	purposes designated, and for not more than the		
29	following full-time equivalent positions used for the		
30	purposes designated in subsections 1 through 3:		
31	.....	FTEs	577.43
32	1. AUDIT AND COMPLIANCE		
33	For salaries, support, maintenance, and		
34	miscellaneous purposes:		
35	.....	\$	10,563,293
36	2. STATE FINANCIAL MANAGEMENT		
37	For salaries, support, maintenance, and		
38	miscellaneous purposes:		
39	.....	\$	9,376,548
40	3. INTERNAL RESOURCES MANAGEMENT		
41	For salaries, support, maintenance, and		
42	miscellaneous purposes:		
43	.....	\$	5,910,111
44	4. COLLECTION COSTS AND FEES		
45	For payment of collection costs and fees pursuant		
46	to section 422.26:		
47	.....	\$	45,000
48	8. a. The department of revenue and finance shall		
49	not change the appropriations for the purposes		
50	designated in subsections 1 through 3 from the amounts		

1 appropriated in those subsections unless notice of the
 2 revisions is given prior to their effective date to
 3 the legislative fiscal bureau. The notice shall
 4 include information on the department's rationale for
 5 making the changes.

6 b. The department of revenue and finance shall
 7 report quarterly to the legislative fiscal bureau
 8 concerning progress in the implementation of generally
 9 accepted accounting principles, including
 10 determination of reporting entities, fund
 11 classifications, modification of the Iowa financial
 12 accounting system, progress on preparing a
 13 comprehensive annual financial report, and the most
 14 current estimate of the general fund balance based on
 15 current generally accepted accounting principles.

16 c. The director of revenue and finance shall
 17 report annually to the chairpersons and ranking
 18 members of the joint appropriations subcommittee on
 19 administration and regulation and the legislative
 20 fiscal bureau on the implementation and financial
 21 status of the integrated revenue information system.
 22 The report shall include any changes from the
 23 scheduled progress including expenditures or estimated
 24 revenue.

25 d. The director of revenue and finance shall
 26 prepare and issue a state appraisal manual and the
 27 revisions to the state appraisal manual as provided in
 28 section 421.17, subsection 18, without cost to a city
 29 or county.

30 Sec. 20. There is appropriated from the lottery
 31 fund to the department of revenue and finance for the
 32 fiscal year beginning July 1, 1995, and ending June
 33 30, 1996, the following amount, or so much thereof as
 34 is necessary, to be used for the purposes designated:

35 For salaries, support, maintenance, miscellaneous
 36 purposes for the administration and operation of
 37 lottery games, and for not more than the following
 38 full-time equivalent positions:

39	\$	7,408,016
40	FTEs	120.00

41 Sec. 21. There is appropriated from the motor
 42 vehicle fuel tax fund created by section 452A.77 to
 43 the department of revenue and finance for the fiscal
 44 year beginning July 1, 1995, and ending June 30, 1996,
 45 the following amount, or so much thereof as is
 46 necessary, to be used for the purposes designated:

47 For salaries, support, maintenance, and
 48 miscellaneous purposes for administration and
 49 enforcement of the provisions of chapter 452A and the
 50 motor vehicle use tax program:

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1		\$ 1,008,025
2 Sec. 22. There is appropriated from the general		
3 fund of the state to the office of the secretary of		
4 state for the fiscal year beginning July 1, 1995, and		
5 ending June 30, 1996, the following amounts, or so		
6 much thereof as is necessary, to be used for the		
7 purposes designated:		
8 1. ADMINISTRATION AND ELECTIONS		
9 For salaries, support, maintenance, miscellaneous		
10 purposes, and for not more than the following full-		
11 time equivalent positions:		
12	\$	520,514
13	FTEs	9.00
14 2. BUSINESS SERVICES		
15 For salaries, support, maintenance, miscellaneous		
16 purposes, and for not more than the following full-		
17 time equivalent positions:		
18	\$	1,565,021
19	FTEs	28.00
20 3. For costs incurred in the printing of the		
21 official register:		
22	\$	60,000
23 Sec. 23. STATE-FEDERAL RELATIONS. There is		
24 appropriated from the general fund of the state to the		
25 office of state-federal relations for the fiscal year		
26 beginning July 1, 1995, and ending June 30, 1996, the		
27 following amount, or so much thereof as is necessary,		
28 to be used for the purposes designated:		
29 For salaries, support, maintenance, miscellaneous		
30 purposes, and for not more than the following full-		
31 time equivalent positions:		
32	\$	235,521
33	FTEs	3.00
34 Sec. 24. TREASURER. There is appropriated from		
35 the general fund of the state to the office of		
36 treasurer of state for the fiscal year beginning July		
37 1, 1995, and ending June 30, 1996, the following		
38 amount, or so much thereof as is necessary, to be used		
39 for the purposes designated:		
40 For salaries, support, maintenance, miscellaneous		
41 purposes, and for not more than the following full-		
42 time equivalent positions:		
43	\$	855,694
44	FTEs	27.80
45 The office of treasurer of state shall supply		
46 clerical and secretarial support for the executive		
47 council.		
48 Sec. 25. SECOND INJURY FUND. The administrative		
49 costs and expenses incurred by the treasurer of state,		
50 the attorney general, the second injury fund, or the		

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1 department of revenue and finance, in connection with
 2 the second injury fund, may be paid from the second
 3 injury fund. However, the payment of administrative
 4 costs and expenses incurred by the treasurer of state,
 5 the attorney general, the second injury fund, and the
 6 department of revenue and finance, as authorized in
 7 this section, shall only be permitted for
 8 administrative costs and expenses incurred in the
 9 fiscal year commencing July 1, 1995, and ending June
 10 30, 1996, shall not exceed \$170,000.

11 Sec. 26. STATE WORKERS' COMPENSATION CLAIMS.

12 There is appropriated from the general fund of the
 13 state to the department of personnel for the fiscal
 14 year beginning July 1, 1995, and ending June 30, 1996,
 15 the following amount, or so much thereof as is
 16 necessary, to be used for the purpose designated:
 17 For distribution, subject to approval of the
 18 department of management, to various state departments
 19 to fund the premiums for paying workers' compensation
 20 claims which are assessed to and collected from the
 21 state department by the department of personnel based
 22 upon a rating formula established by the department of
 23 personnel:

24 \$ 5,884,740

25 The premiums collected by the department of
 26 personnel shall be segregated into a separate workers'
 27 compensation fund in the state treasury to be used for
 28 payment of state employees' workers' compensation
 29 claims. Notwithstanding section 8.33, unencumbered or
 30 unobligated moneys remaining in this workers'
 31 compensation fund at the end of the fiscal year shall
 32 not revert but shall be available for expenditure for
 33 purposes of the fund for subsequent fiscal years.

34 Sec. 27. CENTRALIZED PURCHASING REVOLVING FUND

35 TRANSFER. Notwithstanding section 18.9, there is
 36 transferred from the centralized purchasing revolving
 37 fund created under section 18.9 to the general fund of
 38 the state on June 30, 1995, the sum of \$135,000.

39 Sec. 28. IMPLEMENTATION OF FUNDING REDUCTIONS —

40 INTENT OF GENERAL ASSEMBLY. It is the intent of the
 41 general assembly that the departments, agencies, and
 42 offices of the executive department of state
 43 government shall implement funding reductions through
 44 organizational changes which reduce supervisory
 45 positions, vertically and horizontally, and increase
 46 the span of control of the remaining supervisors as
 47 recommended by the governor's committee on government
 48 spending reform.

49 Sec. 29. ELIMINATION OF VACANT UNFUNDED JOBS. The
 50 state departments, agencies, or offices receiving

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1 appropriations under this Act shall eliminate, within
2 thirty days after the beginning of a fiscal year, all
3 vacant unfunded positions on the table of organization
4 of the state department, agency, or office.

5 Sec. 30. STATE COMMUNICATIONS NETWORK — REDUCTION
6 OF TRAVEL AND RELATED EXPENSES. The offices of the
7 governor and lieutenant governor, the office of
8 secretary of state, the office of treasurer of state,
9 the auditor of state, the department of commerce, the
10 department of inspections and appeals, the Iowa ethics
11 and campaign disclosure board, the department of
12 general services, the department of management, the
13 department of revenue and finance, and the department
14 of personnel shall use the services of the state
15 communications network as much as possible for
16 interagency communication, meetings, and conferences
17 to reduce travel and related expenses for the
18 respective offices or departments.

19 Sec. 31. REPORT OF ADDITIONAL INCOME AND
20 EXPENDITURES. The state departments, agencies, and
21 offices receiving appropriations under this Act shall
22 report all expenses in excess of the funds
23 appropriated from any statutory revolving funds during
24 the fiscal year beginning July 1, 1994, and ending
25 June 30, 1995. The report shall also include the
26 beginning and ending balances of the revolving funds.

27 The report required pursuant to this section shall
28 be submitted not later than September 30, 1995, for
29 expenditures made during the fiscal year beginning
30 July 1, 1994, and ending June 30, 1995, to the
31 chairpersons and ranking members of the joint
32 appropriations subcommittee on administration and
33 regulations and the legislative fiscal bureau.

34 Sec. 32. FEDERAL GRANTS. All federal grants to
35 and the federal receipts of agencies appropriated
36 funds under this Act, not otherwise appropriated, are
37 appropriated for the purposes set forth in the federal
38 grants or receipts unless otherwise provided by the
39 general assembly.

40 Sec. 33. EFFECTIVE DATE. This section and section
41 27 of this Act take effect on June 30, 1995. The
42 remainder of this Act takes effect on July 1, 1995.”

43 2. Title page, by striking lines 3 and 4 and
44 inserting the following: “providing for other
45 properly related matters, and providing an effective
46 date.”

Millage of Scott offered the following amendment H-4214, to the committee amendment H-4212, filed by him from the floor and moved its adoption:

H-4214

- 1 Amend the amendment, H-4212, to Senate File 484, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 8, line 6, by striking the figure
 5 "1,088,936" and inserting the following: "1,106,128".
 6 2. Page 8, line 15, by striking the figure
 7 "51,746" and inserting the following: "64,648".
 8 3. Page 8, line 16, by striking the figure "1.50"
 9 and inserting the following: "2.00".

A non-record roll call was requested.

The ayes were 68, nays 18.

Amendment H-4214 was adopted.

Millage of Scott offered the following amendment H-4215, to the committee amendment H-4212, filed by him from the floor and moved its adoption:

H-4215

- 1 Amend the amendment, H-4212, to Senate File 484, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 11, line 47, by striking the figure
 5 "1,959,287" and inserting the following: "2,032,287".
 6 2. Page 11, line 48, by striking the figure
 7 "29.00" and inserting the following: "30.00".

A non-record roll call was requested.

The ayes were 46, nays 28.

Amendment H-4215 was adopted.

Martin of Scott offered the following amendment H-4213, to the committee amendment H-4212, filed by her from the floor and moved its adoption:

H-4213

- 1 Amend the amendment, H-4212, to Senate File 484, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 17, by inserting after line 33 the
 5 following:
 6 "Sec. ____ Notwithstanding section 509A.5, there
 7 is appropriated from the employer share of the health
 8 insurance premium reserve fund the following amount
 9 for the purpose designated:
 10 For the health data commission:
 11 \$100,000"
 12 2. By renumbering as necessary.

Amendment H-4213 was adopted.

Millage of Scott moved the adoption of the committee amendment H-4212, as amended.

Roll call was requested by Kreiman of Davis and Siegrist of Pottawattamie.

On the question "Shall the committee amendment H-4212, as amended, be adopted?" (S.F. 484)

The ayes were, 63:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Garman
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.	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, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cphoon	Drees
Fallon	Grubbs	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:

Boddicker	Brammer	Connors
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The committee amendment H-4212, as amended, 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?" (S.F. 484)

The ayes were, 71:

Arnold	Baker	Bernau	Blodgett
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	McCoy	Metcalf
Meyer	Millage	Murphy	Nelson, B.
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 26:

Bell	Brand	Burnett	Cohoon
Drees	Fallon	Grubbs	Harper
Holveck	Jochum	Koenigs	Kreiman
Mascher	May	Mertz	Moreland
Mundie	Myers	Nelson, L.	Ollie
Running	Schrader	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 3:

Boddicker	Brammer	Connors
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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 484** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:01 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:40 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, Minority Leader Schrader of Marion and Majority Leader Siegrist of Pottawattamie.

Jennifer Banger	Josh Ladwig
Tara Bartosh	Deana Lauritzen
Jonathan Bockert	Cora Lubbert
Emelie Boelter	Jay McLaren
Becky Booth	Brian Mensen
Tanya Raelynn Douglas	Sara Nelson
Amanda Dykstra	Holly Norman
Mary Earnhardt	Sarah Pederson
Amy Fabor	Jeremy Plagman
Daniel Goos	Josie Roslansky
Peter Grandgeorge	Katy Routh
De Ann Hart	Chad Vande Lune
Traci Heim	Toni Verlengia

The House rose and expressed its appreciation.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 3, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 3, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 505, a bill for an act relating to payment of expenses for persons with mental retardation.

Also: That the Senate has on May 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 487, a bill for an act relating to public employee benefits and providing for the garnishment, attachment, or execution of certain benefits to police officers, fire fighters, and peace officers for the purposes of enforcement of child support obligations including to the extent provided in the child support order any spousal or medical support obligations.

Also: That the Senate has on May 3, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 478, a bill for an act 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 date.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House Joint Resolution 20, by Hurley, Boddicker, Van Maanen, Drake, Bradley, Grubbs, Ertl, Carroll, Schulte, Salton, Kremer, Tyrrell, Klemme, Vande Hoef, Halvorson, Veenstra, Cornelius, Larson, Main, Lord, Garman, Daggett, Blodgett, Mertz and Eddie, a joint resolution proposing an amendment to the Constitution of the State of Iowa to establish the right of parents to direct the upbringing and education of their children.

Referred to committee on **state government**.

SENATE MESSAGE CONSIDERED

Senate File 487, by Horn and Rife, a bill for an act relating to public employee benefits and providing for the garnishment, attachment, or execution of certain benefits to police officers, fire fighters, and peace officers for the purposes of enforcement of child support obligations including to the extent provided in the child support order any spousal or medical support obligations.

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

SENATE AMENDMENTS CONSIDERED

Halvorson of Clayton called up for consideration **Senate File 478**, 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, amended by the House, further

amended by the Senate and moved that the House concur in the following Senate amendment H-4219 to the House amendment:

H-4219

- 1 Amend the House amendment, S-3680, to Senate File
- 2 478, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, lines 10 and 11, by striking the words
- 5 “, for the remainder of the taxpayer's current taxable
- 6 year”.

The motion prevailed and the House concurred in the Senate amendment H-4219, to the House amendment.

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

On the question “Shall the bill pass?” (S.F. 478)

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	Dorsey	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	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

Connors

Shultz

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 **Senate File 478** be immediately messaged to the Senate.

Renken of Grundy called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4216:

H-4216

1 Amend House File 303 as follows:

2 1. Page 37, by inserting after line 33 the
3 following:

4 "Sec. ____ NEW SECTION. 480.9 LIABILITY FOR
5 OWNER OF FARMLAND.

6 An owner of farmland used in a farm operation, as
7 defined in section 352.2, who complies with the
8 requirements of this chapter shall not be held
9 responsible for any damages to an underground
10 facility, including fiber optic cable, if the damage
11 occurred on the farmland in the normal course of the
12 farm operation, unless the owner intentionally damaged
13 the underground facility or acted with wanton
14 disregard or recklessness in causing the damage to the
15 underground facility. For purposes of this section,
16 an "owner" includes a family member, employee, or
17 tenant of the owner."

18 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4216.

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

On the question "Shall the bill pass?" (H.F. 303)

The ayes were, 94:

Arnold
Blodgett

Baker
Boddicker

Bell
Bogges

Bernau
Bradley

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Churchill	Cphoon
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	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	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, 6:

Brammer	Cataldo	Connors	Grundberg
Mascher	McCoy		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 303** be immediately messaged to the Senate.

Carroll of Poweshiek called up for consideration **House File 505**, a bill for an act relating to payment of expenses for persons with mental retardation, amended by the Senate, and moved that the House concur in the following Senate amendment H-4218:

H-4218

- 1 Amend House File 505 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 30, by striking the word
- 4 "licensed".
- 5 2. Page 2, by inserting after line 3 the
- 6 following:

7 "Sec. ____ SUPPLEMENTAL EXPENSE PAYMENT. If the
 8 amendments adopted by the department of human services
 9 in 1993 through 1995 in 441 Iowa administrative code,
 10 rules 22.1 and 24.1, which revise the definition of
 11 the term "persons with mental retardation," have the
 12 result of increasing costs to a county during the
 13 fiscal period beginning July 1, 1993, and ending June
 14 30, 1995, the county shall report the increased costs
 15 to the department of human services. The department
 16 shall compile the county reports of increased costs to
 17 develop a total of the increased costs submitted by
 18 counties pursuant to this section. The total
 19 increased costs shall be included in a report
 20 submitted to the governor and the general assembly for
 21 budget consideration during the 1996 legislative
 22 session. If the total increased costs exceeds
 23 \$2,000,000, the report shall include a recommendation
 24 for a supplemental appropriation for the amount in
 25 excess of \$2,000,000 to be used for a supplemental
 26 expense payment to counties. The amount of a county's
 27 supplemental expense payment would be equal to the
 28 amount of the county's proportion of the total of the
 29 increased costs submitted applied to the amount of the
 30 supplemental appropriation. The council on human
 31 services shall adopt rules in consultation with the
 32 state-county management committee to establish forms
 33 and other requirements implementing the provisions of
 34 this section."
 35 3. By renumbering, relettering, or redesignating
 36 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4218.

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

On the question "Shall the bill pass?" (H.F. 505)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Cohoon
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
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	Churchill	Connors	Drees
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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

Rants of Woodbury asked and received unanimous consent that **House File 505** be immediately messaged to the Senate.

Gipp of Winneshiek called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4217:

H-4217

- 1 Amend House File 437, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 2, line 11, by striking the word and
4 figure "and 2" and inserting the following: ", 2, and
5 4".

6 2. Page 2, by striking lines 14 and 15 and
7 inserting the following: "who shall be an Iowa
8 resident who has reached the age".

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

11 "4. The treasurer and candidate in the case of a
12 candidate's committee, and the treasurer and
13 chairperson in the case of a political committee,
14 shall preserve all records required to be kept by this
15 section for a period of ~~three~~ five years. ~~However, a~~
16 ~~committee is not required to preserve any records for~~
17 ~~more than three years from the date of the election in~~
18 ~~which the committee is involved, or the certified date~~
19 ~~of dissolution of the committee, whichever is~~
20 ~~applicable. For purposes of this section, the five-~~
21 ~~year period shall commence with the due date of the~~
22 ~~disclosure report covering the activity documented in~~
23 ~~the records."~~

24 4. Page 5, line 4, by striking the figure "4" and
25 inserting the following: "5".

26 5. Page 12, line 3, by inserting after the figure
27 "8," the following: "8A".

28 6. Page 12, by inserting after line 12 the
29 following:

30 "_. This section shall not be construed to
31 require the inclusion on published material of
32 information which discloses the identity or address of
33 any individual who is acting independently and using
34 their own modest resources to publish or distribute
35 the material."

36 7. Page 13, by inserting after line 31 the
37 following:

38 "Sec. ____ Section 56.41, subsection 1, Code 1995,
39 is amended to read as follows:

40 1. A candidate and the candidate's committee shall
41 use campaign funds only for campaign purposes,
42 educational and other expenses associated with the
43 duties of office, or constituency services, and shall
44 not use campaign funds for personal expenses or
45 personal benefit. The purchase of subscriptions to
46 newspapers from or which circulate within the area
47 represented by the office which a candidate is seeking
48 or holds is presumed to be an expense that is
49 associated with the duties of the campaign for and
50 duties of office."

Page 2

1 8. Page 13, by striking lines 34 and 35 and
2 inserting the following:

3 "b. Contributions to national, state, or local

4 political party central committees, or to partisan
 5 political committees organized to represent persons
 6 within the boundaries of a congressional district."

7 9. Title page, line 9, by striking the word
 8 "providing" and inserting the following: "changing
 9 requirements".

10 10. Title page, lines 10 and 11, by striking the
 11 words "by nonregistered entities".

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

The motion prevailed and the House concurred in the Senate amendment H-4217.

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

On the question "Shall the bill pass?" (H.F. 437)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	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	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
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, none.

Absent or not voting, 5:

Brammer	Connors	McCoy	Running
Shoultz			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 437** be immediately messaged to the Senate.

The House stood at ease at 2:30 p.m., until the fall of the gavel.

The House resumed session at 5:10 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 seventy-one members present, twenty-nine absent.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(House File 553)

Hahn of Muscatine called up for consideration the report of the conference committee on House File 553 and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 553

To the Speaker of the House of Representatives and the President of the Senate:

We the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 553, 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, respectfully make the following report:

1. That the Senate recedes from its amendment, H-3945.
2. That House File 553, as amended, passed, and reprinted by the House, is amended as follows:
 1. By striking everything after the enacting clause and inserting the following:

"DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes, and for the salaries and support of not more than the following full-time equivalent positions:

.....	\$ 1,815,743
.....	FTEs 46.45

(1) Of the funds appropriated in this paragraph "a", \$319,550 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a", \$50,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

(3) Of the amount appropriated in this paragraph "a", \$130,100 and 4.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing the values of agricultural land.

(4) Of the amount appropriated in this paragraph "a", not more than \$5,000 shall be allocated to the Iowa polled hereford junior association in connection with the 1995 national junior hereford show.

(5) Of the amount appropriated in this paragraph "a", \$13,000 shall be allocated to support the United States department of agriculture cooperative agreement.

(6) As a condition of the amount appropriated in this paragraph "a", no executive officer II in the department shall be supported from the amount after September 30, 1995.

b. For the operations of the dairy trade practices bureau:

.....	\$ 66,273
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c. For the purpose of performing commercial feed audits:

.....	\$ 61,932
-------	-----------

d. For the purpose of performing fertilizer audits:

.....	\$ 61,932
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2. REGULATORY DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 3,757,998
.....	FTEs 122.50

b. For the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

.....	\$ 642,122
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3. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program, and for not more than the following full-time equivalent positions:

.....	\$ 795,528
.....	FTEs 76.10

Of the amount appropriated in this paragraph "a", \$110,000 shall be used to administer a program relating to the detection, surveillance, and eradication of the gypsy moth. The department shall allocate and use the appropriation made in this paragraph before moneys other than those appropriated in this paragraph are used to support the program.

b. For the operations of the commercial feed programs:

.....	\$ 735,631
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c. For the operations of the pesticide programs:

.....	\$ 1,271,464
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Of the amount appropriated in this paragraph "c", \$200,000 shall be allocated to Iowa state university for purposes of training commercial pesticide applicators.

d. For the operations of the fertilizer programs:

.....	\$ 626,630
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4. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 5,621,476
.....	FTEs 176.30

(1) Of the amount appropriated in this paragraph "a", \$330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

(2) Of the amount appropriated and the number of full-time equivalent positions allocated in this paragraph "a", \$165,000 and 6.50 FTEs shall be used to provide that 13 part-time field office secretary I positions are made full-time positions.

b. To provide financial incentives for soil conservation practices under chapter 161A:

.....	\$ 5,918,606
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c. The following requirements apply to the moneys appropriated in paragraph "b":

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in paragraph "b", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour stripcropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

(5) The financial incentive payments may be used in combination with department of natural resources moneys.

d. The provisions of section 8.33 shall not apply to the moneys appropriated in paragraph "b". Unencumbered or unobligated moneys remaining on June 30, 1999, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1995, shall revert to the general fund on August 31, 1999.

Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

.....	\$ 215,335
.....	FTEs 1.00

Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

.....	\$ 900,200
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2. Persons, including organizations interested in swine production in this state and in the promotion of Iowa pork products who contribute support to the program, are encouraged to increase financial support for purposes of ensuring the program's effective continuation.

Sec. 4. HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

.....	\$ 191,106
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Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

.....	\$ 80,000
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DEPARTMENT OF NATURAL RESOURCES

Sec. 6. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,834,654
.....	FTEs 113.50

2. PARKS AND PRESERVES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 5,510,462
.....	FTEs 195.73

3. FORESTS AND FORESTRY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,479,218
.....	FTEs 48.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,663,582
.....	FTEs 52.00

5. a. ENVIRONMENTAL PROTECTION DIVISION

(1) For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,641,243
.....	FTEs 207.00

(2) Of the amount appropriated and the number of full-time equivalent positions allocated in subparagraph (1) at least \$98,600 and 2 FTEs shall be used to support the regulation of animal feeding operations.

b. WATER QUALITY PROTECTION FUND

For allocation to the administrative account of the water quality protection fund established pursuant to section 455B.183A, to carry out the purpose of that account:

.....	\$ 404,000
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(1) Of the number of full-time equivalent positions authorized in paragraph "a", 36 FTEs shall be dedicated to carrying out the provisions of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and to support the program to assist water supply systems as provided in section 455B.183B. However, the limitation on full-time equivalent positions provided in paragraph "a", shall not limit the number of additional fulltime

equivalent positions supported by moneys deposited in the water quality protection fund as provided in section 455B.183A, in order to carry out the provisions of division III of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and the administration of the program to assist water supply systems pursuant to section 455B.183B.

(2) In providing assistance to water supply systems, the department shall provide priority to water supply systems serving a population of seven thousand or less. At least 2 FTEs shall be allocated to provide assistance to systems serving a population of seven thousand or less.

6. FISH AND WILDLIFE DIVISION

For not more than the following full-time equivalent positions:
 FTEs 340.93

7. WASTE MANAGEMENT ASSISTANCE DIVISION

For not more than the following full-time equivalent positions:
 FTEs 16.75

Sec. 7. STATE FISH AND GAME PROTECTION FUND -- APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:
 \$20,637,657

2. The department shall not expend more moneys from the fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative fiscal bureau and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

Sec. 8. MARINE FUEL TAX RECEIPTS — NONCAPITALS AND BOATING FACILITIES AND ACCESS. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of funding expenditures traditionally funded from marine fuel tax revenues, but not considered as capitals or operations:
 \$ 200,000

2. For purposes of maintaining and developing boating facilities and access to public waters by the parks and preserves division:
 \$ 411,311

Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1996, from moneys appropriated in subsection 1, may be expended during the fiscal year beginning July 1, 1996, and ending June 30, 1997, and shall not revert to the general fund until August 31, 1997.

Sec. 9. SNOWMOBILE FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1995, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:
 \$ 100,000

Sec. 10. VESSEL FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1995, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administration and enforcement of navigation laws and water safety:
 \$ 1,200,000

RESOURCES ENHANCEMENT AND PROTECTION

Sec. 11. GENERAL APPROPRIATION. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the general fund of the state to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the sum of \$8,000,000, of which all moneys shall be allocated as provided in section 455A.19.

ANIMAL INDUSTRY APPROPRIATIONS

Sec. 12. LIVESTOCK PRODUCERS ASSISTANCE.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology, for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the administration of the livestock producers assistance program established pursuant to section 266.39D, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 100,000
 FTEs 1.66

2. As a condition of this appropriation, the university shall strive to ensure that the program becomes increasingly self-sufficient. The university shall adopt a plan detailing the manner in which the program will become self-sufficient, including the expected amount of state funds necessary to support the program until it becomes self-sufficient, the sources of revenue expected to contribute to the program, and the amount each source is expected to contribute to the program. The plan shall be submitted to the legislative fiscal bureau by November 1, 1995.

3. The provisions of section 8.33 shall not apply to the moneys appropriated in this section. Unencumbered or unobligated moneys remaining on June 30, 1999, from moneys appropriated in this section for the fiscal year beginning July 1, 1995, shall revert to the general fund on August 31, 1999.

Sec. 13. ORGANIC NUTRIENT MANAGEMENT.

1. a. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the organic nutrient management fund for administration of the organic nutrient management program, as provided in section 161C.6:

..... \$ 450,000

b. Notwithstanding section 161C.5, unencumbered or unobligated moneys remaining on June 30, 1999, from moneys appropriated in paragraph "a" for the fiscal year beginning July 1, 1995, shall revert to the general fund on August 31, 1999.

2. a. Of the amount appropriated in subsection 1, paragraph "a", the division of soil conservation of the department of agriculture and land stewardship shall allocate \$50,000 for purposes of supporting pilot projects to determine the impact of plantings, including fast growing trees, surrounding manure storage structures which are connected to or part of animal feeding operations, in reducing or redirecting the dispersal of odor originating from such structures.

b. The moneys allocated in paragraph "a" of this subsection shall be awarded to the owner of an animal feeding operation who applies to the division of soil conservation according to procedures adopted by the division. The division shall provide for an initial application period of 60 days in which not more than one person from each county may be awarded moneys under this subsection. After the completion of the initial application period, any person may be awarded moneys under this subsection, regardless of whether another person in the same county has received an award. All moneys shall be awarded on a cost-share basis. However, a person shall not receive more than \$1,500, regardless of the number of animal feeding operations owned by the person.

c. The division of soil conservation shall submit a report containing findings and recommendations regarding the pilot projects to the general assembly not later than January 10, 1998.

3. Of the amount appropriated in subsection 1, paragraph "a", the division of soil conservation of the department of agriculture and land stewardship shall allocate \$50,000 to the department of natural resources for purposes of carrying out a pilot project to study ten animal feeding operations and their structures, and manure management and disposal systems used by such operations, in order to determine the extent to which such operations and their structures and manure management and disposal systems contribute to point and nonpoint contamination of the state's groundwater and surface water, as provided in 1995 Iowa Acts, House File 519.

RELATED APPROPRIATIONS

Sec. 14. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and the reversion and allocation provisions in section 455A.19, subsection 1, paragraph "c", of the unencumbered and unobligated moneys remaining on the effective date of this section, which are required to be deposited in the water protection fund created pursuant to section 161C.4, as provided in section 455A.19, subsection 1, paragraph "c", the following amounts shall be transferred first from moneys required to be

deposited in the water protection practices account, and if necessary from moneys required to be deposited in the water quality protection projects account, which shall be used for the following purposes:

1. For deposit in the organic nutrient management fund created in section 161C.5 for the purposes of carrying out the organic nutrient management program as provided in section 161C.6:

..... \$ 350,000

2. To provide financial incentives for soil conservation practices under chapter 161A, as provided in section 1 of this Act:

..... \$ 500,000

Moneys provided in this section shall be transferred first to the organic nutrient management fund as provided in subsection 1 before remaining moneys are transferred to provide financial incentives for soil conservation as provided in subsection 2.

The provisions of section 8.33 shall not apply to the moneys transferred pursuant to this section. On August 31, 1999, unencumbered or unobligated moneys remaining on June 30, 1999, from moneys transferred pursuant to this section shall revert to the soil and water enhancement account of the Iowa resources enhancement and protection fund as provided in section 455A.19, subsection 1, paragraph "c", for allocation to each account in the water protection fund as the moneys would have otherwise been allocated in the manner provided in section 455A.19.

Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD — TRANSFER. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board, to the department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration expenses of the underground storage tank section of the department of natural resources:

..... \$ 75,000

Sec. 16. TRANSFER — AIR QUALITY. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of natural resources may transfer up to \$281,000 from the hazardous substance remedial fund to support purposes related to carrying out the duties of the commission under section 455B.133, or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Sec. 17. WIND EROSION CONTROL FUND. On the effective date of this section, all unencumbered or unobligated moneys appropriated to the wind erosion control fund, and any unencumbered or unobligated moneys which have been credited to the division of soil conservation of the department of agriculture and land stewardship for purposes of planting and maintaining wind erosion control barriers, as originally provided in 1978 Iowa Acts, chapter 1108, section 7, and subsequently amended, shall be transferred to the road use tax fund created in section 312.1.

Sec. 18. TEMPORARY FUND FOR THE PURCHASE OF MOTOR VEHICLE FUEL EQUIPMENT. Notwithstanding section 18.12, the department of general

services, upon authorization by the department of agriculture and land stewardship, may conduct a sale of equipment or a device used to test octane in motor vehicle fuel as part of the department of agriculture and land stewardship's regulatory functions. The proceeds of the sale shall be deposited in a special fund established by the department of agriculture and land stewardship. Moneys from the fund shall only be used for purposes of purchasing superior devices or equipment used to test octane in motor vehicle fuel by the department of agriculture and land stewardship. The department shall not enter into a lease-purchase agreement in obtaining the equipment or devices. Unencumbered or unobligated moneys shall remain in the fund until June 30, 1997, at which time remaining moneys shall be deposited into the general fund of the state as a reversion provided in section 8.33, and the fund shall be abolished.

Sec. 19. ALLOCATION OF MONEYS OTHERWISE DEDICATED TO THE LIVING ROADWAY TRUST FUND — 1995 FISCAL YEAR.

1. On the effective date of this section, notwithstanding section 455A.19, subsection 1, paragraph "g", of the unencumbered and unobligated moneys allocated by section 455A.19, subsection 1, paragraph "g", which may otherwise be allocated to the living roadway trust fund created in section 314.21, there is allocated for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, to be used as follows:

a. To the soil conservation division of the department of agriculture and land stewardship for purposes of supporting a public service executive I position in the field services section of the division, and for the salary and support of not more than the following full-time equivalent position:

.....	\$ 55,000
..... FTEs	1.00

b. To the department of agriculture and land stewardship, for purposes of purchasing equipment for grain examiners to comply with requirements of the United States department of labor occupational safety and health administration:

.....	\$ 34,300
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c. To the department of natural resources for deposit in the public water supply system account established pursuant to section 455B.183A for purposes of supporting the program to assist supply systems, as provided in section 455B.183B:

.....	\$ 100,000
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d. To Iowa state university for purposes of supporting multiflora rose eradication research and projects:

.....	\$ 25,000
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e. To Iowa state university for purposes of supporting aerial spray calibration efforts at Iowa state university:

.....	\$ 25,000
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f. (1) To Iowa state university for purposes of supporting the Iowa cooperative extension service in agriculture and home economics in establishing and administering an Iowa grain quality initiative:

.....	\$ 40,000
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(2) Each dollar provided in this paragraph "f" shall be allocated to Iowa state university only after a matching dollar is contributed to Iowa state university for purposes of supporting the establishment and administration of the Iowa grain initiative by one or more organizations representing crop producer members in this state.

g. To local sponsors of the Lewis and Clark rural water system as required, in order to provide safe and adequate municipal and rural water supplies for residential, agriculture, and industrial use, and to preserve wetlands and mitigate water conservation efforts:

..... \$ 40,000

2. The moneys allocated pursuant to this section shall not revert pursuant to section 8.33, but shall remain available for the fiscal year beginning July 1, 1995, and ending June 30, 1996, for the purposes designated in this section. Unencumbered or unobligated moneys remaining on June 30, 1996, shall revert to the Iowa resources enhancement and protection fund created pursuant to section 455A.18 for allocation to the living roadway trust fund for the purpose provided in section 455A.19, subsection 1, paragraph "g", in the manner provided in section 455A.19.

MISCELLANEOUS

Sec. 20. STATE NURSERIES. Notwithstanding section 17A.2, subsection 10, paragraph "g", the department of natural resources shall adopt administrative rules establishing prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 21. HUNGRY CANYONS CONFERENCE.

1. The division of soil conservation of the department of agriculture and land stewardship in cooperation with the Loess Hills development and conservation authority, shall sponsor a conference not later than September 1, 1995, regarding the erosion and degradation of stream channels in counties in the deep loess region of western Iowa, and specifically the area referred to as hungry canyons. The conference shall discuss the impacts of the erosion and degradation of stream channels in the area and its adverse effect upon rural infrastructure, including public roads and bridges, agricultural production, stream water quality, and riparian habitat. The conference shall consider impacts of policies of the United States army corps of engineers upon the area.

2. Conferees shall include representatives of the division of soil conservation of the department of agriculture and land stewardship, the Loess Hills development and conservation authority, the department of natural resources, and the state department of transportation. Each soil and water conservation district in the area may elect one commissioner to serve as a conferee. Each county board of supervisors in a county in the area may elect one supervisor to serve as a conferee. The division of soil conservation shall invite other interested persons to serve as conferees, including members of Iowa's congressional delegation; the chairperson and ranking member of the standing committee on natural resources, environment and energy of the senate; the chairperson and ranking member of the standing committees on natural resources and environmental protection of the house of representatives; the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources; members of the Iowa general assembly who represent affected legislative districts; and representatives of the United States army corps of engineers; the United States environmental protection agency; the United States department of interior; and the natural resources conservation service of the United States department of agriculture.

3. The division of soil conservation of the department of agriculture and land stewardship shall report to the general assembly not later than January 15, 1996, regarding findings and recommendations of the conferees.

Sec. 22. TRANSFER OF MONEYS OR POSITIONS; CHANGES IN TABLES OF ORGANIZATION — NOTIFICATION. Each fiscal quarter of the fiscal year beginning July 1, 1995, the department of agriculture and land stewardship and the department of natural resources shall notify the chairpersons, vice chairpersons, and ranking members of the joint appropriations subcommittee on agriculture and natural resources for the previous fiscal quarter of any transfer of moneys or full-time equivalent positions made by either department which is not authorized in this Act, or any permanent position added to or deleted from either department's table of organization.

Sec. 23. TRUST FUND INFORMATION. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of revenue and finance in cooperation with each appropriate agency shall track receipts to the general fund of the state which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund, as provided in section 8.60.

The department of revenue and finance and each appropriate agency shall prepare reports detailing revenue from receipts previously deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each three-month period as designated by the legislative fiscal bureau.

Sec. 24. DEPARTMENTAL INFORMATION REQUIRED.

1. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits authorized in law for the departments.

2. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

3. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of agriculture and land stewardship shall provide the legislative fiscal bureau information and financial data on at least a monthly basis, relating to the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget prior to the start of the fiscal year, and to the department's actual expenditures after the accounting system has been closed for that fiscal year.

Sec. 25. **DIRECTION TO CODE EDITOR — UPDATE REFERENCES TO UNITS REORGANIZED UNDER THE UNITED STATES DEPARTMENT OF AGRICULTURE.** The Code editor is directed, to every extent possible, to update references in the Code relating to units of government under the authority of the United States department of agriculture to conform with the current names of those units. The Code editor may postpone updating the references until the publication of the 1997 Code, if the Code editor determines that the process of updating will create unreasonable costs or delays.

Sec. 26. **PREFERENCE PROVIDED — PERSONS MEETING ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.** In its employment of persons in temporary positions in conservation and outdoor recreation for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of natural resources shall give preference to persons meeting eligibility requirements for the green thumb program and to persons working toward an advanced education in natural resources and conservation.

Sec. 27. **GYPSY MOTH LITIGATION.** The department of agriculture and land stewardship and the office of the attorney general shall cooperate in bringing legal action against parties liable for damages caused by the shipment from the state of Michigan of trees or other plants infested with gypsy moths.

Sec. 28. **SOIL CONSERVATION DIVISION — USE OF UNOBLIGATED MONEYS FOR THE PURCHASE OF EQUIPMENT.** Notwithstanding section 8.33, or 1994 Iowa Acts, chapter 1199, section 8, subsection 17, and section 88, the moneys appropriated to the soil conservation division of the department of agriculture and land stewardship pursuant to chapter 1199, section 8, subsection 17, and section 88, which are not obligated or encumbered on June 30, 1995, for purposes of supporting soil conservation technicians, shall not revert to the general fund of the state but shall be used by the division of soil conservation for the fiscal year beginning July 1, 1995, and ending June 30, 1996, for purposes of purchasing equipment for soil conservation field offices.

Sec. 29. **AIR QUALITY PROGRAM — NONGENERAL FUND SUPPORT.** The department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, shall not use moneys appropriated from the general fund of the state pursuant to this Act, to support any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Notwithstanding section 455B.133B, the department may use moneys deposited in the air contaminant source fund created in section 455B.133B during the fiscal year beginning July 1, 1995, and ending June 30, 1996, for any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Sec. 30. **RULES RELATING TO PESTICIDE AND FERTILIZER CONTAMINATED SITES — ENVIRONMENTAL PROTECTION COMMISSION.** The environmental protection commission shall adopt all rules required to establish criteria for the classification and prioritization of sites upon which pesticide or fertilizer contamination has been discovered, as provided in section 455B.601 not later than October 1, 1995.

STATUTORY CHANGES

Sec. 31. 1993 Iowa Acts, chapter 176, section 25, subsection 2, as amended by 1994 Iowa Acts, chapter 1198, section 31, is amended to read as follows:

2. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1993, from moneys appropriated pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 402, may be expended during the fiscal period beginning July 1, 1993, and ending June 30, ~~1995~~ 1996, and shall not revert to the general fund until August 31, ~~1995~~ 1996.

Sec. 32. 1994 Iowa Acts, chapter 1119, section 32, subsection 2, unnumbered paragraph 1, is amended to read as follows:

Notwithstanding section 423.24, as amended in this Act, for each fiscal year of the period beginning on July 1, 1993, and ending July 1, 1994 June 30, 1996, an amount equal to two and one-half percent of the total moneys used to support valueadded agricultural products and processes as provided in that section, which would otherwise be allocated to the value-added agricultural products and processes financial assistance fund, shall instead be allocated to the office of renewable fuels and coproducts. The moneys shall be used for purposes of conducting soydiesel demonstration projects administered by the state department of transportation under the oversight of the renewable fuels and coproducts advisory committee.

Sec. 33. 1994 Iowa Acts, chapter 1119, section 32, subsection 2, paragraph b, is amended to read as follows:

b. The state department of transportation shall evaluate the performance of vehicles operating on soydiesel fuel, including the rate of repairs on the vehicles and comments of persons operating and maintaining the vehicles. The department shall submit initial findings and recommendations to the renewable fuels and coproducts advisory committee which shall submit a report to the senate and chief clerk of the house, the legislative service bureau, the chairpersons and ranking members of the senate standing committee on agriculture, the senate standing committee on small business, economic development and tourism, the house of representatives standing committee on agriculture, and the house of representatives standing committee on small business, economic development and trade. The department shall submit ~~final~~ findings and recommendations to the renewable fuels and coproducts advisory committee which shall submit ~~a report~~ reports to the general assembly. The An initial report shall be due on October 1, 1994. The final, an interim report shall be due on March 1, 1995, and a final report shall be due on October 1, 1996.

Sec. 34. 1994 Iowa Acts, chapter 1119, section 32, subsection 2, paragraph d, is amended to read as follows:

d. Moneys available under this section which remain unexpended or unobligated on June 30, 1994, shall remain available to support the demonstration project and shall not revert pursuant to section 8.33. Moneys remaining unexpended or unobligated on June 30, ~~1995~~ 1996, shall be credited to the value-added agricultural products and processes financial assistance fund as created in section 15E.112.

Sec. 35. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (f), as enacted by 1995 Iowa Acts, House File 289, section 3, is amended to read as follows:

(f) Eight and one-half percent to the department to provide additional toxic cleanup days and for the natural resource geographic information system required under section 455E.8, subsection 6. Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities.

Sec. 36. Section 161C.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the state soil conservation committee from the United States or private sources for placement in the fund. The fund shall be divided into two accounts, the water quality protection projects account and the water protection practices account. The first account shall be used to carry out water quality protection projects to protect the state's surface and groundwater from point and nonpoint sources of contamination. The second account shall be used to establish water protection practices with individual landowners including but not limited to woodland establishment and protection, establishment of native grasses and forbs, sinkhole management, agricultural drainage well management, streambank stabilization, grass waterway establishment, stream buffer strip establishment, and erosion control structure construction. Twenty-five percent of funds appropriated to the water protection practices account shall be used for woodland establishment and protection, and establishment of native grasses and forbs. Soil and water conservation district commissioners shall give priority to applications for practices that implement their soil and water resource conservation plan. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

Sec. 37. Section 331.427, subsection 2, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Closure and postclosure care of a sanitary disposal project under section 455B.302.

Sec. 38. NEW SECTION. 455A.17A REVIEW OF ALLOCATION OF REAP MONEYS — CONGRESS ON RESOURCES ENHANCEMENT AND PROTECTION.

1. During the 1996 congress on resources enhancement and protection, the congress shall review the Iowa resources enhancement and protection fund allocations and uses of moneys provided under the separate accounts of the fund, pursuant to section 455A.19, and recommend changes regarding the allocations or uses of those moneys, but only if the congress determines that changes should be made. The congress shall review the allocations and uses of the moneys based upon the purposes of the fund as provided in sections 455A.15 and 455A.16. The congress shall review the percentage of allocation of moneys to each account and determine whether the moneys expended from the account meet current needs, and whether the state is in a position to maintain resources already under state control.

2. As part of the review, the congress shall review the open spaces account as provided in section 455A.19, and specifically how moneys in the account are used, including issues relating to all of the following:

a. The acquisition of land, including the process of determining what land should be eligible for acquisition, the amount of land acquired, the purpose of land acquisition, land acquisition prices, the crop suitability rating of acquired land, lost property taxes, maintenance performed on acquired land, and proposed uses and maintenance of the land.

b. The expenditure of moneys for purposes of supporting open spaces projects, including the purpose of the projects, project costs, proposed or needed projects, the purposes of proposed or needed projects; and the estimated costs of completing proposed or needed projects.

3. If the congress determines that the allocations of the moneys to specific accounts or the uses of moneys in those accounts under section 455A.19 should be changed, the congress shall include that finding and provide recommendations to the governor, the general assembly, and the natural resource commission as part of a report which shall be included with any other recommendations made by the congress pursuant to section 455A.17. If the congress determines that no changes are necessary, the congress shall include that finding as part of the recommendations made by the congress pursuant to section 455A.17.

Sec. 39. Section 455B.183A, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. The operation of a public water supply system, including any part of the system. ~~The fees may be based on the type and size of community served by the system.~~ The commission shall adopt a fee schedule which shall be based on the total number of persons served by public water supply systems in this state. However, a public water supply system shall be assessed a fee of at least twenty-five dollars. A public water supply system not owned or operated by a community and serving a transient population shall be assessed a fee of twenty-five dollars. The commission shall calculate all fees in the schedule to produce total revenues equaling ~~four hundred seventy-five thousand dollars for the fiscal year beginning July 1, 1994, and ending June 30, 1995, seven three hundred fifty thousand dollars for the each fiscal year, commencing with the fiscal year beginning July 1, 1995, and ending June 30, 1996, nine hundred thousand dollars for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and one million two hundred thousand dollars for each subsequent fiscal year. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, twenty-five thousand dollars shall be deposited in the administration account and four hundred fifty thousand dollars shall be deposited in the public water supply system account.~~ For each subsequent fiscal year, one-half of the fees shall be deposited into the administration account and one-half of the fees shall be deposited into the public water supply system account. By May 1 of each year, the department shall estimate the total revenue expected to be collected from the overpayment of fees, which are all fees in excess of the amount of the total revenues which are expected to be collected under the current fee schedule, and the total revenue expected to be collected from the payment of fees during the next fiscal year. The commission shall adjust the fees if the estimate exceeds the amount of revenue required to be deposited in the fund pursuant to this paragraph.

Sec. 40. EFFECTIVE DATES.

1. Sections 14, 17, 18, 19, 21, 25, 27, 28, and 30 of this Act, being deemed of immediate importance, take effect upon enactment.

2. The amendments in this Act to 1993 Iowa Acts, chapter 176, section 25, subsection 2, as amended by 1994 Iowa Acts, chapter 1198, section 31, being deemed of immediate importance, take effect upon enactment.

3. The amendments in this Act to 1994 Iowa Acts, chapter 1119, section 32, being deemed of immediate importance, take effect upon enactment.

4. Sections 455A.17A and 455B.183A, as enacted or amended by this Act, take effect upon enactment.

5. This section, being deemed of immediate importance, takes effect upon enactment.

Sec. 41. REPEAL. Section 455A.17A is repealed on July 1, 1997."

2. Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to agriculture and natural resources, by providing for appropriations and revenue, providing related statutory changes, and providing effective dates."

ON THE PART OF THE HOUSE:

JAMES HAHN, Chair
 JERRY CORNELIUS
 SANDRA GREINER
 DEO KOENIGS
 DOLORES MERTZ

ON THE PART OF THE SENATE:

DENNIS H. BLACK, Chair
 BRAD BANKS
 EMIL J. HUSAK
 DERRYL McLAREN
 BERL E. PRIEBE

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo, until his return, on request of Siegrist of Pottawatamie.

Hahn of Muscatine moved the adoption of the conference committee report on House File 553.

The motion prevailed and the report was adopted.

Hahn 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. 553)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	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
Shultz	Siegrist	Sukup	Teig

Thomson
Vande Hoef
Weigel
Mr. Speaker
Corbett

Tyrrell
Veenstra
Welter

Van Fossen
Warnstadt
Wise

Van Maanen
Weidman
Witt

The nays were, none.

Absent or not voting, 3:

Blodgett

Brammer

Connors

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 553** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Speaker Corbett invited Representative Richard Running to the Speaker's station where Minority Leader Schrader, assisted by Majority Leader Siegrist, presented him with a plaque honoring him for his years of service in both the House of Representatives and the Senate. A group of representatives and staff of the Democratic caucus sang "Kansas City Here I Come" to Representative Running and other mementos were presented. Mr. Running responded, expressing his thanks and appreciation to the members of the House and staff.

Representative Running is resigning to accept a Federal appointment.

The House rose and expressed its appreciation for his years of service.

On motion by Siegrist of Pottawattamie, the House was recessed at 5:55 p.m., until 7:00 p.m.

The House reconvened session at 7:00 p.m., Speaker Corbett in the chair.

The House stood at ease at 7:02 p.m., until the fall of the gavel.

The House reconvened at 9:32 p.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 May 3, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 3, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 3, 1995, adopted the conference committee report and passed House File 553, 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.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 486, a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions, was taken up for consideration.

The following amendments were withdrawn by unanimous consent:

H-4194 filed by the committee on appropriations on May 2, 1995.

H-4220 filed by Baker of Polk from the floor.

H-4211 filed by Hahn of Muscatine from the floor.

H-4178 filed by Daggett of Union on May 1, 1995.

H-4197 filed by Millage of Scott on May 2, 1995.

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

On the question "Shall the bill pass?" (S.F. 486)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
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	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	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, 3:

Kreiman	Running	Wise
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Absent or not voting, 5:

Blodgett	Brammer	Connors	O'Brien
Shultz			

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 486** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Jacobs of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4222:

H-4222

- 1 Amend House File 494, as passed by the House, as
- 2 follows:
- 3 1. Page 3, by inserting after line 16 the
- 4 following:
- 5 "Sec. ____ Section 47.8, subsection 1, Code 1995,
- 6 is amended to read as follows:
- 7 1. ~~There is established a~~ A state voter
- 8 registration commission is established which shall
- 9 meet at least quarterly to make and review policy,

10 adopt rules, and establish procedures to be followed
11 by the registrar in discharging the duties of that
12 office, and to promote interagency cooperation and
13 planning. The commission shall consist of the state
14 commissioner of elections or the state commissioner's
15 designee, and the state chairpersons of the two
16 political parties whose candidates for president of
17 the United States or governor, as the case may be,
18 received the greatest and next greatest number of
19 votes in the most recent general election, or their
20 respective designees, ~~who~~ and a county commissioner of
21 registration appointed by the president of the Iowa
22 state association of county auditors, or an employee
23 of the commissioner. The commission membership shall
24 be balanced by political party affiliation pursuant to
25 section 69.16. Members shall serve without additional
26 salary or reimbursement.

27 The state commissioner of elections, or the state
28 commissioner's designee, shall serve as chairperson of
29 the state voter registration commission.

30 Sec. ____ Section 47.8, subsection 3, Code 1995,
31 is amended to read as follows:

32 3. The registrar shall provide staff services to
33 the commission and shall make available to it all
34 information relative to the activities of the
35 registrar's office in connection with the voter
36 registration of voters in this state policy which may
37 be requested by any commission member. The registrar
38 shall also provide to the commission at no charge
39 statistical reports for planning and analyzing voter
40 registration services in the state.

41 PARAGRAPH DIVIDED. The commission may authorize
42 the registrar to employ such additional staff
43 personnel as it deems necessary to permit the duties
44 of the registrar's office to be adequately and
45 promptly discharged. Such personnel shall be employed
46 pursuant to chapter 19A."

47 2. Page 3, by striking lines 17 through 21.

48 3. Page 7, by inserting after line 29 the
49 following:

50 "Sec. ____ Section 53.2, unnumbered paragraph 4,

Page 2

1 Code 1995, is amended to read as follows:
2 ~~If the An application is for a primary election~~
3 ~~ballot and the request is for a ballot of which~~
4 ~~specifies a party different from that recorded on the~~
5 ~~registered voter's voter registration record, the~~
6 ~~requested ballot shall be mailed or given to the~~
7 ~~applicant together with a "Change or Declaration of~~
8 ~~Party Affiliation" form as prescribed in section~~
9 ~~43.42, to be completed by the registered voter at the~~
10 ~~time of voting. Upon receipt of the properly~~

11 ~~completed form, the shall be accepted as a change or~~
 12 ~~declaration of party affiliation. The commissioner~~
 13 ~~shall approve the change or declaration and enter a~~
 14 ~~notation of the change on the registration records. A~~
 15 ~~notice shall be sent with the ballot requested~~
 16 ~~informing the voter that the voter's registration~~
 17 ~~record will be changed to show that the voter is now~~
 18 ~~affiliated with the party whose ballot the voter~~
 19 ~~requested."~~

20 4. Page 11, by striking lines 9 through 14.

21 5. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4222.

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

On the question "Shall the bill pass?" (H.F. 494)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
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	Myers	Nelson, B.
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, 6:

Blodgett
Murphy

Brammer
Shoultz

Connors

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 494** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 575, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Metcalf of Polk called up for consideration **House File 575**, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H-4223:

H-4223

- 1 Amend House File 575, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 6 the
- 4 following:
- 5 "8. Loans awarded under this section are subject
- 6 to the limitations of any appropriations made by the
- 7 general assembly and of the moneys in the revolving
- 8 fund. The amount of a loan awarded to an eligible
- 9 student shall not be less than five hundred dollars
- 10 and shall not exceed one thousand dollars. However,
- 11 if full tuition is less than five hundred dollars, the
- 12 amount of the loan shall be for not more than an
- 13 amount equal to the full tuition."
- 14 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4223.

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

On the question "Shall the bill pass?" (H.F. 575)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	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	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:

Blodgett	Brammer	Connors	Hanson
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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 575 be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 583, by Siegrist and Schrader, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date.

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

House File 584, by Siegrist and Schrader, a bill for an act providing for the crediting of moneys to the rebuild Iowa infrastructure fund.

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

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on **appropriations**.

The House stood at ease at 9:52 p.m., until the fall of the gavel.

The House resumed session at 10:30 p.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 May 3, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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.

Also: That the Senate has on May 3, 1995, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4221:

H-4221

- 1 Amend House File 29, as passed by the House as
- 2 follows:

- 3 1. Page 1, by striking lines 6 through 9 and
 4 inserting the following: "state. If the body of a
 5 murder victim is found within the state, the death is
 6 presumed to have occurred within the state. If a
 7 kidnapping victim, or the body of a kidnapping victim,
 8 is found within the state, the confinement or removal
 9 of the victim from one place to another is presumed to
 10 have occurred within the state."
 11 2. Title page, by striking line 2.

The motion prevailed and the House concurred in the Senate amendment H-4221.

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

On the question "Shall the bill pass?" (H.F. 29)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	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
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:

Blodgett

Brammer

Connors

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 29** 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

COMMITTEE ON APPROPRIATIONS

House File 583, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 3, 1995

CONSIDERATION OF BILLS Appropriations Calendar

House File 583, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 583)

The ayes were, 84:

Arnold	Baker	Bell	Bernau
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman

Jacobs	Jochum	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Murphy	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 12:

Brunkhorst	Cormack	Drees	Fallon
Garman	Holveck	Koenigs	Moreland
Mundie	Sukup	Teig	Van Fossen

Absent or not voting, 4:

Blodgett	Brammer	Connors	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 583** be immediately messaged to the Senate.

The House stood at ease at 10:45 p.m., until the fall of the gavel.

The House resumed session at 11:05 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 seventy-four members present, twenty-six absent.

HOUSE REFUSED TO CONCUR

Hanson of Black Hawk called up for consideration **Senate File 484**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4225 to the House amendment:

H-4225

1 Amend the House amendment, S-3684, to Senate File
2 484, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 1, through page 19,
5 line 2, and inserting the following:

6 "Amend Senate File 484, as amended, passed, and
7 reprinted by the Senate, as follows:

8 1. By striking everything after the enacting
9 clause and inserting the following:

10 "Section 1. AUDITOR OF STATE. There is
11 appropriated from the general fund of the state to the
12 office of the auditor of state for the fiscal year
13 beginning July 1, 1995, and ending June 30, 1996, the
14 following amount, or so much thereof as is necessary,
15 to be used for the purposes designated:

16 For salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-
18 time equivalent positions:

19 \$ 1,310,549
20 FTEs 112.50

21 The auditor of state may retain additional full-
22 time equivalent positions as is reasonable and
23 necessary to perform governmental subdivision audits
24 which are reimbursable pursuant to section 11.20 or
25 11.21, to perform audits which are requested by and
26 reimbursable from the federal government, and to
27 perform work requested by and reimbursable from
28 departments or agencies pursuant to section 11.5A or
29 11.5B. The auditor of state shall notify the
30 department of management, the legislative fiscal
31 committee, and the legislative fiscal bureau of the
32 additional full-time equivalent positions retained.

33 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.

34 There is appropriated from the general fund of the
35 state to the Iowa ethics and campaign disclosure board
36 for the fiscal year beginning July 1, 1995, and ending
37 June 30, 1996, the following amount, or so much
38 thereof as is necessary, for the purposes designated:

39 For salaries, support, maintenance, miscellaneous
40 purposes, and for not more than the following full-
41 time equivalent positions:

42 \$ 375,786
43 FTEs 8.00

44 Sec. 3. DEPARTMENT OF COMMERCE. There is
45 appropriated from the general fund of the state to the
46 department of commerce for the fiscal year beginning
47 July 1, 1995, and ending June 30, 1996, the following
48 amounts, or so much thereof as is necessary, for the
49 purposes designated:

50 1. PROFESSIONAL LICENSING AND REGULATION DIVISION

Page 2

1 For salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-
3 time equivalent positions:

4 \$ 897,802
5 FTEs 14.00

6 It is the intent of the general assembly that each
7 examining and licensing board or commission created
8 under chapters 542B, 542C, 543B, 543D, 544A, and 544B
9 shall provide that the fees assessed for licensing do
10 not exceed the operating costs of services provided by
11 each board or commission.

12 2. ADMINISTRATIVE SERVICES DIVISION

13 For salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-
15 time equivalent positions:

16 \$ 211,586
17 FTEs 2.00

18 It is the intent of the general assembly that the
19 two positions authorized in this subsection for the
20 division shall coordinate the administrative services
21 to be provided to the divisions in the department.
22 These two positions are under the direct supervision
23 of, and shall report to, the director of the
24 department.

25 The division of administrative services shall
26 assess each division within the department of commerce
27 and the office of consumer advocate within the
28 department of justice a pro rata share of the
29 operating expenses of the division of administrative
30 services. The pro rata share shall be determined
31 pursuant to a cost allocation plan established by the
32 division of administrative services and agreed to by
33 the administrators of the divisions and the consumer
34 advocate. To the extent practicable, the cost
35 allocation plan shall be based on the proportion of
36 the administrative expenses incurred on behalf of each
37 division and the office of consumer advocate. Each
38 division and the office of consumer advocate shall
39 include in its charges assessed or revenues generated,
40 an amount sufficient to cover the amount stated in its
41 appropriation, any state assessed indirect costs
42 determined by the department of revenue and finance,
43 and the cost of services provided by the division of
44 administrative services.

45 3. ALCOHOLIC BEVERAGES DIVISION

46 For salaries, support, maintenance, miscellaneous
47 purposes, and for not more than the following full-
48 time equivalent positions:

49 \$ 1,861,105
50 FTEs 33.50

Page 3

1 4. BANKING DIVISION

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions:

5 \$ 5,375,058
6 FTEs 84.00

7 5. CREDIT UNION DIVISION

8 For salaries, support, maintenance, miscellaneous
9 purposes, and for not more than the following full-
10 time equivalent positions:

11 \$ 1,047,066
12 FTEs 20.00

13 6. INSURANCE DIVISION

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17 \$ 2,924,482
18 FTEs 91.50

19 Of the amounts appropriated in this section to the
20 insurance division, not more than \$100,000 shall be
21 used for the regulation of health insurance purchasing
22 cooperatives.

23 The insurance division shall monitor public
24 utilization of the coverages identified in chapter
25 514C under managed care plans in this state.

26 The insurance division may reallocate authorized
27 full-time equivalent positions as necessary to respond
28 to accreditation recommendations or requirements. The
29 insurance division expenditures for examination
30 purposes may exceed the projected receipts, refunds
31 and reimbursements, estimated pursuant to section
32 505.7, subsection 7, including the expenditures for
33 retention of additional personnel, if the expenditures
34 are fully reimbursable and the division first does
35 both of the following:

36 a. Notifies the department of management,
37 legislative fiscal bureau, and the legislative fiscal
38 committee of the need for the expenditures.

39 b. Files with each of the entities named in
40 paragraph "a" the legislative and regulatory
41 justification for the expenditures, along with an
42 estimate of the expenditures.

43 c. (1) Of the amounts appropriated to the
44 insurance division in this subsection not more than
45 \$100,000 shall be used for continuing the division's
46 senior health insurance information program and not
47 more than \$100,000 shall be used for the purpose of
48 establishing a pilot consumer health education and
49 assistance program.

50 (2) The purpose of the consumer health education

1 and assistance program is to educate and assist health
 2 care consumers to make more informed health insurance
 3 and care choices in the marketplace. Both oral and
 4 written educational assistance relating to health care
 5 insurance, delivery systems, provider services and
 6 coverage, billing procedures, and sources of
 7 information shall be provided by the division. The
 8 division of insurance may request, and other state
 9 agencies shall provide, assistance in implementing and
 10 administering the health care education and assistance
 11 program.

12 (3) The commissioner of insurance shall appoint an
 13 advisory committee consisting of knowledgeable and
 14 interested citizens and state and local public
 15 officials to provide advice and review the program. A
 16 majority of the members of the advisory committee
 17 shall be bona fide representatives of consumers.

18 (4) The commissioner of insurance shall prepare a
 19 progress report relating to the activities of the
 20 program, the report to be submitted to the governor
 21 and the members of the general assembly not later than
 22 March 1, 1996. The governor and the legislative
 23 council may request progress reports from the
 24 commissioner of insurance as deemed appropriate.

25 7. UTILITIES DIVISION

26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:

29	\$ 4,911,871
30	FTEs 79.00

31 The utilities division may expend additional funds,
 32 including funds for additional personnel, if those
 33 additional expenditures are actual expenses which
 34 exceed the funds budgeted for utility regulation.
 35 Before the division expends or encumbers an amount in
 36 excess of the funds budgeted for regulation, the
 37 director of the department of management shall approve
 38 the expenditure or encumbrance. Before approval is
 39 given, the director of the department of management
 40 shall determine that the regulation expenses exceed
 41 the funds budgeted by the general assembly to the
 42 division and that the division does not have other
 43 funds from which regulation expenses can be paid.
 44 Upon approval of the director of the department of
 45 management the division may expend and encumber funds
 46 for excess regulation expenses. The amounts necessary
 47 to fund the excess regulation expenses shall be
 48 collected from those utility companies being regulated
 49 which caused the excess expenditures, and the
 50 collections shall be treated as repayment receipts as

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1 defined in section 8.2.

2 Sec. 4. There is appropriated from the general
3 fund of the state to the following named agencies for
4 the fiscal year beginning July 1, 1995, and ending
5 June 30, 1996, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. COMMISSION ON UNIFORM STATE LAWS

9 For support of the commission and expenses of the
10 members:

11 \$ 20,803

12 2. NATIONAL CONFERENCE OF STATE LEGISLATURES

13 For support of the membership assessment:

14 \$ 87,719

15 Sec. 5. There is appropriated from the general
16 fund of the state to the department of general
17 services for the fiscal year beginning July 1, 1995,
18 and ending June 30, 1996, the following amounts, or so
19 much thereof as is necessary, to be used for the
20 purposes designated:

21 1. ADMINISTRATION DIVISION

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions:

25 \$ 1,169,975

26 FTEs 31.35

27 2. INFORMATION SERVICES DIVISION

28 For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-
30 time equivalent positions:

31 \$ 5,497,002

32 FTEs 141.60

33 3. PROPERTY MANAGEMENT DIVISION

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37 \$ 3,903,103

38 FTEs 112.00

39 The department of general services shall not change
40 the appropriations for the purposes designated in
41 subsections 1 through 3 from the amounts appropriated
42 under those subsections unless notice of the revisions
43 is given prior to their effective date to the
44 legislative fiscal bureau. The notice shall include
45 information on the department's rationale for making
46 the changes.

47 Savings achieved in providing telephone services
48 shall be used by the department of general services to
49 increase efficiencies in the provision of those
50 services. The department of general services shall

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1 report not later than August 31, 1996, on the projects
 2 undertaken to the chairpersons and the ranking members
 3 of the joint appropriations subcommittee on
 4 administration and regulation and to the legislative
 5 fiscal bureau. The report shall include a listing of
 6 the projects and efficiencies undertaken during the
 7 fiscal year, the cost of each project, and the
 8 benefits, including the projected savings on an annual
 9 basis and for the life of the efficiency improvement.

10 4. CAPITOL PLANNING COMMISSION

11 For expenses of the members in carrying out their
 12 duties under chapter 18A:

13 \$ 2,000

14 5. RENTAL SPACE

15 For payment of lease or rental costs of buildings
 16 and office space at the seat of government as provided
 17 in section 18.12, subsection 9, notwithstanding
 18 section 18.16:

19 \$ 607,955

20 6. UTILITY COSTS

21 For payment of utility costs and for not more than
 22 the following full-time equivalent positions:

23 \$ 2,059,178

24 FTEs 1.00

25 The department of general services may use funds
 26 appropriated in this subsection for utility costs to
 27 fund energy conservation projects in the state capitol
 28 complex which will have a 100 percent payback within a
 29 24-month period. In addition, notwithstanding
 30 sections 8.33 and 18.12, subsection 11, any excess
 31 funds appropriated for utility costs in this
 32 subsection shall not revert to the general fund of the
 33 state on June 30, 1996, and these funds shall be used
 34 for implementation of energy conservation projects
 35 having a payback of 100 percent within a two-year to
 36 six-year period. The department of general services
 37 shall report not later than August 31, 1996, on the
 38 projects having 100 percent payback within a six-year
 39 period to the chairpersons and ranking members of the
 40 joint appropriations subcommittee on administration
 41 and regulation and to the legislative fiscal bureau.
 42 The report shall include a listing of the projects
 43 undertaken, the cost of each project, and the
 44 projected savings on an annual basis and for the life
 45 of the project.

46 7. TERRACE HILL OPERATIONS

47 For salaries, support, maintenance, and
 48 miscellaneous purposes necessary for the operation of
 49 Terrace Hill and for not more than the following full-
 50 time equivalent positions:

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1	\$	164,637
2	FTEs	4.00
3 Sec. 6. There is appropriated from the designated		
4 revolving funds to the department of general services		
5 for the fiscal year beginning July 1, 1995, and ending		
6 June 30, 1996, the following amounts, or so much		
7 thereof as is necessary, to be used for the purposes		
8 designated:		
9 1. From the centralized printing permanent		
10 revolving fund established by section 18.57 for		
11 salaries, support, maintenance, miscellaneous		
12 purposes, and for not more than the following full-		
13 time equivalent positions:		
14	\$	912,217
15	FTEs	26.05
16 2. The remainder of the centralized printing		
17 permanent revolving fund is appropriated for the		
18 expense incurred in supplying paper stock, offset		
19 printing, copy preparation, binding, distribution		
20 costs, original payment of printing and binding claims		
21 and contingencies arising during the fiscal year		
22 beginning July 1, 1995, and ending June 30, 1996,		
23 which are legally payable from this fund.		
24 3. From the centralized purchasing permanent		
25 revolving fund established by section 18.9 for		
26 salaries, support, maintenance, miscellaneous		
27 purposes, and for not more than the following full-		
28 time equivalent positions:		
29	\$	734,140
30	FTEs	16.05
31 4. The remainder of the centralized purchasing		
32 permanent revolving fund is appropriated for the		
33 payment of expenses incurred through purchases by		
34 various state departments and for contingencies		
35 arising during the fiscal year beginning July 1, 1995,		
36 and ending June 30, 1996, which are legally payable		
37 from this fund.		
38 5. From the vehicle dispatcher revolving fund		
39 established by section 18.119 for salaries, support,		
40 maintenance, miscellaneous purposes, and for not more		
41 than the following full-time equivalent positions:		
42	\$	625,075
43	FTEs	15.00
44 The vehicle dispatcher shall determine the		
45 difference between the projected cost of motor vehicle		
46 fuel and the actual cost of the motor vehicle fuel		
47 purchased for the use of each state agency for the		
48 fiscal year beginning July 1, 1995, and ending June		
49 30, 1996. If the actual cost of the fuel is less than		
50 the projected cost, the vehicle dispatcher shall bill		

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1 the amount of the difference to each state agency at
2 the end of each calendar quarter. Upon receipt, the
3 director or head of each state agency shall pay the
4 amount of the claim submitted by the vehicle
5 dispatcher.

6 6. The remainder of the vehicle dispatcher
7 revolving fund is appropriated for the purchase of
8 gasoline, gasohol, oil, tires, repairs, and all other
9 maintenance expenses incurred in the operation of
10 state-owned motor vehicles and for contingencies
11 arising during the fiscal year beginning July 1, 1995,
12 and ending June 30, 1996, which are legally payable
13 from this fund.

14 The vehicle dispatcher shall report, not later than
15 February 15, 1996, to the chairpersons and the ranking
16 members of the joint appropriations subcommittee on
17 administration and regulation and to the legislative
18 fiscal bureau regarding the efficiencies of the
19 vehicle fleet and the changes in the efficiencies.
20 The report shall include the cost per mile, fuel
21 efficiencies, maintenance costs, useful life, the
22 costs of extending the useful life, and other measures
23 which the vehicle dispatcher or the legislative fiscal
24 bureau finds appropriate. The information shall be
25 reported for each general type of vehicle. The
26 overhead costs shall also be reported with the total
27 costs of the vehicle dispatcher operations.

28 The department of general services shall report to
29 the chairpersons and ranking members of the joint
30 appropriations subcommittee on administration and
31 regulation and the legislative fiscal bureau not later
32 than February 15, 1996, a comparison of the
33 performance of vehicles burning an 85 percent ethanol
34 mixture and those burning a 10 percent ethanol
35 mixture. The report shall include, but is not limited
36 to, average mileage, vehicle life, and problems
37 encountered.

38 Sec. 7. CHILD DAY CARE PROGRAM.

39 1. The general assembly considers child day care
40 to be an important service for employers, employees,
41 and their children. Employer-supported child care can
42 have a positive impact upon employee morale and
43 retention and can positively affect the children who
44 are receiving child care services. High quality child
45 care is of significant value to employers. It is
46 believed that a quality, on-site child care program
47 available to the children of state employees will
48 provide a model for other employers in this state to
49 emulate.

50 2. a. The director of general services shall

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1 develop a plan for establishing and operating a fee-
2 based child day care program available to public
3 employees officed at or near the capitol complex. The
4 plan shall include all of the information contained in
5 the steering committee description contained in this
6 paragraph and shall be submitted to the general
7 assembly on or before March 1, 1996. The legislative
8 council is requested to appoint a capitol complex
9 child day care program steering committee to provide
10 direction to the department of general services in
11 developing facility plans, establishing the
12 facilities, developing operation policies, contracting
13 with a vendor to operate the program, and other
14 decisions involving establishment and operation of the
15 program. The steering committee shall utilize the
16 March 1990 consultant report to the capitol complex ad
17 hoc committee on child care, particularly the
18 intermediate quality recommendations, in its decision
19 making.

20 b. The steering committee membership shall include
21 members of the general assembly; representatives of
22 the departments of general services, personnel, human
23 services, and education; employees officed at the
24 capitol complex who purchase child day care services;
25 a representative of the state board of regents center
26 for early childhood education; a representative of the
27 Iowa state university of science and technology early
28 childhood education programs; and other persons
29 knowledgeable concerning child day care programs.

30 3. In consultation with the steering committee,
31 the director of the department of general services
32 shall develop a child day care program plan giving
33 consideration to the recommendations of the March 1990
34 consultant report.

35 4. The program shall be designed to operate with a
36 capacity of 150 children and to regularly serve
37 infants, toddlers, preschool, school age, and mildly
38 ill children.

39 Sec. 8. GOVERNOR AND LIEUTENANT GOVERNOR. There
40 is appropriated from the general fund of the state to
41 the offices of the governor and the lieutenant
42 governor for the fiscal year beginning July 1, 1995,
43 and ending June 30, 1996, the following amounts, or so
44 much thereof as is necessary, to be used for the
45 purposes designated:

46 1. For salaries, support, maintenance, and
47 miscellaneous purposes for the general office of the
48 governor and the general office of the lieutenant
49 governor, and for not more than the following full-
50 time equivalent positions:

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1	\$	1,088,936
2	FTEs	17.25
3 2. For the governor's expenses and the lieutenant		
4 governor's expenses connected with office:		
5	\$	2,416
6 3. For salaries, support, maintenance, and		
7 miscellaneous purposes for the governor's quarters at		
8 Terrace Hill, and for not more than the following		
9 full-time equivalent positions:		
10	\$	51,746
11	FTEs	1.50
12 4. For the payment of expenses of ad hoc		
13 committees, councils, and task forces appointed by the		
14 governor to research and analyze a particular subject		
15 area relevant to the problems and responsibilities of		
16 state and local government, including the employment		
17 of professional, technical, and administrative staff		
18 and the payment of per diem and actual expenses of		
19 committee, council, or task force members as specified		
20 pursuant to section 7E.6:		
21	\$	1,610
22 The ad hoc committees, councils, and task forces		
23 appointed by the governor are subject to chapters 21		
24 and 22 and the members and the staff shall be informed		
25 of these requirements. A member shall not receive a		
26 per diem if the member is receiving a salary as a		
27 full-time public employee, but members shall be		
28 reimbursed for actual and necessary expenses.		
29 5. For salaries, support, maintenance, and		
30 miscellaneous purposes for the office of		
31 administrative rules coordinator, and for not more		
32 than the following full-time equivalent positions:		
33	\$	108,336
34	FTEs	2.00
35 6. For payment of Iowa's membership in the		
36 national governors' conference:		
37	\$	74,435
38 Sec. 9. DEPARTMENT OF INSPECTIONS AND APPEALS.		
39 There is appropriated from the general fund of the		
40 state to the department of inspections and appeals for		
41 the fiscal year beginning July 1, 1995, and ending		
42 June 30, 1996, the following amounts, or so much		
43 thereof as is necessary, for the purposes designated:		
44 1. FINANCE AND SERVICES DIVISION		
45 For salaries, support, maintenance, miscellaneous		
46 purposes, and for not more than the following full-		
47 time equivalent positions:		
48	\$	467,275
49	FTEs	21.00
50 2. AUDITS DIVISION		

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1	For salaries, support, maintenance, miscellaneous		
2	purposes, and for not more than the following full-		
3	time equivalent positions:		
4	.....	\$	352,092
5	.....	FTEs	11.00
6	3. APPEALS AND FAIR HEARINGS DIVISION		
7	For salaries, support, maintenance, miscellaneous		
8	purposes, and for not more than the following full-		
9	time equivalent positions:		
10	.....	\$	223,048
11	.....	FTEs	24.00
12	If Senate File 358 is enacted by the Seventy-sixth		
13	General Assembly, 1995 Regular Session, there is		
14	appropriated from the general fund of the state to the		
15	appeals and fair hearings division for the fiscal year		
16	beginning July 1, 1995, and ending December 31, 1995,		
17	an additional sum of \$45,000, or so much thereof as is		
18	necessary, and 1.50 FTEs to carry out the		
19	responsibilities of the division as specified in		
20	Senate File 358.		
21	4. INVESTIGATIONS DIVISION		
22	For salaries, support, maintenance, miscellaneous		
23	purposes, and for not more than the following full-		
24	time equivalent positions:		
25	.....	\$	729,111
26	.....	FTEs	35.00
27	5. HEALTH FACILITIES DIVISION		
28	For salaries, support, maintenance, miscellaneous		
29	purposes, and for not more than the following full-		
30	time equivalent positions:		
31	.....	\$	1,663,070
32	.....	FTEs	99.00
33	6. INSPECTIONS DIVISION		
34	For salaries, support, maintenance, miscellaneous		
35	purposes, and for not more than the following full-		
36	time equivalent positions:		
37	.....	\$	577,869
38	.....	FTEs	13.00
39	7. EMPLOYMENT APPEAL BOARD		
40	For salaries, support, maintenance, miscellaneous		
41	purposes, and for not more than the following full-		
42	time equivalent positions:		
43	.....	\$	33,067
44	.....	FTEs	15.00
45	The employment appeal board shall be reimbursed by		
46	the labor services division of the department of		
47	employment services for all costs associated with		
48	hearings conducted under chapter 91C, related to		
49	contractor registration. The board may expend, in		
50	addition to the amount appropriated under this		

1 subsection, additional amounts as are directly
 2 billable to the labor services division under this
 3 subsection and to retain the additional full-time
 4 equivalent positions as needed to conduct hearings
 5 required pursuant to chapter 91C.

6 8. STATE FOSTER CARE REVIEW BOARD

7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:

10	\$	527,041
11	FTEs	10.00

12 The department of human services, in coordination
 13 with the state foster care review board and the
 14 department of inspections and appeals, shall submit an
 15 application for funding available pursuant to Title
 16 IV-E of the federal Social Security Act for claims for
 17 state foster care review board administrative review
 18 costs.

19 9. The department of inspections and appeals shall
 20 provide an accounting of all costs associated with
 21 negotiating agreements and compacts pursuant to
 22 section 10A.104, subsection 10, and all costs
 23 associated with monitoring such agreements and
 24 compacts. Information in the accounting shall include
 25 the dates and destinations of all travel related to
 26 the negotiations and monitoring, and all costs
 27 associated with the personnel involved, including
 28 salary, travel, and support costs.

29 Sec. 10. RACETRACK REGULATION. There is
 30 appropriated from the general fund of the state to the
 31 racing and gaming commission of the department of
 32 inspections and appeals for the fiscal year beginning
 33 July 1, 1995, and ending June 30, 1996, the following
 34 amount, or so much thereof as is necessary, to be used
 35 for the purposes designated:

36 For salaries, support, maintenance, miscellaneous
 37 purposes, for the regulation of pari-mutuel
 38 racetracks, and for not more than the following full-
 39 time equivalent positions:

40	\$	1,760,378
41	FTEs	23.85

42 Sec. 11. EXCURSION BOAT REGULATION. There is
 43 appropriated from the general fund of the state to the
 44 racing and gaming commission of the department of
 45 inspections and appeals for the fiscal year beginning
 46 July 1, 1995, and ending June 30, 1996, the following
 47 amount, or so much thereof as is necessary, to be used
 48 for the purposes designated:

49 For salaries, support, maintenance, and
 50 miscellaneous purposes for administration and

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1 enforcement of the excursion boat gambling laws, and
 2 for not more than the following full-time equivalent
 3 positions:
 4 \$ 860,651
 5 FTEs 17.11

6 It is the intent of the general assembly that the
 7 racing and gaming commission shall only employ
 8 additional full-time equivalent positions for
 9 riverboat gambling enforcement as authorized by the
 10 department of management as needed for enforcement on
 11 new riverboats. If more than six riverboats are
 12 operating during the fiscal year beginning July 1,
 13 1995, and ending June 30, 1996, the commission may
 14 expend no more than \$84,917 for no more than 2.00 FTEs
 15 for each additional riverboat in excess of six. The
 16 additional expense associated with the positions shall
 17 be paid from fees assessed by the commission as
 18 provided in chapter 99F.

19 Notwithstanding section 8.39, funds shall not be
 20 transferred to the department of inspections and
 21 appeals which would be used for monitoring Indian
 22 gaming.

23 Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS —
 24 SERVICE CHARGES. The department of inspections and
 25 appeals may charge state departments, agencies, and
 26 commissions for services rendered and the payment
 27 received shall be considered repayment receipts as
 28 defined in section 8.2.

29 Sec. 13. USE TAX APPROPRIATION. There is
 30 appropriated from the use tax receipts collected
 31 pursuant to section 423.7 prior to their deposit in
 32 the road use tax fund pursuant to section 423.24,
 33 subsection 1, to the appeals and fair hearings
 34 division of the department of inspections and appeals
 35 for the fiscal year beginning July 1, 1995, and ending
 36 June 30, 1996, the following amount, or so much
 37 thereof as is necessary, for the purposes designated:

38 For salaries, support, maintenance, and
 39 miscellaneous purposes:
 40 \$ 924,090

41 Sec. 14. DEPARTMENT OF MANAGEMENT. There is
 42 appropriated from the general fund of the state to the
 43 department of management for the fiscal year beginning
 44 July 1, 1995, and ending June 30, 1996, the following
 45 amounts, or so much thereof as is necessary, to be
 46 used for the purposes designated:

47 1. GENERAL OFFICE

48 For salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1	\$ 1,959,287
2	FTEs 29.00
3 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS	
4 For reimbursement to local law enforcement agencies	
5 for the training of officers who resign pursuant to	
6 section 384.15, subsection 7:	
7	\$ 47,500
8 3. COUNCIL OF STATE GOVERNMENTS	
9 For support of the membership assessment:	
10	\$ 75,500
11 The department of management shall conduct a study	
12 of the positions of deputy director throughout the	
13 executive branch of state government. The study shall	
14 include the responsibilities of each deputy director,	
15 the salaries of the deputy directors, the number of	
16 deputy director positions, and the variation of	
17 responsibilities among the deputy director positions.	
18 The department shall report its findings to the	
19 chairpersons and ranking members of the joint	
20 subcommittees on oversight, audit and government	
21 reform, and to the legislative fiscal bureau by	
22 September 1, 1995.	
23 Sec. 15. There is appropriated from the road use	
24 tax fund to the department of management for the	
25 fiscal year beginning July 1, 1995, and ending June	
26 30, 1996, the following amount, or so much thereof as	
27 is necessary, to be used for the purposes designated:	
28 For salaries, support, maintenance, and	
29 miscellaneous purposes:	
30	\$ 56,000
31 The department of management shall report to the	
32 chairpersons and ranking members of the senate and	
33 house committees on appropriations, the chairpersons	
34 and ranking members of the joint appropriations	
35 subcommittee on administration and regulation, and the	
36 legislative fiscal bureau, the number of furloughs and	
37 the number of layoffs that occur in each state agency,	
38 the savings associated with those furloughs and	
39 layoffs, the effect of the furloughs and layoffs on	
40 services provided by the state agency, and other	
41 relevant information. The department shall provide a	
42 year-end report summarizing the information for the	
43 fiscal year beginning July 1, 1995, which will be due	
44 by September 1, 1996.	
45 When addressing staffing targets for state	
46 agencies, the department of management shall state the	
47 number of staff authorized for a state agency in terms	
48 of full-time equivalent positions.	
49 Sec. 16. There is appropriated from the general	
50 fund of the state to the department of personnel for	

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1 the fiscal year beginning July 1, 1995, and ending
2 June 30, 1996, the following amounts, or so much
3 thereof as is necessary, to be used for the purposes
4 designated including the filing of quarterly reports
5 as required in this section:

6 1. OPERATIONS

7 For salaries, support, maintenance, and
8 miscellaneous purposes for the director's staff,
9 information services, data processing, and financial
10 services, and for not more than the following full-
11 time equivalent positions:

12 \$ 1,041,716
13 FTEs 18.58

14 2. PROGRAM DELIVERY

15 For salaries for personnel services, employment law
16 and labor relations and training for not more than the
17 following full-time equivalent positions:

18 \$ 1,213,964
19 FTEs 33.20

20 3. PROGRAM ADMINISTRATION AND DEVELOPMENT

21 For salaries for employment, compensation, and
22 benefits and workers' compensation and for not more
23 than the following full-time equivalent positions:

24 \$ 1,386,933
25 FTEs 32.80

26 Any funds received by the department for workers'
27 compensation purposes other than the funds
28 appropriated in subsection 3 shall be used only for
29 the payment of workers' compensation claims.

30 The funds for support, maintenance, and
31 miscellaneous purposes for personnel assigned to
32 program delivery under subsection 2 and program
33 administration and development under subsection 3 are
34 payable from the appropriation made in subsection 1.

35 The department of personnel shall report semi-
36 annually to the chairpersons and ranking members of
37 the joint appropriations subcommittee on
38 administration and regulation concerning the number of
39 vacancies in existing full-time equivalent positions
40 and the average time taken to fill the vacancies. The
41 reports shall include quarterly and annual averages
42 organized according to state agency and general
43 occupational category as established by the federal
44 equal employment opportunity commission. All
45 departments and agencies of the state shall cooperate
46 with the department in the preparation of the reports.

47 Sec. 17. IPERS. There is appropriated from the
48 Iowa public employees' retirement system fund to the
49 department of personnel for the fiscal year beginning
50 July 1, 1995, and ending June 30, 1996, the following

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1 amount, or so much thereof as is necessary, to be used
2 for the purposes designated:

3 1. For salaries, support, maintenance, and other
4 operational purposes to pay the costs of the Iowa
5 public employees' retirement system:
6 \$ 3,749,983

7 2. It is the intent of the general assembly that
8 the Iowa public employees' retirement system employ
9 sufficient staff within the appropriation provided in
10 this section to meet the developing requirements of
11 the investment program.

12 3. The department of personnel shall submit,
13 annually, a report to the chairpersons and ranking
14 members of the joint appropriations subcommittee on
15 administration and regulation and to the legislative
16 fiscal bureau regarding the results of the state's top
17 achievement recognition program. The reports
18 submitted shall include, but are not limited to,
19 identification of the recipients, a description of the
20 meritorious achievements, and the awards conferred.

21 Sec. 18. There is appropriated from the primary
22 road fund to the department of personnel for the
23 fiscal year beginning July 1, 1995, and ending June
24 30, 1996, the following amount, or so much thereof as
25 is necessary, to be used for the purposes designated:

26 For salaries, support, maintenance, and
27 miscellaneous purposes to provide personnel services
28 for the state department of transportation:
29 \$ 331,694

30 Sec. 19. There is appropriated from the road use
31 tax fund to the department of personnel for the fiscal
32 year beginning July 1, 1995, and ending June 30, 1996,
33 the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 For salaries, support, maintenance, and
36 miscellaneous purposes to provide personnel services
37 for the state department of transportation:
38 \$ 53,996

39 Sec. 20. There is appropriated from the general
40 fund of the state to the department of revenue and
41 finance for the fiscal year beginning July 1, 1995,
42 and ending June 30, 1996, the following amounts, or so
43 much thereof as is necessary, to be used for the
44 purposes designated, and for not more than the
45 following full-time equivalent positions used for the
46 purposes designated in subsections 1 through 3:

47 FTEs 577.43

48 1. AUDIT AND COMPLIANCE

49 For salaries, support, maintenance, and
50 miscellaneous purposes:

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1 \$ 10,563,293
 2 2. STATE FINANCIAL MANAGEMENT
 3 For salaries, support, maintenance, and
 4 miscellaneous purposes:
 5 \$ 9,376,548
 6 3. INTERNAL RESOURCES MANAGEMENT
 7 For salaries, support, maintenance, and
 8 miscellaneous purposes:
 9 \$ 5,910,111
 10 4. COLLECTION COSTS AND FEES
 11 For payment of collection costs and fees pursuant
 12 to section 422.26:
 13 \$ 45,000
 14 5. a. The department of revenue and finance shall
 15 not change the appropriations for the purposes
 16 designated in subsections 1 through 3 from the amounts
 17 appropriated in those subsections unless notice of the
 18 revisions is given prior to their effective date to
 19 the legislative fiscal bureau. The notice shall
 20 include information on the department's rationale for
 21 making the changes.
 22 b. The department of revenue and finance shall
 23 report quarterly to the legislative fiscal bureau
 24 concerning progress in the implementation of generally
 25 accepted accounting principles, including
 26 determination of reporting entities, fund
 27 classifications, modification of the Iowa financial
 28 accounting system, progress on preparing a
 29 comprehensive annual financial report, and the most
 30 current estimate of the general fund balance based on
 31 current generally accepted accounting principles.
 32 c. The director of revenue and finance shall
 33 report annually to the chairpersons and ranking
 34 members of the joint appropriations subcommittee on
 35 administration and regulation and the legislative
 36 fiscal bureau on the implementation and financial
 37 status of the integrated revenue information system.
 38 The report shall include any changes from the
 39 scheduled progress including expenditures or estimated
 40 revenue.
 41 d. The director of revenue and finance shall
 42 prepare and issue a state appraisal manual and the
 43 revisions to the state appraisal manual as provided in
 44 section 421.17, subsection 18, without cost to a city
 45 or county.
 46 Sec. 21. There is appropriated from the lottery
 47 fund to the department of revenue and finance for the
 48 fiscal year beginning July 1, 1995, and ending June
 49 30, 1996, the following amount, or so much thereof as
 50 is necessary, to be used for the purposes designated:

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1 For salaries, support, maintenance, miscellaneous
 2 purposes for the administration and operation of
 3 lottery games, and for not more than the following
 4 full-time equivalent positions:
 5 \$ 7,408,016
 6 FTEs 120.00

7 Sec. 22. There is appropriated from the motor
 8 vehicle fuel tax fund created by section 452A.77 to
 9 the department of revenue and finance for the fiscal
 10 year beginning July 1, 1995, and ending June 30, 1996,
 11 the following amount, or so much thereof as is
 12 necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, and
 14 miscellaneous purposes for administration and
 15 enforcement of the provisions of chapter 452A and the
 16 motor vehicle use tax program:
 17 \$ 1,008,025

18 Sec. 23. There is appropriated from the general
 19 fund of the state to the office of the secretary of
 20 state for the fiscal year beginning July 1, 1995, and
 21 ending June 30, 1996, the following amounts, or so
 22 much thereof as is necessary, to be used for the
 23 purposes designated:

24 1. ADMINISTRATION AND ELECTIONS

25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:
 28 \$ 520,514
 29 FTEs 9.00

30 2. BUSINESS SERVICES

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-
 33 time equivalent positions:
 34 \$ 1,565,021
 35 FTEs 28.00

36 3. For costs incurred in the printing of the
 37 official register:
 38 \$ 60,000

39 Sec. 24. STATE-FEDERAL RELATIONS. There is
 40 appropriated from the general fund of the state to the
 41 office of state-federal relations for the fiscal year
 42 beginning July 1, 1995, and ending June 30, 1996, the
 43 following amount, or so much thereof as is necessary,
 44 to be used for the purposes designated:

45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-
 47 time equivalent positions:
 48 \$ 235,521
 49 FTEs 3.00

50 Sec. 25. TREASURER. There is appropriated from

1 the general fund of the state to the office of
 2 treasurer of state for the fiscal year beginning July
 3 1, 1995, and ending June 30, 1996, the following
 4 amount, or so much thereof as is necessary, to be used
 5 for the purposes designated:

6 For salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:

9	\$	855,694
10	FTEs	27.80

11 The office of treasurer of state shall supply
 12 clerical and secretarial support for the executive
 13 council.

14 Sec. 26. SECOND INJURY FUND. The administrative
 15 costs and expenses incurred by the treasurer of state,
 16 the attorney general, the second injury fund, or the
 17 department of revenue and finance, in connection with
 18 the second injury fund, may be paid from the second
 19 injury fund. However, the payment of administrative
 20 costs and expenses incurred by the treasurer of state,
 21 the attorney general, the second injury fund, and the
 22 department of revenue and finance, as authorized in
 23 this section, shall only be permitted for
 24 administrative costs and expenses incurred in the
 25 fiscal year commencing July 1, 1995, and ending June
 26 30, 1996, shall not exceed \$170,000.

27 Sec. 27. STATE WORKERS' COMPENSATION CLAIMS.

28 There is appropriated from the general fund of the
 29 state to the department of personnel for the fiscal
 30 year beginning July 1, 1995, and ending June 30, 1996,
 31 the following amount, or so much thereof as is
 32 necessary, to be used for the purpose designated:

33 For distribution, subject to approval of the
 34 department of management, to various state departments
 35 to fund the premiums for paying workers' compensation
 36 claims which are assessed to and collected from the
 37 state department by the department of personnel based
 38 upon a rating formula established by the department of
 39 personnel:

40	\$	5,884,740
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41 The premiums collected by the department of
 42 personnel shall be segregated into a separate workers'
 43 compensation fund in the state treasury to be used for
 44 payment of state employees' workers' compensation
 45 claims. Notwithstanding section 8.33, unencumbered or
 46 unobligated moneys remaining in this workers'
 47 compensation fund at the end of the fiscal year shall
 48 not revert but shall be available for expenditure for
 49 purposes of the fund for subsequent fiscal years.

50 Sec. 28. Notwithstanding section 509A.5, there is

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1 appropriated from the employer share of the health
 2 insurance premium reserve fund the following amount
 3 for the purpose designated:
 4 For the health data commission:
 5 \$ 100,000

6 Sec. 29. RURAL FIRE PROTECTION.

7 1. There is appropriated from the general fund of
 8 the state to the fire marshal for the fiscal year
 9 beginning July 1, 1995, and ending June 30, 1996, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purpose designated:

12 For supporting a rural fire protection
 13 demonstration project:
 14 \$ 6,000

15 2. The department shall award moneys to one or
 16 more resource conservation and development councils
 17 which apply for such moneys for the installation of
 18 permanent dry fire hydrants. Moneys awarded under
 19 this section shall not be used to pay for salaries or
 20 support administration. The purpose of a project
 21 shall be to demonstrate how dry hydrants may be used
 22 to preserve life and protect property from dangers
 23 associated with fire, and to support rural
 24 infrastructure in order to encourage investment in
 25 rural communities.

26 3. A resource conservation and development council
 27 which receives an award under this section shall
 28 appoint a dry hydrant project coordinator who shall be
 29 responsible for administering the award as provided in
 30 this section. In applying for and administering an
 31 award, a council shall cooperate with relevant county
 32 boards of supervisors, county engineers, soil and
 33 water conservation districts, local fire departments,
 34 township trustees, rural water associations, and
 35 landowners. The council shall also seek cooperation
 36 from the natural resources and conservation service of
 37 the United States department of agriculture, and, if
 38 appropriate, the United States army corps of
 39 engineers.

40 4. Applications shall be judged based on criteria
 41 established by the department. The fire service
 42 institute advisory committee established pursuant to
 43 section 266.46 may assist the department in
 44 establishing criteria and judging applications.
 45 Applicants shall submit a plan that demonstrates the
 46 practical advantages of using a dry hydrant, which
 47 relies upon natural roadside water impoundments and
 48 man-made impoundments fed by rural water mains, to
 49 provide viable and economical sources of water
 50 required to extinguish fires in rural areas. The plan

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1 shall provide for instructing fire departments
2 regarding the installation and operation of dry
3 hydrants, including methods to utilize labor and
4 equipment. In implementing the plan, the dry hydrant
5 project coordinator shall cooperate with the Iowa fire
6 service institute at Iowa state university as provided
7 in section 266.41, the fire service institute advisory
8 committee, and any association which provides for the
9 training of fire fighters, including the Iowa
10 firemen's association and the Iowa society of fire
11 service instructors.

12 5. The fire marshal shall prepare a report which
13 shall include findings submitted by each dry hydrant
14 project coordinator who administers an award and
15 recommendations submitted by the fire service
16 institute advisory committee. The committee may
17 provide a plan or model for the installation of dry
18 hydrants throughout the state. The report shall be
19 delivered to the general assembly by January 10, 1996.

20 Sec. 30. CENTRALIZED PURCHASING REVOLVING FUND
21 TRANSFER. Notwithstanding section 18.9, there is
22 transferred from the centralized purchasing revolving
23 fund created under section 18.9 to the general fund of
24 the state on June 30, 1995, the sum of \$250,000.

25 Sec. 31. SECRETARY OF STATE OPTICAL IMAGING
26 ACCOUNT TRANSFER. The secretary of state shall pay to
27 the general fund of the state on June 30, 1995, the
28 sum of \$75,000, or so much thereof as remains of funds
29 appropriated for an optical imaging project. If
30 insufficient unencumbered or unobligated funds remain
31 in the optical imaging account as of June 30, 1995, to
32 pay \$75,000 to the general fund of the state, the
33 deficiency shall be paid from other moneys
34 appropriated to the office of secretary of state
35 pursuant to this Act.

36 Sec. 32. IMPLEMENTATION OF FUNDING REDUCTIONS —
37 INTENT OF GENERAL ASSEMBLY. It is the intent of the
38 general assembly that the departments, agencies, and
39 offices of the executive department of state
40 government shall implement funding reductions through
41 organizational changes which reduce supervisory
42 positions, vertically and horizontally, and increase
43 the span of control of the remaining supervisors as
44 recommended by the governor's committee on government
45 spending reform.

46 Sec. 33. ELIMINATION OF VACANT UNFUNDED JOBS. The
47 state departments, agencies, or offices receiving
48 appropriations under this Act shall eliminate, within
49 thirty days after the beginning of a fiscal year, all
50 vacant unfunded positions on the table of organization

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1 of the state department, agency, or office.

2 Sec. 34. STATE COMMUNICATIONS NETWORK — REDUCTION
3 OF TRAVEL AND RELATED EXPENSES. The offices of the
4 governor and lieutenant governor, the office of
5 secretary of state, the office of treasurer of state,
6 the auditor of state, the department of commerce, the
7 department of inspections and appeals, the Iowa ethics
8 and campaign disclosure board, the department of
9 general services, the department of management, the
10 department of revenue and finance, and the department
11 of personnel shall use the services of the state
12 communications network as much as possible for
13 interagency communication, meetings, and conferences
14 to reduce travel and related expenses for the
15 respective offices or departments.

16 Sec. 35. REPORT OF ADDITIONAL INCOME AND
17 EXPENDITURES. The state departments, agencies, and
18 offices receiving appropriations under this Act shall
19 report all expenses in excess of the funds
20 appropriated from any statutory revolving funds during
21 the fiscal year beginning July 1, 1994, and ending
22 June 30, 1995. The report shall also include the
23 beginning and ending balances of the revolving funds.
24 The report required pursuant to this section shall
25 be submitted not later than September 30, 1995, for
26 expenditures made during the fiscal year beginning
27 July 1, 1994, and ending June 30, 1995, to the
28 chairpersons and ranking members of the joint
29 appropriations subcommittee on administration and
30 regulations and the legislative fiscal bureau.

31 Sec. 36. FEDERAL GRANTS. All federal grants to
32 and the federal receipts of agencies appropriated
33 funds under this Act, not otherwise appropriated, are
34 appropriated for the purposes set forth in the federal
35 grants or receipts unless otherwise provided by the
36 general assembly.

37 Sec. 37. Section 12.21, Code 1995, is amended to
38 read as follows:

39 12.21 ACCEPTING CREDIT CARD PAYMENTS.

40 The treasurer of state may enter into an agreement
41 with a financial institution to provide credit card
42 receipt processing for state departments which are
43 authorized by the treasurer of state to accept payment
44 by credit card. A department which accepts credit
45 card payments shall may adjust its fees to reflect the
46 cost of processing as determined by the treasurer of
47 state. A fee may be charged by a department for using
48 the credit card payment method notwithstanding any
49 other provision of the Code setting specific fees.
50 The treasurer of state shall adopt rules to implement

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1 this section.

2 Sec. 38. Section 17A.8, subsection 9, Code 1995,

3 is amended to read as follows:

4 9. Upon a vote of ~~two-thirds~~ six of its members,
5 the administrative rules review committee may delay
6 the effective date of a rule until the adjournment of
7 the next regular session of the general assembly. The
8 committee shall refer a rule whose effective date has
9 been delayed to the speaker of the house of
10 representatives and the president of the senate who
11 shall refer the rule to the appropriate standing
12 committees of the general assembly. If the general
13 assembly has not disapproved of the rule by a joint
14 resolution, the rule shall become effective. The
15 speaker of the house of representatives and the
16 president of the senate shall notify the
17 administrative code editor of the final disposition of
18 any rule delayed pursuant to this subsection. If a
19 rule is disapproved, it shall not become effective and
20 the agency shall withdraw the rule. This section
21 shall not apply to rules made effective under section
22 17A.5, subsection 2, paragraph "b".

23 Sec. 39. Section 25.2, Code 1995, is amended to
24 read as follows:

25 25.2 EXAMINATION OF REPORT — APPROVAL OR
26 REJECTION — PAYMENT.

27 The state appeal board with the recommendation of
28 the special assistant attorney general for claims may
29 approve or reject claims against the state of less
30 than ten years covering the following: Outdated
31 warrants; outdated sales and use tax refunds; license
32 refunds; additional agricultural land tax credits;
33 outdated invoices; fuel and gas tax refunds; outdated
34 homestead and veterans' exemptions; outdated funeral
35 service claims; tractor fees; registration permits;
36 outdated bills for merchandise; services furnished to
37 the state; claims by any county or county official
38 relating to the personal property tax credit; and
39 refunds of fees collected by the state. Payments
40 authorized by the state appeal board shall be paid
41 from the appropriation or fund of original
42 certification of the claim. However, if that
43 appropriation or fund has since reverted under section
44 8.33 then such payment authorized by the state appeal
45 board shall be out of any money in the state treasury
46 not otherwise appropriated. Notwithstanding the
47 provisions of this section, the director of revenue
48 and finance may reissue outdated warrants. On or
49 before November 1 of each year, the director of
50 revenue and finance shall provide the treasurer of

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1 state with a report of all unpaid warrants which have
2 been outdated for two years or more. The treasurer
3 shall include information regarding outdated warrants
4 in the notice published pursuant to section 556.12.
5 The provisions of section 556.11 regarding agreements
6 to pay compensation for recovery or assistance in
7 recovery of unclaimed property are applicable to
8 agreements to pay compensation to recover or assist in
9 the recovery of outdated warrants.

10 Sec. 40. NEW SECTION. 70A.1A SALARY LIMITATIONS
11 — CERTAIN DEPARTMENT HEADS AND SUBORDINATE OFFICERS
12 AND EMPLOYEES.

13 1. The directors, principal assistants, and
14 employees of the following departments, boards, and
15 offices shall not receive an annual salary which
16 exceeds eighty percent of the annual salary of the
17 governor:

- 18 a. Iowa ethics and campaign disclosure board.
- 19 b. Department of commerce.
- 20 c. Department of general services.
- 21 d. Office of the governor.
- 22 e. Department of inspections and appeals.
- 23 f. Department of management.
- 24 g. Department of personnel.
- 25 h. Department of revenue and finance.
- 26 i. Office of state-federal relations.

27 2. The annual salaries of the deputy officers and
28 employees of the following state agencies shall not
29 exceed eighty percent of annual salary of the state
30 agency's elected principal officer:

- 31 a. Office of auditor of state.
- 32 b. Office of secretary of state.
- 33 c. Office of treasurer of state.

34 Sec. 41. SALARIES EXCEEDING LIMITS — TRANSITION.

35 On the effective date of this Act, if the salary of
36 an officer or employee of the state departments and
37 offices listed in section 43 of this Act exceeds the
38 80 percent limitation, the salary of the officer or
39 employee shall be frozen at that pay rate until the
40 officer's or employee's salary is less than 80 percent
41 of the applicable principal officer's salary. When
42 the officer's or employee's salary is less than an
43 amount which equals the 80 percent limitation, the
44 officer or employee may receive salary adjustments as
45 otherwise provided by law, but total annual salary
46 shall not exceed the 80 percent limitation.

47 Sec. 42. Section 411.36, subsection 1, unnumbered
48 paragraph 1, Code 1995, as amended by 1995 Iowa Acts,
49 Senate File 45, section 5, is amended to read as
50 follows:

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1 A board of trustees for the statewide fire and
2 police retirement system is created. The board shall
3 consist of ~~thirteen~~ fourteen members, including nine
4 voting members and ~~four~~ five nonvoting members.
5 Section 69.16A applies to the appointment of the
6 voting members of the board. The voting members of
7 the board shall be as follows:
8 Sec. 43. Section 411.36, subsection 1, unnumbered
9 paragraph 2, Code 1995, as amended by 1995 Iowa Acts,
10 Senate File 45, section 5, is amended to read as
11 follows:

12 The treasurer of state, or the treasurer's
13 designee, shall serve as an ex officio, nonvoting
14 member. The other nonvoting members of the board
15 shall be two state representatives, one appointed by
16 the speaker of the house of representatives and one by
17 the minority leader of the house, and two state
18 senators, one appointed by the majority leader of the
19 senate and one by the minority leader of the senate.

20 Sec. 44. Section 411.36, subsection 2, Code 1995,
21 is amended to read as follows:

22 ~~2. Except as otherwise provided for the initial~~
23 ~~appointments, the~~ The voting members shall be
24 appointed for four-year terms, and the nonvoting
25 members who are members of the senate and the house of
26 representatives shall be appointed for two-year terms.
27 Terms begin on May 1 in the year of appointment and
28 expire on April 30 in the year of expiration.

29 Sec. 45. Section 411.36, subsection 5, paragraph
30 a, Code 1995, is amended to read as follows:

31 a. Members of the board, except the treasurer of
32 state or the treasurer's designee, shall be paid their
33 actual and necessary expenses incurred in the
34 performance of their duties and shall receive a per
35 diem as specified in section 7E.6 for each day of
36 service. Per diem and expenses shall be paid to
37 voting members from the fire and police retirement
38 fund created in section 411.8.

39 Sec. 46. Section 462A.78, subsection 5, Code 1995,
40 is amended to read as follows:

41 5. The funds collected under subsection 1,
42 paragraph "a", shall be placed in the general fund of
43 the county and used for the expenses of the county
44 conservation board if one exists in that county. Of
45 each surcharge collected as required under subsection
46 1, paragraph "b", the county recorder shall remit five
47 dollars to the ~~office of treasurer of state~~ department
48 of revenue and finance for deposit in the general fund
49 of the state.

50 Sec. 47. NEW SECTION. 514C.11 PATIENT ACCESS TO

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1 TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN OR
2 INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

3 Notwithstanding section 514C.6, a managed care
4 health plan or indemnity plan with a limited provider
5 network shall provide patients direct access to each
6 type of physician, as defined in section 135.1 and
7 licensed under chapter 148, 150A, or 151, and shall
8 not condition that access upon a referral by a
9 physician licensed under another chapter. Access to a
10 specialist may be conditioned upon a referral by a
11 primary care provider licensed under the same chapter.
12 Any copayment, deductible, cost containment mechanism,
13 or premium rate shall not discriminate directly or
14 indirectly upon the basis of the license held by the
15 physician. Access to a specialist may be subject to a
16 different copayment or deductible than access to a
17 primary care provider. Access to a nonparticipating
18 physician may be restricted or may be subject to
19 different copayments, deductibles, or premium rates,
20 or may be excluded, provided that a plan shall not
21 differentiate or exclude a physician directly or
22 indirectly upon the basis of the license held by the
23 physician.

24 Each plan must demonstrate that it is capable of
25 serving appropriately the needs of the subscriber
26 population in the service area of the plan with regard
27 to patient access to each type of physician.

28 For purposes of this section, "managed care health
29 plan or indemnity plan with a limited provider
30 network" means a health maintenance organization,
31 organized delivery system, accountable health plan,
32 health care insurance plan which limits the number of
33 licensed physicians who can provide services under the
34 plan, preferred provider organization, exclusive
35 provider organization, restricted access network, or
36 similar health-care plan. For purposes of this
37 section, "physician" means as defined in section 135.1
38 and licensed under chapter 148, 150A, or 151.

39 Sec. 48. Section 533.4, subsections 1, 4, 5, and
40 19, Code 1995, are amended to read as follows:

41 1. Receive the savings of from its members either
42 nonmembers as prescribed by rule where the credit
43 union is serving predominantly low-income members,
44 other credit unions, and federal, state, county, and
45 city governments, as payment payments on shares or as
46 deposits, including the right to conduct Christmas
47 clubs, vacation clubs, and other such thrift
48 organizations within the membership subject to the
49 terms, rates, and conditions established by the board
50 of directors, subject to the limitations established

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- 1 by rule by the superintendent.
2 4. Deposit Make deposits in state and national
3 banks, state and federal savings banks or savings and
4 loan associations, and state and federal credit
5 unions, the accounts of which are insured by the
6 federal deposit insurance corporation or the national
7 credit union share insurance fund.
8 5. Make investments in:
9 a. Time deposits in state and national banks and
10 in state banks, state and federal savings banks or
11 savings and loan associations, and state and federal
12 credit unions, the deposits of which are insured by
13 the federal deposit insurance corporation or the
14 national credit union share insurance fund.
15 b. Obligations, participations, or other
16 instruments of or issued by, or fully guaranteed as to
17 principal and interest by the United States government
18 or any agency thereof; or any trust or trusts
19 established for investing directly or collectively in
20 the same.
21 c. General obligations of the state of Iowa and
22 any subdivision thereof of the state.
23 ~~d. Paid-up deposits of savings and loan~~
24 ~~associations, the deposits of which are insured by the~~
25 ~~federal savings and loan insurance corporation.~~
26 e. d. Purchase of notes of liquidating credit
27 unions with the approval of the superintendent.
28 f. e. Shares and deposits in other credit unions.
29 g. f. Shares, stocks, loans, and other obligations
30 or a combination thereof of an organization,
31 corporation, or association, provided the membership
32 or ownership, as the case may be, of the organization,
33 corporation, or association is primarily confined or
34 restricted to credit unions or organizations of credit
35 unions and provided that the purpose of the
36 organization, corporation, or association is primarily
37 designed to provide services to credit unions,
38 organizations of credit unions, or credit union
39 members. However, the aggregate amount invested
40 pursuant to this subsection shall not exceed five
41 percent of the assets of the credit union.
42 h. g. Obligations issued by federal land banks,
43 federal intermediate credit banks, banks for
44 cooperatives, or any or all of the federal farm credit
45 banks.
46 i. h. Commercial paper issued by United States
47 corporations as defined by rule.
48 j. i. Corporate bonds as defined by and subject to
49 terms and conditions imposed by the administrator,
50 provided that the administrator shall not approve

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1 investment in corporate bonds unless the bonds are
2 rated in the two highest grades of corporate bonds by
3 a nationally accepted rating agency, including but not
4 limited to a rating of AAA or AA from Standard and
5 Poors.

6 19. Establish one or more offices other than its
7 main office, subject to the approval and regulation of
8 the superintendent, if such offices ~~shall be~~ are
9 reasonably necessary to furnish service to its
10 membership. A credit union office may furnish all
11 credit union services ordinarily furnished to the
12 membership at the principal place of business of the
13 credit union which operates the office. All
14 transactions of a credit union office shall be
15 transmitted daily to the principal place of business
16 of the credit union which operates the office, and ~~no~~
17 current recordkeeping functions shall not be
18 maintained at a credit union office except to the
19 extent the credit union which operates the office
20 deems it desirable to keep at the office duplicates of
21 the records kept at the principal place of business of
22 the credit union. The central executive and official
23 business functions of a credit union shall be
24 exercised only at the principal place of business.

25 A credit union office shall not be opened without
26 the prior written approval of the superintendent.
27 Upon application by a credit union in the form
28 prescribed by the superintendent, the superintendent
29 shall determine, after notice and hearing, if the
30 establishment of the credit union office is reasonably
31 necessary for service to, and is in the best interests
32 of, the members of the credit union.

33 Notwithstanding the provisions of this section,
34 data processing services and loan documentation
35 recordkeeping functions may be performed or located at
36 an authorized credit union office or at some other
37 location, subject to the approval of the
38 superintendent.

39 Sec. 49. Section 533.16, subsection 3, Code 1995,
40 is amended to read as follows:

41 3. A director of a credit union may borrow from
42 that credit union under the provisions of this
43 chapter, but the rates, terms, and conditions of a
44 loan or line of credit either made to or endorsed or
45 guaranteed by the director shall not be made on terms
46 more favorable than those extended the rates, terms,
47 or conditions of comparable loans or lines of credit
48 provided to other members. A director of a credit
49 union may borrow from that credit union to the extent
50 and in the amount of such director's holdings in the

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1 ~~credit union in shares and deposits. A director~~
2 ~~desiring to borrow from the credit union an amount in~~
3 ~~excess of the director's holdings in shares and~~
4 ~~deposits shall first submit application for approval~~
5 ~~by the board of directors at a regular or special~~
6 ~~meeting. The director making application for the loan~~
7 ~~shall not be in attendance at the time the board of~~
8 ~~directors considers the application and shall not take~~
9 ~~part in the consideration. Prior to consideration of~~
10 ~~such loan, the director must have submitted to the~~
11 ~~board a detailed current financial statement. The~~
12 ~~aggregate amount of all director loans and lines of~~
13 ~~credit shall not exceed twenty twenty-five percent of~~
14 ~~the assets of the credit union.~~

15 Sec. 50. Section 533.16, subsection 4, paragraph
16 c, Code 1995, is amended by striking the paragraph and
17 inserting in lieu thereof the following:

18 c. A credit union which obtains a report or
19 opinion by an attorney or from another mortgage lender
20 relating to defects in or liens or encumbrances on the
21 title to real property, the unmarketability of the
22 title to real property, or the invalidity or
23 unenforceability of liens or encumbrances on real
24 property, shall provide a copy of the report or
25 opinion to the mortgagor and the mortgagor's attorney.

26 Sec. 51. Section 533.17, subsection 1, unnumbered
27 paragraph 1, Code 1995, is amended to read as follows:

28 ~~Immediately before the payment of a dividend At the~~
29 ~~end of each dividend period, but no less than~~
30 ~~quarterly, the gross income of the credit union shall~~
31 ~~determine its gross earnings be determined. A legal~~
32 ~~reserve for contingencies against losses on loans and~~
33 ~~against such other losses as may be specified by rule~~
34 ~~shall be set aside from the gross earnings income in~~
35 ~~accordance with the following schedule:~~

36 Sec. 52. Section 533.17, subsection 2, Code 1995,
37 is amended to read as follows:

38 2: For the purpose of establishing legal reserves,
39 the following shall not be considered risk assets:

40 a. Cash on hand.

41 b. Deposits and shares in ~~federal or state~~
42 federally insured banks, savings and loan
43 associations, and credit unions.

44 c. Assets which are insured by, fully guaranteed
45 as to principal and interest by, or due from the
46 United States government, its agencies, and
47 instrumentalities.

48 d. Loans to other credit unions.

49 e. Student loans insured under the provisions of
50 Title XX, United States Code, section 1071 to section

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1 1087 or similar state programs.
 2 f. Loans insured by the federal housing
 3 administration under Title XII, United States Code,
 4 section 1703.
 5 g. Loans fully insured or guaranteed by the
 6 federal government, a state government, or any agency
 7 of either.

8 ~~g.~~ h. Common trust investments which deal in
 9 investments authorized in section 533.4.

10 h. ~~i.~~ Prepaid expenses.

11 ~~i.~~ j. Accrued interest on nonrisk investments.

12 ~~j.~~ k. Furniture and equipment.

13 ~~k.~~ l. Land and buildings.

14 m. Loans fully secured by a pledge of shares
 15 within the credit union.

16 n. Deposits in the national credit union share
 17 insurance fund.

18 o. Real estate loans in transit to the secondary
 19 market as specified by rule.

20 Sec. 53. Section 533.18, Code 1995, is amended to
 21 read as follows:

22 533.18 DIVIDENDS.

23 ~~1.~~ At such intervals and for such periods as the
 24 board of directors may authorize, and after ~~transfers~~
 25 ~~to the provision for~~ required reserves pursuant to
 26 section 533.17, the board of directors may declare
 27 dividends at such rates and upon such classes of
 28 shares as are determined by the board. Such dividends
 29 shall be paid on all paid-up shares outstanding at the
 30 close of the period for which the dividend is
 31 declared.

32 ~~2.~~ ~~Shares which become fully paid up during such~~
 33 ~~dividend period and are outstanding at the close of~~
 34 ~~period shall be entitled to a proportional share of~~
 35 ~~such dividend.~~

36 ~~3.~~ ~~Dividend credit for a month may be accrued on~~
 37 ~~shares which are or become fully paid up during the~~
 38 ~~first fifteen days of that month.~~

39 ~~Sec. 54.~~ NEW SECTION. 533.49 AUTHORITY TO LEASE
 40 SAFE DEPOSIT BOXES.

41 1. A credit union may lease safe deposit boxes for
 42 the storage of property on terms and conditions
 43 prescribed by it. Such terms and conditions shall not
 44 bind any person to whom the credit union does not give
 45 notice of the terms and conditions by delivery of a
 46 lease and agreement in writing containing the terms
 47 and conditions. A credit union may limit its
 48 liability provided such limitations are set forth in
 49 the lease and agreement in at least the same size and
 50 type as the other substantive provisions of the

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1 contract.

2 2. The lease and agreement of a safe deposit box
3 may provide that evidence tending to prove that
4 property was left in a safe deposit box upon the last
5 entry by the member or the member's authorized agent,
6 and that the property or any part of the property was
7 found missing upon subsequent entry, is not sufficient
8 to raise a presumption that the property was lost by
9 any negligence or wrongdoing for which the credit
10 union is responsible, or put upon the credit union the
11 burden of proof that the alleged loss was not the
12 fault of the credit union.

13 3. A credit union may lease a safe deposit box to
14 a minor. A credit union may deal with a minor with
15 respect to a safe deposit box lease and agreement
16 without the consent of a parent, guardian, or
17 conservator and with the same effect as though the
18 minor were an adult. Any action of the minor with
19 respect to such safe deposit box lease and agreement
20 is binding on the minor with the same effect as though
21 the minor were an adult.

22 4. A credit union which has on file a power of
23 attorney of a member covering a safe deposit box lease
24 and agreement, which has not been revoked by the
25 member, shall incur no liability as a result of
26 continuing to honor the provisions of the power of
27 attorney in the event of the death or incompetence of
28 the donor of the power of attorney until the credit
29 union receives written notice of the death, or written
30 notice of adjudication by a court of the incompetence
31 of the member and the appointment of a guardian or
32 conservator.

33 Sec. 55. NEW SECTION. 533.49A SEARCH PROCEDURE
34 ON DEATH.

35 A credit union shall permit the person named in a
36 court order or, if no order has been served upon the
37 credit union, the spouse, a parent, an adult
38 descendant, or a person named as executor in a copy of
39 a purported will produced by the person, to open and
40 examine the contents of a safe deposit box leased by a
41 decedent, or to examine any property delivered by a
42 decedent for safekeeping, in the presence of an
43 officer of the credit union. The credit union, if
44 requested by such person, and upon the credit union's
45 receipt of the request, shall deliver:

46 1. Any writing purported to be a will of the
47 decedent to the court having jurisdiction of the
48 decedent's estate.

49 2. Any writing purported to be a deed to a burial
50 plot, or to give burial instructions, to the person

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1 making the request for a search.

2 3. Any document purported to be an insurance
3 policy on the life of the decedent to the beneficiary
4 named in the policy. A credit union shall prepare and
5 keep a list of any contents delivered pursuant to this
6 section describing the nature of the property and the
7 individual to whom delivered, and place a copy of the
8 list in the safe deposit box from which the contents
9 were removed.

10 Sec. 56. NEW SECTION. 533.49B ADVERSE CLAIMS TO
11 PROPERTY IN SAFE DEPOSIT AND SAFEKEEPING.

12 1. A credit union shall not be required, in the
13 absence of a court order or indemnity required by this
14 section, to recognize any claim to, or claim of
15 authority to exercise control over, property held in
16 safe deposit or property held for safekeeping pursuant
17 to section 533.49D made by a person or persons other
18 than the following:

19 a. The member in whose name the property is held
20 by the credit union.

21 b. An individual or group of individuals who are
22 authorized to have access to the safe deposit box, or
23 to the property held for safekeeping, pursuant to a
24 certified corporate resolution or other written
25 arrangement with the member, currently on file with
26 the credit union, which has not been revoked by valid
27 corporate action in the case of a corporation, or by a
28 valid agreement or other valid action appropriate for
29 the form of legal organization of any other member, of
30 which the credit union has received notice and which
31 is not the subject of a dispute known to the credit
32 union as to its original validity. The safe deposit
33 and safekeeping account records of a credit union
34 shall be presumptive evidence as to the identity of
35 the member on whose behalf the property is held.

36 2. To require a credit union to recognize an
37 adverse claim to, or adverse claim of authority to
38 control, property held in safe deposit or for
39 safekeeping, whoever makes the claim must do either of
40 the following:

41 a. Obtain and serve on the credit union an
42 appropriate court order or judicial process directed
43 to the credit union, restraining any action with
44 respect to the property until further order of the
45 court or instructing the credit union to deliver the
46 property, in whole or in part, as indicated in the
47 order or process.

48 b. Deliver to the credit union a bond, in form and
49 amount with sureties satisfactory to the credit union,
50 indemnifying the credit union against any liability,

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1 loss, or expense which the credit union might incur
2 because of its refusal to deliver the property to any
3 person described in subsection 1, paragraph "a" or
4 "b".

5 Sec. 57. NEW SECTION. 533.49C REMEDIES AND
6 PROCEEDINGS FOR NONPAYMENT OF RENT ON SAFE DEPOSIT
7 BOX.

8 1. A credit union has a lien upon the contents of
9 a safe deposit box for past due rentals and any
10 expense incurred in opening the safe deposit box,
11 replacement of the locks on the safe deposit box, and
12 of a sale made pursuant to this section. If the
13 rental of a safe deposit box is not paid within six
14 months from the day the rental is due, at any time
15 after the six months and while the rental remains
16 unpaid, the credit union shall mail a notice by
17 restricted certified mail to the member at the
18 member's last known address as shown upon the records
19 of the credit union, stating that if the amount due
20 for the rental is not paid on or before a specified
21 day, which shall be at least thirty days after the
22 date of mailing such notice, the credit union will
23 remove the contents of the safe deposit box and hold
24 the contents for the account of the member.

25 2. If the rental for the safe deposit box has not
26 been paid after the expiration of the period specified
27 in a notice mailed pursuant to subsection 1, the
28 credit union, in the presence of two of its officers,
29 may cause the box to be opened and the contents
30 removed. An inventory of the contents of the safe
31 deposit box shall be made by the two officers present
32 and the contents held by the credit union for the
33 account of the member.

34 3. If the contents are not claimed within two
35 years after their removal from the safe deposit box,
36 the credit union may proceed to sell so much of the
37 contents as is necessary to pay the past due rentals
38 and expense incurred in opening the safe deposit box,
39 replacement of the locks on the safe deposit box, and
40 the sale of the contents. The sale shall be held at
41 the time and place specified in a notice published
42 prior to the sale once each week for two successive
43 weeks in a newspaper of general circulation published
44 in the city or unincorporated area in which the credit
45 union has its principal place of business, or if there
46 is none, a newspaper of general circulation published
47 in the county, or in a county adjoining the county, in
48 which the credit union has its principal place of
49 business. A copy of the published notice shall be
50 mailed to the member at the member's last known

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1 address as shown upon the records of the credit union.
2 The notice shall contain the name of the member and
3 need only describe the contents of the safe deposit
4 box in general terms. The contents of any number of
5 safe deposit boxes may be sold under one notice of
6 sale and the cost of the sale apportioned ratably
7 among the several safe deposit box members involved.
8 At the time and place designated in the notice the
9 contents taken from each respective safe deposit box
10 shall be sold separately to the highest bidder for
11 cash and the proceeds of each sale applied to the
12 rentals and expenses due to the credit union and the
13 residue from any such sale shall be held by the credit
14 union for the account of the member or members. An
15 amount held as proceeds from such sale shall be
16 credited with interest at the customary annual rate
17 for savings accounts at the credit union, or in lieu
18 thereof, at the customary rate of interest in the
19 community where such proceeds are held. The crediting
20 of interest does not activate the account to avoid an
21 abandonment as unclaimed property under chapter 556.

22 4. Notwithstanding the provisions of this section,
23 shares, bonds, or other securities which, at the time
24 of a sale pursuant to subsection 3, are listed on an
25 established stock exchange in the United States, shall
26 not be sold at public sale but may be sold through an
27 established stock exchange. Upon making a sale of any
28 such securities, an officer of the credit union shall
29 execute and attach to the securities so sold an
30 affidavit reciting facts showing that the securities
31 were sold pursuant to this section and that the credit
32 union has complied with the provisions of this
33 section. The affidavit constitutes sufficient
34 authority to any corporation whose shares are sold or
35 to any registrar or transfer agent of such corporation
36 to cancel the certificates representing the shares to
37 the purchaser of the shares, and to any registrar,
38 trustee, or transfer agent of registered bonds or
39 other securities, to register any such bonds or other
40 securities in the name of the purchaser of the bonds
41 or other securities.

42 5. The proceeds of any sale made pursuant to this
43 section, after the payment of any amounts with respect
44 to which the credit union has a lien, any property
45 which was not offered for sale and property which,
46 although offered for sale, was not sold, shall be
47 retained by the credit union until such time as the
48 property is presumed abandoned according to section
49 556.2, and shall be handled pursuant to chapter 556.

50 Sec. 58. NEW SECTION. 533.49D AUTHORITY TO

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1 RECEIVE PROPERTY FOR SAFEKEEPING.

2 1. A credit union may accept property for
3 safekeeping if, except in the case of night
4 depositories, the credit union issues a receipt for
5 the property. A credit union accepting property for
6 safekeeping shall purchase and maintain reasonable
7 insurance coverage to ensure against loss incurred in
8 connection with the acceptance of property for
9 safekeeping. Property held for safekeeping shall not
10 be commingled with the property of the credit union or
11 the property of others.

12 2. A credit union has a lien upon any property
13 held for safekeeping and for expenses incurred in any
14 sale made pursuant to this subsection. If the charge
15 for safekeeping of property is not paid within six
16 months from the day the charge is due, at any time
17 after the six months and while the charge remains
18 unpaid, the credit union may mail a notice to the
19 member at the member's last known address as shown
20 upon the records of the credit union, stating that if
21 the amount due is not paid on or before a specified
22 day, which shall be at least thirty days after the
23 date of mailing the notice, the credit union will
24 remove the property from safekeeping and hold the
25 property for the account of the member. After the
26 expiration of the period specified in the notice, if
27 the charge for safekeeping has not been paid, the
28 credit union may remove the property from safekeeping,
29 cause the property to be inventoried, and hold the
30 property for the account of the member. If the
31 property is not claimed within two years after its
32 removal from safekeeping the credit union may proceed
33 to sell so much of the property as is necessary to pay
34 the charge which remains unpaid and the expense
35 incurred in making the sale in the manner provided for
36 in section 533.49C, subsections 3 and 4. The proceeds
37 of any sale made pursuant to this section, after
38 payment of any amounts with respect to which the
39 credit union has a lien, any property which was not
40 offered for sale, and property which, although offered
41 for sale, was not sold, shall be retained by the
42 credit union until such time as the property is
43 presumed abandoned according to section 556.2, and
44 shall be handled pursuant to chapter 556.

45 Sec. 59. Section 533.62, subsection 4, Code 1995,
46 is amended by striking the subsection and inserting in
47 lieu thereof the following:

48 4. a. A loan of money or property shall not be
49 made directly or indirectly by a state-chartered
50 credit union, or by its officers, directors, or

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1 employees, to the superintendent, deputy, or employee
2 of the credit union division. The superintendent,
3 deputy, or employee of the credit union division shall
4 not accept from a state-chartered credit union, or its
5 officers, directors, or employees, a loan of money or
6 property, either directly or indirectly.

7 b. The superintendent, deputy, or employee of the
8 credit union division shall not perform any services
9 for or be an officer, director, or employee of a
10 state-chartered credit union.

11 c. A person who willfully undertakes to establish
12 a business dealing contrary to this section commits a
13 serious misdemeanor, and shall be permanently
14 disqualified from acting as an officer, director, or
15 employee of a state-chartered credit union and
16 permanently disqualified from acting as
17 superintendent, deputy, or employee of the credit
18 union division.

19 d. The superintendent, deputy, or employee of the
20 credit union division who is convicted of theft,
21 burglary, robbery, larceny, or embezzlement as a
22 result of a violation of the laws of any state or of
23 the United States while holding such position shall be
24 immediately disqualified from employment and shall be
25 forever disqualified from holding any position in the
26 credit union division.

27 Sec. 60. Section 554.9401, subsection 6, Code
28 1995, is amended to read as follows:

29 6. Of each fee collected by the county recorder
30 under sections 570A.4, 554.9403, 554.9405, and
31 554.9406, the county recorder shall remit five
32 dollars, if filed on a standard form or six dollars
33 otherwise, to the ~~office of the treasurer of state~~
34 department of revenue and finance for deposit in the
35 general fund of the state.

36 Sec. 61. Section 99D.5, subsection 1, Code 1995,
37 is amended to read as follows:

38 1. A state racing and gaming commission is created
39 within the department of inspections and appeals
40 consisting of five members who shall be appointed by
41 the governor subject to confirmation by the senate,
42 and who shall serve not to exceed a three-year term at
43 the pleasure of the governor. The term of each member
44 shall begin and end as provided in section 69.19.

45 Before a person is appointed to the commission, the
46 division of criminal investigation of the department
47 of public safety shall conduct a thorough background
48 investigation of the proposed appointee. The proposed
49 appointee shall provide information on a form as
50 required by the division of criminal investigation.

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1 The background investigation shall be the same as
 2 conducted for an applicant for a license to conduct
 3 pari-mutuel wagering. The information shall be made
 4 available to the members of the senate standing
 5 committee assigned to investigate and recommend
 6 confirmation of an appointee.

7 Sec. 62. Section 515A.15, Code 1995, as amended by
 8 1995 Iowa Acts, House File 247, section 24, is amended
 9 to read as follows:

10 515A.15 ASSIGNED RISKS.

11 Agreements shall be made among insurers with
 12 respect to the equitable apportionment among them of
 13 insurance which may be afforded applicants who are in
 14 good faith entitled to but who are unable to procure
 15 such insurance through ordinary methods and such
 16 insurers may agree among themselves on the use of
 17 reasonable rate modifications for such insurance, the
 18 agreements and rate modifications to be subject to the
 19 approval of the commissioner.

20 For purposes of this section, "insurer" includes,
 21 in addition to insurers defined pursuant to section
 22 515A.2, an entity which has submitted a plan of self-
 23 insurance for approval pursuant to section 87.4 on or
 24 before May 1, 1995, and a self-insurance association
 25 formed on or after July 1, 1995, pursuant to section
 26 87.4 except for an association comprised of cities or
 27 counties, or both, or an association comprised of
 28 community colleges as defined in section 260C.2, which
 29 have entered into an agreement pursuant to chapter 28E
 30 for the purpose of establishing a self-insured program
 31 for the payment of workers' compensation benefits.

32 Sec. 63. REPEAL. Sections 12.9, 12.12, and 12.13,
 33 Code 1995, are repealed.

34 Sec. 64. EFFECTIVE DATE. This section and
 35 sections 40, 41, 42, 43, 44, and 45, being deemed of
 36 immediate importance, take effect upon enactment.
 37 Sections 30 and 31 of this Act take effect on June 30,
 38 1995. The remainder of this Act takes effect on July
 39 1, 1995."

Roll call was requested by Witt of Black Hawk and Wise of Lee.

On the question "Shall the Senate amendment H-4225, to the House amendment be adopted?" (S.F. 484)

The ayes were, 34:

Baker	Bernau	Boddicker	Brand
Burnett	Cataldo	Cohoon	Drees
Fallon	Grubbs	Harrison	Heaton
Holveck	Hurley	Jochum	Klemme
Koenigs	Larkin	Mascher	May

Mertz	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Van Fossen	Warnstadt	Weigel
Wise	Witt		

The nays were, 60:

Arnold	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Houser	Huseman	Jacobs
Kremer	Lamberti	Larson	Lord
Main	Martin	McCoy	Metcalf
Meyer	Millage	Moreland	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 6:

Bell	Blodgett	Brammer	Connors
Kreiman	Shultz		

The motion lost and the House refused to concur in the Senate amendment H-4225, to the House amendment, to Senate File 484.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 484** be immediately messaged to the Senate.

The House stood at ease at 11:15 p.m., until the fall of the gavel.

The House resumed session at 11:25 p.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 May 3, 1995, insisted on its amendment to Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties, and the members of the conference committee on the part of the Senate are: The Senator from

Monroe, Senator Judge, Chair; the Senator from Fayette, Senator Murphy; the Senator from Pottawattamie, Senator Gronstal; the Senator from Black Hawk, Senator Lind; and the Senator from Worth, Senator Bartz.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(Senate File 484)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 484: Hanson of Black Hawk, Chair; Millage of Scott, Gipp of Winneshiek, Cataldo of Polk and Murphy of Dubuque.

EXPLANATION OF VOTE

On May 3, 1995, I inadvertently voted "aye" when I intended to vote "nay" on concurring on the Senate amendment H-4225, to Senate File 484.

HEATON of Henry

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 3, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 486, an act relating to the regulation of cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries, establishing requirements related to the sale of preneed funeral contracts and the sale of funeral and cemetery merchandise, establishing fees and use of those fees, and providing penalties.

House File 550, 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.

Senate File 93, an act related to criminal offenses against minors, sexual exploitation, 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, providing penalties, and providing for transition, applicability, and severability provisions.

Senate File 208, an act relating to child abuse and termination of parental rights provisions, and providing an effective date.

Senate File 320, an act relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce.

PRESENTATION OF VISITORS

Eddie of Buena Vista presented to the House the Honorable Vic Stueland, former member of the House representing Clinton County.

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\317 David Brcka, West Des Moines – For being selected as a member of the Des Moines Register's Academic All-State Team.
- 1995\318 Rebecca Chacko, Ames – For being selected as a Presidential Scholar.
- 1995\319 Larry Eckard, Royal – For his 35 years of dedicated service to the education of the youth of Iowa.
- 1995\320 Marlin Gustin, Royal – For his 35 years of dedicated service to the education of the youth of Iowa.
- 1995\321 Jim McDonnell, Royal – For his 35 years of dedicated service to the education of the youth of Iowa.

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 584, a bill for an act providing for the crediting of moneys to the rebuild Iowa infrastructure fund.

Fiscal Note is not required.

Recommended Do Pass May 3, 1995.

RESOLUTION FILED

HCR 43, by Nelson of Pottawattamie, Siegrist, Hammitt and Houser, a concurrent resolution celebrating 140 years of deaf education in Iowa.

Laid over under Rule 25.

AMENDMENT FILED

H-4224 S.F. 266 Senate amendment

On motion by Schrader of Marion, the House adjourned at 11:30 p.m. until 9:00 a.m., Thursday, May 4, 1995.

JOURNAL OF THE HOUSE

One Hundred-sixteenth Calendar Day - Seventy-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 4, 1995

The House met pursuant to adjournment at 9:10 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Horace Daggett, state representative from Union County.

The Journal of Wednesday, May 3, 1995 was approved.

SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4224 to the House amendment:

H-4224

1 Amend the House amendment, S-3679, to Senate File
2 266, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 1, through page 22,
5 line 15, and inserting the following:

6 "Amend Senate File 266, as amended, passed, and
7 reprinted by the Senate, as follows:

8 "_. By striking everything after the enacting
9 clause and inserting the following:

10 "DEPARTMENT OF EDUCATION

11 Section 1. There is appropriated from the general
12 fund of the state to the department of education for
13 the fiscal year beginning July 1, 1995, and ending
14 June 30, 1996, the following amounts, or so much
15 thereof as may be necessary, to be used for the
16 purposes designated:

17 1. GENERAL ADMINISTRATION

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21	\$ 5,134,445
22	FTEs 93.95

23 One of the full-time equivalent positions provided
24 for under this subsection shall be filled by an
25 individual hired by the department of education to
26 direct and administer the management information
27 system. The individual hired shall possess a
28 background in education and administrative experience
29 at the community college level.

30 The department of education shall conduct a study
 31 of the possible uses for the remaining portion of the
 32 interest earned on the permanent school fund after transfers
 33 are made pursuant to section 257B.1A, subsections 2 and 3.
 34 The department shall submit a report of its findings and
 35 recommendations to the general assembly and the legislative
 36 fiscal bureau by January 1, 1996.

37 The department of education shall conduct a study
 38 of chapter 299, the compulsory education law of this
 39 state, in cooperation with interested individuals from
 40 throughout the state. The department shall submit a
 41 report of the findings and recommendations to the
 42 general assembly by January 1, 1996.

43 2. VOCATIONAL EDUCATION ADMINISTRATION

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47	\$	644,510
48	FTEs	18.60

49 3. VOCATIONAL REHABILITATION DIVISION

50 a. For salaries, support, maintenance,

Page 2

1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:

3	\$	3,732,836
4	FTEs	285.75

5 It is the intent of the general assembly that the
 6 division of vocational rehabilitation services of the
 7 department of education shall seek, in addition to
 8 state appropriations, funds other than federal funds,
 9 which may include but are not limited to local funds,
 10 for purposes of matching federal vocational
 11 rehabilitation funds.

12 Notwithstanding the full-time equivalent position
 13 limit established in this subsection for the fiscal
 14 year ending June 30, 1996, if federal funding is
 15 available to pay the costs of additional employees for
 16 the vocational rehabilitation division who would have
 17 duties relating to vocational rehabilitation services
 18 paid for through federal funding, authorization to
 19 hire not more than four full-time equivalent employees
 20 shall be provided, the full-time equivalent position
 21 limit shall be exceeded, and the additional employees
 22 shall be hired by the division.

23 b. For matching funds for programs to enable
 24 severely physically or mentally disabled persons to
 25 function more independently, including salaries and
 26 support, and for not more than the following full-time
 27 equivalent positions:

28	\$	37,445
29	FTEs	1.50

30 4. BOARD OF EDUCATIONAL EXAMINERS

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-

33 time equivalent positions:

34 \$ 187,739
 35 FTEs 2.00

36 5. SCHOOL FOOD SERVICE

37 For use as state matching funds for federal
 38 programs that shall be disbursed according to federal
 39 regulations, including salaries, support, maintenance,
 40 miscellaneous purposes, and for not more than the
 41 following full-time equivalent positions:

42 \$ 2,716,859
 43 FTEs 14.00

44 6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

45 To provide funds for costs of providing textbooks
 46 to each resident pupil who attends a nonpublic school
 47 as authorized by section 301.1. The funding is
 48 limited to \$20 per pupil and shall not exceed the
 49 comparable services offered to resident public school
 50 pupils:

Page 3

1 \$ 616,000

2 7. STATE LIBRARY

3 For salaries, support, maintenance, miscellaneous
 4 purposes, and for not more than the following full-
 5 time equivalent positions:

6 \$ 2,609,820
 7 FTEs 34.50

8 8. REGIONAL LIBRARY

9 For state aid:

10 \$ 1,507,000

11 9. CENTER FOR ASSESSMENT

12 For the purpose of developing academic standards in
 13 the areas of math, history, science, English, language
 14 arts, and geography:

15 \$ 300,000

16 10. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

17 To assist a vocational agriculture youth
 18 organization sponsored by the schools to support the
 19 foundation established by that vocational agriculture
 20 youth organization and for other youth activities:

21 \$ 69,400

22 11. CAREER PATHWAYS PROGRAM

23 For purposes of developing and implementing a
 24 career pathways program to expand opportunities for
 25 youth and adults to become prepared for and succeed in
 26 high-wage, high-skill employment:

27 \$ 650,000

28 Of the funds appropriated in this subsection, for
 29 the fiscal year beginning July 1, 1995, and ending
 30 June 30, 1996, \$50,000 shall be expended for purposes
 31 of employing an individual to administer and direct
 32 the career opportunities program. The individual
 33 employed shall possess a background in business and
 34 secondary and postsecondary education.

35 12. FAMILY RESOURCE CENTERS

36 For support of the family resource center

37	demonstration program established under chapter 256C:	
38	.....	\$ 120,000
39	13. CAREER OPPORTUNITY PROGRAM	
40	For purposes of providing assistance to minority	
41	persons who major in fields or subject areas where	
42	minorities are currently underrepresented or	
43	underutilized pursuant to section 260C.29, as enacted	
44	by this Act:	
45	.....	\$ 135,000
46	14. PUBLIC BROADCASTING DIVISION	
47	For salaries, support, maintenance, capital	
48	expenditures, miscellaneous purposes, and for not more	
49	than the following full-time equivalent positions:	
50	\$ 6,380,889.

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1	FTEs	97.00
2	Of the full-time equivalent positions provided for		
3	under this subsection for the fiscal year beginning		
4	July 1, 1995, and ending June 30, 1996, it is the		
5	intent of the general assembly that 4.0 full-time		
6	equivalent positions be provided for purposes formerly		
7	provided for under the Star Schools program.		
8	The public broadcasting division shall conduct a		
9	study, in collaboration with all entities receiving		
10	services via the Iowa communications network, of the		
11	efficiencies of the network and shall make		
12	recommendations relating to the elimination of		
13	duplicative efforts. The study shall include an		
14	investigation of the duties and functions of employees		
15	of the division, other state agencies, area education		
16	agencies, and public schools, if those duties and		
17	functions involve the Iowa communications network.		
18	The division shall submit a report of its findings and		
19	recommendations to the general assembly and the		
20	legislative fiscal bureau by January 1, 1996.		
21	15. NATIONAL ASSESSMENT OF EDUCATION PROGRESS		
22	(NAEP)		
23	For participation by the department of education in		
24	a state and national project to determine the academic		
25	achievement of Iowa students in math, reading,		
26	science, United States history, or geography:		
27	.....	\$	50,000
28	16. LOCAL ARTS COMPREHENSIVE EDUCATIONAL		
29	STRATEGIES (LACES)		
30	For contracting with the Iowa alliance for arts		
31	education to execute the local arts comprehensive		
32	educational strategies program (LACES):		
33	.....	\$	25,000.
34	The department of education and the Iowa alliance		
35	for arts education shall jointly develop grant		
36	applications and select grant recipients for the local		
37	arts comprehensive educational strategies program. At		
38	least 50 percent of the funds appropriated by the		
39	general assembly for the fiscal year beginning July 1,		
40	1995, and ending June 30, 1996, for purposes of the		

41 local arts comprehensive educational strategies
 42 program, shall be allocated to schools which are new
 43 participants in the program.

44 17. ADVANCED PLACEMENT

45 For purposes of awarding matching grants to schools
 46 to be used for instructional staff development so that
 47 additional advanced placement courses may be offered
 48 at K-12 public schools:

49 \$ 75,000
 50 Schools that receive grants under this subsection

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1 shall provide a local match or other matching
 2 financial support and shall coordinate instructional
 3 staff development with a public postsecondary
 4 institution.

5 18. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

6 For reimbursement for vocational education
 7 expenditures made by secondary schools:

8 \$ 3,308,850

9 Funds appropriated in this subsection shall be used
 10 for expenditures made by school districts to meet the
 11 standards set in sections 256.11, 258.4, and 260C.14
 12 as a result of the enactment of 1989 Iowa Acts,
 13 chapter 278. Funds shall be used as reimbursement for
 14 vocational education expenditures made by secondary
 15 schools in the manner provided by the department of
 16 education for implementation of the standards set in
 17 1989 Iowa Acts, chapter 278.

18 19. COMMUNITY COLLEGES

19 Notwithstanding chapter 260D, for general state
 20 financial aid, including general financial aid to
 21 merged areas in lieu of personal property tax
 22 replacement payments under section 427A.13, to merged
 23 areas as defined in section 260C.2, for vocational
 24 education programs in accordance with chapters 258 and
 25 260C, to purchase instructional equipment for
 26 vocational and technical courses of instruction in
 27 community colleges, and for salary increases:

28 \$ 120,871,270

29 The funds appropriated in this subsection shall be
 30 allocated as follows:

- 31 a. Merged Area I \$ 5,772,758
- 32 b. Merged Area II \$ 6,806,992
- 33 c. Merged Area III \$ 6,427,597
- 34 d. Merged Area IV \$ 3,131,482
- 35 e. Merged Area V \$ 6,550,035
- 36 f. Merged Area VI \$ 6,069,919
- 37 g. Merged Area VII \$ 8,658,583
- 38 h. Merged Area IX \$ 10,616,358
- 39 i. Merged Area X \$ 16,478,159
- 40 j. Merged Area XI \$ 17,604,404
- 41 k. Merged Area XII \$ 6,992,399
- 42 l. Merged Area XIII \$ 7,151,752
- 43 m. Merged Area XIV \$ 3,172,128

44	n. Merged Area XV	\$ 9,894,442
45	o. Merged Area XVI	\$ 5,544,262
46	Sec. 2. Notwithstanding 1994 Iowa Acts, chapter	
47	1193, section 2, subsection 2, funds appropriated and	
48	allocated to the merged areas pursuant to 1994 Iowa	
49	Acts, chapter 1193, section 2, for the fiscal year	
50	beginning July 1, 1994, and ending June 30, 1995,	

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1 pursuant to section 8.53, unnumbered paragraph 1,
 2 shall be paid to the merged areas by June 30, 1995.
 3 Sec. 3. The department of education shall, in
 4 consultation with the Iowa association of community
 5 college presidents and the Iowa association of
 6 community college trustees, conduct a study of funding
 7 for community colleges, and shall make specific
 8 recommendations on the elimination of chapter 260D and
 9 for alternatives to present community college funding
 10 including, but not limited to, a plan for distribution
 11 of funds to community colleges. The department shall
 12 submit a report of its findings and recommendations to
 13 the governor and the general assembly by December 1,
 14 1995.

15 COLLEGE STUDENT AID COMMISSION

16 Sec. 4. There is appropriated from the general
 17 fund of the state to the college student aid
 18 commission for the fiscal year beginning July 1, 1995,
 19 and ending June 30, 1996, the following amounts, or so
 20 much thereof as may be necessary, to be used for the
 21 purposes designated:

22 1. GENERAL ADMINISTRATION

23 For salaries, support, maintenance, miscellaneous
 24 purposes, and for not more than the following full-
 25 time equivalent positions:

26	.....	\$ 321,256
27	.....	FTEs 7.05

28 From the moneys appropriated in this subsection,
 29 \$15,000 for the fiscal year beginning July 1, 1995,
 30 and ending June 30, 1996, shall be expended to provide
 31 grants to students who would meet the requirements for
 32 receipt of a vocational-technical tuition grant, but
 33 who are enrolled in a licensed school of cosmetology
 34 arts and sciences under chapter 157, or a licensed
 35 barber school under chapter 158. The amount of the
 36 grant made by the college student aid commission
 37 pursuant to this subsection shall be not less than
 38 \$300 or the amount of the student's established
 39 financial need.

40 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
 41 SCIENCES

42 a. For forgivable loans to Iowa students attending
 43 the university of osteopathic medicine and health
 44 sciences, under the forgivable loan program pursuant
 45 to section 261.19A:

46	.....	\$ 379,260
47	b. For the university of osteopathic medicine and	

48 health sciences for an initiative in primary health
49 care to direct primary care physicians to shortage
50 areas in the state:

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1 \$ 395,000

2 The moneys appropriated in this lettered paragraph
3 shall be used as follows:

4 (1) To reduce student loan debt for primary care
5 physicians in an amount not to exceed \$30,000 per
6 student for a four-year period of medical service in
7 medically under-served areas of the state.

8 (2) For tuition scholarships for students
9 attending the university of osteopathic medicine and
10 health sciences who agree to practice primary care
11 medicine in medically under-served areas of the state.
12 The student shall practice in the state two years for
13 every year of tuition. A person receiving funds under
14 this subparagraph shall not be eligible for funds
15 under subparagraph (1).

16 (3) For general administration costs of the
17 university for the primary care initiative, the
18 university shall expend an amount not to exceed
19 \$50,000.

20 The university of osteopathic medicine and health
21 sciences shall report quarterly to the legislative
22 fiscal bureau concerning the expenditure of funds used
23 pursuant to subparagraphs (1), (2), and (3) of this
24 lettered paragraph. The university shall also submit
25 the annual audit of the university to the legislative
26 fiscal bureau within six months following the year
27 being audited. The college student aid commission
28 shall not provide moneys for subparagraphs (1) and (2)
29 of this lettered paragraph until the university has
30 signed and submitted contracts for the use of these
31 moneys for reduction of student loan debt and tuition
32 scholarships. Funds for subparagraph (3) of this
33 lettered paragraph shall be provided quarterly to the
34 university. Notwithstanding section 8.33, the funds
35 for this lettered paragraph shall not revert to the
36 general fund but be available for expenditure the
37 following fiscal year for purposes of subparagraphs
38 (1) and (2).

39 3. STUDENT AID PROGRAMS

40 For payments to students for the Iowa grant
41 program:

42 \$ 1,469,790

43 From the moneys appropriated in this subsection,
44 \$1,397,790 for the fiscal year beginning July 1, 1995,
45 and ending June 30, 1996, shall be expended for an
46 Iowa grant program, with funds to be allocated to
47 institutions pursuant to section 261.93A. The
48 remainder shall be allocated for the graduate student
49 financial assistance program.

50 Sec. 5. There is appropriated from the loan

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1 reserve account to the college student aid commission
 2 for the fiscal year beginning July 1, 1995, and ending
 3 June 30, 1996, the following amount, or so much
 4 thereof as may be necessary, to be used for the
 5 purposes designated:
 6 For operating costs of the Stafford loan program
 7 including salaries, support, maintenance,
 8 miscellaneous purposes, and for not more than the
 9 following full-time equivalent positions:

10 \$ 4,714,570
 11 FTEs 31.95

STATE BOARD OF REGENTS

13 Sec. 6. There is appropriated from the general
 14 fund of the state to the state board of regents for
 15 the fiscal year beginning July 1, 1995, and ending
 16 June 30, 1996; the following amounts, or so much
 17 thereof as may be necessary, to be used for the
 18 purposes designated:

19 1. OFFICE OF STATE BOARD OF REGENTS

20 a. For salaries, support, maintenance,
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:

23 \$ 1,097,601
 24 FTEs 15.63

25 If the moneys provided in this lettered paragraph
 26 are augmented by reimbursements from the institutions
 27 under the control of the state board of regents for
 28 the funding of the office of the state board of
 29 regents, the office shall report quarterly such
 30 reimbursements to the chairpersons and ranking members
 31 of the joint appropriations subcommittee on education.

32 b. For allocation by the state board of regents to
 33 the state university of Iowa, the Iowa state
 34 university of science and technology, and the
 35 university of northern Iowa to reimburse the
 36 institutions for deficiencies in their operating funds
 37 resulting from the pledging of tuitions, student fees
 38 and charges, and institutional income to finance the
 39 cost of providing academic and administrative
 40 buildings and facilities and utility services at the
 41 institutions:

42 \$ 27,400,000

43 The state board of regents, the department of
 44 management, and the legislative fiscal bureau shall
 45 cooperate to determine and agree upon, by November 15,
 46 1995, the amount that needs to be appropriated for
 47 tuition replacement for the fiscal year beginning July
 48 1, 1996.

49 c. For funds to be allocated to the southwest Iowa
 50 graduate studies center:

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1 \$ 71,662
2 d. For funds to be allocated to the siouxland
3 interstate metropolitan planning council for the
4 tristate graduate center under section 262.9,
5 subsection 21:
6 \$ 72,535
7 e. For funds to be allocated to the quad-cities
8 graduate studies center:
9 \$ 150,374
10 2. STATE UNIVERSITY OF IOWA
11 a. General university, including lakeside
12 laboratory
13 For salaries, support, maintenance, equipment,
14 miscellaneous purposes, and for not more than the
15 following full-time equivalent positions:
16 \$ 192,122,000
17 FTEs 4,020.97
18 b. For the primary health care initiative in the
19 college of medicine:
20 \$ 770,000
21 From the moneys appropriated in this lettered
22 paragraph, \$330,000 shall be allocated to the
23 department of family practice at the state university
24 of Iowa college of medicine for family practice
25 faculty and support staff.
26 It is the intent of the general assembly that the
27 university place additional emphasis on the locum
28 tenus program.
29 c. University hospitals
30 For salaries, general support, maintenance,
31 equipment, and miscellaneous purposes and for medical
32 and surgical treatment of indigent patients as
33 provided in chapter 255, and for not more than the
34 following full-time equivalent positions:
35 \$ 28,821,254
36 FTEs 5,780.87
37 The university of Iowa hospitals and clinics shall
38 submit quarterly a report regarding the portion of the
39 appropriation in this lettered paragraph expended on
40 general support in a format jointly developed by the
41 university of Iowa hospitals and clinics, the
42 legislative fiscal bureau, and the department of
43 management which delineates the expenditures and
44 purposes of the funds.
45 Funds appropriated in this lettered paragraph shall
46 not be used to perform abortions except medically
47 necessary abortions, and shall not be used to operate
48 the early termination of pregnancy clinic except for
49 the performance of medically necessary abortions. For
50 the purpose of this lettered paragraph, an abortion is

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1 the purposeful interruption of pregnancy with the
2 intention other than to produce a live-born infant or
3 to remove a dead fetus, and a medically necessary
4 abortion is one performed under one of the following
5 conditions:

6 (1) The attending physician certifies that
7 continuing the pregnancy would endanger the life of
8 the pregnant woman.

9 (2) The attending physician certifies that the
10 fetus is physically deformed, mentally deficient, or
11 afflicted with a congenital illness.

12 (3) The pregnancy is the result of a rape which is
13 reported within 45 days of the incident to a law
14 enforcement agency or public or private health agency
15 which may include a family physician.

16 (4) The pregnancy is the result of incest which is
17 reported within 150 days of the incident to a law
18 enforcement agency or public or private health agency
19 which may include a family physician.

20 (5) The abortion is a spontaneous abortion,
21 commonly known as a miscarriage, wherein not all of
22 the products of conception are expelled.

23 The total quota allocated to the counties for
24 indigent patients for the fiscal year beginning July
25 1, 1995, shall not be lower than the total quota
26 allocated to the counties for the fiscal year
27 commencing July 1, 1994. The total quota shall be
28 allocated among the counties on the basis of the 1990
29 census pursuant to section 255.16.

30 d. Psychiatric hospital

31 For salaries, support, maintenance, equipment, and
32 miscellaneous purposes and for the care, treatment,
33 and maintenance of committed and voluntary public
34 patients, and for not more than the following full-
35 time equivalent positions:

36	\$	7,018,877
37	FTEs	312.09

38 e. Hospital-school

39 For salaries, support, maintenance, miscellaneous
40 purposes, and for not more than the following full-
41 time equivalent positions:

42	\$	5,705,918
43	FTEs	174.01

44 f. Oakdale campus

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time equivalent positions:

48	\$	2,845,783
49	FTEs	63.58

50 g. State hygienic laboratory

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1	For salaries, support, maintenance, miscellaneous		
2	purposes, and for not more than the following full-		
3	time equivalent positions:		
4	.....	\$	3,155,100
5	.....	FTEs	101.38
6	h. Family practice program		
7	For allocation by the dean of the college of		
8	medicine, with approval of the advisory board, to		
9	qualified participants, to carry out chapter 148D for		
10	the family practice program, including salaries and		
11	support, and for not more than the following full-time		
12	equivalent positions:		
13	.....	\$	1,990,327
14	.....	FTEs	180.74
15	i. Child health care services		
16	For specialized child health care services,		
17	including childhood cancer diagnostic and treatment		
18	network programs, rural comprehensive care for		
19	hemophilia patients, and the Iowa high-risk infant		
20	follow-up program, including salaries and support, and		
21	for not more than the following full-time equivalent		
22	positions:		
23	.....	\$	440,054
24	.....	FTEs	10.93
25	j. Agricultural health and safety programs		
26	For agricultural health and safety programs, and		
27	for not more than the following full-time equivalent		
28	positions:		
29	.....	\$	247,117
30	.....	FTEs	3.48
31	k. Statewide cancer registry		
32	For the statewide cancer registry, and for not more		
33	than the following full-time equivalent positions:		
34	.....	\$	188,734
35	.....	FTEs	3.07
36	l. Substance abuse consortium		
37	For funds to be allocated to the Iowa consortium		
38	for substance abuse research and evaluation, and for		
39	not more than the following full-time equivalent		
40	positions:		
41	.....	\$	62,004
42	.....	FTEs	1.15
43	m. Center for biocatalysis		
44	For the center for biocatalysis, and for not more		
45	than the following full-time equivalent positions:		
46	.....	\$	1,284,395
47	.....	FTEs	4.00
48	n. National advanced driving simulator		
49	For the national advanced driving simulator, and		
50	for not more than the following full-time equivalent		

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1 positions:

2	\$	599,726
3	FTEs	5.00

4 (1) Of the moneys appropriated in this lettered
 5 paragraph, for the fiscal year beginning July 1, 1995,
 6 and ending June 30, 1996, the appropriation of the sum
 7 of \$326,347 is contingent upon the announcement by the
 8 United States department of transportation of the
 9 selection of the contractor for the national advanced
 10 driving simulator system development.

11 (2) If the contingency in subparagraph (1) is met
 12 it is the intent of the general assembly that of the
 13 moneys appropriated in this lettered paragraph, the
 14 state university of Iowa shall expend \$350,000, for
 15 the fiscal year beginning July 1, 1995, and ending
 16 June 30, 1996, for planning and architectural services
 17 related to the construction of the facility to house
 18 the national advanced driving simulator to be located
 19 at the Oakdale research park. It is further the
 20 intent of the general assembly to provide funding in
 21 fiscal years beginning July 1, 1996, and July 1, 1997,
 22 in the total amount of \$5.35 million for the
 23 construction of the facility to house the national
 24 advanced driving simulator to match federal funds
 25 provided for the project. Funds provided for the
 26 construction of the facility to house the national
 27 advanced driving simulator in fiscal years beginning
 28 July 1, 1996, and July 1, 1997, shall only be expended
 29 upon receiving notification from the national highway
 30 traffic safety administration that the United States
 31 congress has authorized the construction of the
 32 national advanced driving simulator, that federal
 33 funds have been appropriated to begin construction,
 34 and that delivery of the motion base, graphics system,
 35 and integrating software will take place in
 36 substantial compliance with the United States
 37 department of transportation's acquisition schedule as
 38 set forth in the cooperative agreement between the
 39 state university of Iowa and the national highway
 40 traffic safety administration.

41 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

42 a. General university

43 For salaries, support, maintenance, equipment,
 44 miscellaneous purposes, and for not more than the
 45 following full-time equivalent positions:

46	\$	153,108,000
47	FTEs	3,569.28

48 Of the funds appropriated in this lettered
 49 paragraph, for the fiscal year beginning July 1, 1995,
 50 and ending June 30, 1996, \$1,000,000 shall be expended

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1 for purposes of the healthy livestock program.
 2 Of the funds appropriated in this lettered
 3 paragraph, for the fiscal year beginning July 1, 1995,
 4 and ending June 30, 1996, \$75,000 shall be expended to
 5 hold a North American free trade agreement export and
 6 trade summit, in conjunction with the Iowa general
 7 assembly, the cooperative extension service, the
 8 department of economic development, the department of
 9 agriculture and land stewardship, and the department
 10 of transportation. The university shall cooperate
 11 with a committee of legislators in the planning,
 12 implementation, and activities of the summit. The
 13 committee shall consist of two members appointed by
 14 the majority leader of the senate, two members
 15 appointed by the minority leader of the senate, two
 16 members appointed by the speaker of the house of
 17 representatives, and two members appointed by the
 18 minority leader of the house of representatives. The
 19 summit shall examine strategies regarding the
 20 expansion of export and trade opportunities with
 21 Canada and Mexico for agricultural, commercial, and
 22 telecommunications, durable goods and other
 23 manufactured products and services, due to the
 24 ratification of the North American free trade
 25 agreement, especially strategies to increase exports
 26 of agricultural products and businesses in rural
 27 communities, for assisting small and medium-sized
 28 businesses which do not currently export or trade with
 29 Canada or Mexico to initiate such trade, and for
 30 developing intermodal transportation systems to
 31 establish a Laredo to Duluth North American free trade
 32 agreement trade corridor. The summit shall also
 33 examine the activities of other states regarding
 34 efforts to promote trade with Canada or Mexico and the
 35 potential for cooperative efforts with other states,
 36 and strategies to mitigate any potential negative
 37 effects on any Iowa economic sector as a result of
 38 growth in export and trade with Canada and Mexico.
 39 The university shall seek the widest possible summit
 40 participation by public or private entities,
 41 businesses, labor organizations, other groups, or
 42 individual citizens.

43 b. Agricultural experiment station

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47	\$ 30,717,738
48	FTEs 515.94

49 c. Cooperative extension service in agriculture
 50 and home economics

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1	For salaries, support, maintenance, and		
2	miscellaneous purposes, including salaries and support		
3	for the fire service institute, and for not more than		
4	the following full-time equivalent positions:		
5	.....	\$	18,268,621
6	.....	FTEs	428.25
7	d. Leopold center		
8	For agricultural research grants at Iowa state		
9	university under section 266.39B, and for not more		
10	than the following full-time equivalent positions:		
11	.....	\$	560,593
12	.....	FTEs	11.50
13	e. For deposit in and the use of the livestock		
14	disease research fund under section 267.8, and for not		
15	more than the following full-time equivalent		
16	positions:		
17	.....	\$	276,022
18	.....	FTEs	3.37
19	4. UNIVERSITY OF NORTHERN IOWA		
20	a. For salaries, support, maintenance, equipment,		
21	miscellaneous purposes, and for not more than the		
22	following full-time equivalent positions:		
23	.....	\$	68,762,000
24	.....	FTEs	1,436.18
25	b. Recycling and reuse center:		
26	.....	\$	239,745
27	5. STATE SCHOOL FOR THE DEAF		
28	For salaries, support, maintenance, miscellaneous		
29	purposes, and for not more than the following full-		
30	time equivalent positions:		
31	.....	\$	6,478,924
32	.....	FTEs	124.14
33	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
34	For salaries, support, maintenance, miscellaneous		
35	purposes, and for not more than the following full-		
36	time equivalent positions:		
37	.....	\$	3,606,189
38	.....	FTEs	83.41
39	7. TUITION AND TRANSPORTATION COSTS		
40	For payment to local school boards for the tuition		
41	and transportation costs of students residing in the		
42	Iowa braille and sight saving school and the state		
43	school for the deaf pursuant to section 262.43 and for		
44	payment of certain clothing and transportation costs		
45	for students at these schools pursuant to section		
46	270.5:		
47	.....	\$	11,232
48	Sec. 7. Reallocations of sums received under		
49	section 6, subsections 2, 3, 4, 5, and 6, of this Act,		
50	including sums received for salaries, shall be		

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1 reported on a quarterly basis to the co-chairpersons
2 and ranking members of the legislative fiscal
3 committee and the joint appropriations subcommittee on
4 education.

5 Sec. 8. For the fiscal year beginning July 1,
6 1995, and ending June 30, 1996, the state board of
7 regents may use notes, bonds, or other evidences of
8 indebtedness issued under section 262.48 to finance
9 projects that will result in energy cost savings in an
10 amount that will cause the state board to recover the
11 cost of the projects within an average of six years.

12 Sec. 9. MEDICAL ASSISTANCE — SUPPLEMENTAL
13 AMOUNTS. For the fiscal year beginning July 1, 1995,
14 and ending June 30, 1996, the department of human
15 services shall continue the supplemental
16 disproportionate share and a supplemental indirect
17 medical education adjustment applicable to state-owned
18 acute care hospitals with more than 500 beds and shall
19 reimburse qualifying hospitals pursuant to that
20 adjustment with a supplemental amount for services
21 provided medical assistance recipients. The
22 adjustment shall generate supplemental payments
23 intended to equal the state appropriation made to a
24 qualifying hospital for treatment of indigent patients
25 as provided in chapter 255. To the extent of the
26 supplemental payments, a qualifying hospital shall,
27 after receipt of the funds, transfer to the department
28 of human services an amount equal to the actual
29 supplemental payments that were made in that month.
30 The aggregate amounts for the fiscal year shall not
31 exceed the state appropriation made to the qualifying
32 hospital for treatment of indigent patients as
33 provided in chapter 255. The department of human
34 services shall deposit the portion of these funds
35 equal to the state share in the department's medical
36 assistance account and the balance shall be credited
37 to the general fund of the state. To the extent that
38 state funds appropriated to a qualifying hospital for
39 the treatment of indigent patients as provided in
40 chapter 255 have been transferred to the department of
41 human services as a result of these supplemental
42 payments made to the qualifying hospital, the
43 department shall not, directly or indirectly, recoup
44 the supplemental payments made to a qualifying
45 hospital for any reason, unless an equivalent amount
46 of the funds transferred to the department of human
47 services by a qualifying hospital pursuant to this
48 provision is transferred to the qualifying hospital by
49 the department.

50 If the state supplemental amount allotted to the

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1 state of Iowa for the federal fiscal year beginning
2 October 1, 1995, and ending September 30, 1996,
3 pursuant to section 1923 (f)(3) of the federal Social
4 Security Act, as amended, or pursuant to federal
5 payments for indirect medical education is greater
6 than the amount necessary to fund the federal share of
7 the supplemental payments specified in the preceding
8 paragraph, the department of human services shall
9 increase the supplemental disproportionate share or
10 supplemental indirect medical education adjustment by
11 the lesser of the amount necessary to utilize fully
12 the state supplemental amount or the amount of state
13 funds appropriated to the state university of Iowa
14 general education fund and allocated to the university
15 for the college of medicine. The state university of
16 Iowa shall transfer from the allocation for the
17 college of medicine to the department of human
18 services, on a monthly basis, an amount equal to the
19 additional supplemental payments made during the
20 previous month pursuant to this paragraph. A
21 qualifying hospital receiving supplemental payments
22 pursuant to this paragraph that are greater than the
23 state appropriation made to the qualifying hospital
24 for treatment of indigent patients as provided in
25 chapter 255 shall be obligated as a condition of its
26 participation in the medical assistance program to
27 transfer to the state university of Iowa general
28 education fund on a monthly basis an amount equal to
29 the funds transferred by the state university of Iowa
30 to the department of human services. To the extent
31 that state funds appropriated to the state university
32 of Iowa and allocated to the college of medicine have
33 been transferred to the department of human services
34 as a result of these supplemental payments made to the
35 qualifying hospital, the department shall not,
36 directly or indirectly, recoup these supplemental
37 payments made to a qualifying hospital for any reason,
38 unless an equivalent amount of the funds transferred
39 to the department of human services by the state
40 university of Iowa pursuant to this paragraph is
41 transferred to the qualifying hospital by the
42 department.

43 Continuation of the supplemental disproportionate
44 share and supplemental indirect medical education
45 adjustment shall preserve the funds available to the
46 university hospital for medical and surgical treatment
47 of indigent patients as provided in chapter 255 and to
48 the state university of Iowa for educational purposes
49 at the same level as provided by the state funds
50 initially appropriated for that purpose.

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1 The department of human services shall, in any
 2 compilation of data or other report distributed to the
 3 public concerning payments to providers under the
 4 medical assistance program, set forth reimbursements
 5 to a qualifying hospital through the supplemental
 6 disproportionate share and supplemental indirect
 7 medical education adjustment as a separate item and
 8 shall not include such payments in the amounts
 9 otherwise reported as the reimbursement to a
 10 qualifying hospital for services to medical assistance
 11 recipients.

12 For purposes of this section, "supplemental
 13 payment" means a supplemental payment amount paid for
 14 medical assistance to a hospital qualifying for that
 15 payment under this section.

16 DEPARTMENT OF CULTURAL AFFAIRS

17 Sec. 10. There is appropriated from the general
 18 fund of the state to the department of cultural
 19 affairs for the fiscal year beginning July 1, 1995,
 20 and ending June 30, 1996, the following amounts, or so
 21 much thereof as is necessary, to be used for the
 22 purposes designated:

23 1. ARTS DIVISION

24 For salaries, support, maintenance, miscellaneous
 25 purposes, including funds to match federal grants, for
 26 areawide arts and cultural service organizations that
 27 meet the requirements of chapter 303C, and for not
 28 more than the following full-time equivalent
 29 positions:

30	\$	1,050,292
31	FTEs	10.00

32 2. HISTORICAL DIVISION

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-
 35 time equivalent positions:

36	\$	2,459,877
37	FTEs	58.00

38 It is the intent of the general assembly that
 39 capitol security reallocate personnel to properly
 40 protect the state historical building.

41 3. HISTORIC SITES

42 For salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-
 44 time equivalent positions:

45	\$	228,799
46	FTEs	3.00

47 4. ADMINISTRATION

48 For salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1	\$	213,920
2	FTEs	4.30
3 5. COMMUNITY CULTURAL GRANTS		
4 For planning and programming for the community		
5 cultural grants program established under section		
6 303.3, and for not more than the following full-time		
7 equivalent position:		
8	\$	703,234
9	FTEs	0.70
10 Sec. 11. Notwithstanding section 8.33, funds		
11 appropriated in 1993 Iowa Acts, chapter 180, section		
12 64, remaining unencumbered or unobligated on June 30,		
13 1995, shall not revert to the general fund of the		
14 state but are appropriated to and shall be available		
15 for expenditure by the department of education for the		
16 fiscal year beginning July 1, 1995, and ending June		
17 30, 1996, and of those funds remaining, \$250,000 shall		
18 be expended for purposes of the career pathways		
19 program in addition to any other funds provided for		
20 the career pathways program under this Act.		
21 Sec. 12. Notwithstanding section 8.33, funds		
22 appropriated in 1994 Iowa Acts, chapter 1193, section		
23 14, remaining unencumbered or unobligated on June 30,		
24 1995, shall not revert to the general fund of the		
25 state but shall be available for purposes of the Iowa		
26 grant program, in addition to funds appropriated in		
27 section 4, subsection 3, of this Act, with funds to be		
28 distributed pursuant to section 261.93A.		
29 Sec. 13. Notwithstanding section 257B.1A,		
30 subsection 4, and 1994 Iowa Acts, chapter 1193,		
31 section 15, for the fiscal year beginning July 1,		
32 1994, and ending June 30, 1995, the remaining portion		
33 of the interest earned on the permanent school fund		
34 shall, after transfers are made pursuant to section		
35 257B.1A, subsections 2 and 3, be deposited in the		
36 interest for Iowa schools fund established under this		
37 Act.		
38 Sec. 14. There is appropriated from the		
39 scholarship and tuition grant reserve fund to the		
40 college student aid commission for the fiscal year		
41 beginning July 1, 1995, and ending June 30, 1996, the		
42 amount of \$160,000 for purposes of the work-study		
43 program, in addition to funds appropriated in section		
44 261.85.		
45 Sec. 15. Funds appropriated for state scholarships		
46 pursuant to section 261.25, subsection 2, for the		
47 fiscal year beginning July 1, 1995, and ending June		
48 30, 1996, shall be used in their entirety to fund		
49 scholarships to eligible students, and the college		
50 student aid commission shall not place an across-the-		

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1 board ceiling on the amount distributed under the
2 state scholarship program.

3 Sec. 16. Section 257B.1, subsection 5, Code 1995,
4 is amended by striking the subsection.

5 Sec. 17. Section 257B.1A, Code 1995, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 257B.1A TRANSFER OF INTEREST.

9 1. The interest for Iowa schools fund is
10 established in the office of treasurer of state. The
11 department of revenue and finance shall deposit
12 interest earned on the permanent school fund in the
13 interest for Iowa schools fund. Moneys in the
14 interest for Iowa schools fund shall be transferred or
15 allocated only for school purposes as provided in this
16 section.

17 2. For a transfer of moneys from the interest for
18 Iowa schools fund to the first in the nation in
19 education foundation, prior to July 1, October 1,
20 January 1, and March 1 of each year, the governing
21 board of the first in the nation in education
22 foundation established in section 257A.2 shall certify
23 to the treasurer of state the cumulative total value
24 of contributions received under section 257A.7 for
25 deposit in the first in the nation in education fund
26 and for the use of the foundation. The cumulative
27 total value of contributions received includes the
28 value of the amount deposited in the national center
29 endowment fund established in section 263.8A in excess
30 of eight hundred seventy-five thousand dollars. The
31 value of in-kind contributions shall be based upon the
32 fair market value of the contribution determined for
33 income tax purposes.

34 The portion of the interest in Iowa schools fund
35 that is equal to the cumulative total value of
36 contributions, less the portion of the interest in
37 Iowa schools fund dedicated to the national center for
38 gifted and talented education, is dedicated to the
39 first in the nation in education foundation for that
40 year. The interest earned on this dedicated amount
41 shall be transferred by the treasurer of state to the
42 credit of the first in the nation in education
43 foundation.

44 3. For a transfer of moneys from the interest in
45 Iowa schools fund to the national center endowment
46 fund established in section 263.8A, prior to July 1,
47 October 1, January 1, and March 1 of each year, the
48 state university of Iowa shall certify to the
49 treasurer of state the cumulative total value of
50 contributions received and deposited in the national

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1 center endowment fund. Within fifteen days following
2 certification by the state university of Iowa, the
3 treasurer of state shall transfer from the interest in
4 Iowa schools fund to the national center an amount
5 equal to one-half the cumulative total value of the
6 contributions deposited in the national center
7 endowment fund, not to exceed eight hundred seventy-
8 five thousand dollars.

9 Sec. 18. NEW SECTION. 260C.24 PAYMENT OF
10 APPROPRIATION.

11 Payment of appropriations for distribution under
12 this chapter or of appropriations made in lieu of such
13 appropriations, shall be made by the department of
14 revenue and finance in monthly installments due on or
15 about the fifteenth of each month of a budget year,
16 and installments shall be as nearly equal as possible,
17 as determined by the department of revenue and
18 finance, taking into consideration the relative budget
19 and cash position of the state resources.

20 Sec. 19. NEW SECTION. 260C.29 CAREER OPPORTUNITY
21 PROGRAM — MISSION.

22 1. The mission of the career opportunity program
23 established in this section is to encourage
24 collaborative efforts by a community college, the
25 institutions under the control of the state board of
26 regents, and business and industry to enhance the
27 educational opportunities and provide for job creation
28 and career advancement for Iowa's minority persons by
29 providing assistance to minority persons who major in
30 fields or subject areas where minorities are currently
31 underrepresented or underutilized.

32 2. A career opportunity program is established to
33 be administered by the community college located in a
34 county with a population in excess of three hundred
35 thousand. The community college shall provide office
36 space for the efficient operation of the program. The
37 community college shall employ a director for the
38 program. The director of the program shall employ
39 necessary support staff. The director and staff shall
40 be employees of the community college.

41 3. The director of the program shall do the
42 following:

43 a. Direct the coordination of the program between
44 the community college and the institutions of higher
45 education under the control of the state board of
46 regents.

47 b. Propose rules to the state board of education
48 as necessary to implement the program.

49 c. Recruit minority persons into the program.

50 d. Enlist the assistance and cooperation of

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1 leaders from business and industry to provide job
2 placement services for students who are successfully
3 completing the program.

4 e. Prepare and submit an annual report to the
5 governor and the general assembly by January 15.

6 4. To be eligible for the program, a minority
7 person shall be a resident of Iowa who is accepted for
8 admission at or attends a community college or an
9 institution of higher education under the control of
10 the state board of regents. In addition, the person
11 shall major in or achieve credit toward an associate
12 degree, a bachelor's degree, or a master's degree in a
13 field or subject area where minorities are
14 underrepresented or underutilized.

15 5. The amount of assistance provided to a student
16 under this section shall not exceed the cost of
17 tuition, fees, and books required for the program in
18 which the student is enrolled and attends. As used in
19 this section, "books" may include book substitutes,
20 including reusable workbooks, loose-leaf or bound
21 manuals, and computer software materials used as book
22 substitutes. A student who meets the qualifications
23 of this section shall receive assistance under this
24 section for not more than the equivalent of two full
25 years of study.

26 6. For purposes of this section, "minority person"
27 means a person who is Black, Hispanic, Asian, or a
28 Pacific Islander, American Indian, or an Alaskan
29 native American.

30 Sec. 20. Section 260D.14A, unnumbered paragraphs 1
31 and 5, Code 1995, are amended to read as follows:

32 The department of education shall provide for the
33 establishment of a community college excellence 2000
34 account in the office of the treasurer of state for
35 deposit of moneys appropriated to the account for
36 purposes of funding quality instructional centers and
37 program and administrative sharing agreements under
38 sections 260C.45 and 260C.46. There is appropriated
39 from the general fund of the state to the department
40 of education for the fiscal year beginning July 1,
41 ~~1995~~ 1997, an amount equal to two and five-tenths
42 percent of the total state general aid generated for
43 all community colleges during the budget year under
44 this chapter for deposit in the community college
45 excellence 2000 account. In the next succeeding two
46 fiscal years, the percent multiplier shall be
47 increased in equal increments until the multiplier
48 reaches seven and one-half percent of the total state
49 general aid generated for all community colleges
50 during the budget year.

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1 It is the intent of the general assembly that the
2 general assembly enact legislation by July 1, 1995
3 1997, that will increase the maximum percent
4 multiplier established in this section from seven and
5 five-tenths percent to ten percent.

6 Sec. 21. Section 261.12, subsection 1, paragraph
7 b, Code 1995, is amended to read as follows:

8 b. For the fiscal year beginning July 1, 1989
9 1995, and for each following fiscal year, two thousand
10 ~~six~~ nine hundred ~~fifty~~ dollars.

11 Sec. 22. Section 261.25, subsection 1, Code 1995,
12 is amended to read as follows:

13 1. There is appropriated from the general fund of
14 the state to the commission for each fiscal year the
15 sum of ~~thirty-two~~ thirty-five million ~~four~~ six hundred
16 ~~twenty-two~~ sixty-four thousand ~~three~~ seven hundred
17 ~~sixty-two~~ fifty dollars for tuition grants.

18 Sec. 23. **NEW SECTION.** 261.51 CHIROPRACTIC
19 GRADUATE STUDENT FORGIVABLE LOANS.

20 1. A chiropractic graduate student forgivable loan
21 program is established, to be administered by the
22 college student aid commission for resident graduate
23 students who are enrolled at Iowa chiropractic
24 colleges and universities. A resident graduate
25 student attending an Iowa chiropractic college or
26 university is eligible for loan forgiveness under the
27 program if the student meets all of the following
28 conditions:

29 a. The student graduates from an Iowa chiropractic
30 college or university that meets the requirements for
31 approval under section 151.4.

32 b. The student has completed a chiropractic
33 residency program.

34 c. The student practices in the state of Iowa.

35 d. The student has made application for, using the
36 procedures specified in section 261.16, and received
37 moneys through the college student aid commission from
38 the funds allocated for loans under this section.

39 2. Of the moneys loaned to an eligible student,
40 for each year of up to and including four years of
41 practice in Iowa, the amount of one thousand one
42 hundred dollars shall be forgiven. If a student fails
43 to complete a year of practice in the state, the loan
44 amount for that year shall not be forgiven.
45 Forgivable loans made to eligible students shall not
46 become due, for repayment purposes, until after the
47 student has completed the student's residency.

48 3. For purposes of this section "graduate student"
49 means a student who has completed at least ninety
50 semester hours, or the trimester or quarter

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1 equivalent, of postsecondary course work at a public
2 higher education institution or at an accredited
3 private institution, as defined under section 261.9.
4 The college student aid commission shall adopt rules,
5 consistent with rules used for students enrolled in
6 higher education institutions under the control of the
7 state board of regents, for purposes of determining
8 Iowa residency status of graduate students under this
9 section. The commission shall also adopt rules which
10 provide standards, guidelines, and procedures for the
11 receipt, processing, and administration of student
12 applications and loans under this section.

13 Sec. 24. Section 261.85, unnumbered paragraph 1,
14 Code 1995, is amended to read as follows:

15 There is appropriated from the general fund of the
16 state to the commission for each fiscal year the sum
17 of two million ~~eight~~ nine hundred ~~ninety-eight~~ fifty
18 thousand ~~eight-hundred-forty~~ dollars for the work-
19 study program.

20 Sec. 25. Section 262.2, Code 1995, is amended to
21 read as follows:

22 262.2 APPOINTMENT — TERM OF OFFICE.

23 1. The members shall be appointed by the governor
24 subject to confirmation by the senate. The term of
25 each member of the board shall be for six years. The
26 terms of three members of the board shall begin and
27 expire in each odd-numbered year as provided in
28 section 69.19.

29 2. The recognized student government organization
30 at each of the three institutions of higher learning
31 under the control of the board shall submit, at least
32 biennially, to the executive director who shall
33 transfer to the governor a list of at least three
34 names of students eligible to represent the
35 institution on the board. The governor may appoint
36 the ninth member of the board from the lists of names
37 submitted by the recognized student organizations.

38 Sec. 26. Section 275.55A, Code 1995, is amended to
39 read as follows:

40 275.55A ATTENDANCE IN OTHER DISTRICT.

41 A ~~pupil~~ student enrolled in ninth, tenth, or
42 eleventh grade during the school year preceding the
43 effective date of a dissolution proposal, who was a
44 resident of the school district that dissolved, may
45 enroll in ~~any~~ a school district to which territory of
46 the school district that dissolved was attached until
47 ~~that pupil's~~ the student's graduation from high
48 school, unless the student was expelled or suspended
49 from school and the conditions of expulsion or
50 suspension have not been met. The student under

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1 expulsion or suspension shall not be enrolled until
2 the board of directors of the school district to which
3 territory of the dissolved school district was
4 attached approves, by majority vote, the enrollment of
5 the student. Notwithstanding section 282.24, the
6 district of residence of the ~~pupil student~~, determined
7 in the dissolution proposal, shall pay tuition to the
8 school district selected by the ~~pupil student~~ in an
9 amount not to exceed the district cost per pupil of
10 the district of residence and the school district
11 selected by the ~~pupil student~~ shall accept that
12 tuition payment and enroll the ~~pupil student~~.

13 Sec. 27. Section 282.4, Code 1995, is amended to
14 read as follows:

15 282.4 SUSPENSION — EXPULSION — DISMISSAL.

16 1. The board may, by a majority vote, expel any
17 ~~pupil student~~ from school for a violation of the
18 regulations or rules established by the board, or when
19 the presence of the ~~pupil student~~ is detrimental to
20 the best interests of the school. The board may
21 confer upon any teacher, principal, or superintendent
22 the power temporarily to ~~dismiss~~ suspend a ~~pupil~~
23 student, notice of ~~such dismissal~~ the suspension being
24 at once given in writing to the president of the
25 board.

26 2. A ~~pupil student~~ who commits an assault, as
27 defined under section 708.1, against a school employee
28 in a school building, on school grounds, or at a
29 school-sponsored function shall be suspended for a
30 time to be determined by the principal. Notice of the
31 suspension shall be immediately sent to the president
32 of the board. By special meeting or at the next
33 regularly scheduled board meeting, the board shall
34 review the suspension and decide whether to hold a
35 disciplinary hearing to determine whether or not to
36 order further sanctions against the ~~pupil student~~,
37 which may include expelling the ~~pupil student~~. In
38 making its decision, the board shall consider the best
39 interests of the school district, which shall include
40 what is best to protect and ensure the safety of the
41 school employees and ~~pupils students~~ from the ~~pupil~~
42 student committing the assault.

43 A ~~pupil student~~ shall not be suspended or expelled
44 pursuant to this section if the suspension or
45 expulsion would violate the federal Individuals with
46 Disabilities Education Act.

47 3. Notwithstanding section 282.6, if a student has
48 been expelled or suspended from school and has not met
49 the conditions of the expulsion or suspension and if
50 the student, or the parent or guardian of the student,

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1 changes district of residence, the student shall not
2 be enrolled in the new district of residence until the
3 board of directors of the new district of residence
4 approves, by a majority vote, the enrollment of the
5 student.

6 Sec. 28. Section 282.5, Code 1995, is amended to
7 read as follows:

8 282.5 READMISSION OF STUDENT.

9 When a student is ~~dismissed~~ suspended by a teacher,
10 principal, or superintendent, pursuant to section
11 282.4, the student may be readmitted by the teacher,
12 principal, or superintendent, but when expelled by the
13 board the student may be readmitted only by the board
14 or in the manner prescribed by the board.

15 Sec. 29. Section 294A.25, subsection 8, Code 1995,
16 is amended to read as follows:

17 8. For the fiscal year beginning July 1, ~~1994~~
18 1995, to the department of education from phase III
19 moneys the amount of one million two hundred fifty
20 thousand dollars for support for the operations of the
21 new Iowa schools development corporation and for
22 school transformation design and implementation
23 projects administered by the corporation. Of the
24 amount provided in this subsection, one hundred fifty
25 thousand dollars shall be used for the school and
26 community planning initiative.

27 Sec. 30. Section 303.3, subsection 3, Code 1995,
28 is amended to read as follows:

29 3. Notwithstanding section 8.33, moneys committed
30 to grantees under contract that remain unexpended on
31 June 30 of any fiscal year shall not revert but shall
32 be available for expenditure for purposes of the
33 contract program until June 30 of the succeeding
34 fiscal year.

35 Sec. 31. FUNDS TRANSFERRED.

36 1. For the fiscal year beginning July 1, 1995, and
37 ending June 30, 1996, the amount of \$150,000 is to be
38 paid to the department of education from additional
39 funds transferred from phase I to phase III for
40 development of a K-12 and community college management
41 information system. Notwithstanding section 294A.20,
42 if the additional funds transferred from phase I to
43 phase III are insufficient for purposes of the
44 appropriation provided under this subsection, moneys
45 allocated to phase III, which would otherwise revert
46 to the general fund under section 294A.20, shall be
47 transferred to the department in an amount sufficient
48 to fully fund the appropriation made under this
49 subsection. The department shall submit a report to
50 the legislative fiscal bureau by January 1, 1996,

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1 describing the specific expenditure of funds
 2 appropriated by the general assembly for purposes of
 3 the management information system; the estimated time
 4 of completion of the system; the department's
 5 accomplishments under the system; and any
 6 recommendations for future system funding needs.
 7 2. For the fiscal year beginning July 1, 1995, and
 8 ending June 30, 1996, up to \$50,000 from additional
 9 funds transferred from phase I to phase III is to be
 10 paid to the department of education for support of the
 11 Iowa mathematics and science coalition. If funds
 12 available from the specified sources are insufficient
 13 to fully fund the appropriation, the amount
 14 appropriated to the department under this subsection
 15 shall be reduced to an amount equal to the available
 16 funds.
 17 Sec. 32. 1994 Iowa Acts, chapter 1193, section 15,
 18 is repealed.
 19 Sec. 33. Sections 2, 11 through 13, 16, 17, 26
 20 through 28, 30, and this section of this Act, being
 21 deemed of immediate importance, take effect upon
 22 enactment."

The motion prevailed and the House concurred in the Senate amendment H-4224, to the House amendment.

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

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

The ayes were, 77:

Arnold	Baker	Bell	Bernau
Bogges	Brand	Brauns	Burnett
Cataldo	Churchill	Cohoon	Cormack
Cornelius	Daggett	Dinkla	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs
Lamberti	Larkin	Larson	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants

Renken	Schrader	Shoultz	Siegrist
Sukup	Teig	Thomson	Van Fossen
Van Maanen	Vandé Hoef	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, 17:

Boddicker	Bradley	Branstad	Brunkhorst
Carroll	Coon	Disney	Ertl
Hahn	Hurley	Kreiman	Kremer
Main	Salton	Schulte	Tyrrell
Veenstra			

Absent or not voting, 6:

Blodgett	Brammer	Connors	Lord
McCoy	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 **Senate File 266** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 584.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 584, a bill for an act providing for the crediting of moneys to the rebuild Iowa infrastructure fund, was taken up for consideration.

Millage of Scott offered the following amendment H-4226 filed by him from the floor and moved its adoption:

H-4226

- 1 Amend House File 584 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ Of the moneys appropriated to the state
- 5 board of regents and allocated to Iowa state
- 6 university of science and technology for the

7 agricultural experiment station for the fiscal year
8 beginning July 1, 1995, and ending June 30, 1996, in
9 1995 Iowa Acts, Senate File 266, if enacted by the
10 general assembly, \$100,000 shall be expended to
11 support a beginning farmer center as provided in
12 section 266.39E.

13 Sec. ____ 1995 Iowa Acts, Senate File 266, section
14 1, subsection 11, unnumbered paragraph 2, if enacted,
15 is amended to read as follows:

16 Of the funds appropriated in this subsection, for
17 the fiscal year beginning July 1, 1995, and ending
18 June 30, 1996, \$50,000 shall may be expended for
19 purposes of employing an individual to administer and
20 direct the career opportunities pathways program. The
21 individual employed shall possess a background in
22 business and secondary and postsecondary education.

23 Sec. ____ 1995 Iowa Acts, House File 579, section
24 12, if enacted by the General Assembly, is amended to
25 read as follows:

26 SEC. 12. GENERAL FUND SALARY MONEYS. Funds
27 appropriated from the general fund of the state in
28 this Act relate only to salaries supported from
29 general fund appropriations of the state except for
30 employees of the state board of regents. It is the
31 intent of the general assembly that the department of
32 management and the legislative fiscal bureau in
33 conjunction with the state agency affected by this
34 section ~~to~~ shall prepare recommendations concerning
35 the application of this section and present them to
36 the general assembly not later than February 1, 1996.

37 Sec. ____ Notwithstanding the number of full-time
38 equivalent positions authorized for the department of
39 education for general administration in 1995 Iowa
40 Acts, Senate File 266, if enacted by the general
41 assembly, the department shall be authorized 94.95
42 FTEs for general administration for the fiscal year
43 beginning July 1, 1995, and ending June 30, 1996. The
44 additional 1.0 FTE shall be funded from moneys
45 transferred in 1995 Iowa Acts, Senate File 266 to the
46 department of education from additional funds
47 transferred from phase I to phase III for development
48 of a K-12 and community college management information
49 system. The provision in 1995 Iowa Acts, Senate File
50 266, requiring the department of education to devote

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1 one full-time equivalent position under general
2 administration to direct and administer the management
3 information system, is void.

4 Sec. ____ EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."

6 2. Title page, line 1, by inserting after the
7 word "Act" the following: "relating to state

- 8 appropriation matters by".
 9 3. Title page, line 2, by inserting after the
 10 word "fund" the following: ", revising education
 11 appropriation provisions, and other properly related
 12 matters, and providing an effective date".

Amendment H-4226 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. 584)

The ayes were, 88:

Arnold	Baker	Bell	Bernau
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cphoon	Coon
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Gipp	Greiner	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	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, 5:

Brunkhorst	Cormack	Cornelius	Ertl
Garman			

Absent or not voting, 7:

Blodgett	Brammer	Connors	Greig
Lord	McCoy	Running	

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

Rants of Woodbury in the chair at 9:52 a.m.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 584** be immediately messaged to the Senate.

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

The House resumed session at 10:57 a.m., Speaker Corbett in the chair.

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

The House resumed session at 12:27 a.m., Running of Linn in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 571, a bill for an act relating to the frequency of referendums held on excursion gambling boat proposals or gambling games proposals for licensed pari-mutuel racetracks and the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates.

Also: That the Senate has on May 4, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 584, a bill for an act relating to state appropriation matters by providing for the crediting of moneys to the rebuild Iowa infrastructure fund, revising education appropriation provisions, and other properly related matters, and providing an effective date.

Also: That the Senate has on May 4, 1995, adopted the conference committee report and passed Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(Senate File 484)

Hanson of Black Hawk called up for consideration the report of the conference committee on Senate File 484 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 484

To the President of the Senate and 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 484, a bill for An Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4225.

2. That the House amendment, S-3684, to Senate File 484, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking page 1, line 5, through page 19, line 2, and inserting the following:

Section 1. AUDITOR OF STATE. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,310,549
.....	FTEs 112.50

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative fiscal bureau of the additional full-time equivalent positions retained.

Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 375,786
.....	FTEs 8.00

Sec. 3. DEPARTMENT OF COMMERCE. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. PROFESSIONAL LICENSING AND REGULATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 897,802
.....	FTEs 14.00

2. ADMINISTRATIVE SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 211,586
.....	FTEs 2.00

It is the intent of the general assembly that the two positions authorized in this subsection for the division shall coordinate the administrative services to be provided to the divisions in the department. These two positions are under the direct supervision of, and shall report to, the director of the department.

The division of administrative services shall assess each division within the department of commerce and the office of consumer advocate within the department of justice a pro rata share of the operating expenses of the division of administrative services. The pro rata share shall be determined pursuant to a cost allocation plan established by the division of administrative services and agreed to by the administrators of the divisions and the consumer advocate. To the extent practicable, the cost allocation plan shall be based on the proportion of the administrative expenses incurred on behalf of each division and the office of consumer advocate. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated, an amount sufficient to cover the amount stated in its appropriation, any state assessed indirect costs determined by the department of revenue and finance, and the cost of services provided by the division of administrative services.

3. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,861,105
.....	FTEs 33.50

4. BANKING DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 5,375,058
.....	FTEs 84.00

5. CREDIT UNION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,047,066
.....	FTEs 20.00

6. INSURANCE DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 2,924,482
.....	FTEs 91.50

Of the amounts appropriated in this section to the insurance division, not more than \$100,000 shall be used for the regulation of health insurance purchasing cooperatives.

The insurance division shall monitor public utilization of the coverages identified in chapter 514C under managed care plans in this state.

The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

a. Notifies the department of management, legislative fiscal bureau, and the legislative fiscal committee of the need for the expenditures.

b. Files with each of the entities named in paragraph "a" the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

c. (1) Of the amounts appropriated to the insurance division in this subsection not more than \$100,000 shall be used for continuing the division's senior health insurance information program and not more than \$100,000 shall be used for the purpose of establishing a pilot consumer health education and assistance program.

(2) The purpose of the consumer health education and assistance program is to educate and assist health care consumers to make more informed health insurance and care choices in the marketplace. Both oral and written educational assistance relating to health care insurance, delivery systems, provider services and coverage, billing procedures, and sources of information shall be provided by the division. The division of insurance may request, and other state agencies shall provide, assistance in implementing and administering the health care education and assistance program.

(3) The commissioner of insurance shall appoint an advisory committee consisting of knowledgeable and interested citizens and state and local public officials to provide advice and review the program. A majority of the members of the advisory committee shall be bona fide representatives of consumers.

(4) The commissioner of insurance shall prepare a progress report relating to the activities of the program, the report to be submitted to the governor and the members of the general assembly not later than March 1, 1996. The governor and the legislative council may request progress reports from the commissioner of insurance as deemed appropriate.

7. UTILITIES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 4,911,871
.....	FTEs 79.00

The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the regulation expenses exceed the funds budgeted by the general assembly

to the division and that the division does not have other funds from which regulation expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess regulation expenses. The amounts necessary to fund the excess regulation expenses shall be collected from those utility companies being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2.

Sec. 4. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of the members:

..... \$ 20,803

2. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment:

..... \$ 87,719

Sec. 5. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,169,975
..... FTEs 31.35

2. INFORMATION SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,497,002
..... FTEs 141.60

3. PROPERTY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,935,381
..... FTEs 113.00

The department of general services shall not change the appropriations for the purposes designated in subsections 1 through 3 from the amounts appropriated under those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

Savings achieved in providing telephone services shall be used by the department of general services to increase efficiencies in the provision of those services. The department of general services shall report not later than August 31, 1996, on the projects undertaken to the chairpersons and the ranking members of the joint

appropriations subcommittee on administration and regulation and to the legislative fiscal bureau. The report shall include a listing of the projects and efficiencies undertaken during the fiscal year, the cost of each project, and the benefits, including the projected savings on an annual basis and for the life of the efficiency improvement.

4. CAPITOL PLANNING COMMISSION

For expenses of the members in carrying out their duties under chapter 18A:

..... \$ 2,000

5. RENTAL SPACE

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16:

..... \$ 607,955

6. UTILITY COSTS

For payment of utility costs and for not more than the following full-time equivalent positions:

..... \$ 2,059,178
..... FTEs 1.00

The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. In addition, notwithstanding sections 8.33 and 18.12, subsection 11, any excess funds appropriated for utility costs in this subsection shall not revert to the general fund of the state on June 30, 1996, and these funds shall be used for implementation of energy conservation projects having a payback of 100 percent within a two-year to six-year period. The department of general services shall report not later than August 31, 1996, on the projects having 100 percent payback within a six-year period to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau. The report shall include a listing of the projects undertaken, the cost of each project, and the projected savings on an annual basis and for the life of the project.

7. TERRACE HILL OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill and for not more than the following full-time equivalent positions:

..... \$ 164,637
..... FTEs 4.00

Sec. 6. There is appropriated from the designated revolving funds to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 912,217
..... FTEs 26.05

2. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1995, and ending June 30, 1996, which are legally payable from this fund.

3. From the centralized purchasing permanent revolving fund established by section 18.9 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	734,140
.....	FTEs	16.05

4. The remainder of the centralized purchasing permanent revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1995, and ending June 30, 1996, which are legally payable from this fund.

5. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	625,075
.....	FTEs	15.00

6. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, gasohol, oil, tires, repairs, and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1995, and ending June 30, 1996, which are legally payable from this fund.

The vehicle dispatcher shall report, not later than February 15, 1996, to the chairpersons and the ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau regarding the efficiencies of the vehicle fleet and the changes in the efficiencies. The report shall include the cost per mile, fuel efficiencies, maintenance costs, useful life, the costs of extending the useful life, and other measures which the vehicle dispatcher or the legislative fiscal bureau finds appropriate. The information shall be reported for each general type of vehicle. The overhead costs shall also be reported with the total costs of the vehicle dispatcher operations.

The department of general services shall report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau not later than February 15, 1996, a comparison of the performance of vehicles burning an 85 percent ethanol mixture and those burning a 10 percent ethanol mixture. The report shall include, but is not limited to, average mileage, vehicle life, and problems encountered.

Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$	1,088,936
.....	FTEs	17.25

2. For the governor's expenses and the lieutenant governor's expenses connected with office:

..... \$ 2,416

3. For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

..... \$ 64,648
..... FTEs 2.00

4. For the payment of expenses of ad hoc committees, councils, and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical, and administrative staff and the payment of per diem and actual expenses of committee, council, or task force members as specified pursuant to section 7E.6:

..... \$ 1,610

The ad hoc committees, councils, and task forces appointed by the governor are subject to chapters 21 and 22 and the members and the staff shall be informed of these requirements. A member shall not receive a per diem if the member is receiving a salary as a full-time public employee, but members shall be reimbursed for actual and necessary expenses.

5. For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:

..... \$ 108,336
..... FTEs 2.00

6. For payment of Iowa's membership in the national governors' conference:

..... \$ 74,435

Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. FINANCE AND SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 467,275
..... FTEs 21.00

2. AUDITS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 352,092
..... FTEs 11.00

3. APPEALS AND FAIR HEARINGS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 223,048
..... FTEs 24.00

If Senate File 358 is enacted by the Seventy-sixth General Assembly, 1995 Regular Session, there is appropriated from the general fund of the state to the appeals and fair hearings division for the fiscal period beginning July 1, 1995, and ending December 31, 1995, an additional sum of \$45,000, or so much thereof as is necessary, and 1.50 FTEs to carry out the responsibilities of the division as specified in Senate File 358.

4. INVESTIGATIONS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	729,111
.....	FTEs	35.00

5. HEALTH FACILITIES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,663,070
.....	FTEs	101.00

6. INSPECTIONS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	577,869
.....	FTEs	13.00

7. EMPLOYMENT APPEAL BOARD

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	33,067
.....	FTEs	15.00

The employment appeal board shall be reimbursed by the labor services division of the department of employment services for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

8. STATE FOSTER CARE REVIEW BOARD

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	527,041
.....	FTEs	10.00

The department of human services, in coordination with the state foster care review board and the department of inspections and appeals, shall submit an application for funding available pursuant to Title IV-E of the federal Social Security Act for claims for state foster care review board administrative review costs.

9. The department of inspections and appeals shall provide an accounting of all costs associated with negotiating agreements and compacts pursuant to section 10A.104, subsection 10, and all costs associated with monitoring such agreements

and compacts. Information in the accounting shall include the dates and destinations of all travel related to the negotiations and monitoring, and all costs associated with the personnel involved, including salary, travel, and support costs.

Sec. 9. RACETRACK REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

.....	\$	1,760,378
.....	FTEs	23.85

Sec. 10. EXCURSION BOAT REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling laws, and for not more than the following full-time equivalent positions:

.....	\$	860,651
.....	FTEs	17.11

It is the intent of the general assembly that the racing and gaming commission shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. If more than six riverboats are operating during the fiscal year beginning July 1, 1995, and ending June 30, 1996, the commission may expend no more than \$84,917 for no more than 2.00 FTEs for each additional riverboat in excess of six. The additional expense associated with the positions shall be paid from fees assessed by the commission as provided in chapter 99F.

Notwithstanding section 8.39, funds shall not be transferred to the department of inspections and appeals which would be used for monitoring Indian gaming.

Sec. 11. DEPARTMENT OF INSPECTIONS AND APPEALS — SERVICE CHARGES. The department of inspections and appeals may charge state departments, agencies, and commissions for services rendered and the payment received shall be considered repayment receipts as defined in section 8.2.

Sec. 12. USE TAX APPROPRIATION. There is appropriated from the use tax receipts collected pursuant to section 423.7 prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the appeals and fair hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, for the purposes designated:

.....	\$	924,090
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Sec. 13. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,032,287
.....	FTEs	30.00

2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

For reimbursement to local law enforcement agencies for the training of officers who resign pursuant to section 384.15, subsection 7:

.....	\$	47,500
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3. COUNCIL OF STATE GOVERNMENTS

For support of the membership assessment:

.....	\$	75,500
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The department of management shall conduct a study of the positions of deputy director throughout the executive branch of state government. The study shall include the responsibilities of each deputy director, the salaries of the deputy directors, the number of deputy director positions, and the variation of responsibilities among the deputy director positions. The department shall report its findings to the chairpersons and ranking members of the joint subcommittees on oversight, audit and government reform, and to the legislative fiscal bureau by January 1, 1996.

Sec. 14. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	56,000
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The department of management shall report to the chairpersons and ranking members of the senate and house committees on appropriations, the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation, and the legislative fiscal bureau, the number of furloughs and the number of layoffs that occur in each state agency, the savings associated with those furloughs and layoffs, the effect of the furloughs and layoffs on services provided by the state agency, and other relevant information. The department shall provide a year-end report summarizing the information for the fiscal year beginning July 1, 1995, which will be due by September 1, 1996.

When addressing staffing targets for state agencies, the department of management shall state the number of staff authorized for a state agency in terms of full-time equivalent positions.

Sec. 15. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated including the filing of quarterly reports as required in this section:

1. OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes for the director's staff, information services, data processing, and financial services, and for not more than the following full-time equivalent positions:

.....	\$ 1,041,716
.....	FTEs 18.58

2. PROGRAM DELIVERY

For salaries for personnel services, employment law and labor relations and training for not more than the following full-time equivalent positions:

.....	\$ 1,213,964
.....	FTEs 33.20

3. PROGRAM ADMINISTRATION AND DEVELOPMENT

For salaries for employment, compensation, and benefits and workers' compensation and for not more than the following fulltime equivalent positions:

.....	\$ 1,386,933
.....	FTEs 32.80

Any funds received by the department for workers' compensation purposes other than the funds appropriated in subsection 3 shall be used only for the payment of workers' compensation claims.

The funds for support, maintenance, and miscellaneous purposes for personnel assigned to program delivery under subsection 2 and program administration and development under subsection 3 are payable from the appropriation made in subsection 1.

The department of personnel shall report semi-annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation concerning the number of vacancies in existing full-time equivalent positions and the average time taken to fill the vacancies. The reports shall include quarterly and annual averages organized according to state agency and general occupational category as established by the federal equal employment opportunity commission. All departments and agencies of the state shall cooperate with the department in the preparation of the reports.

Sec. 16. IPERS. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system:

.....	\$ 3,749,983
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2. It is the intent of the general assembly that the Iowa public employees' retirement system employ sufficient staff within the appropriation provided in this section to meet the developing requirements of the investment program.

3. The department of personnel shall submit, annually, a report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau regarding the results of the state's top achievement recognition program. The reports submitted shall include, but are not limited to, identification of the recipients, a description of the meritorious achievements, and the awards conferred.

Sec. 17. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

..... \$ 331,694

Sec. 18. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

..... \$ 53,996

Sec. 19. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions used for the purposes designated in subsections 1 through 3:

..... FTEs 577.43

1. AUDIT AND COMPLIANCE

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,563,293

2. STATE FINANCIAL MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,376,548

3. INTERNAL RESOURCES MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 5,910,111

4. COLLECTION COSTS AND FEES

For payment of collection costs and fees pursuant to section 422.26:

..... \$ 45,000

5. a. The department of revenue and finance shall not change the appropriations for the purposes designated in subsections 1 through 3 from the amounts appropriated in those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

b. The department of revenue and finance shall report quarterly to the legislative fiscal bureau concerning progress in the implementation of generally accepted accounting principles, including determination of reporting entities, fund classifications, modification of the Iowa financial accounting system, progress on preparing a comprehensive annual financial report, and the most current estimate of the general fund balance based on current generally accepted accounting principles.

c. The director of revenue and finance shall report annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau on the implementation and financial status of the integrated revenue information system. The report shall include any changes from the scheduled progress including expenditures or estimated revenue.

d. The director of revenue and finance shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 18, without cost to a city or county.

Sec. 20. There is appropriated from the lottery fund to the department of revenue and finance for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes for the administration and operation of lottery games, and for not more than the following full-time equivalent positions:

.....	\$ 7,408,016
.....	FTEs 120.00

Sec. 21. There is appropriated from the motor vehicle fuel tax fund created by section 452A.77 to the department of revenue and finance for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

.....	\$ 1,008,025
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Sec. 22. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 520,514
.....	FTEs 9.00

2. BUSINESS SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,565,021
.....	FTEs 28.00

3. For costs incurred in the printing of the official register:

.....	\$ 60,000
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Sec. 23. STATE-FEDERAL RELATIONS. There is appropriated from the general fund of the state to the office of state-federal relations for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 235,521
.....	FTEs 3.00

Sec. 24. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 855,694
.....	FTEs 27.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 25. SECOND INJURY FUND. The administrative costs and expenses incurred by the treasurer of state, the attorney general, the second injury fund, or the department of revenue and finance, in connection with the second injury fund, may be paid from the second injury fund. However, the payment of administrative costs and expenses incurred by the treasurer of state, the attorney general, the second injury fund, and the department of revenue and finance, as authorized in this section, shall only be permitted for administrative costs and expenses incurred in the fiscal year commencing July 1, 1995, and ending June 30, 1996, shall not exceed \$170,000.

Sec. 26. STATE WORKERS' COMPENSATION CLAIMS. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution, subject to approval of the department of management, to various state departments to fund the premiums for paying workers' compensation claims which are assessed to and collected from the state department by the department of personnel based upon a rating formula established by the department of personnel:

.....	\$ 5,884,740
-------	--------------

The premiums collected by the department of personnel shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 27. Notwithstanding section 509A.5, there is appropriated from the employer share of the health insurance premium reserve fund the following amount for the purpose designated:

For the health data commission:	
.....	\$ 100,000

Sec. 28. RURAL FIRE PROTECTION.

1. There is appropriated from the general fund of the state to the fire marshal for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For supporting a rural fire protection demonstration project:	
.....	\$ 6,000

2. The department shall award moneys to one or more resource conservation and development councils which apply for such moneys for the installation of permanent dry fire hydrants. Moneys awarded under this section shall not be used to pay for salaries or support administration. The purpose of a project shall be to demonstrate how dry hydrants may be used to preserve life and protect property from dangers associated with fire, and to support rural infrastructure in order to encourage investment in rural communities.

3. A resource conservation and development council which receives an award under this section shall appoint a dry hydrant project coordinator who shall be responsible for administering the award as provided in this section. In applying for and administering an award, a council shall cooperate with relevant county boards of supervisors, county engineers, soil and water conservation districts, local fire departments, township trustees, rural water associations, and landowners. The council shall also seek cooperation from the natural resources and conservation service of the United States department of agriculture, and, if appropriate, the United States army corps of engineers.

4. Applications shall be judged based on criteria established by the department. The fire service institute advisory committee established pursuant to section 266.46 may assist the department in establishing criteria and judging applications. Applicants shall submit a plan that demonstrates the practical advantages of using a dry hydrant, which relies upon natural roadside water impoundments and man-made impoundments fed by rural water mains, to provide viable and economical sources of water required to extinguish fires in rural areas. The plan shall provide for instructing fire departments regarding the installation and operation of dry hydrants, including methods to utilize labor and equipment. In implementing the plan, the dry hydrant project coordinator shall cooperate with the Iowa fire service institute at Iowa state university as provided in section 266.41, the fire service institute advisory committee, and any association which provides for the training of fire fighters, including the Iowa firemen's association and the Iowa society of fire service instructors.

5. The fire marshal shall prepare a report which shall include findings submitted by each dry hydrant project coordinator who administers an award and recommendations submitted by the fire service institute advisory committee. The committee may provide a plan or model for the installation of dry hydrants throughout the state. The report shall be delivered to the general assembly by January 10, 1996.

Sec. 29. **CENTRALIZED PURCHASING REVOLVING FUND TRANSFER.** Notwithstanding section 18.9, there is transferred from the centralized purchasing revolving fund created under section 18.9 to the general fund of the state on June 30, 1995, the sum of \$200,000.

Sec. 30. **SECRETARY OF STATE OPTICAL IMAGING ACCOUNT TRANSFER.** The secretary of state shall pay to the general fund of the state on June 30, 1995, the sum of \$75,000, or so much thereof as remains of funds appropriated for an optical imaging project. If insufficient unencumbered or unobligated funds remain in the optical imaging account as of June 30, 1995, to pay \$75,000 to the general fund of the state, the deficiency shall be paid from other moneys appropriated to the office of secretary of state pursuant to this Act.

Sec. 31. **IMPLEMENTATION OF FUNDING REDUCTIONS — INTENT OF GENERAL ASSEMBLY.** It is the intent of the general assembly that the departments, agencies, and offices of the executive department of state government shall implement funding reductions through organizational changes which reduce supervisory positions, vertically and horizontally, and increase the span of control of the remaining supervisors as recommended by the governor's committee on government spending reform.

Sec. 32. **ELIMINATION OF VACANT UNFUNDED JOBS.** The state departments, agencies, or offices receiving appropriations under this Act shall eliminate, within thirty days after the beginning of a fiscal year, all vacant unfunded positions on the table of organization of the state department, agency, or office.

Sec. 33. STATE COMMUNICATIONS NETWORK — REDUCTION OF TRAVEL AND RELATED EXPENSES. The offices of the governor and lieutenant governor, the office of secretary of state, the office of treasurer of state, the auditor of state, the department of commerce, the department of inspections and appeals, the Iowa ethics and campaign disclosure board, the department of general services, the department of management, the department of revenue and finance, and the department of personnel shall use the services of the state communications network as much as possible for interagency communication, meetings, and conferences to reduce travel and related expenses for the respective offices or departments.

Sec. 34. REPORT OF ADDITIONAL INCOME AND EXPENDITURES. The state departments, agencies, and offices receiving appropriations under this Act shall report all expenses in excess of the funds appropriated from any statutory revolving funds during the fiscal year beginning July 1, 1994, and ending June 30, 1995. The report shall also include the beginning and ending balances of the revolving funds.

The report required pursuant to this section shall be submitted not later than September 30, 1995, for expenditures made during the fiscal year beginning July 1, 1994, and ending June 30, 1995, to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulations and the legislative fiscal bureau.

Sec. 35. FEDERAL GRANTS. All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 36. Section 12.21, Code 1995, is amended to read as follows:

12.21 ACCEPTING CREDIT CARD PAYMENTS.

The treasurer of state may enter into an agreement with a financial institution to provide credit card receipt processing for state departments which are authorized by the treasurer of state to accept payment by credit card. A department which accepts credit card payments shall may adjust its fees to reflect the cost of processing as determined by the treasurer of state. A fee may be charged by a department for using the credit card payment method notwithstanding any other provision of the Code setting specific fees. The treasurer of state shall adopt rules to implement this section.

Sec. 37. Section 25.2, Code 1995, is amended to read as follows:

25.2 EXAMINATION OF REPORT — APPROVAL OR REJECTION -PAYMENT.

The state appeal board with the recommendation of the special assistant attorney general for claims may approve or reject claims against the state of less than ten years covering the following: Outdated warrants; outdated sales and use tax refunds; license refunds; additional agricultural land tax credits; outdated invoices; fuel and gas tax refunds; outdated homestead and veterans' exemptions; outdated funeral service claims; tractor fees; registration permits; outdated bills for merchandise; services furnished to the state; claims by any county or county official relating to the personal property tax credit; and refunds of fees collected by the state. Payments authorized by the state appeal board shall be paid from the appropriation or fund of original certification of the claim. However, if that appropriation

or fund has since reverted under section 8.33 then such payment authorized by the state appeal board shall be out of any money in the state treasury not otherwise appropriated. Notwithstanding the provisions of this section, the director of revenue and finance may reissue outdated warrants. On or before November 1 of each year, the director of revenue and finance shall provide the treasurer of state with a report of all unpaid warrants which have been outdated for two years or more. The treasurer shall include information regarding outdated warrants in the notice published pursuant to section 556.12. The provisions of section 556.11 regarding agreements to pay compensation for recovery or assistance in recovery of unclaimed property are applicable to agreements to pay compensation to recover or assist in the recovery of outdated warrants.

Sec. 38. Section 411.36, subsection 1, unnumbered paragraph 1, Code 1995, as amended by 1995 Iowa Acts, Senate File 45, section 5, is amended to read as follows:

A board of trustees for the statewide fire and police retirement system is created. The board shall consist of ~~thirteen~~ fourteen members, including nine voting members and ~~four~~ five nonvoting members. Section 69.16A applies to the appointment of the voting members of the board. The voting members of the board shall be as follows:

Sec. 39. Section 411.36, subsection 1, unnumbered paragraph 2, Code 1995, as amended by 1995 Iowa Acts, Senate File 45, section 5, is amended to read as follows:

The treasurer of state, or the treasurer's designee, shall serve as an ex officio, nonvoting member. The other nonvoting members of the board shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

Sec. 40. Section 411.36, subsection 2, Code 1995, is amended to read as follows:

~~2. Except as otherwise provided for the initial appointments, the~~ The voting members shall be appointed for four-year terms, and the nonvoting members who are members of the senate and the house of representatives shall be appointed for two-year terms. Terms begin on May 1 in the year of appointment and expire on April 30 in the year of expiration.

Sec. 41. Section 411.36, subsection 5, paragraph a, Code 1995, is amended to read as follows:

a. Members of the board, except the treasurer of state or the treasurer's designee, shall be paid their actual and necessary expenses incurred in the performance of their duties and shall receive a per diem as specified in section 7E.6 for each day of service. Per diem and expenses shall be paid to voting members from the fire and police retirement fund created in section 411.8.

Sec. 42. Section 462A.78, subsection 5, Code 1995, is amended to read as follows:

5. The funds collected under subsection 1, paragraph "a", shall be placed in the general fund of the county and used for the expenses of the county conservation board if one exists in that county. Of each surcharge collected as required under subsection 1, paragraph "b", the county recorder shall remit five dollars to the ~~office of treasurer of state~~ department of revenue and finance for deposit in the general fund of the state.

Sec. 43. Section 554.9401, subsection 6, Code 1995, is amended to read as follows:

6. Of each fee collected by the county recorder under sections 570A.4, 554.9403, 554.9405, and 554.9406, the county recorder shall remit five dollars, if filed on a standard form or six dollars otherwise, to the ~~office of the treasurer of state~~ department of revenue and finance for deposit in the general fund of the state.

Sec. 44. Section 99D.5, subsection 1, Code 1995, is amended to read as follows:

1. A state racing and gaming commission is created within the department of inspections and appeals consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19. Before a person is appointed to the commission, the division of criminal investigation of the department of public safety shall conduct a thorough background investigation of the proposed appointee. The proposed appointee shall provide information on a form as required by the division of criminal investigation. The background investigation shall be the same as conducted for an applicant for a license to conduct pari-mutuel wagering. The information shall be made available to the members of the senate standing committee assigned to investigate and recommend confirmation of an appointee.

Sec. 45. Section 515A.15, Code 1995, as amended by 1995 Iowa Acts, House File 247, section 24, is amended to read as follows:

515A.15 ASSIGNED RISKS.

Agreements shall be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, the agreements and rate modifications to be subject to the approval of the commissioner.

For purposes of this section, "insurer" includes, in addition to insurers defined pursuant to section 515A.2, an entity which has submitted a plan of self-insurance for approval pursuant to section 87.4 on or before May 1, 1995, and a self-insurance association formed on or after July 1, 1995, pursuant to section 87.4 except for an association comprised of cities or counties, or both, or an association comprised of community colleges as defined in section 260C.2, which have entered into an agreement pursuant to chapter 28E for the purpose of establishing a self-insured program for the payment of workers' compensation benefits.

Sec. 46. REPEAL. Sections 12.9, 12.12, and 12.13, Code 1995, are repealed.

Sec. 47. EFFECTIVE DATE. This section and sections 38, 39, 40, and 41, being deemed of immediate importance, take effect upon enactment. Sections 29 and 30 of this Act take effect on June 30, 1995. The remainder of this Act takes effect on July 1, 1995."

_. Title page, line 4, by striking the words ", and providing penalties"."

ON THE PART OF THE HOUSE:

DONALD E. HANSON, Chair
MICHAEL CATALDO
CHUCK GIPP
DAVID MILLAGE
PAT MURPHY

ON THE PART OF THE SENATE:

PATTY JUDGE, Chair
MERLIN E. BARTZ
LARRY MURPHY

The motion prevailed and the report 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?" (S.F. 484)

The ayes were, 57:

Arnold	Baker	Boggess	Bradley
Brauns	Carroll	Cataldo	Churchill
Coon	Corbett, Spkr.	Cornelius	Daggett
Disney	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hammitt	Hanson	Harrison
Houser	Huseman	Jacobs	Klemme
Koenigs	Kremer	Lamberti	Larson
Main	Martin	McCoy	Metcalf
Meyer	Millage	Murphy	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Siegrist
Sukup	Teig	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter			

The nays were, 38:

Bell	Bernau	Boddicker	Brand
Branstad	Brunkhorst	Burnett	Cphoon
Cormack	Dinkla	Doderer	Drake
Drees	Fallon	Grubbs	Halvorson
Harper	Heaton	Holveck	Hurley
Jochum	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Myers	Schrader	Schulte	Shoultz
Tyrrell	Warnstadt	Weigel	Wise
Witt	Running, Presiding		

Absent or not voting, 5:

Blodgett	Brammer	Connors	Grundberg
Lord			

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 484** be immediately messaged to the Senate.

Speaker Corbett in the chair at 12:55 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 577, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters.

Also: That the Senate has on May 4, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 583, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **House File 577**, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H-4227:

H-4227

- 1 Amend House File 577, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 1 and inserting the
- 4 following:
- 5 "Section 1. NEW SECTION. 358C.1 LEGISLATIVE
- 6 FINDINGS — PURPOSE.
- 7 The general assembly finds and declares as follows:
- 8 1. The economic health and development of Iowa
- 9 communities is tied to opportunities for jobs in and
- 10 near those communities and the availability of jobs is
- 11 in part tied to the availability of affordable, decent
- 12 housing in those communities.
- 13 2. A need exists for a program to assist
- 14 developers and communities in increasing the
- 15 availability of housing in Iowa communities.
- 16 3. A shortage of opportunities and means for
- 17 developing local housing exists. It is in the best
- 18 interest of the state and its citizens for
- 19 infrastructure development which will lower the costs
- 20 of developing housing.

21 4. The expansion of local housing is dependent
22 upon the cost of providing the basic infrastructure
23 necessary for a housing development. Providing this
24 infrastructure is a public purpose for which the state
25 may encourage the formation of real estate improvement
26 districts for the purpose of providing water, sewer,
27 roads, and other infrastructure."

28 2. Page 1, line 18, by inserting after the word
29 "chapter" the following: ", in a county designated as
30 a pilot county under section 358C.1A".

31 3. Page 1, by inserting after line 24 the
32 following:

33 "Sec. ____ NEW SECTION. 358C.1A PILOT PROGRAM
34 ESTABLISHED.

35 1. The establishment of real estate improvement
36 districts under this chapter shall be limited to six
37 pilot counties, which shall be determined by the
38 director of the Iowa finance authority so as to add to
39 the diversity of the pilot program. A real estate
40 improvement district shall not be established in a
41 pilot county after two years from the effective date
42 of this Act."

43 4. Page 2, line 8, by striking the words "Areas
44 of contiguous and noncontiguous" and inserting the
45 following: "Only areas of contiguous".

46 5. Page 3, by striking lines 9 through 11 and
47 inserting the following: "objections to a subsequent
48 annexation by a city."

49 6. Page 3, by striking lines 23 and 24 and
50 inserting the following:

Page 2

1 "8. The".

2 7. Page 4, line 17, by striking the words
3 "Sidewalks and pedestrian" and inserting the
4 following: "Pedestrian".

5 8. Page 4, by striking lines 25 and 26.

6 9. Page 4, lines 28 and 29, by striking the words
7 "and disposal and treatment plants".

8 10. Page 9, line 12, by inserting after the word
9 "supervisors" the following: "or city council".

10 11. By striking page 9, line 17, through page 10,
11 line 10, and inserting the following: "shall serve an
12 initial two-year term."

13 12. Page 10, line 15, by striking the words "In
14 lieu of a special election, successors" and inserting
15 the following: "Successors".

16 13. Page 12, by inserting after line 1 the
17 following:

18 "8. The provisions of chapters 21 and 22
19 applicable to cities, counties, and school districts
20 apply to the district. The records of the district
21 are subject to audit pursuant to section 11.6."

- 22 14. Page 12, by striking lines 9 through 25 and
23 inserting the following: "clerk, and a treasurer from
24 its membership."
- 25 15. Page 13, line 15, by inserting after the word
26 "franchise" the following: "under section 364.2,".
- 27 16. Page 17, lines 7 through 9, by striking the
28 words "used and assessed as agricultural property
29 shall be deferred upon the filing of a request by the
30 owner" and inserting the following: "shall be made".
- 31 17. Page 17, line 11, by inserting after the word
32 "cities." the following: "Notwithstanding the
33 provisions of section 384.62, the combined assessments
34 against any lot for public improvements included in
35 the petition creating the housing development district
36 or as authorized in section 358C.3, shall not exceed
37 the valuation of that lot as established by section
38 384.46."
- 39 18. By striking page 18, line 32, through page
40 19, line 2, and inserting the following: "object to
41 the annexation if a city annexes all the territory
42 within".
- 43 19. By striking page 20, line 11, through page
44 21, line 14.
- 45 20. Page 24, line 6, by inserting after the word
46 "improvements" the following: "or obligations".
- 47 21. Page 24, by inserting after line 24 the
48 following:
49 "Sec. ____ HOUSING SUMMIT. The Iowa league of
50 cities and the Iowa state association of counties are

Page 3

- 1 requested to convene a housing summit to examine
2 housing development in Iowa. It is requested that the
3 summit examine the use of tax increment financing, the
4 desirability of establishing a local housing
5 development bond program in the Iowa finance
6 authority, the effect of recissions of federal funds
7 on Iowa's ability to increase its stock of housing,
8 and existing programs which have been successful in
9 promoting the expansion of housing in Iowa. It is
10 requested that participants in the summit include the
11 Iowa chapter of the American planning association,
12 home developers and builders, economic development
13 experts, and others with experience in housing
14 development or financing. A report containing the
15 recommendations of the summit is requested to be
16 provided to the studies committee of the legislative
17 council not later than September 1, 1995.
- 18 Sec. ____ LEGISLATIVE STUDY. The legislative
19 council is requested to establish a study committee to
20 receive the report and recommendations of the housing

21 summit requested to be convened under this Act and to
22 determine whether changes should be made to Iowa's
23 laws regarding housing development. The committee
24 shall present its recommendations, if any, to the
25 legislative council not later than November 15, 1995.
26 Membership on the committee is requested to be the
27 following:

28 1. Eight members from the senate and house of
29 representatives, two members appointed by the majority
30 leader of the senate, two members appointed by the
31 minority leader of the senate, two members appointed
32 by the speaker of the house of representatives, and
33 two members appointed by the minority leader of the
34 house of representatives.

35 2. Eight nonvoting private members appointed by
36 the legislative council as follows:

37 a. The director of the department of economic
38 development and the director of the Iowa finance
39 authority, or their designees.

40 b. A representative of the Iowa league of cities.

41 c. A representative of the Iowa state association
42 of counties.

43 d. A representative of an organization
44 representing home builders.

45 e. A person with experience in municipal bonding
46 and knowledgeable about the legal requirements for
47 issuing bonds.

48 f. A person representing an organization which
49 advocates for low and moderate income persons
50 regarding housing.

Page 4

1 g. A person with experience in financing the
2 development and purchase of housing.

3 h. A representative of the Iowa association of
4 regional councils.

5 i. A representative of an organization
6 representing real estate brokers."

7 22. Title page, line 1, by inserting after the
8 word "to" the following: "the establishment of a
9 pilot program for".

10 23. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-4227.

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

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

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	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
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:

Fallon

Absent or not voting, 6:

Blodgett	Brammer	Branstad	Connors
Grundberg	Lord		

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 577** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Running of Linn called up for consideration **House File 583**, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-4228:

H-4228

- 1 Amend House File 583, as passed by the House as
 2 follows:
 3 1. Page 1, by inserting after line 3 the
 4 following:
 5 "Sec. ____ APPROPRIATION TO MERGED AREAS —
 6 CONTINGENCY. Notwithstanding any Act enacted in 1995
 7 during the Seventy-sixth General Assembly, all
 8 unobligated or unencumbered moneys from appropriations
 9 made pursuant to any Act enacted in 1995 by the
 10 Seventy-sixth General Assembly to a merged area shall
 11 be reduced by 100 percent, if the merged area enters
 12 into an agreement under chapter 260E or 260F, for a
 13 project which includes program services for employees
 14 of a confinement feeding operation as defined in
 15 section 455B.161."

The motion prevailed and the House concurred in the Senate amendment H-4228.

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

On the question "Shall the bill pass?" (H.F. 583)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Boddicker	Boggess	Bradley	Brand
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	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
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:

Blodgett	Brammer	Branstad	Connors
Grundberg	Lord		

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 583 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 19, 1995, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 4, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 34, a senate concurrent resolution to provide for adjournment sine die.

JOHN F. DWYER, Secretary

REMARKS BY MINORITY LEADER SCHRADER

Schrader of Marion offered the following remarks:

Thank you Mr. Speaker:

This has been a session, for me in a new role, that has been exciting – at times frustrating – but one that has been successful for my caucus, and I'm proud of that.

Democrats came into this session with tax reductions, particularly property tax reductions aimed at average Iowans, as our primary goal – we've accomplished that.

We feel good that this is a success of this session for Democrats, which we believe will improve this state for all Iowans.

On many other issues, the minority party has agreed with the majority party or we've had disagreements which were somewhat minor. And as we worked through those issues, our input has caused bills to become better bills – that is the role of the minority and I believe that the members of my caucus, whom I am very proud of, played that role very well and the result was legislation from this body which was much better because of our caucus, and I thank them for that.

On other issues we disagreed, and when we disagreed the minority worked hard to point out why we disagreed, why we felt that the logic of our arguments should prevail over the logic of the majority party arguments. Given the numbers, which are statistics which are hard to over come, many times we offered our arguments and no reward came as far as passage of our ideas. Nevertheless, our role is to come back again and again to present alternatives – and we did that and when we successfully convinced you, to your credit, you accepted our ideas and they became part of legislation that was passed.

As the leader of the minority party, I am proud of the way Speaker Corbett and Majority Leader Siegrist and all of you, in the majority party, have worked with the minority party to accomplish common goals. For most of this session there has been a great amount of cooperation and things have went well. A few times in this session that cooperation broke down and when it did, things did not go well. This can be a lesson for the next session and I think it will be.

Next year, when we come back, the stress level will be much greater in this body than it was this year. An election year causes pressures upon all of us which we are not facing right now. So, we need to be prepared and ready to handle those pressures without letting them affect the way we work and the way we deal with one another and the minority party is ready to assist in accomplishing that.

There are a few people I wish to thank and again I want to say, Speaker Corbett, its been a pleasure serving in this capacity with you in the chair. You have been fair and you have been someone who the minority could sit down with and barter agreements, when agreements were possible, and I appreciate that.

Majority Leader Siegrist, you have done a exemplary job of informing this body, both Democrats and Republicans, of what is about to take place – today, tomorrow and the next day. I appreciate that hard work from you and the openness you have shared with all of us has made this a better session and I compliment you on this.

I also want to thank my staff – Mark, Carolyn and Toni, our clerks who work in my office, Paulee and our caucus staff, Tom, Mary, Mary, Jim, Jennifer, Ingrid, Ed and Joe; those are the people that are usually here after we go home at night and are often here before we arrive in the morning. Because of them we are able to do good things.

I also want to thank Liz and her staff, the Pages, the people who work the phones and the people who work at the doors. Often I am running around here looking straight ahead and don't stop to say "hello" to the very people who are working along side me and I want to say now that I appreciate all the hard work that those folks do for us.

If I have forgotten anyone, I apologize because I want to say I have enjoyed this session and all the people that work here – the clerks and the members. There have been times when we have had a great deal of fun together. We don't come here to have fun though, we come here to accomplish business and we've done that.

If there is one failure of this session, and I'll share responsibility for that failure, we maybe haven't done as good a job as we should have in getting to know one another. A goal I will set out to do, is to work with Speaker Corbett and Majority Leader Siegrist next year to see that we have more opportunity to get to know one another. It seems to me when we get to know one another away from here, when we come back the next day, we treat one another differently when we have to do hard work and have to disagree. I think we can do better next year and I'm committed to working with you to accomplish this.

I will close by saying that this has been a successful session for the minority party as far as our primary issue is concerned and we are pleased that we were able to pass the largest tax reduction bill in Iowa history. I believe that is the centerpiece of this session for all parties involved – as it should be. We're pleased with our role in that process. I wish you all a good interim and a great vacation from this place. I always describe this place as a bit like going to school – I'm always anxious in the Fall to go and I'm always anxious in the Spring to get out. So, I'll see you in the Fall.

Thank you.

REMARKS BY MAJORITY LEADER SIEGRIST

Siegrist of Pottawattamie offered the following remarks:

Ladies and Gentlemen of the House:

As we do every year around this time, we have finally reached the day when we will adjourn. And, as always, we reach this day with a big sigh of relief and anticipation of going home to take up a more normal life with family and friends.

This has been a session of tremendous accomplishments and personal joy for me. The birth of my son, Evan, to Valerie and myself on Valentine's Day means that I will never forget this session of the legislature. I eagerly await the opportunity to spend more time with my family and watch my son grow. And, with the diaper changing station installed, I'm sure Evan will travel with me to Des Moines several times during the interim.

The legislative accomplishments of this session are numerous. The budget is balanced for the third year in a row. All of our bills are paid on time, and the debt is eliminated. We end this session with a minimum of 7% of the total state budget in savings.

In area after area of policy, this House moved to make our state a better place to live and raise a family.

In the area of crime, we required hard labor for convicts, increased the penalty for gang recruitment, stiffened our drunk driving laws to be among the toughest in the nation, and limited parole for violent offenders. We strengthened our domestic abuse laws; and we established a sex offender registry, provided for the taking away of drivers and professional licenses for failure to pay child support, and we authorized a new 750-bed prison and added eleven judges to the judicial system to help deal with the increased case load.

We put in place a plan to finish the ICN system and insure that our students will be on the cutting edge of technology. We passed a school-to-work program to make sure our students are better prepared to enter the workplace. We took an important step to help with the housing shortage our state faces. We passed a franchise law that took Iowa off the black list and will allow for more expansion in our state. We took a welfare system that if the national political pundits would take the time to look at, would realize it is the premiere welfare reform plan in the nation, and we made it better. We passed a Leaking Underground Storage Tank bill which should finally put that issue behind us. We addressed the livestock confinement issue. And R.E.A.P. is at its highest funding level in three years.

We began addressing our infrastructure needs by paying for the state troopers out of the general fund and returning that \$32 million to the road fund for needed road repairs. We will help rebuild our State Fair and the most beloved building in the State of Iowa, our State Capitol.

Oh, and tax reduction. I forgot about that one. That's because this year's bill is just the first installment in our efforts to reduce the tax burden on the citizens of this state every year. We came to Des Moines. We made a good first step. Property tax relief, elimination of M and E, pension exemption, and the increase in the dependent child tax credit will put more money in the pockets of the people of our state.

That, ladies and gentlemen, is a list of accomplishments both parties can be proud of. I know that I am.

I want to thank everyone involved in running this place for all that they have done. The doorkeepers, the phone operators, the pages, the staff in the Chief Clerk's office, bill room, finance office, Service Bureau, Fiscal Bureau - Everyone! You make this place possible.

I even want to take time to thank the press. I think the press has done an admirable job of listening to the droning on that we do and make intelligible things out of what we say here and relate it to the people of the state. I know personally that they have always treated me fairly, I have always tried to be open with them and I've never had any complaints about the coverage of myself or anybody in this body.

And the lobbyists, as annoying as they can be, have always done their jobs in a great way. Lobbying has such a poor image across the United States of America, but thanks to the lobbying in the Iowa House and Senate, our legislature shows what lobbying is supposed to be about which is information to help in getting things done, and I appreciate all their help.

To the Democratic Caucus staff, my congratulations for a job well done. On more than one occasion, your work for your members made my life more difficult.

To the Republican Caucus staff - my deepest appreciation. Working with 64 members is very difficult, but your work for our members was always first rate. Your contributions were essential to the completion of our tasks.

Representative Schrader and the minority caucus - my congratulations to you. You fulfilled your mission as the loyal opposition all too well. David - I want to thank you and Mark and Paulee for your willingness to cooperate and work with me to move this session forward. David - you inherited a difficult situation and did a fine job.

My thanks to Becky in my office. To say I'm unorganized is an understatement, but Becky handled every task she was presented with in an efficient manner and even kept me organized. I also want to thank Tara, our Page. I'm sure she learned some things sitting in my office that may be useful to her, and I hope that she forgets some of the stuff she heard.

Take a good look at Susan Severino. Like in the Wizard of Oz I stand up here and act like I know what I'm doing, but she's behind the curtain pulling all the levers. Now that everyone knows that she really runs this place, I'm afraid she may replace me next session. The day-to-day running of this place would not be possible without her.

Special thanks to the leadership team - Harold Van Maanen, Chuck Gipp, Bob Renken, Dick Weidman, Chris Rants, and Gary Blodgett. Trying to keep a caucus of 64 members together is a very difficult task, and these people made it possible.

Speaking of the sixty-four members, I want the Republican caucus to know how impressed I've been with your work. We brought in twenty-five new people in our caucus, your dedication to work to pass good legislation has resulted in some excellent legislation this year. Sixty-four is not as easy as fifty-one sometimes, but the work that you have done has been tremendous and I've been honored to be able to serve as majority leader of the House.

Mr. Speaker, we did it! The session is over. It's about time to get out of here. I want to tell you publicly how much I've enjoyed our working relationship. Your openness and willingness to work with me and the members of the entire body has made this session run much smoother.

I am very lucky to have this job. With all due respect to anybody in state politics, I don't know of another job that would be more fun or more rewarding. It's a tremendous opportunity for me to deal with the intricacies of all one hundred people in the legislature everyday and to try to move this ahead with all the other help that we have. This is a new family for everyone here - this is a family that never goes away. It's great people we're going to miss each other during the interim but it is time to go home. There are always tensions that build up in the end and its time to release those tensions and get back to our families and friends and relax. I do think its time for us to remove ourselves from the capitol, remove ourselves from the tensions that we have here, and as my favorite philosopher, Jimmy Buffet, says what we all need is "Changes in latitude and changes in attitude", and we're only going to get that by going home.

I appreciate you, God bless everyone, have a great interim and I look forward to seeing you next January.

Thank you.

REMARKS BY SPEAKER CORBETT

Speaker Corbett offered the following remarks:

One hundred sixteen days ago I addressed the start of this session with one goal: to have a more perfect Iowa. Well, it's been one hundred sixteen days - did we accomplish that goal? I believe we did and Representatives Schrader and Representative Siegrist outlined all of this years accomplishments in their previous remarks.

But really only through time and the reaction of the general public, will we truly know if we have produced results that will create a more perfect Iowa.

I am extremely proud of this chamber and each one of you. We have been in the driver's seat. The House has set the agendas. It always has been the tradition of the House to set the agenda. Representative Schrader, when the Democrats were in the majority party, you also set the agenda.

After all, this is the people's House and it is the people's agenda. As I have checked the Journal, every bill received bi-partisan support. I don't know if that has ever happened before. It tells me that the agenda we pushed was a popular or a populist agenda. I am extremely proud of that.

There are so many people to thank and both Representative Siegrist and Schrader have done that. I want to thank Liz Isaacson for taking care of the mechanics of the House. Representative Schrader, we were elected together, I want to thank you, and I appreciate, your sincere cooperation and contributions. And Representative Siegrist, this place ran like a well oiled machine. You did a great job and I appreciate that.

I hope you all leave today feeling with a sense of accomplishment. I know I do.

On Tuesday, my good friend Representative Brammer was here. He talked about this House being a home away from home. He is right.

It's time though to leave our little home away from home and go home.

Thank you.

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to House Rule 73.g, the following motion to reconsider which remained on the House Calendar upon adjournment of the 1995 Regular Session of the Seventy-sixth General Assembly will be considered to have failed:

By Gipp of Winneshiek to Senate File 204, a bill for an act relating to the hours for sale of alcoholic beverages on Sundays, filed on April 19, 1995. Bill failed.

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on May 4, 1995. Had I been present, I would have voted "nay" on Senate File 266.

LORD of Dallas

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of May, 1995: House Files 247, 340, 471, 481, 530, 566 and 578.

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 May 4, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 94, an act to permit certain dissolutions of marriage to take place without a hearing.

House File 117, an act relating to cost of play and value of prizes of games of skill and games of chance conducted at amusement concessions.

House File 185, 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.

House File 203, an act relating to the location of the office of the commission of veterans affairs, and providing an effective date.

House File 215, 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.

House File 246, an act relating to civil litigation by inmates and prisoners and deductions from inmate accounts for certain expenses, including costs of litigation by inmates.

House File 252, an act relating to the regulation of real estate brokers and salespersons.

House File 257, an act relating to the administration of trusts and estates by corporate fiduciaries.

House File 393, an act relating to certain exemptions from federal motor carrier safety regulations.

House File 489, 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.

House File 507, 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.

House File 552, an act relating to changing the point of taxation of motor vehicle fuel by requiring supplier's, restrictive supplier's, importer's, exporter's, dealer's, user's, or blender's licenses, changing reporting periods, and adding penalties and providing an effective date.

House File 558, 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.

House File 559, 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.

Senate File 179, an act relating to the maximum property tax levy for certain county hospitals.

Senate File 201, an act updating the Iowa Code references to the Internal Revenue Code, allowing a deduction for the employer social security credit, and providing retroactive applicability and effective dates.

Senate File 223, an act providing for notification of certain persons receiving public assistance of tax suspension provisions.

Senate File 256, an act providing for pesticides, by providing for the notification of application and providing for the elimination of provisions relating to chemigation.

Senate File 366, an act relating to the exhibition of humans.

Senate File 390, an act relating to recompense to a cooperating teacher and to the Iowa arts and cultural enhancement and endowment program and foundation.

Senate File 394, an act relating to instruments filed or recorded with the county recorder and providing for the Act's applicability.

Senate File 403, an act relating to collection of delinquent restitution payments and providing an effective date.

Senate File 459, 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.

Senate File 473, an act relating to the refund of property taxes paid erroneously and providing effective and retroactive applicability dates.

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\322 Kate Routh, Monroe - For being inducted into the National Honor Society.

1995\323 Paul and Ruth Wadsworth, Colfax - For celebrating their 50th wedding anniversary.

AMENDMENT FILED

H-4229 H.F. 258 Senate amendment

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 34

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 34, as follows and moved its adoption:

- 1 SENATE CONCURRENT RESOLUTION 34
- 2 By: Committee on Rules and Administration
- 3 a Senate concurrent resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved By The Senate, The House Concurring,*
- 6 That when adjournment is had on Thursday, May 4, 1995,
- 7 it be the final adjournment of the 1995 Regular
- 8 Session of the Seventy-sixth General Assembly.

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, 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 March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 5, a bill for an act relating to the appointment and employment of the director of the department of education and enacting a transitional provision.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this-4th day of May, 1995: House Files 29, 303, 437, 494, 505, 508, 518, 519, 528, 549, 553, 565, 571, 573, 575, 577, 579, 583 and 584.

ELIZABETH A. ISAACSON

Chief Clerk of the House

Report adopted.

HOUSE AND SENATE FILES REREFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following House Files and Senate Files are rereferred to the committees listed:

House File 75	Ways and Means
House File 97	Ways and Means
House File 190	Ways and Means
House File 344	Local Government
House File 473	Ways and Means
House File 480	Ways and Means
House File 522	Human Resources
House File 525	Judiciary
House File 532	Ways and Means
House File 567	Ways and Means
House File 568	Ways and Means
House File 576	Ways and Means
House Concurrent Resolution 12	State Government
Senate File 2	Ways and Means
Senate File 7	Judiciary

Senate File 98	State Government
Senate File 195	Judiciary
Senate File 284	Judiciary
Senate File 354	Human Resources
Senate File 359	Judiciary
Senate File 391	Local Government
Senate File 416	Previously passed on file, referred to Judiciary
Senate File 454	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\324 Scott Sorenson, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\325 Bernie O'Connor, Dubuque – For his 36 years of service to education at Wahlert High School.
- 1995\326 Fritz Ackerman, Dubuque – For his 36 years of service to education at Wahlert High School.
- 1995\327 Frank Delany, Dubuque – For his 35 years of service to education at Wahlert High School.
- 1995\328 Bill Rhomberg, Dubuque – For his 34 years of service to education at Wahlert High School.
- 1995\329 Bob Varley, Dubuque – For his 33 years of service to education at Wahlert High School.
- 1995\330 Bill Sheston, Dubuque – For his 32 years of service to education at Wahlert High School.
- 1995\331 Gene Pierotti, Dubuque – For his 31 years of service to education at Wahlert High School.
- 1995\332 Harry and Ruth Olson, Colfax – For celebrating their 50th wedding anniversary.

COMMITTEE TO NOTIFY THE GOVERNOR

Siegrist of Pottawattamie moved that the committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 34, duly adopted.

The motion prevailed and the Speaker appointed as such committee Millage of Scott and Jochum of Dubuque.

COMMITTEE TO NOTIFY THE SENATE

Siegrist of Pottawattamie moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with Senate Concurrent Resolution 34, duly adopted.

The motion prevailed and the Speaker appointed as such committee Connors of Polk and Murphy of Dubuque.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported that it had performed its duty and that the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

The Honorable Ron J. Corbett
Speaker of the House
State Capitol Building
LOCAL

Dear Mr. Speaker:

My compliments to the 1995 Session of the Seventy-sixth General Assembly for one of the most productive sessions in Iowa history. The focus on economic development – creating jobs and raising income – manifested itself in perhaps the most significant accomplishment of the Session: the elimination of the property tax on machinery and equipment. This long awaited revision in the tax code will help Iowa improve its business climate. It is my hope that this same attention to Iowa's competitiveness will continue in the next Session thereby leading to the passage of Subchapter S legislation and, most important, an across-the-board income tax reduction. Iowa's working families, not state government, deserve to keep their hard earned dollars.

Iowa's families also deserve safe streets and peaceful neighborhoods. This General Assembly enacted a great deal of the legislation meant to secure our quality of life. Laws were enacted to establish a sex offender registry, increase

prisoner work programs, strengthen drunk driving laws, provide real penalties for taking a gun to school, and allow school locker searches without a 24 hour notice. I believe these new laws, many of which I have been recommending for years, will help protect the lives and property of Iowans.

An important issue which needs to be addressed to deter crime is the, death penalty. I commend the House of Representatives for not only bringing the issue out of committee for debate, but actually passing it. To the Senate, which voted this measure down, I remind you that rape and kidnap victims as well as prison guards whose lives are placed in jeopardy deserve the protection of the possibility of the death penalty for a Class A felon who kills again. I, like so many concerned Iowans, feel strongly about this issue and will continue to champion this cause.

The next time the men and women of the Iowa Legislature meet it will be 1996 . . . the brink of the Twenty-first Century. Education is a key element to preparing our citizens for the next century and beyond. I'm pleased to report we made some progress in improving the accessibility and quality of education for Iowa children. In setting allowable growth for two years, we are providing more stability and predictability as demanded. And the approval of the plan to complete the Iowa Communications Network to every school district and libraries in the state means we are successfully breaking down the barrier of distance and providing exciting new opportunities for people living in rural communities. I am, however, disappointed that due to the higher than recommended level of allowable growth more could not be done for school improvement and technology.

This Session was marked by hard work and sound decisions on many different issues which will result in more good paying jobs, safer neighborhoods, and better schools. I'm convinced the 1995 Session will go down in Iowa history as one of our most productive legislative sessions.

Sincerely,
Terry E. Branstad
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 34, duly adopted, the day of May 4, 1995 having arrived, the Speaker of the House of Representatives declared the 1995 Regular Session of the Seventy-sixth General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-sixth General Assembly, 1995 Session, not otherwise printed in the House Journal:

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".

Committee on Agriculture

H-3014

1 Amend House File 120 as follows:

2 1. Page 4, by striking lines 3 through 5 and
3 inserting the following: "school, and the state
4 school for the deaf shall submit to the department of
5 education by October 1, 1996, and annually for each
6 succeeding year in which technology funds are
7 received, a report that shall include, but is not
8 limited to, the following:

9 a. The amount of technology funds allocated under
10 this chapter.

11 b. The type of equipment purchased or leased
12 pursuant to section 295.2, subsection 3.

13 c. The total number of classrooms in the district.

14 d. The total number of functional computers used
15 by students on a daily basis.

16 e. The total number of functional computers in the
17 district.

18 f. The number of teachers receiving technology
19 training, and the total amount of technology and other
20 funds expended for the training.

21 g. A listing of the computer software used by each
22 school district, with a separate listing of computer
23 programs used in the classrooms by students, including
24 a listing of computer software, by subject matter,
25 used by students at each grade level, and whether the
26 software is available during times other than the
27 regular school day.

28 The department of education shall develop uniform
29 reporting forms by July 1, 1996, and shall distribute
30 the forms annually by July 1 to each school district
31 to which technology funds are allocated under this
32 chapter. Districts that fail to file a technology
33 report by October 1 of each year shall be ineligible
34 to receive technology funds in the current school year
35 and funds remaining in the district account
36 established for purposes of this chapter shall revert
37 to the technology assistance fund for allocation on a
38 competitive basis by the department of education
39 pursuant to section 295.2, subsection 2."

KREIMAN of Davis

H-3018

1 Amend House File 120 as follows:
2 1. Page 2, by inserting after line 30 the
3 following:
4 "_. For the costs of limiting class size,
5 reducing student-teacher ratios, and employing
6 additional teacher's aides in kindergarten through
7 grade six in eligible schools. For purposes of this
8 paragraph, an eligible school is a school in which at
9 least fifty percent of the students qualify for free
10 or reduced price lunches."
11 2. By relettering as necessary.

SHOULTZ of Black Hawk

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".

FALLON of Polk

H-3028

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 19 through 22.

- 5 3. By striking page 1, line 23, through page 5,
6 line 13.
- 7 4. Page 5, by striking lines 16 through 23, and
8 inserting the following:
9 "A pregnant minor who chooses to place the pregnant
10 minor's child for adoption is subject to the following
11 conditions:
12 1. Notification of a parent of the pregnant minor
13 prior to the termination of the pregnant minor's
14 parental rights for the purposes of placing the
15 pregnant minor's child for adoption. Notification
16 shall be made at least twenty-".
- 17 5. Page 8, by striking lines 12 and 13, and
18 inserting the following:
19 "m. A copy of the notification document mailed to
20 a".
- 21 6. By striking page 11, line 11, through page 13,
22 line 22.
- 23 7. Page 13, line 25, by striking the words "or
24 emancipated pregnant minor's".
- 25 8. Page 13, by striking lines 28 through 30, and
26 inserting the following: "of an abortion on the
27 pregnant minor which results in the inapplicability of
28 section".
- 29 9. By striking page 14, line 30, through page 15,
30 line 1.
- 31 10. Page 15, by striking lines 3 through 21, and
32 inserting the following:
33 "A person who knowingly tenders any of the
34 following is guilty of a fraudulent practice in the
35 fourth degree pursuant to section 714.12:
36 1. A false original or a false copy of the
37 notification document mailed to a parent of a pregnant
38 minor or a false copy of the order waiving
39 notification relative to the termination of parental
40 rights of a pregnant minor.
41 2. A false original or a false copy of the
42 notification document mailed to a parent of a pregnant
43 minor or a false copy of the order waiving
44 notification relative to the performance of an
45 abortion on a pregnant minor."
46 11. Page 16, by striking lines 10 through 12, and
47 inserting the following: "material to its execution
48 or a showing that a pregnant minor to whom section
49 135L.3 is applicable failed to comply with the
50 requirements of that section. In".

Page 2

- 1 12. By striking page 16, line 20, through page
2 17, line 7.
- 3 13. Title page, by striking lines 1 through 3,
4 and inserting the following:

- 5 "An Act relating to the required notification of a
6 parent prior to the performance of an abortion on a
7 minor or prior to the termination of a pregnant
8 minor's parental rights for the purpose of placing a
9 child for adoption, providing for exceptions, and
10 providing penalties."
11 14. By renumbering and relettering as necessary.

FALLON of Polk

H-3038

- 1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 5 through 9 and
4 inserting the following:
5 "_. The person responsible for impregnating the
6 pregnant minor or emancipated pregnant minor shall
7 also be involved in the viewing of the video and the
8 completion of the written document."
9 2. By renumbering as necessary.

CONNORS of Polk
MCCOY of Polk
OLLIE of Clinton
HALVORSON of Clayton

H-3045

- 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 line 28.
5 2. Page 4, by striking line 11.

BRAND of Benton

H-3047

- 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 38 the
5 following:
6 "() A licensed marital and family therapist."
7 2. By renumbering as necessary.

BURNETT of Story
WITT of Black Hawk
MARTIN of Scott

HARPER of Black Hawk
DODERER of Johnson
JACOBS of Polk
METCALF of Polk

H-3048

- 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".

7 2. Page 4, line 21, by striking the figure "14"
8 and inserting the following: "18".

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

11 "_. Page 15, by striking lines 19 and 20 and
12 inserting the following:

13 "b. A false original or copy of the notification
14 document mailed to a parent or a false copy of the
15 order waiving notification relative to".

BODDICKER of Cedar

H-3049

1 Amend Senate File 13 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, line 13, by inserting after the word
4 "minor." the following: "The court shall also advise
5 the pregnant minor that a court-appointed licensed
6 marital and family therapist is available to the
7 minor, upon request, at no cost to the minor, to
8 assist the pregnant minor in addressing any
9 intrafamilial problems which might develop. If a
10 licensed marital and family therapist is appointed by
11 the court, the licensed marital and family therapist
12 shall file a report with the court, following
13 provision of services to the pregnant minor, stating
14 the procedures undertaken, recommendations made, and
15 any other matters as may be required by the court."

16 2. Page 9, line 33, by inserting after the word
17 "minor." the following: "The court may consider any
18 recommendations of a licensed marital and family
19 therapist appointed by the court to provide counseling
20 to the pregnant minor, in determining the best
21 interest of the pregnant minor."

22 3. Page 10, line 16, by inserting after the word
23 "proceedings." the following: "All costs of services
24 provided by a court-appointed licensed marital and
25 family therapist shall be paid by the court."

BODDICKER of Cedar

H-3050

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.””

30 2. Page 4, by inserting after line 37 the
31 following:

32 “3. A court-appointed licensed marital and family
33 therapist who provides services to a pregnant minor
34 under this chapter and who makes a good faith effort
35 to comply with this chapter, is immune from any
36 liability, civil or criminal, which might result from
37 the provision of services under this chapter.””

BODDICKER of Cedar

H-3051

1 Amend Senate File 13 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 13, by inserting after line 14, the
4 following:

5 “g. Develop a video and written materials which
6 address the issue of pregnancy prevention. The video
7 and written materials shall be made available to all
8 public and nonpublic schools in Iowa offering
9 instruction in grades nine through twelve and shall be
10 used as a part of the health education curriculum.
11 The video shall focus on pregnancy prevention by
12 emphasizing sexual abstinence; by providing
13 information regarding the comparative failure rates of
14 contraceptives; by providing information regarding the
15 responsibilities, including the financial
16 responsibilities, associated with pregnancy and

17 support of a child; and by emphasizing responsible
18 decision making, development of self-esteem, and the
19 managing of peer pressure.”

20 2. Page 15, by inserting before line 30, the
21 following:

22 “Sec. ____ Section 256.11, subsection 5, paragraph
23 j, Code 1995, is amended by adding the following new
24 unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. The health education
26 program shall include the viewing of the video and
27 provision of the written materials created by the
28 advisory committee pursuant to section 135L.5 relating
29 to pregnancy prevention.”

DODERER of Johnson

H-3053

1 Amend House File 132 as follows:

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

4 “Sec. ____ Section 8.56, subsection 4, paragraph
5 b, Code 1995, is amended to read as follows:

6 b. In addition to the requirements of paragraph
7 “a”, an appropriation shall not be made from the cash
8 reserve fund ~~which would cause the fund's balance to~~
9 ~~be less than three percent of the adjusted revenue~~
10 ~~estimate for the year for which the appropriation is~~
11 ~~made unless the bill or joint resolution making the~~
12 appropriation is approved by vote of at least three-
13 fifths of the members of both chambers of the general
14 assembly and is signed by the governor.”

15 2. Title page, line 1, by inserting after the
16 word “Act” the following: “relating to state budget
17 processes,”.

18 3. Title page, line 2, by inserting after the
19 figure “1994,” the following: “providing for
20 appropriations from the cash reserve fund,”.

MILLAGE of Scott

H-3055

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 11, by inserting before line 9 the
4 following:

5 “(5) The pregnant minor elects not to allow
6 notification of the pregnant minor's parent and the
7 pregnant minor provides documentation of counseling
8 regarding the performance of an abortion from a member
9 of the clergy. For the purposes of this paragraph,

10 "member of the clergy" means an ordained member of the
11 clergy."

12 2. Page 14, by inserting before line 30 the
13 following:

14 "(5) The pregnant minor elects not to allow
15 notification of the pregnant minor's parent and the
16 pregnant minor provides documentation of counseling
17 regarding the performance of an abortion from a member
18 of the clergy. For the purposes of this paragraph,
19 "member of the clergy" means an ordained member of the
20 clergy."

21 3. By renumbering as necessary.

MARTIN of Scott
NELSON of Marshall
METCALF of Polk
CORMACK of Webster
BURNETT of Story

JACOBS of Polk
HAHN of Muscatine
GRUNDBERG of Polk
NELSON of Pottawattamie
MYERS of Johnson

H-3057

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting before line 14 the
4 following:

5 "Sec. ____ NEW SECTION. 135L.2A NOTIFICATION OF
6 PARENT BY MINORS FOLLOWING SEXUAL INTERCOURSE.

7 Following the performance of sexual intercourse
8 involving a minor, any minor involved shall do all of
9 the following:

10 1. Notify a parent of the dates and times of the
11 performance of sexual intercourse.

12 2. Notify a parent of whether or not a
13 contraceptive was used during sexual intercourse and
14 the type of contraceptive used."

15 2. By renumbering as necessary.

CONNORS of Polk
BAKER of Polk

H-3058

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 21 the
4 following:

5 "Sec. ____ NEW SECTION. 135L.8 PREGNANT MINOR —
6 RETENTION OF PARENTAL RIGHTS.

7 If a pregnant minor decides to continue the
8 pregnancy to term and retain parental rights to the
9 child following the child's birth, and if the pregnant
10 minor and the father of the child do not marry, the

- 11 pregnant minor and the child shall live in the home of
 12 the pregnant minor's parent following the birth of the
 13 child."
 14 2. By renumbering as necessary.

CONNORS of Polk
 BAKER of Polk

H-3063

- 1 Amend Senate File 13, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 10, by inserting after line 21 the fol-
 4 lowing:
 5 "kk. Any statement made by a pregnant minor to an
 6 officer of the court in connection with the
 7 proceedings under this section, shall not be used as
 8 evidence against the pregnant minor or an alleged
 9 impregnator in any criminal or juvenile proceeding
 10 brought pursuant to section 709.4, subsection 2,
 11 paragraph "b."
 12 2. By relettering as necessary.

WARNSTADT of Woodbury
 METCALF of Polk

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.

WARNSTADT of Woodbury
 METCALF of Polk

H-3068

- 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 43 the
 5 following:
 6 "_. Page 15, by inserting before line 30, the
 7 following:.

8 "Sec. ____ Section 279.50, subsection 1,
9 unnumbered paragraph 3, and subsection 2, Code 1995,
10 are amended to read as follows:

11 Each school board or community college which offers
12 general adult education classes or courses shall
13 periodically offer an instructional program in
14 parenting skills and in human growth and development
15 for parents, guardians, prospective biological and
16 adoptive parents, and foster parents. The
17 instructional program shall include instruction to
18 parents in teaching their children about human
19 sexuality.

20 2. Each area education agency shall periodically
21 offer a staff development program for teachers who
22 provide instruction in human growth and development.
23 The staff development program shall include
24 instruction to teachers who teach adult education
25 classes or courses in providing parents with
26 information regarding teaching their children about
27 human sexuality."

MASCHER of Johnson

H-3071

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 5, by striking lines 1 through 7.
- 5 2. By renumbering as necessary.

GRUNDBERG of Polk

H-3074

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 satisfies all of
5 the following:
6 a. The person was an existing partner, approved by
7 the franchisor, in the franchise for which the offer
8 is made at the time of the death or permanent
9 incapacity of the franchisee.
10 b. The person remained a partner in the franchise
11 for which the offer is made until the time of the sale
12 or transfer of the franchise.
13 c. The person meets the current qualifications of
14 the franchisor for new franchisees at the time of the
15 sale or transfer of the franchise".

DINKLA of Guthrie
VANDE HOEF of Osceola
METCALF of Polk

H-3084

- 1 Amend House File 126 as follows:
- 2 1. Page 4, line 33, by striking the figure
- 3 "523H.6,".

KREMER of Buchanan
HEATON of Henry

H-3086

- 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 in the franchise for which the offer is made".

KREMER of Buchanan
HEATON of Henry

H-3088

- 1 Amend House File 126 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ Section 523H.6, subsection 1,
- 5 paragraphs a and b, Code 1995, are amended to read as
- 6 follows:
- 7 a. A ~~three-mile~~ two-mile radius, using a straight
- 8 line measurement, from the center of an already
- 9 existing franchise.
- 10 b. A circular radius, using a straight line
- 11 measurement, from an existing franchise business which
- 12 comprises a population of ~~thirty~~ twenty thousand or
- 13 greater."
- 14 2. Page 4, line 33, by striking the figure
- 15 "523H.6,".
- 16 3. By renumbering as necessary.

KREMER of Buchanan
HEATON of Henry

H-3090

- 1 Amend House File 126 as follows:
- 2 1. Page 4, line 33, by striking the word and
- 3 figures "523H.11, and 523H.12," and inserting the
- 4 following: "and 523H.11,".

KREMER of Buchanan
HEATON of Henry

H-3093

- 1 Amend House File 126 as follows:
- 2 1. Page 4, line 33, by striking the figure
- 3 "523H.11,".

WEIGEL of Chickasaw

H-3101

- 1 Amend the amendment, H-3074, to House File 126 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "partner" the following: "or shareholder".
- 5 2. Page 1, line 10, by inserting after the word
- 6 "partner" the following: "or shareholder".

DODERER of Johnson
KREMER of Buchanan

H-3106

- 1 Amend House File 61 as follows:
- 2 1. Page 1, line 5, by striking the words "fair
- 3 and unbiased information" and inserting the following:
- 4 "work-related information in writing".
- 5 2. Page 1, line 6, by striking the words
- 6 "employee's job performance" and inserting the
- 7 following: "employee".
- 8 3. Page 1, by inserting after line 8 the
- 9 following: "The employer who provides information in
- 10 writing about a current or former employee shall send
- 11 a copy of the information provided to the current or
- 12 former employee at that employee's last known
- 13 address."
- 14 4. Page 1, line 10, by striking the words "clear
- 15 and convincing" and inserting the following: "a
- 16 preponderance of the".

Committee on Labor and Industrial Relations

H-3107

- 1 Amend the amendment, H-3100, to House File 126, as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 10 and
- 4 inserting the following:
- 5 " Page 1, line 19, by inserting after the
- 6 word "franchise." the following: "A right of first
- 7 refusal contained in a franchise agreement shall not
- 8 be exercised by the franchisor in the event of the
- 9 devise of the franchise to, or receipt of the
- 10 franchise as a distributee from the estate of an

- 11 intestate franchisee by, or the purchase of the
 12 franchise by, the qualifying surviving spouse or the
 13 qualifying heirs of the franchisee.””
 14 2. By renumbering as necessary.

DINKLA of Guthrie

H-3111

- 1 Amend House File 149 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 “Sec. 3. Refunds of taxes, interests, or penalties
 5 which arise from claims resulting from the enactment
 6 of the amendment to section 422.45, subsections 26 and
 7 39, of this Act, for sales and rentals occurring
 8 between July 1, 1985, and June 30, 1995, shall be
 9 limited to twenty-five thousand dollars in the
 10 aggregate and shall not be allowed unless refund
 11 claims are filed prior to October 1, 1995,
 12 notwithstanding any other provision of law. If the
 13 amount of claims totals more than twenty-five thousand
 14 dollars in the aggregate, the department of revenue
 15 and finance shall prorate the twenty-five thousand
 16 dollars among all claimants in relation to the amounts
 17 of the claimants' valid claims.
 18 Sec. 4. This Act, being deemed of immediate
 19 importance, takes effect upon enactment and applies
 20 retroactively to July 1, 1985, for sales and rentals
 21 made on or after that date.”
 22 2. Title page, line 3, by inserting after the
 23 word “equipment” the following: “and including
 24 retroactive applicability date and effective date
 25 provisions”.

WEIGEL of Chickasaw

H-3112

- 1 Amend House File 159 as follows:
 2 1. Page 3, by inserting after line 25 the
 3 following:
 4 “Sec. ____ Refunds of taxes, interests, or
 5 penalties which arise from claims resulting from the
 6 enactment of the amendments to section 422.42, section
 7 422.42, subsection 11, section 422.45, subsection 39,
 8 and section 422.47, subsection 4, of this Act, for
 9 sales and rentals occurring between July 1, 1985, and
 10 June 30, 1995, shall be limited to twenty-five
 11 thousand dollars in the aggregate and shall not be
 12 allowed unless refund claims are filed prior to
 13 October 1, 1995, notwithstanding any other provision

14 of law. If the amount of claims totals more than
 15 twenty-five thousand dollars in the aggregate, the
 16 department of revenue and finance shall prorate the
 17 twenty-five thousand dollars among all claimants in
 18 relation to the amounts of the claimants' valid
 19 claims.

20 Sec. _____. This Act, being deemed of immediate
 21 importance, takes effect upon enactment and applies
 22 retroactively to July 1, 1985, for sales and rentals
 23 made on or after that date."

24 2. Title page, line 2, by inserting after the
 25 word "tax" the following: ", and including
 26 retroactive applicability date and effective date
 27 provisions".

WEIGEL of Chickasaw

H-3120

1 Amend the amendment, H-3030, to Senate File 69, as
 2 passed by the Senate, as follows:

3 1. By striking page 16, line 46, through page 18,
 4 line 45, 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."

20 2. Page 19, line 12, by striking the word and
 21 figure "and 37" and inserting the following: "80, 37,
 22 and 38".

23 3. Page 19, by striking lines 15, 16, and 17.

GRUBBS of Scott

H-3124

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 committed while inflicting
 6 torture upon the victim. For purposes of this

7 paragraph, "torture" means the infliction of extreme
8 physical pain, without regard to the length of time
9 that pain is inflicted."
10 2. By numbering, renumbering, and correcting
11 internal references as necessary.

MILLAGE of Scott

H-3133

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 automatically be commuted to a term of
41 imprisonment until death on that date. Persons who
42 have been charged or indicted with an offense which
43 may be punishable by a sentence of death before July

44 1, 2000, under the provisions of this Act shall not be
45 sentenced to death upon conviction of the offense in
46 any proceeding which takes place on or after July 1,
47 2000, but shall be sentenced in accordance with
48 section 101 of this Act."

49 4. By designating, redesignating, and correcting
50 internal references as necessary.

BRAND of Benton
WISE of Lee
FALLON of Polk

MAY of Worth
SHOULTZ of Black Hawk
BURNETT of Story

H-3134

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 16, line 1, by inserting after the word
4 "Act" the following: "takes effect January 1, 1996,
5 and".

6 2. Page 16, lines 2 and 3, by striking the words
7 "the effective date of this Act" and inserting the
8 following: "that date".

DODERER of Johnson
FALLON of Polk
BURNETT of Story

SHOULTZ of Black Hawk
JOCHUM of Dubuque
BERNAU of Story

H-3145

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 a single individual and rules".

HOLVECK of Polk

H-3151

1 Amend the amendment, H-3109, to House File 2, as
2 follows:

3 1. Page 7, by striking lines 29 through 31 and
4 inserting the following: "any of the following, the
5 court shall enter".

6 2. Page 7, line 36, by striking the figure "5."

7 and inserting the following: "5:

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
BERNAU of Story

H-3156

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 6, by striking lines 36 and 37 and
4 inserting the following:

5 "5. a. At the conclusion of presentation of
6 evidence in the penalty proceeding, if the matter is
7 tried to a jury, the court shall instruct the jury on
8 all of the following:

9 (1) The factors enumerated under section 902.12,
10 and any aggravating circumstances that it must
11 consider and the state's burden of proof as to the
12 factors.

13 (2) The concept of mitigation and the mitigating
14 circumstances offered by the defense or which may be
15 deduced from the evidence presented, the fact that the
16 defense is not required to prove any mitigating
17 circumstance offered, and how such evidence may be
18 considered in arriving at a decision on the
19 appropriate penalty in the case.

20 (3) That if the jury concludes that the state has
21 failed to demonstrate at least one statutory factor
22 exists beyond a reasonable doubt, the jury must
23 conclude its deliberations and return a verdict which
24 shows the negative finding, and the defendant will be
25 sentenced to imprisonment until death.

26 (4) That if one or more of the statutory factors
27 are found to exist, the jury must record this finding
28 in writing as part of its verdict, weigh those factors
29 and any other aggravating circumstances against any
30 mitigating circumstances offered by the defendant, and
31 record its finding as to whether the aggravating
32 circumstances outweigh the mitigating circumstances.

33 (5) That a sentence of death shall not be imposed
34 unless the prosecution has demonstrated beyond a
35 reasonable doubt that the aggravating circumstances
36 substantially outweigh the mitigating circumstances.

37 (6) That the jury may, even if the statutory
38 factors have been proven and the aggravating
39 circumstances outweigh the mitigating circumstances,
40 conclude that a sentence of death is not appropriate
41 and determine that the defendant shall be imprisoned
42 until the defendant's death.

43 b. Upon the submission of the instructions to the

44 jury, the court shall also submit the following issues
45 to”.

46 2. Page 6, line 40, by striking the letter “a.”
47 and inserting the following: “(1)”.

48 3. Page 6, line 43, by striking the letter “b.”
49 and inserting the following: “(2)”.

50 4. Page 6, line 47, by striking the letter “c.”

Page 2

1 and inserting the following: “(3)”.

2 5. Page 12, by striking line 35 and inserting the
3 following: “evidence in the penalty proceeding, if
4 the matter is tried to a jury, the court shall
5 instruct the jury on all of the following:

6 a. The factors enumerated under section 902.12,
7 and any aggravating circumstances that it must
8 consider and the state's burden of proof as to the
9 factors.

10 b. The concept of mitigation and the mitigating
11 circumstances offered by the defense or which may be
12 deduced from the evidence presented, the fact that the
13 defense is not required to prove any mitigating
14 circumstance offered, and how such evidence may be
15 considered in arriving at a decision on the
16 appropriate penalty in the case.

17 c. That if the jury concludes that the state has
18 failed to demonstrate at least one statutory factor
19 exists beyond a reasonable doubt, the jury must
20 conclude its deliberations and return a verdict which
21 shows the negative finding, and the defendant will be
22 sentenced to imprisonment until death.

23 d. That if one or more of the statutory factors
24 are found to exist, the jury must record this finding
25 in writing as part of its verdict, weigh those factors
26 and any other aggravating circumstances against any
27 mitigating circumstances offered by the defendant, and
28 record its finding as to whether the aggravating
29 circumstances outweigh the mitigating circumstances.

30 e. That a sentence of death may not be imposed
31 unless the prosecution has demonstrated beyond a
32 reasonable doubt that the aggravating circumstances
33 substantially outweigh the mitigating circumstances.

34 f. That the jury may, even if the statutory
35 factors have been proven and the aggravating
36 circumstances outweigh the mitigating circumstances,
37 conclude that a sentence of death is not appropriate
38 and determine that the defendant shall be imprisoned
39 until the defendant's death.

40 3A. Upon the submission of the instructions to the
41 jury, the court shall also submit the following”.

42 6. By redesignating and correcting internal
43 references as necessary.

MORELAND of Wapello
FALLON of Polk
BERNAU of Story

H-3159

1 Amend the amendment, H-3109, to House File 2 as
2 follows:
3 1. Page 11, line 6, by inserting after the words
4 "limited to," the following: "a rule which requires
5 that any person responsible for or who takes part in
6 administering the intravenous injection of the lethal
7 quantity of sodium thiopental or other substance shall
8 at a minimum be licensed to practice as a registered
9 nurse and".

HOLVECK of Polk

H-3162

1 Amend the amendment, H-3109, to House File 2 as
2 follows:
3 1. Page 6, line 29, by inserting after the word
4 "trial" the following: ", except that the testimony
5 of the defendant or a parent, child, or sibling of the
6 defendant shall not be admissible for purposes of
7 establishing the existence of a factor enumerated
8 under section 902.12, or any aggravating
9 circumstance".
10 2. Page 12, line 23, by inserting after the word
11 "evidence" the following: ", except that the
12 testimony of the defendant or a parent, child, or
13 sibling of the defendant shall not be admissible for
14 purposes of establishing the existence of a factor
15 enumerated under section 902.12, or any aggravating
16 circumstance".

HOLVECK of Polk

H-3165

1 Amend the amendment, H-3109, to House File 2 as
2 follows:
3 1. Page 3, line 36, by striking the word
4 "sentencing" and inserting the following:
5 "execution".

HOLVECK of Polk

H-3169

- 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 2. By renumbering and correcting internal
 17 references as necessary.

BERNAU of Story
 BRAND of Benton
 CONNORS of Polk

MASCHER of Johnson
 KOENIGS of Mitchell
 HOLVECK of Polk

H-3170

- 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 mental disease or disorder and who, by reason of that
 20 condition, lacks sufficient judgment to make
 21 reasonable decisions regarding treatment and is
 22 reasonably likely to injure the person's self or
 23 others who may come into contact with the person if
 24 the person is allowed to remain at liberty without
 25 treatment."

GRUNDBERG of Polk
 HARPER of Black Hawk
 MASCHER of Johnson

FALLON of Polk
 WITT of Black Hawk
 BURNETT of Story
 HOLVECK of Polk

H-3173

- 1 Amend the amendment, H-3109, to House File 2 as
 2 follows:
 3 1. Page 14, line 29, by inserting after the word
 4 "warrant" the following: "shall be transmitted to the
 5 governor for endorsement and".

FALLON of Polk

H-3174

- 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 "_. As part of the findings on the issues
 6 submitted under subsection 5, the jury shall enumerate
 7 each of the factors which the jury has unanimously
 8 found that the state has established beyond a
 9 reasonable doubt under subsection 5, paragraph "a",
 10 and any aggravating or mitigating circumstances that
 11 the jury has found and used in its determination under
 12 subsection 5, paragraph "b"."
 13 2. Page 13, by inserting after line 8 the
 14 following:
 15 "_. As part of the findings on the issues
 16 submitted under subsection 3, the jury shall enumerate
 17 each of the factors which the jury has unanimously
 18 found that the state has established beyond a
 19 reasonable doubt under subsection 3, paragraph "a",
 20 and any aggravating or mitigating circumstances that
 21 the jury has found and used in its determination under
 22 subsection 3, paragraph "b"."
 23 3. By renumbering and correcting internal
 24 references as necessary.

KREIMAN of Davis

H-3180

- 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 within one hundred
 6 fifty feet of a medical clinic and the victim was
 7 either a medical services provider or a person seeking
 8 or receiving services from the clinic."
 9 2. By designating, redesignating, and correcting
 10 internal references as necessary.

MURPHY of Dubuque
 CONNORS of Polk

H-3182

- 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.

DODERER of Johnson

H-3186

- 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 within one hundred
- 6 fifty feet of a hospital or medical clinic and the
- 7 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.

MURPHY of Dubuque
CONNORS of Polk

H-3188

- 1 Amend House File 118 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "fighters" the following: "of the same rank".

Committee on Judiciary

H-3190

- 1 Amend House File 61 as follows:
- 2 1. Page 1, line 2, by striking the word "
- 3 IMMUNITY".
- 4 2. Page 1, line 3, by striking the word "who".
- 5 3. Page 1, by striking lines 5 through 13 and
- 6 inserting the following: "employee, shall provide a
- 7 truthful statement in writing of the employee's or
- 8 former employee's job performance as supported by the
- 9 individual's personnel file. A copy of the statement
- 10 shall be mailed to the last known address of the
- 11 employee or former employee if the request is made by

- 12 a prospective employer. For purposes of this
 13 section,".
- 14 4. Title page, by striking lines 1 and 2 and
 15 inserting the following: "An Act providing for the
 16 disclosure of information about a current or".

RUNNING of Linn

H-3191

- 1 Amend House File 190 as follows:
 2 1. Page 2, lines 13 and 14, by striking the words
 3 "this subsection," and inserting the following: "the
 4 exemption for recycling property,".

BERNAU of Story
 HALVORSON of Clayton

H-3198

- 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 23 through page 30,
 4 line 5 and inserting the following:
 5 "Sec. 100. Section 123.38, unnumbered paragraph 2,
 6 Code 1995, is amended to read as follows:
 7 Any licensee or permittee, or the licensee's or
 8 permittee's executor or administrator, or any person
 9 duly appointed by the court to take charge of and
 10 administer the property or assets of the licensee or
 11 permittee for the benefit of the licensee's or
 12 permittee's creditors, may voluntarily surrender a
 13 license or permit to the division. When a license or
 14 permit is surrendered the division shall notify the
 15 local authority, and the division or the local
 16 authority shall refund to the person surrendering the
 17 license or permit, a proportionate amount of the fee
 18 received by the division or the local authority for
 19 the license or permit as follows: If a license or
 20 permit is surrendered during the first three months of
 21 the period for which it was issued, the refund shall
 22 be three-fourths of the amount of the fee; if
 23 surrendered more than three months but not more than
 24 six months after issuance, the refund shall be one-
 25 half of the amount of the fee; if surrendered more
 26 than six months but not more than nine months after
 27 issuance, the refund shall be one-fourth of the amount
 28 of the fee. No refund shall be made, however, for any
 29 special liquor permit, nor for a liquor control
 30 license, wine permit, or beer permit surrendered more
 31 than nine months after issuance. For purposes of this
 32 paragraph, any portion of license or permit fees used
 33 for the purposes authorized in section 331.424,

34 subsection 1, paragraphs "a", and "b", "c", "d", "e",
35 "f", "g", and "h", and in section 331.438A, shall not
36 be deemed received either by the division or by a
37 local authority. No refund shall be made to any
38 licensee or permittee, upon the surrender of the
39 license or permit, if there is at the time of
40 surrender, a complaint filed with the division or
41 local authority, charging the licensee or permittee
42 with a violation of this chapter. If upon a hearing
43 on a complaint the license or permit is not revoked or
44 suspended, then the licensee or permittee is eligible,
45 upon surrender of the license or permit, to receive a
46 refund as provided in this section; but if the license
47 or permit is revoked or suspended upon hearing the
48 licensee or permittee is not eligible for the refund
49 of any portion of the license or permit fee.
50 Sec. 101. Section 218.99, Code 1995, is amended to

Page 2

1 read as follows:
2 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'
3 PERSONAL ACCOUNTS.
4 The administrator of a division of the department
5 of human services in control of a state institution
6 shall direct the business manager of each institution
7 under the administrator's jurisdiction which is
8 mentioned in section 331.424, subsection 1, paragraphs
9 "a" through "g" and "b" and for which services are
10 paid under section 331.438A to quarterly inform the
11 auditor of the county of legal settlement of any
12 patient or resident who has an amount in excess of two
13 hundred dollars on account in the patients' personal
14 deposit fund and the amount on deposit. The
15 administrators shall direct the business manager to
16 further notify the auditor of the county at least
17 fifteen days before the release of funds in excess of
18 two hundred dollars or upon the death of the patient
19 or resident. If the patient or resident has no county
20 of legal settlement, notice shall be made to the
21 director of the department of human services and the
22 administrator of the division of the department in
23 control of the institution involved.
24 Sec. 102. Section 225C.4, subsection 2, paragraph
25 b, Code 1995, is amended to read as follows:
26 b. Establish mental health and mental retardation
27 services for all institutions under the control of the
28 director of human services and establish an autism
29 unit, following mutual planning with and consultation
30 from the medical director of the state psychiatric
31 hospital, at an institution or a facility administered
32 by the administrator to provide psychiatric and
33 related services and other specific programs to meet
34 the needs of autistic persons as defined in section

35 ~~331.424, subsection 1~~, and to furnish appropriate
 36 diagnostic evaluation services.
 37 Sec. 103. Section 331.301, subsection 12, Code
 38 1995, is amended to read as follows:
 39 12. The board of supervisors may credit funds to a
 40 reserve for the purposes authorized by subsection 11
 41 of this section; section 331.424, subsection 1,
 42 paragraph "f"; and section 331.441, subsection 2,
 43 paragraph "b". Moneys credited to the reserve, and
 44 interest earned on such moneys, shall remain in the
 45 reserve until expended for purposes authorized by
 46 subsection 11 of this section; section 331.424,
 47 subsection 1, paragraph "f"; or section 331.441,
 48 subsection 2, paragraph "b".
 49 Sec. 104. Section 331.424, subsection 1, Code
 50 1995, is amended to read as follows:

Page 3

1 1. For general county services, an amount
 2 sufficient to pay the charges for the following:
 3 a. To the extent that the county is obligated by
 4 statute to pay the charges for:
 5 ~~(1) Care and treatment of patients by a state~~
 6 ~~mental health institute.~~
 7 ~~(2) Care and treatment of patients by either of~~
 8 ~~the state hospital schools or by any other facility~~
 9 ~~established under chapter 222 and diagnostic~~
 10 ~~evaluation under section 222.31.~~
 11 ~~(3) Care and treatment of patients under chapter~~
 12 ~~225.~~
 13 (4) (1) Care and treatment of persons at the
 14 alcoholic treatment center at Oakdale. However, the
 15 county may require that an admission to the center
 16 shall be reported to the board by the center within
 17 five days as a condition of the payment of county
 18 funds for that admission.
 19 ~~(5) (2) Care of children admitted or committed to~~
 20 ~~the Iowa juvenile home at Toledo.~~
 21 ~~(6) (3) Clothing, transportation, medical, or~~
 22 ~~other services provided persons attending the Iowa~~
 23 ~~braille and sight saving school, the Iowa school for~~
 24 ~~the deaf, or the state hospital-school for severely~~
 25 ~~handicapped children at Iowa City, for which the~~
 26 ~~county becomes obligated to pay pursuant to sections~~
 27 ~~263.12, 269.2, and 270.4 through 270.7.~~
 28 b. ~~To the extent that the board deems it advisable~~
 29 ~~to pay, the charges for professional evaluation,~~
 30 ~~treatment, training, habilitation, and care of persons~~
 31 ~~who are mentally retarded, autistic persons, or~~
 32 ~~persons who are afflicted by any other developmental~~
 33 ~~disability, at a suitable public or private facility~~
 34 ~~providing inpatient or outpatient care in the county.~~

35 As used in this paragraph:

- 36 ~~—(1) "Developmental disability" has the meaning~~
 37 ~~assigned that term by 42 U.S.C. sec. 6001(7) (1976),~~
 38 ~~Supp. II, 1978, and Supp. III, 1979.~~
 39 ~~—(2) "Autistic persons" means persons, regardless~~
 40 ~~of age, with severe communication and behavior~~
 41 ~~disorders that became manifest during the early stages~~
 42 ~~of childhood development and that are characterized by~~
 43 ~~a severely disabling inability to understand,~~
 44 ~~communicate, learn, and participate in social~~
 45 ~~relationships. "Autistic persons" includes but is not~~
 46 ~~limited to those persons afflicted by infantile~~
 47 ~~autism, profound aphasia, and childhood psychosis.~~
 48 ~~—c. Care and treatment of persons placed in the~~
 49 ~~county hospital, county care facility, a health care~~
 50 ~~facility as defined in section 135C.1, subsection 6,~~

Page 4

- 1 ~~or any other public or private facility, which~~
 2 ~~placement is in lieu of admission or commitment to or~~
 3 ~~is upon discharge, removal, or transfer from a state~~
 4 ~~mental health institute, hospital school, or other~~
 5 ~~facility established pursuant to chapter 222.~~
 6 ~~—d. Amounts budgeted by the board for the cost of~~
 7 ~~establishment and initial operation of a community~~
 8 ~~mental health center in the manner and subject to the~~
 9 ~~limitations provided by state law.~~
 10 ~~—e. b. Foster care and related services provided~~
 11 ~~under court order to a child who is under the~~
 12 ~~jurisdiction of the juvenile court, including court-~~
 13 ~~ordered costs for a guardian ad litem under section~~
 14 ~~232.71.~~
 15 ~~—f. The care, admission, commitment, and~~
 16 ~~transportation of mentally ill patients in state~~
 17 ~~hospitals, to the extent that expenses for these~~
 18 ~~services are required to be paid by the county,~~
 19 ~~including compensation for the advocate appointed~~
 20 ~~under section 229.19.~~
 21 ~~—g. Amounts budgeted by the board for mental health~~
 22 ~~services or mental retardation services furnished to~~
 23 ~~persons on either an outpatient or inpatient basis, to~~
 24 ~~a school or other public agency, or to the community~~
 25 ~~at large, by a community mental health center or other~~
 26 ~~suitable facility located in or reasonably near the~~
 27 ~~county, provided that services meet the standards of~~
 28 ~~the mental health and developmental disabilities~~
 29 ~~commission created in section 225C.5 and are~~
 30 ~~consistent with the annual plan for services approved~~
 31 ~~by the board.~~
 32 ~~—h. Reimbursement on behalf of mentally retarded~~
 33 ~~persons under section 249A.12.~~
 34 ~~—i. c. Elections, and voter registration pursuant~~

35 to chapter 48A.

36 j. d. Employee benefits under chapters 96, 97B,
37 and 97C, which are associated with salaries for
38 general county services.

39 k. e. Joint county and city building authorities
40 established under section 346.27, as provided in
41 subsection 22 of that section.

42 l. f. Tort liability insurance, property
43 insurance, and any other insurance that may be
44 necessary in the operation of the county, costs of a
45 self-insurance program, costs of a local government
46 risk pool, and amounts payable under any insurance
47 agreements to provide or procure such insurance, self-
48 insurance program, or local government risk pool.

49 m. g. The maintenance and operation of the courts,
50 including but not limited to the salary and expenses

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1 of the clerk of the district court and other employees
2 of the clerk's office, and bailiffs, court costs if
3 the prosecution fails or if the costs cannot be
4 collected from the person liable, costs and expenses
5 of prosecution under section 189A.17, salaries and
6 expenses of juvenile court officers under chapter 602,
7 court-ordered costs in domestic abuse cases under
8 section 236.5, the county's expense for confinement of
9 prisoners under chapter 356A, temporary assistance to
10 the county attorney, county contributions to a
11 retirement system for bailiffs, reimbursement for
12 judicial magistrates under section 602.6501, claims
13 filed under section 622.93, interpreters' fees under
14 section 622B.7, uniform citation and complaint
15 supplies under section 805.6, and costs of prosecution
16 under section 815.13.

17 n. h. Court-ordered costs of conciliation
18 procedures under section 598.16.

19 o. i. Establishment and maintenance of a joint
20 county indigent defense fund pursuant to an agreement
21 under section 28E.19.

22 p. l. The maintenance and operation of a local
23 emergency management agency established pursuant to
24 chapter 29C.

25 The board may require a public or private facility,
26 as a condition of receiving payment from county funds
27 for services it has provided, to furnish the board
28 with a statement of the income, assets, and legal
29 residence including township and county of each person
30 who has received services from that facility for which
31 payment has been made from county funds under
32 paragraphs "a" through "h" and "b". However, the
33 facility shall not disclose to anyone the name or
34 street or route address of a person receiving services

35 for which commitment is not required, without first
36 obtaining that person's written permission.
37 Parents or other persons may voluntarily reimburse
38 the county or state for the reasonable cost of caring
39 for a patient or an inmate in a county or state
40 facility.

41 Sec. 105. NEW SECTION. 331.424A MENTAL HEALTH,
42 MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES
43 SERVICES FUND.

44 1. For the purposes of this chapter, unless the
45 context otherwise requires, "services fund" means the
46 county mental health, mental retardation, and
47 developmental disabilities services fund created in
48 subsection 2.

49 2. For the fiscal year beginning July 1, 1995, and
50 succeeding fiscal years, county revenues from taxes

Page 6

1 and other sources designated for mental health, mental
2 retardation, and developmental disabilities services
3 shall be credited to the mental health, mental
4 retardation, and developmental disabilities services
5 fund of the county. The board may make appropriations
6 from the fund for payment of services provided under
7 the county management plan approved pursuant to
8 section 331.439.

9 3. For the fiscal year beginning July 1, 1995, and
10 succeeding fiscal years, receipts from the state or
11 federal government for such services shall be credited
12 to the services fund, including moneys allotted to the
13 county from the state payment made pursuant to section
14 331.439 and moneys allotted to the county for property
15 tax relief pursuant to section 426B.1.

16 4. For the fiscal year beginning July 1, 1995, and
17 for each subsequent fiscal year, the county may
18 certify a levy for payment of services. Unless
19 otherwise provided by state law, for each fiscal year,
20 county revenues from taxes imposed by the county
21 credited to the services fund shall not exceed an
22 amount equal to the amount of base year expenditures
23 for services in the fiscal year beginning July 1,
24 1993, and ending June 30, 1994, as defined in section
25 331.438 less the amount of property tax relief to be
26 received pursuant to section 426B.2, subsections 1 and
27 3, in the fiscal year for which the budget is
28 certified.

29 5. Appropriations specifically authorized to be
30 made from the mental health, mental retardation, and
31 developmental disabilities services fund shall not be
32 made from the general fund of the county.

33 Sec. 106. 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 to a county determined to be eligible for the
37 payment in accordance with section 331.439.
38 1A. 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 one hundred percent of the amount by which the
43 county's qualified expenditures during the immediately
44 preceding fiscal year were in excess of the amount of
45 the county's base year expenditures. Any state
46 funding received by a county for property tax relief
47 in accordance with section 426B.2, subsections 1 and
48 3, is not a state payment and shall not be included in
49 the state payment calculation made pursuant to this
50 subsection.

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1 Sec. 107. Section 331.438, subsection 3, paragraph
2 c, Code 1995, is amended by adding the following new
3 subparagraph:
4 NEW SUBPARAGRAPH. (15) On or before December 1,
5 1995, submit to the governor and the general assembly
6 any recommended changes in the formula for
7 distributing property tax relief moneys to counties
8 under section 426B.2, subsections 1 through 3.
9 Sec. 108. Section 331.439, Code 1995, is amended
10 by striking the section and inserting in lieu thereof
11 the following:
12 331.439 ELIGIBILITY FOR STATE PAYMENT.
13 1. The state payment to eligible counties under
14 this section shall be made as provided in section
15 331.438A. A county is eligible for the state payment,
16 as defined in section 331.438, for the fiscal year
17 beginning July 1, 1995, and for subsequent fiscal
18 years if the director of human services determines for
19 a specific fiscal year that all of the following
20 conditions are met:
21 a. The county accurately reported by October 15
22 the county's expenditures for mental health, mental
23 retardation, and developmental disabilities services
24 for the previous fiscal year on forms prescribed by
25 the department of human services.
26 b. The county developed and implemented a county
27 management plan for the county's mental health and
28 mental retardation services in accordance with the
29 provisions of this paragraph. The plan shall comply
30 with the administrative rules adopted for this purpose
31 by the council on human services and is subject to the
32 approval of the director of human services in
33 consultation with the state-county management
34 committee created in section 331.438. The plan shall

35 include a description of the county's service
36 management provision for mental health, mental
37 retardation, and developmental disabilities services.

38 The plan shall have the following two parts:

39 (1) For mental health service management, the
40 county must contract with a state-approved managed
41 mental health care contractor or provide a comparable
42 system of managed care. For the fiscal year beginning
43 July 1, 1995, the county shall submit this part of the
44 plan by October 1, 1995, and implement the approved
45 plan by January 1, 1996. For subsequent fiscal years,
46 this part of the plan shall be submitted to the
47 department by April 1 for the succeeding fiscal year.

48 (2) For mental retardation and developmental
49 disabilities services management, the plan shall
50 describe the county's development and implementation

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1 of a managed system of individualized services and
2 other support. The managed system shall be designed
3 to provide the individuals served with a choice of
4 services and other support that will assist the
5 individuals to be as independent, productive, and
6 integrated with the community as possible. The county
7 may directly implement the system and contract with
8 service providers and contract for other needed
9 services or support for an individual only after
10 identifying the type and level of services and support
11 needed and desired by the individual and a reasonable
12 rate of reimbursement. If costs of providing vouchers
13 or cash payments would be equal to or less than
14 directly providing or contracting for services, and
15 the individuals so desire, vouchers or cash payments
16 shall be provided to the individuals to allow them to
17 arrange for their own services or support. The county
18 may enter into a contract with a private entity to
19 manage this individualized system, provided all
20 requirements of this subparagraph are met by the
21 private entity.

22 c. Changes to the approved plan are submitted
23 sixty days prior to the proposed change and are not to
24 be implemented prior to the director of human
25 services' approval.

26 2. A county may provide assistance to service
27 populations with disabilities to which the county has
28 historically provided assistance but who are not
29 included in the service management provisions required
30 under subsection 1, subject to the availability of
31 funding.

32 3. For the fiscal year beginning July 1, 1996, and
33 succeeding fiscal years, the county's mental health,
34 mental retardation, and developmental disabilities

35 assistance expenditures for a fiscal year are limited
36 to a fixed budget amount. The amount of the fixed
37 budget shall be the amount identified in the county's
38 management plan and budget for the fiscal year. The
39 county shall be allowed an inflation factor adjustment
40 for assistance paid from the county's services fund
41 under section 331.424A which is in accordance with the
42 county's management plan and budget, implemented
43 pursuant to section 331.439. The state-county
44 management committee shall recommend an inflation
45 factor adjustment by August 1 for the succeeding
46 fiscal year. The inflation factor adjustment shall
47 address costs associated with new consumers of
48 assistance, service cost inflation, and investments
49 for economy and efficiency.
50 4. A county's implementation of the service

Page 9

1 management provisions required under subsection 1 for
2 mental health and mental retardation shall incorporate
3 the single entry point process described in section
4 331.440.
5 5. The basis for determining whether a managed
6 care system for mental health proposed by a county is
7 comparable to a mental health managed care contractor
8 approved by the department of human services shall
9 include but is not limited to all of the following
10 elements as specified in administrative rules adopted
11 by the department in consultation with the state-
12 county management committee:
13 a. The enrollment and eligibility process.
14 b. The scope of services included.
15 c. The method of plan administration.
16 d. The process for managing utilization and access
17 to services and other assistance.
18 e. The quality assurance process.
19 f. The risk management provisions and fiscal
20 viability of the provisions, if the county contracts
21 with a private managed care entity.
22 6. A county shall not terminate assistance to any
23 individual with a mental illness, mental retardation,
24 or a developmental disability who was receiving
25 assistance as of January 1, 1995. However, the county
26 may implement a waiting list for assistance if new
27 demand for assistance exceeds the funding available in
28 the county's fixed budget. The county management plan
29 shall describe how the county will make crisis
30 assistance available to address the immediate needs of
31 any individual placed on a waiting list until an
32 individualized plan is developed and implemented for
33 the individual.
34 7. The director's approval of a county's mental

35 health, mental retardation, and developmental
36 disabilities services management plan shall not be
37 construed to constitute certification of the county's
38 budget.

39 Sec. 109. NEW SECTION. 426B.1 PROPERTY TAX
40 RELIEF FUND.

41 1. For the purposes of this chapter, unless the
42 context otherwise requires, "property tax relief fund"
43 means the property tax relief fund created in section
44 8.57A.

45 2. There is appropriated to the property tax
46 relief fund for the indicated fiscal years from the
47 general fund of the state the following amounts:

- 48 a. For the fiscal year beginning July 1, 1995,
49 seventy-five million dollars.
50 b. For the fiscal year beginning July 1, 1996, one

Page 10

1 hundred million dollars.

2 c. For the fiscal year beginning July 1, 1997, one
3 hundred twenty-five million dollars.

4 d. For the fiscal year beginning July 1, 1998, one
5 hundred fifty million dollars.

6 e. For the fiscal year beginning July 1, 1999, and
7 succeeding fiscal years, one hundred seventy-five
8 million dollars.

9 3. In each fiscal year, the amount appropriated
10 pursuant to subsection 2 shall be reduced by the
11 amount of the moneys in the property tax relief fund
12 which were carried forward from the previous fiscal
13 year.

14 Sec. 110. NEW SECTION. 426B.2 PROPERTY TAX
15 RELIEF FUND DISTRIBUTIONS.

16 Moneys in the property tax relief fund shall be
17 utilized in each fiscal year as follows in the order
18 listed:

19 1. The first seventy-five million dollars plus the
20 amount paid pursuant to subsection 3 in the previous
21 fiscal year in the property tax relief fund shall be
22 paid to each county for property tax relief in the
23 same proportion that the county's base year
24 expenditure bears to the total of all counties' base
25 year expenditures as defined in section 331.438.

26 2. Payment of moneys to eligible counties of the
27 state payment in accordance with the provisions of
28 sections 331.438 and 331.439. Moneys provided to a
29 county for property tax relief in a fiscal year in
30 accordance with this section shall not be less than
31 the amount provided for property tax relief in the
32 previous fiscal year.

33 3. The department of human services shall estimate
34 the amount of moneys required for the state payment

35 pursuant to subsection 2. Moneys remaining in the
36 expenditure relief fund following the payment made
37 pursuant to subsection 1 and the estimated amount of
38 the state payment pursuant to subsection 2 shall be
39 paid to counties for property tax relief in the same
40 manner as provided in subsection 1. These payments
41 shall continue until the combined amount of the
42 payments made under this subsection and subsection 1
43 are equal to fifty percent of the total of all
44 counties' base year expenditures as defined in section
45 331.438. The amount of moneys paid to a county
46 pursuant to this subsection shall be added in
47 subsequent fiscal years to the amount of moneys paid
48 under subsection 1.
49 4. Moneys remaining in the property tax relief
50 fund following the payments made pursuant to

Page 11

1 subsections 1, 2, and 3 shall be transferred to the
2 homestead credit fund created in section 425.1. This
3 transfer shall continue until the homestead credit is
4 fully funded.
5 5. Moneys remaining in the property tax relief
6 fund following the payments made pursuant to
7 subsections 1, 2, and 3, and the transfer made
8 pursuant to subsection 4, shall be transferred to the
9 low-income tax credit and reimbursement fund created
10 in section 425.40. This transfer shall continue until
11 the low-income credit is fully funded.
12 6. Moneys remaining in the property tax relief
13 fund following the payments made pursuant to
14 subsections 1, 2, and 3, and the transfers made
15 pursuant to subsections 4 and 5, shall be transferred
16 to the agricultural land credit fund created in
17 section 426.1. This transfer shall continue until the
18 agricultural land credit is fully funded.
19 7. The director of revenue and finance shall draw
20 warrants on the property tax relief fund, payable to
21 the county treasurer in the amount due to a county in
22 accordance with subsections 1 and 3 and mail the
23 warrants to the county auditors in September and March
24 of each year. Warrants for the state payment in
25 accordance with subsection 2 shall be mailed in
26 January of each year. The director shall initiate the
27 transfers required by this section.
28 Sec. 111. **NEW SECTION. 426B.3 NOTIFICATION OF**
29 **MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES**
30 **EXPENDITURE RELIEF FUND PAYMENT.**
31 1. Before June 1, 1995, and before February 15 of
32 each succeeding fiscal year, the director of revenue
33 and finance shall notify the county auditor of each
34 county of the amount of moneys the county will receive

35 from the property tax relief fund pursuant to section
36 426B.2, subsections 1 and 3, for the succeeding fiscal
37 year. The county auditor shall reduce the certified
38 budget amount received from the board of supervisors
39 for the succeeding fiscal year by an amount equal to
40 the amount the county will receive and the auditor
41 shall determine the rate of taxation necessary to
42 raise the adjusted amount. On the tax list, the
43 county auditor shall compute the amount of taxes due
44 and payable on each parcel before and after the amount
45 received from the expenditure relief fund is used to
46 reduce the county budget.

47 2. The amount of property tax dollars reduced on
48 each parcel as a result of the moneys received from
49 the property tax relief fund pursuant to section
50 426B.2, subsections 1 and 3, shall be noted on each

Page 12

1 tax statement prepared by the county treasurer
2 pursuant to section 445.23.

3 Sec. 112. NEW SECTION. 426B.4 RULES.

4 The director of revenue and finance shall prescribe
5 forms and adopt rules pursuant to chapter 17A to
6 administer this chapter.

7 Sec. 113. PILOT PROJECT FOR A MANAGED SYSTEM OF
8 INDIVIDUALIZED SERVICES.

9 1. The department of human services, in
10 cooperation with a county or consortium of counties,
11 shall develop, test, and evaluate a pilot project for
12 a managed system of individualized services and
13 support for individuals with mental retardation and
14 developmental disabilities in at least two areas of
15 the state. One area shall be urban and one rural.
16 The system shall be designed to provide the
17 individuals being served with a choice of services and
18 other support that will assist the individuals to be
19 as independent, productive, and integrated into the
20 community as possible.

21 2. In implementing the managed system pilot
22 project, the department and the county or consortium
23 of counties may directly manage the system and
24 contract with service providers and others for needed
25 services or support after identifying the type and
26 level of services and support needed by the
27 individual. The pilot project shall provide a
28 reasonable rate of reimbursement. If costs are equal
29 or less than providing vouchers or cash payments to
30 the individuals and the individuals served so desire,
31 vouchers or cash payments may be provided to the
32 individuals to allow them to arrange for their own
33 services or support. The department and the county or
34 consortium of counties may enter into a contract with

35 a private entity to manage this individualized system
 36 provided all pilot project requirements are met
 37 through the private entity.
 38 3. The department and the county or consortium of
 39 counties shall seek the advice of persons with mental
 40 retardation and disabilities and their family members
 41 in designing the pilot project. The state-county
 42 management committee created in section 331.438 shall
 43 also have an opportunity to make recommendations
 44 regarding the pilot project.
 45 4. The department shall apply for all necessary
 46 federal waivers so that in addition to state and
 47 county funds, federal moneys available for these
 48 services may also be flexibly used in the pilot
 49 project. The planning for the pilot project shall be
 50 completed prior to January 1, 1996, and the pilot

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1 project shall commence on or before March 1, 1996.
 2 Sec. 114. EFFECTIVE DATES. Sections 100, 101,
 3 102, and 103 of this division of this Act take effect
 4 July 1, 1995, and the remainder of this division,
 5 being deemed of immediate importance, takes effect
 6 upon enactment, however, the provisions of sections
 7 104 and 105 are applicable to taxes payable in the
 8 fiscal year beginning July 1, 1995."
 9 2. By striking page 30, line 6 through page 37,
 10 line 7.
 11 3. Page 37, by striking lines 33 through 48.

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-3203

1 Amend the amendment, H-3030, to Senate File 69, as
 2 passed by the Senate as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "INCOME" the following: "AND INHERITANCE".
 5 2. Page 4, by inserting before line 35 the
 6 following:
 7 "Sec. 100. Section 450.2, Code 1995, is amended by
 8 adding the following new unnumbered paragraph:
 9 NEW UNNUMBERED PARAGRAPH. Property passing from
 10 estates of decedents dying on or after July 1, 1999,
 11 is not subject to tax under this chapter. This
 12 chapter is repealed July 1, 1999, for property of

13 estates of decedents dying on or after July 1, 1999.
 14 Sec. 200. Section 450.10, Code 1995, is amended by
 15 adding the following new subsection:
 16 ~UNEW SUBSECTION~. 8. For property, interest in
 17 property, or income from property passing from estates
 18 of decedents dying during the following fiscal years
 19 the tax rates under subsections 1 through 6 shall be a
 20 percentage of those specified as follows:
 21 a. For the fiscal year beginning July 1, 1995,
 22 eighty percent.
 23 b. For the fiscal year beginning July 1, 1996,
 24 sixty percent.
 25 c. For the fiscal year beginning July 1, 1997,
 26 forty percent.
 27 d. For the fiscal year beginning July 1, 1998,
 28 twenty percent.
 29 e. For fiscal years beginning on or after July 1,
 30 1999, zero percent.”
 31 3. Page 4, by inserting after line 46 the
 32 following:
 33 “Sec. ____ APPLICABILITY. Sections 100 and 200 of
 34 this Act apply to estates of decedents dying on or
 35 after July 1, 1995.”
 38 out.”
 39 5. By renumbering as necessary.

WEIGEL of Chickasaw
 BERNAU of Story
 BAKER of Polk
 MORELAND of Wapello

SCHRADER of Marion
 JOCHUM of Dubuque
 BRAND of Benton
 MYERS of Johnson
 MUNDIE of Webster

H-3212

1 Amend the amendment, H-3030, to Senate File 69, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 20, by inserting after line 41 the
 5 following:
 6 “Sec. ____ Section 222.60, Code 1995, is amended
 7 to read as follows:
 8 222.60 COSTS PAID BY COUNTY OR STATE.
 9 All necessary and legal expenses for the cost of
 10 admission or commitment or for the treatment,
 11 training, instruction, care, habilitation, support and
 12 transportation of patients, as provided for in the
 13 county management plan provisions implemented pursuant
 14 to section 331.439, subsection 1, in a state hospital-
 15 school for the mentally-retarded persons with mental
 16 retardation, or in a special unit, or any public or
 17 private facility within or without the state, approved
 18 by the director of the department of human services,
 19 shall be paid by either:
 20 1. The county in which such person the patient has

21 legal settlement as defined in section 252.16.

22 2. The state when ~~such person~~ the patient has no
23 legal settlement or when ~~such~~ legal settlement is
24 unknown."

25 2. Page 24, line 14, by striking the figure
26 "1995" and inserting the following: "1996".

27 3. Page 24, line 17, by striking the figure
28 "1994" and inserting the following: "1995".

29 4. Page 24, line 20, by inserting after the word
30 "disabilities" the following: "services".

31 5. Page 24, by striking lines 23 and 24, and
32 inserting the following: "shall be determined by the
33 county auditor, subject to the approval of the
34 department of management. A county which disagrees
35 with the adjustment and maximum amount proposed for
36 the county by the department of management may appeal
37 the determination to the state appeal board created in
38 section 24.26 which shall make a final determination."

39 6. Page 24, line 49, by striking the words "for
40 the county expenditures for" and inserting the
41 following: "to counties for the costs of".

42 7. Page 24, line 50, by striking the word
43 "assistance" and inserting the following: "services".

44 8. Page 25, by inserting after line 4 the
45 following:

46 "Sec. 301. Section 331.438, subsection 3,
47 paragraph c, Code 1995, is amended by adding the
48 following new subparagraph:

49 NEW SUBPARAGRAPH. (15) Consider tort and other
50 liability issues associated with a county managing

Page 2

1 mental health, mental retardation, and developmental
2 disabilities services in accordance with a fixed
3 budget and make recommendations to address the
4 issues."

5 9. Page 25, line 14, by striking the word "fund."
6 and inserting the following: "fund and the amount of
7 allocations from the fund for property tax relief
8 pursuant to subsection 2 and for the adjustment factor
9 pursuant to subsection 5 shall be as specified in law
10 by the general assembly. There is appropriated to the
11 mental health, mental retardation, and developmental
12 disabilities property tax relief fund for the
13 indicated fiscal years from the general fund of the
14 state the following amounts:

15 a. For the fiscal year beginning July 1, 1995,
16 sixteen million dollars of which ten million dollars
17 is allocated to counties for property tax relief in
18 accordance with subsection 2 and six million dollars
19 is allocated to counties as the adjustment factor
20 pursuant to subsection 5.

- 21 b. For the fiscal year beginning July 1, 1996,
22 thirty million dollars.
- 23 c. For the fiscal year beginning July 1, 1997,
24 forty-seven million dollars.
- 25 d. For the fiscal year beginning July 1, 1998,
26 sixty-four million dollars.
- 27 e. For the fiscal year beginning July 1, 1999, and
28 succeeding fiscal years, eighty-one million dollars.”
- 29 10. Page 25, by striking lines 15 through 26 and
30 inserting the following:
- 31 “2. In each fiscal year, a county shall receive
32 for property tax relief the county’s proportion of the
33 moneys in the relief fund allocated for property tax
34 relief. A county’s proportion of the moneys shall be
35 equivalent to the sum of the following three factors:
- 36 a. One-third based upon the county’s proportion of
37 the state’s general population.
- 38 b. One-third based upon the county’s proportion of
39 the state’s total taxable property valuation assessed
40 for taxes payable in the previous fiscal year.
- 41 c. One-third based upon the county’s proportion of
42 all counties’ base year expenditures, as defined in
43 section 331.438.”
- 44 11. Page 25, line 27, by striking the word
45 “management” and inserting the following: “human
46 services”.
- 47 12. Page 25, line 30, by inserting after the word
48 “payable” the following: “quarterly”.
- 49 13. Page 25, by striking line 33 and inserting
50 the following: “county auditors by September 1,

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- 1 December 1, March 1, and June 1 of each year.”
- 2 14. Page 25, line 37, by inserting after the word
3 “fund” the following: “for property tax relief”.
- 4 15. Page 25, by striking lines 40 and 41, and
5 inserting the following: “reduce the amount of the
6 county’s certified budget to be raised by property
7 tax, for that fiscal year by an amount”.
- 8 16. Page 25, line 42, by inserting after the word
9 “receive” the following: “from the relief fund for
10 property tax relief pursuant to subsection 2”.
- 11 17. Page 25, by striking lines 46 and 47 and
12 inserting the following: “reduce the amount of the
13 county’s certified budget to be raised from property
14 tax for a fiscal year in the amount equal to that
15 amount to be received by the county for property tax
16 relief pursuant to subsection 2 for the fiscal year.”
- 17 18. By striking page 25, line 48, through page
18 26, line 12, and inserting the following:
- 19 “5. In addition to moneys received by a county for
20 a fiscal year pursuant to subsection 2, the county may

21 be paid an adjustment factor payment for services
 22 provided in accordance with the county's management
 23 plan implemented pursuant to section 331.439 and paid
 24 for from the county's services fund under section
 25 331.424A. The amount of the adjustment factor payment
 26 to a county is subject to the amount appropriated for
 27 this purpose and shall be paid as provided by the
 28 general assembly for that fiscal year."

29 19. Page 26, line 13, by striking the words
 30 "director of revenue and finance" and inserting the
 31 following: "department of human services, in
 32 consultation with the state-county management
 33 committee,".

34 20. Page 26, lines 34 and 35, by striking the
 35 words "and mental retardation" and inserting the
 36 following: ", mental retardation, and developmental
 37 disabilities".

38 21. Page 27, by striking lines 6 through 16 and
 39 inserting the following:

40 "(2) For mental retardation and developmental
 41 disabilities services management, the county must
 42 contract with a state-approved managed care contractor
 43 or develop and implement a managed system of care
 44 which addresses a full array of appropriate services
 45 and cost-effective delivery of services. The managed
 46 system of care shall incorporate a single entry point
 47 process developed in accordance with the provisions of
 48 section 331.440. The elements of the managed system
 49 of care shall be specified in rules developed by the
 50 department in consultation with the state-county

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1 management committee and adopted by the council on
 2 human services. The county shall implement either the
 3 state-approved contract or implement a comparable
 4 system of care within six months of the date by which
 5 the department approves a managed care contractor. In
 6 fiscal years succeeding the fiscal year of initial
 7 implementation this part of the plan shall be
 8 submitted to the department of human services by April
 9 1 for the succeeding fiscal year."

10 22. Page 27, by inserting after line 20 the
 11 following:

12 "_. 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 23. Page 27, by striking lines 21 through 26 and
 17 inserting the following:

18 "_. If funding is available under the fixed
 19 budget, a county that has not provided services to a
 20 service population which is not included in the

21 service management provisions required under
22 subsection 1, may provide such services."

23 24. Page 27, line 27, by striking the figure
24 "1995" and inserting the following: "1996".

25 25. Page 27, line 33, by inserting after the
26 figure "331.424A." the following: "The amount of the
27 fixed budget shall be the amount specified for the
28 fiscal year in the county's management plan and
29 budgeted for such services."

30 26. Page 27, by inserting after line 33 the
31 following:

32 "_. A county shall implement the county's
33 management plan in a manner so as to provide adequate
34 funding for the entire fiscal year by budgeting for
35 ninety-nine percent of the funding anticipated to be
36 available for the plan."

37 27. Page 27, line 40, by inserting after the word
38 "system" the following: "for mental health".

39 28. Page 27, line 43, by inserting after the word
40 "elements" the following: "which shall be specified
41 in administrative rules adopted by the department in
42 consultation with the state-county management
43 committee".

44 29. Page 28, by inserting after line 6 the
45 following:

46 "Sec. 101. Section 331.440, subsection 1, Code
47 1995, is amended by adding the following new
48 paragraph:

49 NEW PARAGRAPH. c. The single entry point process
50 shall include provision for the county's participation

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1 in a management information system developed in
2 accordance with rules adopted pursuant to subsection
3 3."

4 30. Page 28, line 15, by striking the figure
5 "1995" and inserting the following: "1996".

6 31. Page 28, line 25, by striking the figure
7 "1995" and inserting the following: "1996".

8 32. Page 28, by striking lines 28 through 31 and
9 inserting the following: "to the services fund,
10 including but not limited to moneys received by a
11 county under section 331.438A."

12 33. Page 28, line 32, by striking the figure
13 "1995" and inserting the following: "1996".

14 34. Page 28, line 44, by inserting after the word
15 "certified." the following: "the county auditor and
16 the board of supervisors shall reduce the amount of
17 the levy certified under this section by the amount of
18 property tax relief to be received."

19 35. Page 29, by striking lines 15 through 20 and
20 inserting the following: "beginning July 1, 1995,

21 minus the amount by which the property tax relief
 22 payment to be received by the county in the fiscal
 23 year beginning July 1, 1996, exceeds the amount of the
 24 property tax relief payment received in the fiscal
 25 year beginning July 1, 1995, pursuant to section”.

26 36. By striking page 29, line 48, through page
 27 30, line 5.

28 37. Page 30, line 11, by striking the figure
 29 “1996” and inserting the following: “1997”.

30 38. Page 30, by striking lines 14 through 18 and
 31 inserting the following: “amount by which the
 32 property tax relief payment to be received by the
 33 county in the fiscal year beginning July 1, 1997,
 34 exceeds the amount of the property tax relief payment
 35 received by the county in the fiscal year beginning
 36 July 1, 1996.”.

37 39. Page 30, by striking lines 25 through 29 and
 38 inserting the following: “1997, minus the amount by
 39 which the property tax relief payment to be received
 40 by the county in the fiscal year beginning July 1,
 41 1998, exceeds the amount of the property tax relief
 42 payment received by the county in the fiscal year
 43 beginning July 1, 1997.”.

44 40. Page 33, by striking lines 2 and 3 and
 45 inserting the following: “treatment, and facilities
 46 pursuant to”.

47 41. Page 33, by striking line 33 and inserting
 48 the following: “LIMITATION FOR FISCAL YEAR 2000.”

49 42. By striking page 33, line 40, through page
 50 34, line 6, and inserting the following: “amount by

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1 which the property tax relief payment to be received
 2 by the county in the fiscal year beginning July 1,
 3 1999, exceeds the amount of the property tax relief
 4 payment received by the county in the fiscal year
 5 beginning July 1, 1998, pursuant to section 331.438A,
 6 subsection 2, for each”.

7 43. Page 35, by striking lines 10 through 19 and
 8 inserting the following: “calendar year 1997.”

9 44. Page 35, line 25, by striking the word
 10 “years” and inserting the following: “year”.

11 45. Page 35, line 26, by striking the words and
 12 figures “and July 1, 2000.”.

13 46. Page 35, by striking line 28 and inserting
 14 the following: “issue of the United”.

15 47. Page 35, line 31, by striking the word
 16 “years” and inserting the following: “year”.

17 48. Page 35, line 32, by striking the words and
 18 figures “and July 1, 1999.”.

19 49. Page 35, by striking lines 45 through 48 and
 20 inserting the following: “year beginning July 1,

21 1998, level".

22 50. Page 36, line 1, by striking the word "years"
23 and inserting the following: "year".

24 51. Page 36, line 2, by striking the words and
25 figures "and July 1, 2000,".

26 52. Page 36, by striking lines 28 and 29 and
27 inserting the following: "treatment, and facilities
28 pursuant to".

29 53. Page 37, by inserting before line 8 the
30 following:

31 "Sec. ____ Section 444.27, Code 1995, is amended
32 to read as follows:

33 444.27 SECTIONS VOID.

34 1. For purposes of section 444.25, sections 24.48
35 and 331.426 are void for the fiscal years beginning
36 July 1, 1993, and July 1, 1994. For purposes of
37 section 444.25A, sections 24.48 and 331.426 are void
38 for the fiscal years beginning July 1, 1995, and July
39 1, 1996.

40 2. For purposes of sections 444.25B and 444.25C,
41 sections 24.48 and 331.426 are void for the fiscal
42 years beginning July 1, 1997, July 1, 1998, and July
43 1, 1999."

44 54. Page 37, by inserting after line 34 the
45 following:

46 "Sec. 201. DEPARTMENT OF HUMAN SERVICES — ICFMR
47 REQUIREMENT. The department of human services shall
48 consult with the department of inspections and
49 appeals, the Iowa state association of counties, and
50 the Iowa association of rehabilitation and residential

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1 facilities in adopting administrative rules
2 identifying optimum staffing ratios for intermediate
3 care facilities for the mentally retarded (ICFMR).
4 The administrative rules shall be implemented on or
5 before January 1, 1996.

6 Sec. ____ COUNTY ADJUSTMENT FACTOR PAYMENT —
7 FISCAL YEAR 1995-1996.

8 1. For the fiscal year beginning July 1, 1995, the
9 adjustment factor payment from the mental health,
10 mental retardation, and developmental disabilities
11 property tax relief fund specified in section 331.438A
12 shall be paid as provided in this section. An
13 eligible county may apply to the department of human
14 services for an adjustment factor payment to reimburse
15 costs paid by the county in that fiscal year for
16 services to persons with mental illness, mental
17 retardation, or developmental disabilities in
18 accordance with the county's management plan approved
19 pursuant to section 331.439. Eligible costs shall be

20 limited to eligible consumers of services who were not
21 served in the previous fiscal year, unusual cost
22 increases, service cost inflation, and investments for
23 quality and efficiency improvements. Reimbursement
24 shall not be provided from the fund for applications
25 received after August 10, 1995.

26 2. Payment from the fund shall be limited to the
27 amount designated for this purpose and if applications
28 received exceed the available funding, payments shall
29 be prorated. The department of human services shall
30 notify the director of revenue and finance of the
31 amounts due a county under this section. The director
32 shall draw warrants on the relief fund payable to the
33 county treasurer in the amount due to each county.
34 The warrants shall be paid in a timely manner to
35 enable the county to accrue the payment in the
36 county's 1995-1996 fiscal year.

37 3. Notwithstanding section 8.33, moneys in the
38 relief fund allocated for the adjustment payment which
39 remain unobligated or unexpended at the close of the
40 fiscal year ending June 30, 1996, shall not revert to
41 the general fund of the state but shall remain
42 available for adjustment payments in the succeeding
43 fiscal year."

44 55. Page 37, line 43, by inserting after the
45 figure "2." the following: "In addition, the
46 committee should consider proposals from counties and
47 other interested persons for a distribution formula
48 factor which rewards or provides incentives for
49 economy and efficiency in providing mental health,
50 mental retardation, and developmental disabilities

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1 services; and a mechanism for a county to appeal to
2 the state if it is believed the county is unfairly
3 treated under an established funding formula."

4 56. Page 37, by striking lines 46 through 48 and
5 inserting the following:

6 "Sec. ____ EFFECTIVE DATES.

7 1. Sections 40, 41, 42, 43, 44, 45, 46, and 51 of
8 this division of this Act take effect July 1, 1996,
9 and the tax-related provisions are applicable to taxes
10 paid in the fiscal year beginning July 1, 1996, and
11 succeeding fiscal years.

12 2. Sections 47, 48, 49, 50, 52, 101, and 201 of
13 this division of this Act, being deemed of immediate
14 importance, take effect upon enactment."

15 57. Page 38, by striking lines 2 and 3 and
16 inserting the following: "equipment phase-in
17 exemption and reimbursement, mental health, mental
18 retardation, and developmental disabilities levies and

19 expenditures, providing appropriations, and providing
20 effective dates and applicability provisions."

HOUSER of Pottawattamie
VANDE HOEF of Osceola

H-3213

1 Amend House Joint Resolution 9 as follows:
2 1. Page 1, by striking lines 3 through 31.
3 2. By striking page 2, line 17, through page 3,
4 line 14.
5 3. Title page, by striking lines 2 through 6 and
6 inserting the following: "the State of Iowa to limit
7 the number of terms of Governor and Lieutenant
8 Governor."

JOCHUM of Dubuque
MASCHER of Johnson

H-3214

1 Amend House Joint Resolution 9 as follows:
2 1. Page 1, by striking line 17 and inserting the
3 following: "served prior to ratification of this
4 amendment and to terms of office beginning on or after
5 ratification of this amendment."
6 2. Page 1, by striking line 31 and inserting the
7 following: "served prior to ratification of this
8 amendment and to terms of office beginning on or after
9 ratification of this amendment."
10 3. Page 2, by striking line 16 and inserting the
11 following: "served prior to ratification of this
12 amendment and to terms of office beginning on or after
13 ratification of this amendment."
14 4. Page 2, by striking line 35 and inserting the
15 following: "served prior to ratification of this
16 amendment and to terms of office beginning on or after
17 ratification of this amendment."
18 5. Page 3, by striking line 14 and inserting the
19 following: "served prior to ratification of this
20 amendment and to terms of office beginning on or after
21 ratification of this amendment."

JOCHUM of Dubuque
MASCHER of Johnson
HARPER of Black Hawk
MUNDIE of Webster

H-3215

1 Amend House Joint Resolution 9 as follows:
2 1. Page 3, by inserting after line 14, the

3 following:

4 "Sec. __. The following amendment to the
5 Constitution of the State of Iowa is proposed:
6 Article II of the Constitution of the State of
7 Iowa, is amended by adding the following new section:
8 ELECTIVE PROCESS. SEC. 8. The elective processes
9 shall be open, subject to public scrutiny, and free
10 from financial bias. The right of the people to
11 review the receipts and expenditures made in political
12 campaigns shall not be violated. A person shall not
13 use contributions to a political campaign to attempt
14 to influence the actions of a candidate. Candidates
15 for political office who voluntarily subject their
16 campaign receipts and expenditures to public review
17 and who place voluntary limits on the amount and size
18 of contributions made to their campaigns shall be
19 rewarded in the manner provided by law."

20 2. Page 3, by striking line 15 and inserting the
21 following:

22 "Sec. __. The foregoing amendments to the
23 Constitution of the".

24 3. Page 3, line 16, by striking the word "is" and
25 inserting the following: "are".

26 4. Title page, line 1, by striking the words "an
27 amendment" and inserting the following: "amendments".

28 5. Title page, line 6, by inserting after the
29 word "State" the following: "and relating to campaign
30 receipts and expenditures".

31 6. By numbering and renumbering as necessary.

JOCHUM of Dubuque
HARPER of Black Hawk
MUNDIE of Webster
MASCHER of Johnson

H-3218

1 Amend House File 206 as follows:

2 1. Page 1, by striking lines 16 through 22 and
3 inserting the following: "be connected to the
4 network. The spur connection shall be no".

WISE of Lee
OLLIE of Clinton

H-3221

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".

DINKLA of Guthrie
HARRISON of Scott

H-3225

- 1 Amend House File 258 as follows:
- 2 1. Page 2, line 6, by striking the words "~~on the~~
- 3 ~~job~~" and inserting the following: "on the job".

O'BRIEN of Boone

H-3226

- 1 Amend the amendment, H-3213, to House Joint
- 2 Resolution 9 as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "_. Page 2, line 16, by inserting after the
- 6 figure "1999" the following: ", except that this
- 7 limitation shall not apply to persons elected to the
- 8 office of governor or lieutenant governor prior to
- 9 that date".
- 10 2. By renumbering as necessary.

ERTL of Dubuque

H-3230

- 1 Amend House File 121 as follows:
- 2 1. Page 1, by striking lines 6 through 15 and
- 3 inserting the following: "noncommercial video tape
- 4 retransmission of a high school athletic tournament
- 5 contest or event if the video tape retransmission does
- 6 not occur earlier than twenty-four hours after the".

Committee on Education

H-3235

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 1, line 17, by striking the words "is no"
- 3 and inserting the following: "shall be a".

DODERER of Johnson

H-3239

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor," the following: "() revenue committed

4 to any state or local program that has the effect of
 5 reducing a governmental body's reliance of property
 6 taxes;"

BERNAU of Story

H-3241

1 Amend House Joint Resolution 14 as follows:
 2 1. Page 2, by inserting before line 12 the
 3 following:
 4 "Sec. ____ "Government" includes all parts,
 5 agencies, enterprises, and operations of a government.
 6 "Local government" includes each city, county, school
 7 district, special district, and political subdivision
 8 in the State, except that townships are included with
 9 county governments. An agreement or joint action by
 10 two or more governments does not create a new
 11 government unless expressly provided by state law, but
 12 all revenue and spending related to the agreement or
 13 joint action are included in revenue and spending of
 14 the appropriate governments."
 15 2. Page 5, by striking lines 25 through 34.
 16 3. By renumbering as necessary.

DODERER of Johnson

H-3242

1 Amend House Joint Resolution 14 as follows:
 2 1. Page 2, line 10, by inserting after the word
 3 "governor;" the following: "() revenue committed
 4 to funding a universal health care program;"

WEIGEL of Chickasaw

H-3243

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 to eliminating environmental
 5 problems, including odors associated with the
 6 livestock confinement industry;"
 7 2. By renumbering as necessary.

KOENIGS of Mitchell

H-3246

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 economic
- 5 development in the state, including attracting out-of-
- 6 state businesses to locate in the state;".
- 7 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-3248

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor," the following: "() revenues used to
- 4 complete and operate the Iowa communication network;".
- 5 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-3251

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor;" the following: "() revenue committed
- 4 to funding the cost of prescription drugs for the
- 5 elderly;".

RUNNING of Linn

H-3252

- 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 CASH RESERVE FUND. Sec. 9. A cash reserve fund
- 7 shall be maintained by the State and moneys in the
- 8 cash reserve shall be separate from the general fund
- 9 of the State and shall not be considered part of the
- 10 general fund of the State except in determining the
- 11 cash position of the State. Moneys in the cash
- 12 reserve may be used for cash flow purposes provided
- 13 that any moneys so allocated during a fiscal year are
- 14 returned to the cash reserve by the end of that fiscal
- 15 year. The amount of moneys to be maintained in the
- 16 cash reserve shall be five percent of the adjusted
- 17 revenue estimate for the general fund of the State for
- 18 that fiscal year.
- 19 Moneys in the cash reserve may be appropriated by
- 20 the General Assembly only for use in the fiscal year
- 21 in which the appropriation is made. The moneys shall
- 22 only be appropriated in a bill or joint resolution in
- 23 which the appropriation is the only subject matter of

24 the bill or joint resolution and which contains a
 25 statement of the reasons why the appropriation is
 26 necessary. In addition, moneys shall not be
 27 appropriated from the cash reserve unless the bill or
 28 joint resolution making the appropriation is approved
 29 by vote of at least three-fifths of the members of
 30 each house of the General Assembly and approved by the
 31 Governor.

32 This section applies to fiscal years commencing on
 33 or after July 1, 1999."

34 2. Title page, by striking lines 2 through 6 and
 35 inserting the following: "the State of Iowa
 36 establishing a cash reserve fund separate from the
 37 general fund of the State and providing for the
 38 amendment's application."

SHOULTZ of Black Hawk

H-3254

1 Amend House Joint Resolution 14 as follows:
 2 1. Page 2, by striking lines 17 through 19, and
 3 inserting the following:
 4 "SEC. 4. In addition to the annual increase in
 5 section 1, the revenue limit of the State or of a
 6 local government may exceed the previous fiscal year's
 7 revenue limit by an amount equal to two percent of the
 8 previous fiscal year's revenue limit. If a
 9 government's revenue limit exceeds the previous fiscal
 10 year's limit by more than two percent, the limit for
 11 the next fiscal year shall be reduced by the excess
 12 amount."

BERNAU of Story

H-3255

1 Amend House Joint Resolution 14 as follows:
 2 1. Page 2, by striking lines 17 through 19, and
 3 inserting the following:
 4 "SEC. 4. In addition to the annual increase in
 5 section 1, the revenue limit of the State or of a
 6 local government may exceed the previous fiscal year's
 7 revenue limit by an amount equal to two percent of the
 8 previous fiscal year's revenue limit if such excess is
 9 used solely to fund the infrastructure needs of the
 10 government. If a government's revenue limit exceeds
 11 the previous fiscal year's limit by more than two
 12 percent, the limit for the next fiscal year shall be
 13 reduced by the excess amount."

BERNAU of Story

H-3258

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor," the following: "() revenue committed
- 4 to any public financing of political campaigns;"

JOCHUM of Dubuque

H-3259

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 4, by inserting after line 13 the
- 3 following:
- 4 "SEC. ____ The extraordinary property tax credit
- 5 or reimbursement allowed in sections 425.16 through
- 6 425.40, Code 1995, in effect on January 1, 1995, and
- 7 the low-income credit for taxes on mobile homes,
- 8 manufactured homes, or modular homes in section
- 9 435.22, Code 1995, in existence on January 1, 1995,
- 10 shall continue to be allowed after the effective date
- 11 of this Article."

BERNAU of Story

H-3260

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor," the following: "() revenues used to
- 4 pay increases in government-funded health care costs
- 5 due to factors not under the control of the state or
- 6 local governments;"
- 7 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-3263

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor," the following: "() revenues collected
- 4 from the gambling industry in the state;"
- 5 2. By renumbering as necessary.

HARPER of Black Hawk

H-3267

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, by striking lines 17 through 19.
- 3 2. By renumbering as necessary.

DODERER of Johnson

H-3271

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 1, by striking lines 26 through 28, and
- 3 inserting the following: "sources, except (1) amounts
- 4 refunded to the payors; (2)".
- 5 2. Page 1, line 29, by striking the word
- 6 "receipts" and inserting the following: "amounts
- 7 received".
- 8 3. Page 2, by striking lines 2 through 11, and
- 9 inserting the following: "federal funds; (6) amounts
- 10 borrowed after approval by vote of the electors; (7)
- 11 amounts borrowed by issuing revenue bonds on which no
- 12 payment can be made from tax revenue; and (8) receipts
- 13 applied to repay money borrowed lawfully, including
- 14 interest."
- 15 4. Page 2, by striking lines 14 through 16, and
- 16 inserting the following: "or applied as tax credits
- 17 against local taxes."
- 18 5. Page 2, by striking lines 23 through 27, and
- 19 inserting the following: "effective for no more than
- 20 five fiscal years."
- 21 6. Page 2, by striking lines 31 through 35, and
- 22 inserting the following: "by the Governor. Each such
- 23 law is effective for only one fiscal year."
- 24 7. Page 3, by striking lines 15 and 16, and
- 25 inserting the following: "benefits, but does not
- 26 include earnings of these trust funds. "Spending"
- 27 includes all payments".
- 28 8. Page 4, by striking lines 14 through 22, and
- 29 inserting the following:
- 30 "SEC. 14. Any taxpayer has standing to sue to
- 31 enforce this Article and laws implementing it. If
- 32 successful, the taxpayer shall be reimbursed for all
- 33 reasonable expenses of the suit."
- 34 9. Page 4, line 25, by striking the words "and
- 35 ratification".
- 36 10. Page 4, by striking lines 27 and 28, and
- 37 inserting the following: "restrictions and limits."
- 38 11. Page 5, by striking lines 2 through 17, and
- 39 inserting the following: "VII. It does not impair
- 40 any law requiring approval by the electors for a tax,
- 41 tax increase, or borrowing, including laws requiring
- 42 more than a majority vote and laws allowing borrowing
- 43 for any stated number of years."
- 44 12. Page 5, line 18, by striking the figure "4."
- 45 and inserting the following: "3."
- 46 13. Page 5, by inserting after line 21, the
- 47 following:
- 48 "4. "Revenue" includes, but is not limited to, all
- 49 taxes, fees, charges, assessments, and other receipts
- 50 of the state and local governments, except amounts

Page 2

- 1 expressly excluded by section 2, 3, or 9 of Article
2 XIII. Amounts transferred between governments are
3 counted as revenue only once.”
4 14. Page 5, by striking lines 29 through 34, and
5 inserting the following: “included with county
6 governments.”
7 15. Title page, by striking lines 3 through 6,
8 and inserting the following: “by limiting taxes,
9 revenue, and spending of the state and local
10 governments.”

BERNAU of Story

H-3272

- 1 Amend House Joint Resolution 14 as follows:
2 1. Page 2, by striking lines 2 through 10, and
3 inserting the following: “federal funds; (6) amounts
4 borrowed after approval by vote of the electors; (7)
5 amounts borrowed by issuing revenue bonds on which no
6 payment can be made from tax revenue; (8) receipts
7 applied to repay money borrowed lawfully, including
8 interest; and (9)”.

BERNAU of Story

H-3273

- 1 Amend House Joint Resolution 14 as follows:
2 1. Page 2, by striking lines 3 through 10, and
3 inserting the following: “Article VII; (7) amounts
4 borrowed after approval by vote of the electors; (8)
5 amounts borrowed by issuing revenue bonds on which no
6 payment can be made from tax revenue; (9) receipts
7 applied to repay money borrowed lawfully, including
8 interest; and (10)”.

BERNAU of Story

H-3274

- 2 1. Page 1, by striking lines 10 through 22, and
3 inserting the following: “equal to its total revenue
4 in the base year, adjusted for the cumulative
5 percentage rate of price inflation or deflation since
6 the base year, and for any cumulative percentage
7 population increase since the base year. A school
8 district’s “population” is its full-time equivalent
9 student enrollment. The “base year” is the last
10 fiscal year before this Article becomes”.
11 2. Page 1, by striking lines 25 through 32, and

12 inserting the following:

13 "SEC. 2. "Revenue" includes all amounts received
14 from all sources, except (1) amounts lawfully refunded
15 to the payors; (2) gifts from nongovernmental sources;
16 (3) federal research grants and contracts; (4) federal
17 disaster aid; (5) all receipts of a local government
18 enterprise which was operating in the base year and
19 receives no tax revenue; (6) amounts borrowed
20 lawfully, but this does not authorize any borrowing;
21 and (7) receipts applied to pay principal and interest
22 on bonds approved by vote of the electors, bonds
23 outstanding when this article become effective, and
24 revenue bonds on which no payment can be made from tax
25 revenue."

26 3. Page 2, by striking lines 14 through 16, and
27 inserting the following: "or applied as tax credits
28 against local taxes."

29 4. Page 2, by striking lines 22 through 27, and
30 inserting the following: "government's electors
31 voting in a referendum."

32 5. Page 3, by striking line 5, and inserting the
33 following: "shall not exceed the sum".

34 6. Page 3, by striking lines 7 through 20, and
35 inserting the following: "change under section 4, 5,
36 or 6, and (2) net unspent funds carried over from the
37 preceding year, but excluding trust funds for
38 unemployment, retirement, medical, or other benefits.
39 "Spending" includes payments into, and excludes
40 payments out of, these trust funds. "Spending"
41 includes all other outlays, except that amounts
42 excluded from revenue are also excluded from
43 spending."

44 7. Page 3, line 22, by striking the word "date"
45 and inserting the following: "year".

46 8. Page 3, by striking lines 32 and 33, and
47 inserting the following:

48 "SEC. 11. If a state law or rule adopted after
49 this Article becomes".

50 9. Page 4, by striking lines 3 through 5, and

Page 2

1 inserting the following: "by that amount."

2 10. Page 4, by striking lines 11 through 22, and
3 inserting the following:

4 "SEC. ____ Any taxpayer has standing to sue to
5 enforce this Article and laws implementing it. If
6 successful, the taxpayer shall be reimbursed for all
7 reasonable expenses of the suit."

8 11. Page 4, line 25, by striking the words "and
9 ratification".

10 12. Page 4, by striking lines 26 through 28, and
11 inserting the following: "shall implement this

12 Article, adopt further restrictions and limits, and
13 shall require consistent accounting for all
14 governments in accordance with generally accepted
15 accounting principles."

16 13. Page 4, line 35, by striking the words "does
17 not authorize any borrowing and".

18 14. Page 5, by striking lines 2 through 17, and
19 inserting the following: "VII.

20 3. To make the adjustment for price inflation or
21 deflation, the most reliable index of general price
22 inflation in the United States shall be selected in
23 good faith as provided by law. The selection of index
24 shall not be changed if the change would have the
25 effect of weakening the limits."

26 15. Page 5, by striking lines 22 through 24, and
27 inserting the following:

28 "4. "Revenue" includes, but is not limited to, all
29 taxes, fees, charges, assessments, receipts from the
30 federal government, and other receipts of the state
31 and local governments, except amounts expressly
32 excluded by section 2 or 3 of Article XIII. Amounts
33 transferred between governments are counted only
34 once."

35 16. By striking page 5, line 29 through page 6,
36 line 2, and inserting the following: "included with
37 county governments. "Local government enterprise"
38 includes but is not limited to a hospital, airport,
39 transportation system, recreation facility, or public
40 utility owned or operated by a local government."

41 17. Page 6, by striking lines 6 through 8 and
42 inserting the following: "Article XIII."

43 18. Title page, by striking lines 3 through 6,
44 and inserting the following: "by limiting taxes,
45 revenue, and spending of the state and local
46 governments."

47 19. By renumbering and correcting internal
48 references as necessary.

BERNAU of Story

H-3275

1 Amend House Joint Resolution 14 as follows:

2 1. Page 1, by striking lines 10 through 22 and
3 inserting the following: "equal to its total revenue
4 in the base year, or if higher, in any of the three
5 preceding fiscal years. This limit is adjusted
6 annually for the cumulative percentage rate of price
7 inflation or deflation since the base year, and for
8 any cumulative percentage population increase since
9 the base year. A school district's "population" is
10 its full-time equivalent student enrollment. The
11 "base year" is the last fiscal year before this

- 12 Article becomes".
- 13 2. Page 1, by striking lines 26 through 28 and
14 inserting the following: "sources, except (1) amounts
15 refunded to the payors; (2)".
- 16 3. Page 1, line 29, by striking the word
17 "receipts" and inserting the following: "amounts
18 received".
- 19 4. Page 1, line 31, by striking the words
20 "hospital or public utility" and inserting the
21 following: "specific".
- 22 5. Page 1, line 32, by inserting before the word
23 "service" the following: "specific".
- 24 6. Page 2, by striking lines 2 through 11 and
25 inserting the following: "federal funds; (6) amounts
26 borrowed after approval by vote of the electors; (7)
27 amounts borrowed by issuing revenue bonds on which no
28 payment can be made from tax revenue; and (8) receipts
29 applied to repay money borrowed lawfully, including
30 interest."
- 31 7. Page 2, by striking lines 14 through 16 and
32 inserting the following: "or applied as tax credits
33 against local taxes."
- 34 8. Page 2, by striking lines 23 through 27 and
35 inserting the following: "effective for no more than
36 five fiscal years."
- 37 9. Page 2, by striking lines 31 through 35 and
38 inserting the following: "by the Governor."
- 39 10. Page 3, by striking line 5 and inserting the
40 following: "shall not exceed the sum".
- 41 11. Page 3, line 9, by striking the word and
42 figure "or 3".
- 43 12. Page 3, by striking lines 10 through 12, and
44 inserting the following: "carried over from the
45 preceding year."
- 46 13. Page 3, by striking lines 15 through 20 and
47 inserting the following: "benefits, but does not
48 include earnings of these trust funds. "Spending"
49 includes all payments and transfers into, and excludes
50 payments out of, these trust funds. "Net unspent

Page 2

- 1 funds" excludes these trust funds."
- 2 14. Page 3, line 22, by striking the word "date"
3 and inserting the following: "year".
- 4 15. Page 3, by striking lines 32 and 33 and
5 inserting the following:
6 "SEC. 11. If a state law or rule adopted after
7 this Article becomes".
- 8 16. Page 4, by striking lines 3 through 5 and
9 inserting the following: "by that amount."
- 10 17. Page 4, by striking lines 14 through 22 and
11 inserting the following:

12 "SEC. 14. Any taxpayer has standing to sue to
13 enforce this Article and laws implementing it. If
14 successful, the taxpayer shall be reimbursed for all
15 reasonable expenses of the suit."

16 18. Page 4, line 25, by striking the words "and
17 ratification".

18 19. Page 4, by striking lines 27 and 28 and
19 inserting the following: "restrictions and limits."

20 20. Page 5, by striking lines 2 through 17 and
21 inserting the following: "VII.

22 3. To make the adjustment for price inflation or
23 deflation, the most reliable index of general price
24 inflation in the United States shall be selected in
25 good faith as provided by law. The selection of index
26 shall not be changed if the change would have the
27 effect of weakening the limits. Except for school
28 districts, the adjustment for population shall be made
29 by using the most recent federal census, but use of
30 the most recent federal census estimate may be
31 permitted by law."

32 21. Page 5, by inserting after line 21 the
33 following:

34 "_. "Revenue" includes, but is not limited to,
35 all taxes, fees, charges, assessments, and other
36 receipts of the state and local governments, except
37 amounts expressly excluded by section 2, 3, or 9 of
38 Article XIII. Amounts transferred between governments
39 are counted as revenue only once.

40 __. "Fees voluntarily paid for specific services"
41 includes fees for hospital, recreation, public
42 utility, and similar services, but does not include
43 any tax, assessment, toll, or filing, permit,
44 registration, or license fee."

45 22. Page 5, by striking lines 29 through 34 and
46 inserting the following: "included with county
47 governments."

48 23. Title page, by striking lines 3 through 6 and
49 inserting the following: "by limiting taxes, revenue,
50 and spending of the state and local governments."

Page 3

1 24. By renumbering as necessary.

BERNAU of Story

H-3277

1 Amend House Joint Resolution 14 as follows:
2 1. Page 1, by striking lines 10 through 22 and
3 inserting the following: "equal to its total revenue
4 in the base year, or if higher, in any of the three
5 preceding fiscal years. This limit is adjusted

- 6 annually for the cumulative percentage rate of price
 7 inflation or deflation since the base year, and for
 8 any cumulative percentage population increase since
 9 the base year. A school district's "population" is
 10 its full-time equivalent student enrollment. The
 11 "base year" is the last fiscal year before this
 12 Article becomes".
- 13 2. Page 1, by striking lines 26 through 28 and
 14 inserting the following: "sources, except (1) amounts
 15 refunded to the payors; (2)".
- 16 3. Page 1, line 29, by striking the word
 17 "receipts" and inserting the following: "amounts
 18 received".
- 19 4. Page 1, line 31, by striking the words
 20 "hospital or public utility" and inserting the
 21 following: "specific".
- 22 5. Page 1, line 32, by inserting before the word
 23 "service" the following: "specific".
- 24 6. Page 2, by striking lines 2 through 11 and
 25 inserting the following: "federal funds; (6) amounts
 26 borrowed after approval by vote of the electors; (7)
 27 amounts borrowed by issuing revenue bonds on which no
 28 payment can be made from tax revenue; and (8) receipts
 29 applied to repay money borrowed lawfully, including
 30 interest."
- 31 7. Page 2, by striking lines 14 through 16 and
 32 inserting the following: "or applied as tax credits
 33 against local taxes."
- 34 8. Page 2, by striking lines 22 through 27 and
 35 inserting the following: "government's electors
 36 voting in a referendum."
- 37 9. Page 3, by striking line 5 and inserting the
 38 following: "shall not exceed the sum".
- 39 10. Page 3, line 9, by striking the word and
 40 figure "or 3".
- 41 11. Page 3, by striking lines 10 through 12, and
 42 inserting the following: "carried over from the
 43 preceding year."
- 44 12. Page 3, by striking lines 15 through 20 and
 45 inserting the following: "benefits, but does not
 46 include earnings of these trust funds. "Spending"
 47 includes all payments and transfers into, and excludes
 48 payments out of, these trust funds. "Net unspent
 49 funds" excludes these trust funds."
- 50 13. Page 3, line 22, by striking the word "date"

Page 2

- 1 and inserting the following: "year".
- 2 14. Page 3, by striking lines 32 and 33 and
 3 inserting the following:
 4 "SEC. 11. If a state law or rule adopted after

5 this Article becomes”.

6 15. Page 4, by striking lines 3 through 5 and
7 inserting the following: “by that amount.”

8 16. Page 4, by striking lines 14 through 22 and
9 inserting the following:

10 “SEC. 14. Any taxpayer has standing to sue to
11 enforce this Article and laws implementing it. If
12 successful, the taxpayer shall be reimbursed for all
13 reasonable expenses of the suit.”

14 17. Page 4, line 25, by striking the words “and
15 ratification”.

16 18. Page 4, by striking lines 27 and 28 and
17 inserting the following: “restrictions and limits.”

18 19. Page 5, by striking lines 2 through 17 and
19 inserting the following: “VII.

20 3. To make the adjustment for price inflation or
21 deflation, the most reliable index of general price
22 inflation in the United States shall be selected in
23 good faith as provided by law. The selection of index
24 shall not be changed if the change would have the
25 effect of weakening the limits. Except for school
26 districts, the adjustment for population shall be made
27 by using the most recent federal census, but use of
28 the most recent federal census estimate may be
29 permitted by law.”

30 20. Page 5, by inserting after line 21 the
31 following:

32 “_ “Revenue” includes, but is not limited to,
33 all taxes, fees, charges, assessments, and other
34 receipts of the state and local governments, except
35 amounts expressly excluded by section 2, 3, or 9 of
36 Article XIII. Amounts transferred between governments
37 are counted as revenue only once.”

38 21. Page 5, by striking lines 29 through 34 and
39 inserting the following: “included with county
40 governments.”

41 22. Title page, by striking lines 3 through 6 and
42 inserting the following: “by limiting taxes, revenue,
43 and spending of the state and local governments.”

44 23. By renumbering as necessary.

BERNAU of Story

H-3283

1 Amend House File 249 as follows:

2 1. Page 1, by striking line 11 and inserting the
3 following: “the aggregate, ~~more than ten~~ a percent of
4 the total time”.

5 2. Page 1, line 17, by inserting after the word
6 “acquisition” the following: “which is greater than
7 the following:

- 8 a. Eleven percent, with respect to an acquisition
 9 made on or after September 29, 1995.
 10 b. Twelve percent, with respect to an acquisition
 11 made on or after January 1, 1998.
 12 c. Thirteen percent, with respect to an
 13 acquisition made on or after January 1, 2000”.

WISE of Lee
 RUNNING of Linn
 HARPER of Black Hawk

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”.

SCHRADER of Marion

H-3287

- 1 Amend House File 185 as follows:
 2 1. Page 2, line 9, by inserting after the word
 3 “rentals” the following: “to printers”.
 4 2. Page 2, line 20, by inserting after the word
 5 “rentals” the following: “to printers”.
 6 3. Title page, line 3, by inserting after the
 7 word “refunds” the following: “to printers”.

WEIGEL of Chickasaw

H-3288

- 1 Amend House File 185 as follows:
 2 1. Page 1, line 5, by striking the words “or
 3 publisher”.
 4 2. Page 2, line 3, by striking the words “or
 5 publisher”.
 6 3. Title page, line 2, by striking the words “and
 7 publishers”.

WEIGEL of Chickasaw

H-3289

- 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 a,
16 Code 1995, is amended to read as follows:

17 a. The employer has probable cause to believe that
18 an employee's faculties are impaired on the job. For
19 purposes of this paragraph, an employer that does not
20 have probable cause to believe that an employee's
21 faculties are impaired on the job shall be deemed to
22 have probable cause to drug test an employee if the
23 employer is investigating an accident in the workplace
24 and all of the following conditions are met:

25 (1) The employer has reasonable grounds to believe
26 that the employee proposed to be tested either
27 directly caused or directly contributed to the
28 accident.

29 (2) The surrounding circumstances do not
30 reasonably exclude the possibility that the employee's
31 faculties are impaired due to the use of a controlled
32 substance or alcohol.

33 (3) The accident results in a personal injury
34 which requires medical treatment away from the
35 workplace or damage to property, including equipment,
36 in an amount reasonably estimated to exceed one
37 thousand dollars at the time of the accident.

38 (4) Prior to the accident, the employer has
39 provided the employee to be tested with written notice
40 of the employer's rules or policies regarding alcohol
41 and controlled substances and testing when a workplace
42 accident or injury occurs.

43 Sec. 3. Section 730.5, subsection 3, paragraph c,
44 Code 1995, is amended to read as follows:

45 c. The test sample withdrawn from the employee is
46 analyzed by a laboratory or testing facility that has
47 been approved under rules adopted by the department of
48 public health. The laboratory or testing facility
49 shall report to the employer only the presence of
50 alcohol or illegal controlled substances in any test

Page 2

1 sample.

2 Sec. 4. Section 730.5, subsection 7, Code 1995, is
3 amended to read as follows:

4 7. A drug test conducted as a part of a physical
5 examination performed as a part of a preemployment
6 physical or as a part of a regularly scheduled
7 physical is only permissible In addition to drug
8 testing permitted by subsection 3, drug testing of an
9 employee or applicant for employment shall also be
10 permitted under the following circumstances:

11 a. For a preemployment physical application
12 process, the employer shall include notice that a drug

13 test will be part of a preemployment physical
 14 application process in any notice or advertisement
 15 soliciting applicants for employment or in the
 16 application for employment, and an applicant for
 17 employment shall be personally informed of the
 18 requirement for a drug test at the first interview.

19 b. For a regularly scheduled physical, the
 20 employer shall give notice that a drug test will be
 21 part of the physical at least thirty days prior to the
 22 date the physical is scheduled.

23 c. An employer may require an employee, as a
 24 condition of employment, to undergo drug testing if
 25 that employee has been referred by the employer for
 26 substance abuse evaluation pursuant to subsection 3,
 27 paragraph "f", and treatment was recommended by the
 28 evaluation. The employee may be required to undergo
 29 drug testing without prior notice, but in no case
 30 shall more than four tests be conducted in the twelve-
 31 month period following the employee's completion of
 32 substance abuse treatment if the treatment was
 33 recommended by the evaluation.

34 Drug testing conducted under this subsection shall
 35 conform to the requirements of subsection 3,
 36 paragraphs "c", "d", "e", and "f"; however, paragraph
 37 "f" shall not apply to drug tests conducted as a part
 38 of a preemployment physical application process."

39 2. Title page, line 2, by striking the words
 40 "providing for employer defenses,".

WISE of Lee
 KREIMAN of Davis
 MERTZ of Kossuth
 OLLIE of Clinton

KOENIGS of Mitchell
 LARKIN of Lee
 O'BRIEN of Boone
 SHOULTZ of Black Hawk
 WITT of Black Hawk

H-3291

- 1 Amend House File 239 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "period" the following: "after the first thirty days
 4 of confinement".
 5 2. Page 1, line 5, by inserting after the word
 6 "of" the following: "a".
 7 3. Page 1, by striking line 6 and inserting the
 8 following: "investigation of each felon who has pled
 9 guilty to, or has been".

VANDE HOEF of Osceola

H-3292

- 1 Amend House File 291 as follows:
 2 1. Page 1, by inserting after line 35 the
 3 following:
 4 "Sec. ____ Section 602.9204, subsection 2,
 5 paragraphs a and c, Code 1995, are amended to read as

6 follows:

7 a. ~~Basic senior judge salary~~ means the average
 8 annual basic salary for the senior judge's or retired
 9 senior judge's last three years as a judge of one or
 10 more of the courts included in this article basic
 11 annual salary which the judge is receiving at the time
 12 the judge becomes separated from full-time service, as
 13 would be used in computing an annuity pursuant to
 14 section 602.9107 without service as a senior judge,
 15 plus seventy-five percent of the escalator.

16 c. "Escalator" means the difference between the
 17 current basic salary, as of the time each payment is
 18 made up to and including the twelve-month period
 19 during which the senior judge or retired senior judge
 20 attains seventy-eight years of age, of the office in
 21 which the senior judge last served as a judge before
 22 retirement as a judge or senior judge, and the average
 23 annual basic salary for the senior judge's or retired
 24 senior judge's last three years basic annual salary
 25 which the judge is receiving at the time the judge
 26 becomes separated from full-time service as a judge of
 27 one or more of the courts included in this article, as
 28 would be used in computing an annuity pursuant to
 29 section 602.9107 without service as a senior judge."

30 2. Title page, line 3, by inserting after the
 31 word "judges," the following: "affecting senior judge
 32 retirement benefits,".

33 3. By renumbering as necessary.

BRADLEY of Clinton

H-3293

1 Amend House File 336 as follows:

2 1. Page 1, line 1, by striking the word "MINORS"
 3 and inserting the following: "PERSONS".

4 2. Page 1, line 10, by inserting after the figure
 5 "4" the following: ", and to other persons with
 6 mental retardation, notwithstanding the provisions of
 7 section 249A.12, subsection 2, section 249A.26, and
 8 any other provision of law to the contrary".

9 3. Page 1, line 11, by striking the figure
 10 "6,600,000" and inserting the following:
 11 "81,000,000".

12 4. Title page, line 2, by striking the words
 13 "certain minors" and inserting the following:
 14 "persons".

MURPHY of Dubuque
 CATALDO of Polk
 JOCHUM of Dubuque
 RUNNING of Linn
 LARKIN of Lee
 CONNORS of Polk
 MASCHER of Johnson
 BURNETT of Story

BELL of Jasper
 O'BRIEN of Boon
 SCHRADER of Marion
 OLLIE of Clinton
 COHOON of Des Moines
 HARPER of Black Hawk
 BAKER of Polk
 DREES of Carroll
 MUNDIE of Webster

H-3295

1 Amend House File 336 as follows:

2 1. Page 1, by inserting after line 11 the
3 following:

4 "Sec. 100. Section 331.439, subsection 3,
5 paragraph a, Code 1995, is amended to read as follows:

6 a. For mental health service management, the
7 county must contract with a state-approved managed
8 mental health care contractor or describe the method
9 the county will use to achieve a comparable system of
10 managed care which assures cost-effective delivery of
11 services. ~~For the fiscal year beginning July 1, 1995,~~
12 ~~this part of the plan shall be submitted to the~~
13 ~~department of human services by March 1, 1995. This~~
14 ~~part of the plan shall initially be submitted to the~~
15 ~~department of human services within nine months~~
16 ~~following the date on which the state contractor for~~
17 ~~managed mental health care under the medical~~
18 ~~assistance program assumes care management~~
19 ~~responsibilities.~~ For subsequent fiscal years, this
20 part of the plan shall be submitted by the prior April
21 1. The implementation of this part of the plan shall
22 begin within twelve months following the date on which
23 the state contractor for managed mental health care
24 under the medical assistance program assumes care
25 management responsibilities."

26 2. Page 1, line 19, by striking the words
27 "EFFECTIVE DATE." and inserting the following:
28 "EFFECTIVE AND APPLICABILITY DATES.

29 1. Section 100 of this Act, being deemed of
30 immediate importance, takes effect upon enactment, and
31 applies retroactively to March 1, 1995.

32 2."

33 3. Title page, line 1, by inserting after the
34 word "Act" the following: "relating to mental health
35 and developmental disabilities services by".

36 4. Title page, line 3, by inserting after the
37 word "retardation," the following: "and revising
38 dates required for certain planning activities for
39 mental health services".

40 5. By renumbering as necessary.

HOUSER of Pottawattamie
MYERS of Johnson

H-3296

1 Amend House File 343, as follows:

2 1. Page 1, line 22, by striking the word
3 "NINETEEN" and inserting the following: "TWENTY-ONE".

4 2. Page 1, line 23, by striking the word
5 "nineteen" and inserting the following: "twenty-one

6 and who has not obtained a high school diploma or high
7 school equivalency diploma”.

8 3. Page 1, line 27, by striking the word
9 “nineteen” and inserting the following: “twenty-one,
10 who has not obtained a high school diploma or high
11 school equivalency diploma.”.

12 4. Page 2, line 35, by striking the word
13 “nineteen” and inserting the following: “twenty-one,
14 who have not obtained a high school diploma or high
15 school equivalency diploma, and”.

16 5. Page 4, line 26, by striking the word
17 “nineteen” and inserting the following: “twenty-one
18 and has not obtained a high school diploma or high
19 school equivalency diploma”.

20 6. Page 8, line 9, by striking the word
21 “nineteen” and inserting the following: “twenty-one,
22 who has not obtained a high school diploma or high
23 school equivalency diploma.”.

24 7. Title page, line 2, by striking the word
25 “nineteen” and inserting the following: “twenty-one,
26 who have not obtained a high school diploma or high
27 school equivalency diploma, and”.

COON of Warren

H-3297

1 Amend House File 185 as follows:

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

4 “For purposes of this subsection, “printer” means
5 that portion of an entity’s business that is engaged
6 in printing to complete or package a finished product
7 for ultimate sale at retail; and “publisher” means
8 that portion of an entity’s business that publishes
9 for ultimate sale at retail or contracts for the
10 manufacture or printing for ultimate sale at retail
11 books, pamphlets, periodicals, brochures, magazines,
12 or newspapers.”

OLLIE of Clinton
GRUBBS of Scott
BRADLEY of Clinton

H-3302

1 Amend House File 185 as follows:

2 1. Page 2, line 4, by inserting after the word
3 “retail.” the following: “The purchase of any item
4 enumerated in this subsection by a printer or
5 publisher for use by a contractor or subcontractor of
6 the printer or publisher which is used to complete a
7 finished product for sale at retail is included in the

8 exemption."

9 2. Page 2, by inserting after line 5 the
10 following:

11 "For purposes of this subsection, "printer" is a
12 person at least a portion of whose business includes
13 printing tangible personal property intended
14 ultimately to be sold at retail and includes printing
15 packages; and "publisher" is a person whose business
16 includes publishing, in any medium, books, pamphlets,
17 periodicals, brochures, magazines, or newspapers
18 intended ultimately to be sold at retail."

OLLIE of Clinton

H-3303

1 Amend House File 435 as follows:

2 1. Title page, line 3, by striking the word
3 "program".

BRANSTAD of Winnebago

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".

MEYER of Sac

H-3306

1 Amend the amendment, H-3293, to House File 336 as
2 follows:

3 1. Page 1, line 11, by striking the figure
4 "81,000,000" and inserting the following:
5 "35,000,000".

MURPHY of Dubuque

H-3308

1 Amend House File 185 as follows:

2 1. Page 2, by striking line 10 and inserting the
3 following: "1995".

4 2. Page 2, line 11, by striking the words
5 "aggregate and".

6 3. Page 2, by striking lines 13 through 17 and
7 inserting the following: "provision of law."

8 4. Title page, lines 2 and 3, by striking the
9 words "limiting the amount of refunds".

WEIGEL of Chickasaw

H-3309

- 1 Amend House File 258 as follows:
- 2 1. By striking page 3, line 35, through page 4,
- 3 line 19.
- 4 2. By renumbering as necessary.

RUNNING of Linn

H-3310

- 1 Amend House File 258 as follows:
- 2 1. By striking page 4; line 20, through page 5,
- 3 line 7.
- 4 2. By renumbering as necessary.

RUNNING of Linn

H-3311

- 1 Amend House File 258 as follows:
- 2 1. Page 3, line 10, by striking the word
- 3 "without" and inserting the following: "with".

RUNNING of Linn

H-3312

- 1 Amend House File 258 as follows:
- 2 1. Page 4, by striking lines 5 through 8 and
- 3 inserting the following: "personnel records; however,
- 4 if an employee".

RUNNING of Linn

H-3313

- 1 Amend House File 258 as follows:
- 2 1. Page 3, by striking lines 6 through 8 and
- 3 inserting the following: "recommended by the
- 4 evaluation. Following the employee's".

RUNNING of Linn

H-3314

- 1 Amend House File 258 as follows:
- 2 1. Page 2, line 27, by inserting after the word
- 3 "process" the following: "and only under the
- 4 supervision of a physician".

RUNNING of Linn

H-3315

- 1 Amend House File 258 as follows:
 2 1. Page 4, by striking lines 14 through 19 and
 3 inserting the following: "for substance abuse, the
 4 employee's personnel records shall be expunged of any
 5 reference to the test or its results when the employee
 6 leaves employment."

RUNNING of Linn

H-3316

- 1 Amend House File 258 as follows:
 2 1. Page 2, line 7, by inserting after the word
 3 "alcohol," the following: "For the purposes of this
 4 paragraph, a pattern of errors of judgment or mistakes
 5 involving the performance of a supervisor's,
 6 manager's, or officer's job shall constitute a
 7 reasonable belief that a supervisor's, manager's, or
 8 officer's faculties are impaired on the job. This
 9 determination shall be made by a committee of
 10 employees at the time of the supervisor's, manager's,
 11 or officer's annual job performance review."
 12 2. Page 2, by inserting after line 16, the
 13 following:
 14 "Sec. ____ Section 730.5, Code 1993, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 3A. If an employer subjects one
 17 group of employees to drug tests as provided in
 18 subsection 3, 5, or 7, all employees, supervisors,
 19 managers, officers, and directors shall be subject to
 20 drug tests on the same conditions."
 21 3. By renumbering as necessary.

RUNNING of Linn

H-3317

- 1 Amend House File 258 as follows:
 2 1. Page 3, lines 16 and 17, by striking the words
 3 "either caused or contributed to" and inserting the
 4 following: "was the proximate cause of".
 5 2. Page 3, line 24, by striking the words "five
 6 hundred" and inserting the following: "one thousand".
 7 3. By striking page 5, line 10, through page 6,
 8 line 22 and inserting the following:
 9 "NEW SUBSECTION. 12. For purposes of this
 10 section, the results of a drug".

RUNNING of Linn

H-3318

- 1 Amend House File 258 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. NEW SECTION. 730.6 IMPAIRMENT
5 TESTING OF EMPLOYEES OR APPLICANTS REGULATED.

6 1. As used in this section, "impairment testing"
7 means a noninvasive, computer-assisted test of hand-
8 eye coordination conducted to detect impairment by
9 comparing an employee's current performance level with
10 the employee's previously established baseline level
11 of performance, but not conducted to determine the
12 cause of impairment.

13 2. An employer shall not require or request
14 applicants for employment to submit to an impairment
15 test as a condition of preemployment.

16 3. An employer may require an employee to submit
17 to an impairment test as a condition of employment if
18 the test is administered equitably to all employees in
19 safety-sensitive positions where impairment represents
20 a danger to the safety of the employee, another
21 employee, a member of the public, or the property of
22 the employer.

23 4. An employee shall not be discharged from
24 employment solely because the results from an
25 impairment test indicate that an employee's faculties
26 are impaired.

27 5. Impairment test results are not sufficient
28 probable cause to request or require an employee to
29 submit to a drug test.

30 6. An employer shall protect the confidentiality
31 of the results of any impairment test conducted on an
32 employee. The results of the test may be recorded in
33 the employee's personnel records.

34 Sec. 2. PILOT PROJECT. The labor commissioner
35 shall determine by September 1, 1995, the procedures
36 and guidelines for the establishment of a one-year
37 pilot project, to be administered by the division of
38 labor services of the department of employment
39 services and by a qualifying private business
40 operating in this state, to study impairment testing.
41 Representatives from private businesses employing one
42 hundred or more persons in safety-sensitive positions,
43 where impairment represents a danger to the safety of
44 the employee, another employee, a member of the
45 public, or the property of the employer, may submit a
46 proposal for a pilot project to study computer-
47 assisted impairment testing to the labor commissioner.
48 Guidelines established by the labor commissioner shall
49 include, but are not limited to, requirements to
50 protect the confidentiality of employees tested, and

Page 2

1 shall prohibit testing to determine cause of
2 impairment. The business chosen by the labor
3 commissioner to implement the pilot project must agree
4 to pay fifty percent of the costs of the program. The
5 labor commissioner shall submit a report to the
6 general assembly outlining and describing the proposed

7 pilot project, including the proposed pilot project
 8 guidelines, by January 1, 1996. If the general
 9 assembly appropriates moneys, the labor commissioner
 10 shall authorize implementation of the pilot project.
 11 At the conclusion of the pilot project, the labor
 12 commissioner shall submit a report, along with any
 13 recommendations, to the general assembly."
 14 2. Title page, line 1, by striking the word
 15 "drug" and inserting the following: "impairment".
 16 3. Title page, by striking lines 2 through 3 and
 17 inserting the following: "establishing a pilot
 18 project concerning impairment testing."

RUNNING of Linn

H-3319

1 Amend House File 258 as follows:
 2 1. Page 2, line 16, by inserting after the word
 3 "sample," the following: "The employer shall provide
 4 to the employee or applicant for employment, upon
 5 request, a copy of the test results provided to the
 6 employer."

NELSON of Pottawattamie
 WISE of Lee

H-3320

1 Amend House File 258 as follows:
 2 1. Page 3, line 11, by inserting after the word
 3 "notice" the following: ", but not more than four
 4 tests shall be conducted in the twelve-month period
 5 following the employee's completion of substance abuse
 6 treatment and not more than two tests shall be
 7 conducted in the second twelve-month period following
 8 the employee's completion of substance abuse treat-
 9 ment".

BELL of Jasper
 CONNORS of Polk
 WISE of Lee

H-3321

1 Amend House File 258 as follows:
 2 1. Page 2, by inserting after line 16 the
 3 following:
 4 "Sec. ____ Section 730.5, Code 1995, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 3A. An employer shall establish
 7 the following training programs prior to instituting
 8 drug testing as allowed by this section.
 9 a. An employer shall provide all employees with an

10 educational program on alcohol and drug abuse. An
 11 employer shall provide all employees with an annual
 12 educational program on alcohol and drug abuse, in
 13 general, and the effects of alcohol and drug abuse on
 14 the workplace, specifically. An educational program
 15 shall include a minimum of one hour of instruction
 16 which shall include, but is not limited to, an
 17 explanation of the disease of addiction for alcohol
 18 and other drugs, the effects and dangers of the
 19 commonly abused substances in the workplace, and the
 20 employer's policies and procedures regarding alcohol
 21 and drug use or abuse in the workplace and how
 22 employees may obtain substance abuse treatment.

23 b. An employer shall provide all supervisory
 24 personnel with a minimum of two hours of training each
 25 year on alcohol and drug abuse. The training shall
 26 include, but is not limited to, information on
 27 recognition of evidence of employee alcohol and other
 28 drug abuse, documentation and corroboration of
 29 employee alcohol and other drug abuse, referral of
 30 alcohol and other drug-abusing employees to the proper
 31 treatment providers, and the recognition of the
 32 benefits of referring alcohol and other drug-abusing
 33 employees to treatment programs, in terms of employee
 34 health and safety and employer savings.

35 The governor's alliance on substance abuse shall
 36 develop educational programs to meet the requirements
 37 of this subsection and shall make the programs
 38 available to businesses upon request. The governor's
 39 alliance on substance abuse shall monitor the
 40 effectiveness of these programs and provide an annual
 41 report to the general assembly."

42 2. By renumbering as necessary.

NELSON of Pottawattamie
 O'BRIEN of Boone
 CONNORS of Polk

HARPER of Black Hawk
 BELL of Jasper
 COHOON of Des Moines

H-3324

1 Amend House File 258 as follows:
 2 1. Page 1, by inserting after line 12 the
 3 following:
 4 "c. "Reasonable suspicion" means evidence that an
 5 employee is using or has used alcohol or other drugs
 6 in violation of the employer's policy drawn from
 7 specific objective and articulable facts and
 8 reasonable inferences drawn from those facts in light
 9 of experience. Among other things, such facts and
 10 inferences may be based upon, but not limited to, any
 11 one or more of the following:
 12 (1) Observable phenomena while at work such as
 13 direct observation of alcohol or other drug use or

14 abuse or of the physical symptoms or manifestations of
 15 being impaired due to alcohol or other drug use.

16 (2) Abnormal conduct or erratic behavior while at
 17 work or a significant deterioration in work
 18 performance.

19 (3) A report of alcohol or other drug use provided
 20 by a reliable and credible source.

21 (4) Evidence that an employee has tampered with
 22 any substance abuse test during the course of
 23 employment with the current employer.

24 (5) Evidence that an employee has caused or
 25 contributed to an accident while at work.

26 (6) Evidence that an employee has manufactured,
 27 sold, distributed, solicited, possessed, used, or
 28 transferred drugs while working or while on the
 29 employer's premises or while operating in the
 30 employer's vehicle, machinery, or equipment."

31 2. Page 2, line 6, by striking the word "belief"
 32 and inserting the following: "suspicion".

MURPHY of Dubuque
 O'BRIEN of Boone
 JOCHUM of Dubuque

BELL of Jasper
 MORELAND of Wapello
 WISE of Keokuk

H-3326

1 Amend House File 193 as follows:

2 1. By striking page 2, line 5, through page 3,
 3 line 9.

4 2. Page 4, by inserting after line 12 the
 5 following:

6 "Sec. ____ The department of agriculture and land
 7 stewardship shall adopt rules providing for the
 8 slaughter of ostriches, rheas, and emus under
 9 voluntary inspection. The rules shall provide for
 10 humane slaughter and include a fee schedule for such
 11 inspections. In order to implement this Act, the
 12 department shall adopt rules as required under this
 13 section to be effective no later than January 1,
 14 1996."

15 3. By renumbering as necessary.

Committee on Agriculture

H-3329

1 Amend the amendment, H-3322, 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 8, paragraphs "d", "e", "f",
15 "g", and "h". The results of the drug test shall be a
16 public record."

17 2. Page 14, by inserting after line 1 the
18 following:

19 "2. Title page, line 1, by inserting after the
20 word "employees" the following: ", public
21 officials,".

22 3. By renumbering as necessary.

FALLON of Polk

H-3330

1 Amend the amendment, H-3322, 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 8, paragraphs "d", "e", "f", "g" and
11 "h", on the date the pastor is the pastor of the day.
12 Failure to submit to a drug test as required by this
13 section or a test indicating the presence of alcohol
14 or a controlled substance shall result in the pastor
15 of the day being denied compensation for being pastor
16 of the day. The results of the drug test shall be a
17 public record."

18 2. Page 14, by inserting after line 1 the
19 following:

20 "_. Title page, line 1, by inserting after the
21 word "employees" the following: ", pastors,".

22 3. By renumbering as necessary.

FALLON of Polk

H-3333

1 Amend the amendment, H-3225, to House File 258 as
2 follows:

3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:

5 "_. Page 2, line 7, by inserting after the word

- 6 "alcohol" the following: "based on specific and
7 articulable observations made on the job."

SUKUP of Franklin

H-3335

- 1 Amend House File 111 as follows:
2 1. Page 1, line 12, by striking the word "twenty-
3 five" and inserting the following: "seventy-five".

Committee on Commerce and Regulation

H-3336

- 1 Amend House File 160 as follows:
2 1. Page 4, by striking line 12 and inserting the
3 following: "transferred to the general fund of the
4 state to be used only".
5 2. Page 4, by striking line 25 and inserting the
6 following: "the general fund of the state to be used
7 only for the".

Committee on Judiciary

H-3338

- 1 Amend House File 404 as follows:
2 1. Page 1, by striking lines 16 and 17 and
3 inserting the following: "commencing July 1, 1995,
4 and ending June 30, 1996."

Committee on Education

H-3342

- 1 Amend House File 473 as follows:
2 1. Page 1, line 2, by striking the word and
3 figure "subparagraph (1)".
4 2. Page 1, by inserting after line 2 the follow-
5 ing:
6 "a. The industrial machinery, equipment and
7 computers shall be directly and primarily used in the
8 manner described in section 428.20 in processing
9 tangible personal property or in research and
10 development of new products or processes of
11 manufacturing, refining, purifying, combining of
12 different materials or packing of meats to be used for
13 the purpose of adding value to products, or in
14 processing or storage of data or information by an
15 insurance company, professional corporation, financial
16 institution, or commercial enterprise, or in the
17 recycling or reprocessing of waste products. As used

18 in this paragraph."

19 3. Page 1, by inserting after line 8 the follow-
20 ing:

21 "(2) "Financial institutions" means as defined in
22 section 527.2, subsection 9.

23 (3) "Commercial enterprise" includes businesses
24 and manufacturers conducted for profit and includes
25 centers for data processing services to insurance
26 companies, financial institutions, businesses and
27 manufacturers but excludes professions and occupations
28 and nonprofit organizations.

29 (4) "Professional corporation" means a
30 professional corporation organized or operating under
31 chapter 496C or a foreign professional corporation
32 organized under laws other than the laws of this
33 state."

34 4. Title page, line 2, by inserting after the
35 word "taxes" the following: "for lease or purchase of
36 machinery and equipment by professional corporations
37 and".

38 5. Title page, line 3, by inserting after the
39 word "companies" the following: "and certain
40 professional corporations".

OLLIE of Clinton
NELSON of Pottawattamie

H-3343

1 Amend the amendment, H-3230, to House File 121 as
2 follows:

3 1. Page 1, line 3, by striking the word
4 "noncommercial".

NELSON of Marshall

H-3345

1 Amend House File 457 as follows:

2 1. Page 1, by striking lines 5 through 25.
3 2. Title page, lines 1 and 2, by striking the
4 words "notification of application and providing for".
5 3. By renumbering as necessary.

WEIGEL of Chickasaw

H-3349

1 Amend House File 343 as follows:

2 1. Page 1, line 22, by striking the word
3 "NINETEEN" and inserting the following: "TWENTY-ONE".
4 2. Page 1, line 23, by striking the word
5 "nineteen" and inserting the following: "twenty-one".
6 3. Page 1, line 27, by striking the word
7 "nineteen" and inserting the following: "twenty-one".

- 8 4. Page 2, line 35, by striking the word
 9 "nineteen" and inserting the following: "twenty-one".
 10 5. Page 4, line 26, by striking the word
 11 "nineteen" and inserting the following: "twenty-one".
 12 6. Page 8, line 9, by striking the word
 13 "nineteen" and inserting the following: "twenty-one".
 14 7. Title page, line 2, by striking the word
 15 "nineteen" and inserting the following: "twenty-one".

MUNDIE of Webster

H-3351

- 1 Amend the amendment, H-3293, to House File 336 as
 2 follows:
 3 1. Page 1, line 11, by striking the figure
 4 "81,000,000" and inserting the following:
 5 "41,600,000".

MURPHY of Dubuque

H-3352

- 1 Amend the amendment, H-3339, to House File 336 as
 2 follows:
 3 1. Page 1, line 5, by striking the word "MINORS"
 4 and inserting the following: "PERSONS".
 5 2. Page 1, line 14, by inserting after the figure
 6 "4" the following: ", and to other persons with
 7 mental retardation, notwithstanding the provisions of
 8 section 249A.12, subsection 2, section 249A.26, and
 9 any other provision of law to the contrary".
 10 3. Page 1, line 15, by striking the figure
 11 "6,600,000" and inserting the following:
 12 "41,600,000".

MURPHY of Dubuque
 CATALDO of Polk
 JOCHUM of Dubuque
 RUNNING of Linn
 LARKIN of Lee
 CONNORS of Polk
 MASCHER of Johnson
 BURNETT of Story

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
 MUNDIE of Webster

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

H-3356

- 1 Amend House File 288 as follows:
 2 1. Page 3, by striking lines 14 through 29.

- 3 2. Title page, line 3, by striking the words "an
- 4 exemption in the definition of assault."
- 5 3. By renumbering as necessary.

KREIMAN of Davis

H-3359

- 1 Amend House File 288 as follows:
- 2 1. Page 4, by inserting after line 4 the
- 3 following:
- 4 "Sec. ____ Section 808A.2, subsection 1, paragraph
- 5 c, Code 1995, is amended to read as follows:
- 6 c. If the search is of an individual student, or
- 7 an individual student's protected student area, the
- 8 suspicion and belief required by paragraphs "a" and
- 9 "b" is particular to the student to be searched."
- 10 2. Title page, line 5, by inserting after the
- 11 word "lockers," the following: "searches of protected
- 12 student areas,"
- 13 3. By renumbering as necessary.

KREIMAN of Davis

H-3361

- 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 10 through 20 and
- 6 inserting the following: "a copy of a plan for
- 7 implementation of the requirements of section 904.701,
- 8 has been submitted to and approved by the general
- 9 assembly. The plan shall include a".
- 10 2. By numbering and renumbering as necessary.

LARKIN of Lee

H-3362

- 1 Amend House File 288 as follows:
- 2 1. Page 2, line 18, by inserting after the word
- 3 "attire" the following: ", including giving parents
- 4 and legal guardians an opportunity to enroll their
- 5 children in another school within the district or in
- 6 another school district. Notwithstanding the
- 7 notification deadlines of section 282.18, subsection
- 8 2, within ninety days of the date on which the board
- 9 of directors of a school district adopts a dress code
- 10 policy, if a parent or legal guardian whose child is
- 11 enrolled in the school in which the dress code is to
- 12 be implemented chooses to enroll a child in another
- 13 school district, the parent or legal guardian shall

14 send notification to the district of residence, on
15 forms prescribed by the department of education, that
16 the parent or legal guardian intends to enroll the
17 parent's or legal guardian's child in another school
18 district. The board of the district of residence
19 shall take action to approve or disapprove the request
20 no later than thirty days after receiving notification
21 of a parent's or legal guardian's intent to enroll the
22 parent's or legal guardian's child in another
23 district, and shall transmit to the department and the
24 receiving district any approved request within five
25 days after board action on the request. The parent or
26 guardian may withdraw the request at any time. Within
27 thirty days of receiving the request approved by the
28 sending district, the board of the receiving district
29 shall take action to approve or disapprove the
30 request. The board of the receiving district shall
31 enroll the student in a school in the receiving
32 district for the following school year unless the
33 receiving district does not have classroom space for
34 the student. If the request is granted, the board
35 shall transmit a copy of the form to the school
36 district of residence within five days after board
37 action".

38 2. Page 2, line 22, by inserting after the word
39 "chooses" the following: "not to enroll the student
40 in another school district or school and".

41 3. Page 2, line 24, by striking the words "A
42 policy adopted pursuant to this" and inserting the
43 following:

44 "5. A policy adopted pursuant to this".

45 4. By renumbering as necessary.

KREIMAN of Davis

H-3363

1 Amend House File 288 as follows:

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

4 "Section 1. Section 123.47B, Code 1995, is amended
5 to read as follows:

6 123.47B PARENTAL AND SCHOOL NOTIFICATION —
7 PERSONS UNDER EIGHTEEN YEARS OF AGE.

8 A peace officer shall make a reasonable effort to
9 identify a person under the age of eighteen discovered
10 to be in possession of alcoholic liquor, wine, or beer
11 in violation of section 123.47 and if the person is
12 not referred to juvenile court, the law enforcement
13 agency of which the peace officer is an employee shall
14 make a reasonable attempt to notify the person's
15 custodial parent or legal guardian of such possession,
16 whether or not the person is arrested or a citation is

17 issued pursuant to section 805.16, unless the officer
 18 has reasonable grounds to believe that such
 19 notification is not in the best interests of the
 20 person or will endanger that person. If the person is
 21 taken into custody, the peace officer shall make a
 22 reasonable effort to identify the elementary or
 23 secondary school the person attends, if any, and to
 24 notify the superintendent of the school district or
 25 the superintendent's designee, or the authorities in
 26 charge of the nonpublic school of the taking into
 27 custody. A juvenile court officer may also notify the
 28 superintendent of the school district or the
 29 superintendent's designee, or the authorities in
 30 charge of the nonpublic school of the taking into
 31 custody. A reasonable attempt to notify the person
 32 includes but is not limited to a telephone call or
 33 notice by first class mail.

34 Sec. 2. Section 232.29, Code 1995, is amended by
 35 adding the following new subsection:
 36 NEW SUBSECTION. 3. The person performing the
 37 duties of intake officer shall notify the
 38 superintendent of the school district or the
 39 superintendent's designee, or the authorities in
 40 charge of the nonpublic school which the child
 41 attends, of any informal adjustment regarding the
 42 child for an act which would be an indictable offense
 43 if committed by an adult."
 44 2. Title page, line 1, by inserting after the
 45 words "relating to" the following: "juvenile justice
 46 by providing for notification of school officials of
 47 alcoholic beverage violations,".
 48 3. By renumbering as necessary.

KREMER of Buchanan
 MARTIN of Scott

H-3367

1 Amend the amendment, H-3357, to House File 471, as
 2 follows:
 3 1. Page 1, line 7, by inserting after the figures
 4 and word "4 and 5" the following: "and inserting the
 5 following:
 6 "Sec. ____ APPLICABILITY OF WAIVER TO CURRENT
 7 INMATES. An inmate currently serving time for an
 8 offense under section 1 of this Act may be eligible
 9 for a waiver of the mandatory minimum term of
 10 confinement if the inmate files an application with
 11 the court which sentenced the inmate to the term of
 12 incarceration and the court determines that the
 13 minimum term should be waived."
 14 2. By numbering and renumbering as necessary.

MILLAGE of Scott
 KREIMAN of Davis

H-3370

- 1 Amend House File 291 as follows:
- 2 1. Page 1, by striking lines 16 through 18 and
- 3 inserting the following: "calculating the annuity."

BRADLEY of Clinton

H-3372

- 1 Amend the 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 as a result of".

NELSON of Pottawattamie

H-3374

- 1 Amend House File 220 as follows:
- 2 1. Page 1, by striking lines 8 through 12 and
- 3 inserting the following: "administrative costs.
- 4 Funds received under this section shall not be".

GRUNDBERG of Polk

H-3375

- 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 who own ten or more acres
- 5 of land within one mile of the road by regular mail."

CARROLL of Poweshiek
KOENIGS of Mitchell
NELSON of Marshall

H-3376

- 1 Amend House File 163 as follows:
- 2 1. By striking everything after the enacting
- 3 clause, and inserting the following:
- 4 "Section 1. NEW SECTION. 9I.1 DEFINITIONS.
- 5 As used in this chapter, unless the context
- 6 otherwise requires:
- 7 1. "Agricultural land" means land suitable for use
- 8 in farming.
- 9 2. "Authorized trust" means a trust other than a
- 10 family trust in which all of the following apply:
- 11 a. The beneficiaries do not exceed twenty-five in
- 12 number.
- 13 b. The beneficiaries are all natural persons, who

14 are not acting as a trustee or in a similar capacity
15 for a trust, or persons acting in a fiduciary
16 capacity, or nonprofit corporations.

17 c. Its income is not exempt from taxation under
18 the laws of either the United States or this state,
19 except that its income may be exempt from taxation
20 under sections 501(c)(3) and 509(a)(3) of the Internal
21 Revenue Code.

22 3. "Corporation" shall mean any corporation or
23 limited liability company organized under the laws of
24 any state of the United States or any partnership of
25 which such corporation is a partner.

26 4. "Family farm corporation" means a corporation
27 engaged in farming or the ownership of agricultural
28 land in which the majority of the voting stock is held
29 by members of a family, or a trust created for the
30 benefit of a member of that family, related to one
31 another within the fourth degree of kindred according
32 to the rules of civil law, or their spouses, at least
33 one of whom is a person residing on or actively
34 engaged in the day-to-day labor and management of the
35 farm, and none of whose stockholders are nonresident
36 aliens and none of whose stockholders are corporations
37 or partnerships, unless all of the stockholders or
38 partners of such entities are persons related within
39 the fourth degree of kindred according to the rules of
40 civil law to the majority of stockholders in the
41 family farm corporation.

42 5. "Family trust" means a trust in which both of
43 the following are applicable:

44 a. A majority interest in the trust is held by and
45 the majority of the beneficiaries are persons related
46 to each other as spouse, parent, grandparent, lineal
47 descendants of grandparents, or their spouses, and
48 other lineal descendants of the grandparents or their
49 spouses, or persons acting in a fiduciary capacity for
50 persons so related.

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1 b. All the beneficiaries are natural persons, who
2 are not acting as a trustee or in a similar capacity
3 for a trust, or persons acting in a fiduciary
4 capacity, or nonprofit corporations.

5 6. "Farming" means the cultivation of land for the
6 production of agricultural crops, the raising of
7 poultry, the production of eggs, the production of
8 milk, the production of fruit or other horticultural
9 crops, the grazing or the production of livestock.
10 Farming does not include the production of timber,
11 forest products, nursery products, or sod. Farming
12 also does not include a contract under which a
13 processor or distributor of farm products or supplies

- 14 provides spraying, harvesting, or other farm services.
 15 7. "Fiduciary capacity" means an undertaking to
 16 act as executor, administrator, personal
 17 representative, guardian, conservator, or receiver.
 18 8. "Processor" means a person who alone or in
 19 conjunction with others, directly or indirectly
 20 controls the manufacturing, processing, or preparation
 21 for sale of beef or pork products having a total
 22 annual wholesale value of ten million dollars or more.
 23 Any person with a ten percent or greater interest in
 24 another person, firm, corporation, limited liability
 25 company, or limited partnership involved in the
 26 manufacturing, processing, or preparation for sale of
 27 beef or pork products having a total annual wholesale
 28 value of ten million dollars or more shall also be
 29 considered a processor.
 30 9. "Syndicate" means any limited partnership
 31 organized under the laws of any state of the United
 32 States, other than limited partnerships in which the
 33 partners are members of a family, or a trust created
 34 for the benefit of a member of that family, related to
 35 one another within the fourth degree of kindred
 36 according to the rules of civil law, or their spouses,
 37 at least one of whom is a person residing on or
 38 actively engaged in the day-to-day labor and
 39 management of the farm, and none of whom are
 40 nonresident aliens. "Syndicate" does not include
 41 general partnerships.
 42 10. "Testamentary trust" means a trust created by
 43 devising or bequeathing property in trust in a will as
 44 such terms are used in the Iowa probate code.
 45 Testamentary trust includes a revocable trust that has
 46 not been revoked prior to the grantor's death.
 47 11. "Trust" means a fiduciary relationship with
 48 respect to property, subjecting the person by whom the
 49 property is held to equitable duties to deal with the
 50 property for the benefit of another person, which

Page 3

- 1 arises as a result of a manifestation of an intention
 2 to create the trust. "Trust" does not include a
 3 person acting in a fiduciary capacity. A trustee
 4 includes a legal entity holding property as trustee,
 5 agency, escrow agency, attorney in fact, or any
 6 similar capacity.
 7 Sec. 2. NEW SECTION. 9I.2 CORPORATIONS ACQUIRING
 8 AN INTEREST IN REAL ESTATE USED FOR FARMING.
 9 1. A corporation or syndicate shall not acquire or
 10 otherwise obtain an interest, whether legal,
 11 beneficial, or otherwise, in any title to real estate
 12 used for farming in this state and shall not engage in
 13 farming.

- 14 2. The restrictions in this section shall not
15 apply to any of the following:
- 16 a. A family farm corporation.
 - 17 b. A nonprofit corporation.
 - 18 c. Agricultural land which, as of the effective
19 date of this Act, is being farmed, or which is owned
20 or leased, or in which there is a legal or beneficial
21 interest in title directly or indirectly owned,
22 acquired, or obtained by a corporation or syndicate,
23 as long as such land or other interest in title is
24 held in continuous ownership or under continuous lease
25 by the same corporation or syndicate. For purposes of
26 this paragraph, land purchased on a contract signed as
27 of the effective date of this Act, shall be considered
28 as owned on the effective date of this Act.
 - 29 d. A farm operated for research or experimental
30 purposes, if any commercial sales from such farm are
31 only incidental to the research or experimental
32 objectives of the corporation or syndicate.
 - 33 e. Agricultural land operated by a cooperation for
34 the purpose of raising poultry.
 - 35 f. Land leased by alfalfa processors for the
36 production of alfalfa.
 - 37 g. Agricultural land operated for the purpose of
38 growing seed, nursery plants, or sod.
 - 39 h. Mineral rights on agricultural land.
 - 40 i. Agricultural land acquired or leased by a
41 corporation or syndicate for immediate or potential
42 use for nonfarming purposes. A corporation or
43 syndicate may hold such agricultural land in such
44 acreage as may be necessary to its nonfarm business
45 operation, but pending the development of such
46 agricultural land for nonfarm purposes, not to exceed
47 a period of five years, such land shall not be used
48 for farming except under lease to a family farm
49 corporation or a nonsyndicate or noncorporate farm.
 - 50 j. Agricultural land or livestock acquired by a

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- 1 corporation or syndicate by process of law in the
2 collection of debts, or by any procedure for the
3 enforcement of a lien, encumbrance, or claim thereof,
4 whether created by mortgage or otherwise. Any lands
5 so acquired shall be disposed of within a period of
6 five years and shall not be used for farming prior to
7 being disposed of, whether under a lease to a family
8 farm corporation or a nonsyndicate or noncorporate
9 farm.
- 10 k. A bona fide encumbrance taken for purposes of
11 security.
- 12 l. Custom spraying, fertilizing, or harvesting.
- 13 m. Livestock futures contracts, livestock

14 purchased for slaughter, or livestock purchased and
15 resold within two weeks.

16 3. If a family farm corporation which is qualified
17 under all the requirements of a family farm
18 corporation, ceases to meet the defined criteria, the
19 family farm corporation shall have fifty years, if the
20 ownership of the majority of the stock of such
21 corporation continues to be held by persons related to
22 one another within the fourth degree of kindred
23 according to the rules of civil law or their spouses,
24 and their landholders are not increased in number, to
25 either requalify as a family farm corporation or
26 dissolve and return to personal ownership.

27 4. The secretary of state shall monitor corporate
28 and syndicate agricultural land purchases and
29 corporate and syndicate farming operations, and notify
30 the attorney general of any possible violations. If
31 the attorney general has reason to believe that a
32 corporation or syndicate is violating this section,
33 the attorney general shall commence an action in
34 district court to enjoin any pending illegal land
35 purchase, or livestock operation, or to force
36 divestiture of land held in violation of this section.
37 The court shall order any land held in violation of
38 this section to be divested within two years. If land
39 so ordered by the court has not been divested within
40 two years, the court shall declare the land escheated
41 to the state. If the secretary of state or attorney
42 general fails to perform a duty as directed in this
43 section, a citizen of the state shall have standing in
44 district court to seek enforcement.

45 Sec. 3. NEW SECTION. 9I.3 TRUSTS ACQUIRING AN
46 INTEREST IN REAL ESTATE USED FOR FARMING.

47 1. A trust, other than a family trust, authorized
48 trust, or testamentary trust, shall not either
49 directly or indirectly acquire or otherwise obtain or
50 lease any agricultural land in this state. However,

Page 5

1 this section shall not apply to any of the following:
2 a. A bona fide encumbrance taken for purposes of
3 security.
4 b. Agricultural land acquired by a trust for
5 research or experimental purposes, if the commercial
6 sales from such agricultural land are incidental to
7 the research or experimental objectives of the trust,
8 and agricultural land acquired for the purpose of
9 testing, developing, or producing seeds, animals, or
10 plants for sale or resale to farmers or for purposes
11 incidental to such purposes. Commercial sales are
12 incidental to the research or experimental objectives
13 of the trust when they are less than twenty-five

14 percent of the gross sales of the primary product of
15 the research.

16 c. Agricultural land which is acquired by a trust
17 company or bank in a fiduciary capacity or as trustee
18 or a family trust, authorized trust, or testamentary
19 trust.

20 d. Agricultural land held or leased by a trust on
21 the effective date of this Act, as long as the trust
22 holding or leasing the land on the effective date of
23 this Act continues to hold or lease the agricultural
24 land.

25 e. Agricultural land acquired by a trust for
26 immediate use in nonfarming purposes.

27 f. Any property held by the state.

28 2. Any trust, other than a family trust,
29 authorized trust, or testamentary trust, violating
30 this section shall upon conviction be punished by a
31 fine of not more than fifty thousand dollars and shall
32 divest itself of any land acquired in violation of
33 this section within one year after conviction. The
34 district court may prevent and restrain violations of
35 this section through the issuance of an injunction.
36 The attorney general or a county attorney shall
37 institute suits on behalf of the state to prevent and
38 restrain violations of this section.

39 3. The county assessor shall forward to the
40 secretary of state, by October 1 of each year, the
41 name and address of every trust owning agricultural
42 land in the county.

43 Sec. 4. TRANSFER. The Code editor is directed to
44 transfer sections 9H.2, 9H.3, 9H.5B, 9H.9, and 9H.11
45 to new chapter 9I, and reorganize the sections in
46 order to enhance the readability of the new chapter.

47 Sec. 5. CODE EDITOR. The Code editor is directed
48 to make any corrections to internal references in the
49 substantive Code editor's bill during the 1996
50 legislative session.

Page 6

1 Sec. 6. REPEAL. Section 9H.1, 9H.4, 9H.5, 9H.5A,
2 9H.6, 9H.10, 9H.14, and 9H.15, Code 1995, are
3 repealed.”

4 2. Title page, line 1, by inserting after the
5 word “for” the following: “certain entities and for”.

WEIGEL of Chickasaw

H-3378

1 Amend House File 466 as follows:
2 1. Page 1, line 20, by inserting after the word
3 “area.” the following: “For the purposes of this”

4 subsection, "century farm" means a farm in which at
 5 least forty acres of such farm has been held in
 6 continuous ownership by the same family for one
 7 hundred years or more."

VANDE HOEF of Osceola

H-3381

1 Amend House File 163 as follows:

2 1. Page 1, lines 4 and 5, by striking the words
 3 "authorized limited liability company,".

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

6 "Sec. ____ Section 9H.1, subsection 3A, Code 1995,
 7 is amended by striking the subsection.

8 Sec. ____ Section 9H.1, subsection 8A, Code 1995,
 9 is amended by striking the subsection.

10 Sec. ____ NEW SECTION. 9H.3A LIMITED LIABILITY
 11 COMPANIES — PROHIBITIONS.

12 A limited liability company shall not, either
 13 directly or indirectly, hold or acquire or otherwise
 14 obtain, lease, or have a legal or beneficial interest
 15 in any agricultural land in this state. A limited
 16 liability company shall not be a shareholder in a
 17 corporation, a limited partner in a limited
 18 partnership, or beneficiary of a trust which holds or
 19 leases any agricultural land in this state. A limited
 20 liability company violating the provisions of this
 21 section shall be subject to the same penalty as
 22 provided in section 9H.4. The courts of this state
 23 may prevent and restrain violations of this section
 24 through issuance of an injunction. The attorney
 25 general or a county attorney shall institute suits on
 26 behalf of the state to prevent or restrain violations
 27 of this section. This section shall not apply to
 28 agricultural land held or leased by a limited
 29 liability company on the effective date of this Act,
 30 as long as the limited liability company holding such
 31 land on the effective date of this Act continues to
 32 hold or lease such agricultural land in compliance
 33 with this chapter as of the date when the limited
 34 liability company either directly or indirectly first
 35 held or acquired or otherwise obtained, leased, or
 36 received a legal or beneficial interest in the
 37 agricultural land.

38 Sec. ____ Section 9H.4, unnumbered paragraph 1,
 39 Code 1995, is amended to read as follows:

40 A corporation, ~~limited liability company~~, or trust,
 41 other than a family farm corporation, authorized farm
 42 corporation, ~~family farm limited liability company~~,
 43 ~~authorized limited liability company~~, family trust,

44 authorized trust, revocable trust, or testamentary
45 trust shall not, either directly or indirectly,
46 acquire or otherwise obtain or lease any agricultural
47 land in this state. However, the restrictions
48 provided in this section shall not apply to the
49 following:
50 Sec. ____ Section 9H.4, subsection 2, paragraph c,

Page 2

1 Code 1995, is amended to read as follows:
2 c. The agricultural land is used by a corporation
3 ~~or limited liability company~~, including any trade or
4 business which is under common control, as provided in
5 26 U.S.C. } 414 for the primary purpose of testing,
6 developing, or producing animals for sale or resale to
7 farmers as breeding stock. However, after July 1,
8 1989, to qualify under this paragraph, the following
9 conditions must be satisfied:
10 (1) The corporation ~~or limited liability company~~
11 must not hold the agricultural land other than as a
12 lessee. The term of the lease must be for not more
13 than twelve years. The corporation ~~or limited~~
14 ~~liability company~~ shall not renew a lease. The
15 corporation or limited liability company shall not
16 enter into a lease under this paragraph, if the
17 corporation ~~or limited liability company~~ has ever
18 entered into another lease under this paragraph "c",
19 whether or not the lease is in effect. However, this
20 subparagraph does not apply to a domestic corporation
21 organized under chapter 504 or 504A.
22 (2) A term or condition of sale, including resale,
23 of breeding stock must not relate to the direct or
24 indirect control by the corporation ~~or limited~~
25 ~~liability company~~ of the breeding stock or breeding
26 stock progeny subsequent to the sale.
27 (3) The number of acres of agricultural land held
28 by the corporation ~~or limited liability company~~ must
29 not exceed six hundred forty acres.
30 (4) The corporation ~~or limited liability company~~
31 must deliver a copy of the lease to the secretary of
32 state. The secretary of state shall notify the lessee
33 of receipt of the copy of the lease. However, this
34 subparagraph does not apply to a domestic corporation
35 organized under chapter 504 or 504A.
36 Culls and test animals may be sold under this
37 paragraph "c". For a three-year period beginning on
38 the date that the corporation ~~or limited liability~~
39 ~~company~~ acquires an interest in the agricultural land,
40 the gross sales for any year shall not be greater than
41 five hundred thousand dollars. After the three-year
42 period ends, the gross sales for any year shall not be
43 greater than twenty-five percent of the gross sales

44 for that year of the breeding stock, or five hundred
45 thousand dollars, whichever is less.

46 Sec. ____ Section 9H.4, subsections 4, 5, and 8,
47 Code 1995, are amended to read as follows:

48 4. Agricultural land acquired by a corporation or
49 ~~limited liability company~~ for immediate or potential
50 use in nonfarming purposes.

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1 5. Agricultural land acquired by a corporation or
2 ~~limited liability company~~ by process of law in the
3 collection of debts, or pursuant to a contract for
4 deed executed prior to August 15, 1975, or by any
5 procedure for the enforcement of a lien or claim
6 thereon, whether created by mortgage or otherwise.

7 8. A corporation or its subsidiary organized under
8 chapter 490 or a ~~limited liability company~~ organized
9 ~~under chapter 490A~~ and to which section 312.8 is
10 applicable.

11 Sec. ____ Section 9H.4, subsection 11, unnumbered
12 paragraph 2, Code 1995, is amended to read as follows:

13 A corporation, ~~limited liability company~~, or trust,
14 other than a family farm corporation, authorized farm
15 corporation, ~~family farm limited liability company~~,
16 ~~authorized limited liability company~~, family trust,
17 authorized trust, revocable trust, or testamentary
18 trust, violating this section shall be assessed a
19 civil penalty of not more than twenty-five thousand
20 dollars and shall divest itself of any land held in
21 violation of this section within one year after
22 judgment. The courts of this state may prevent and
23 restrain violations of this section through the
24 issuance of an injunction. The attorney general or a
25 county attorney shall institute suits on behalf of the
26 state to prevent and restrain violations of this
27 section.

28 Sec. ____ Section 9H.5, subsection 1, unnumbered
29 paragraph 1, Code 1995, is amended to read as follows:

30 An authorized farm corporation, ~~authorized limited~~
31 ~~liability company~~, or authorized trust shall not, on
32 or after July 1, 1987, and a limited partnership other
33 than a family farm limited partnership shall not, on
34 or after July 1, 1988, either directly or indirectly,
35 acquire or otherwise obtain or lease agricultural
36 land, if the total agricultural land either directly
37 or indirectly owned or leased by the authorized farm
38 corporation, ~~authorized limited liability company~~,
39 limited partnership, or authorized trust would then
40 exceed one thousand five hundred acres."

41 3. Page 1, by striking line 27.

42 4. By striking page 1, line 31 through page 2,
43 line 17 and inserting the following:

44 "Sec. ____ Section 9H.5, subsection 3, paragraph
45 a, Code 1995, is amended to read as follows:
46 a. An authorized farm corporation, authorized
47 trust, ~~authorized limited liability company~~, or
48 limited partnership violating this section shall be
49 assessed a civil penalty of not more than twenty-five
50 thousand dollars and shall divest itself of any land

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1 held in violation of this section within one year
2 after judgment. A civil penalty of not more than one
3 thousand dollars may be imposed on a person who
4 ~~becomes~~ holds an interest in an authorized entity by
5 being a stockholder of an authorized farm corporation,
6 beneficiary of an authorized trust, ~~member of an~~
7 ~~authorized limited liability company~~, or limited
8 partner in a limited partnership in violation of this
9 section. The person shall divest the interest held by
10 the person in the corporation, trust, ~~limited~~
11 ~~liability company~~, or limited partnership to comply
12 with this section. The court may determine the method
13 of divesting an interest held by a person found to be
14 in violation of this chapter. A financial gain
15 realized by a person who disposes of an interest held
16 in violation of this chapter shall be forfeited to the
17 state's general fund. All court costs and fees shall
18 be paid by the person holding the interest in
19 violation of this chapter.

20 Sec. ____ Section 9H.5A, subsection 2, paragraph
21 d, Code 1995, is amended to read as follows:

22 d. A person who is a member, manager, or
23 authorized representative of a limited liability
24 company, other than a family farm limited liability
25 company allowed to hold or lease agricultural land
26 prior to the effective date of this Act, including an
27 authorized limited liability company, owning or
28 leasing agricultural land or engaged in farming in
29 this state.

30 Sec. ____ Section 161C.6, subsection 2, paragraphs
31 b and d, Code 1995, are amended to read as follows:

32 b. A person shall not be eligible to participate
33 in the program, unless the person is an individual
34 family farmer, an individual actively engaged in
35 farming as provided in section 9H.1, subsection 1,
36 paragraphs "a" through "c", or the person is a family
37 farm corporation, family farm limited partnership, or
38 a family trust, ~~or a family farm limited liability~~
39 ~~company~~, all as defined in section 9H.1.

40 d. The division shall maintain records regarding
41 each award of financial incentives under this section,
42 including the name of the person; the amount of the
43 award; the location of the livestock manure management

44 system established with financial incentive moneys;
45 and whether the person is a family farm corporation,
46 family farm limited partnership, ~~or family trust, or a~~
47 ~~family farm limited liability company.~~

48 Sec. ____ Section 175.2, subsection 6, Code 1995,
49 is amended to read as follows:

50 6. "Beginning farmer" means an individual,

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1 partnership, ~~or family farm corporation, or family~~
2 ~~farm limited liability company,~~ as defined in section
3 9H.1, with a low or moderate net worth that engages in
4 farming or wishes to engage in farming.

5 Sec. ____ Section 175.2, subsection 12, paragraph
6 d, Code 1995, is amended by striking the paragraph.

7 Sec. ____ Section 175.12, subsection 3, paragraphs
8 a, c, f, and g, Code 1995, are amended to read as
9 follows:

10 a. The beginning farmer is a resident of the
11 state. If the beginning farmer is a partnership, all
12 partners shall be residents of the state. If a
13 beginning farmer is a family farm corporation, all
14 shareholders shall be residents of the state. ~~If the~~
15 ~~beginning farmer is a family farm limited liability~~
16 ~~company, all members shall be residents of the state.~~

17 c. The beginning farmer has sufficient education,
18 training, or experience in the type of farming for
19 which the beginning farmer requests the mortgage or
20 secured loan. If the beginning farmer is a
21 partnership, all partners shall have sufficient
22 education, training, or experience in the type of
23 farming for which the beginning farmer requests the
24 mortgage or secured loan. If the beginning farmer is
25 a family farm corporation, all shareholders who are
26 not minors shall have sufficient education, training,
27 or experience in the type of farming for which the
28 beginning farmer requests the mortgage or secured
29 loan. ~~If the beginning farmer is a family farm~~
30 ~~limited liability company, all members who are not~~
31 ~~minors shall have sufficient education, training, or~~
32 ~~experience in the type of farming for which the~~
33 ~~beginning farmer requests the mortgage or secured~~
34 ~~loan.~~

35 f. The beginning farmer shall materially and
36 substantially participate in farming. If the
37 beginning farmer is a partnership, ~~or family farm~~
38 ~~corporation, or family farm limited liability company,~~
39 each partner, ~~or shareholder, or member~~ shall
40 materially and substantially participate in farming.

41 g. If the beginning farmer is an individual, the
42 agricultural land and agricultural improvements shall

43 only be used for farming by the individual, the
 44 individual's spouse, or the individual's minor
 45 children. If the beginning farmer is a partnership,
 46 or family farm corporation, or family farm limited
 47 ~~liability company,~~ the agricultural land and
 48 agricultural improvements shall only be used for
 49 farming by any or all of the partners, or
 50 shareholders, ~~or members,~~ including their spouses and

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- 1 minor children."
- 2 5. Title page, line 1, by inserting after the
- 3 word "for" the following: "certain entities and for".
- 4 6. By renumbering as necessary.

WEIGEL of Chickasaw

H-3384

- 1 Amend House File 494 as follows:
- 2 1. Page 11, by striking lines 9 through 14.
- 3 2. By renumbering as necessary.

JACOBS of Polk

H-3389

- 1 Amend the amendment, H-3339, to House File 336 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "MINORS"
- 4 and inserting the following: "PERSONS".
- 5 2. Page 1, line 14, by inserting after the figure
- 6 "4" the following: ", and to other persons with
- 7 mental retardation, notwithstanding the provisions of
- 8 section 249A.12, subsection 2, section 249A.26,
- 9 contrary provisions of section 222.73, and any other
- 10 provision of law to the contrary".
- 11 3. Page 1, line 15, by striking the figure
- 12 "6,600,000" and inserting the following:
- 13 "41,600,000".

MURPHY of Dubuque

H-3398

- 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".

MORELAND of Wapello
 KREIMAN of Davis
 HOLVECK of Polk

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".

MORELAND of Wapello
 KREIMAN of Davis
 HOLVECK of Polk

H-3400

- 1 Amend House File 457 as follows:
 2 1. Page 1, line 13, by inserting after the word
 3 "~~provisions.~~" the following: "The rules shall
 4 establish specifications for notification signs and
 5 procedures for placing and maintaining those signs in
 6 urban areas. A sign must be posted by a commercial or
 7 public applicator immediately following the exterior
 8 application of pesticides on property in order to
 9 alert occupants of adjoining property, and shall not
 10 be removed for twenty-four hours following
 11 application. The sign must be posted in a clear and
 12 visible location on the property near the area of the
 13 application. The sign shall be of reusable
 14 construction and contain permanent lettering. The
 15 color of the sign shall be white with red lettering.
 16 The sign shall be at least eleven inches by twenty-
 17 eight inches in size, and contain the following
 18 warning in capital letters at least four inches high:
 19 WARNING
 20 CHEMICALS APPLIED TO THIS PROPERTY
 21 Below the warning, the following statement shall be
 22 set forth in print easily readable from a distance:
 23 "Do not remove this sign for twenty-four hours". The
 24 sign shall feature a universal symbol warning against
 25 entry into the area of the property subject to the
 26 application."

WEIGEL of Chickasaw

H-3403

- 1 Amend the amendment, H-3293, to House File 336 as
 2 follows:
 3 1. Page 1, line 7, by inserting after the figure
 4 "249A.26," the following: "contrary provisions of

5 section 222.73.”
6 2. Page 1, line 11, by striking the figure
7 “81,000,000” and inserting the following:
8 “41,600,000”.

MURPHY of Dubuque

H-3406

1 Amend House File 160 as follows:
2 1. Page 4, line 31, by inserting after the word
3 “used” the following: “as follows:
4 (1) Sixty percent of the amount deposited from the
5 surcharge shall be used only for traffic safety and
6 accident prevention programs.
7 (2) Forty percent of the amount deposited from the
8 surcharge shall be used”.
9 2. Title page, line 4, by inserting after the
10 word “jails” the following: “and traffic safety
11 programs”.

SHOULTZ of Black Hawk

H-3407

1 Amend House File 303 as follows:
2 1. Page 6, by inserting after line 11 the
3 following:
4 “Sec. ____ Section 479.8, Code 1995, is amended to
5 read as follows:
6 479.8 TIME AND PLACE.
7 The hearing shall not be less than ten days nor
8 more than thirty days from the date of the last
9 publication ~~and where the proposed new~~ of the notice.
10 If the pipeline would operate under pressure exceeding
11 one hundred fifty pounds per square inch and exceed
12 five miles in length, the hearing shall be held in the
13 county seat of the county located at the midpoint of
14 the proposed line or lines or the county in which the
15 proposed gas storage facility would be located. An
16 additional hearing shall be held in each county in
17 which the landowners representing at least twenty-five
18 percent of the landowners of property through which
19 the pipeline will extend, file a petition with the
20 board requesting that an additional hearing be held.”
21 2. Page 23, line 11, by inserting after the word
22 “located.” the following: “An additional hearing
23 shall be held in each county in which the landowners
24 representing at least twenty-five percent of the
25 landowners of property through which the pipeline will
26 extend, file a petition with the board requesting that

- 27 an additional hearing be held.”
 28 3: By renumbering as necessary.

OLLIE of Clinton

H-3411

- 1 Amend the amendment, H-3390, to House File 362 as
 2 follows:
 3 1. Page 1, line 5, by striking the words
 4 “products manufactured” and inserting the following:
 5 “causes of action accruing”.

BRADLEY of Clinton

H-3413

- 1 Amend House File 163 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 “person” the following: “, other than a natural
 4 person.”
 5 2. Page 1, by striking line 13 and inserting the
 6 following: “entity. A natural person who holds an
 7 interest in an authorized entity shall not hold an
 8 interest in another authorized entity, if all
 9 authorized entities in which the natural person
 10 would”.
 11 3. Page 1, line 16, by inserting before the word
 12 “person” the following: “natural”.
 13 4. Page 1, line 17, by inserting before the word
 14 “person” the following: “natural”.

WEIGEL of Chickasaw

H-3420

- 1 Amend House File 518 as follows:
 2 1. Page 1, by inserting after line 8 the
 3 following:
 4 “Sec. ____ Section 476.18, subsection 3, Code
 5 1995, is amended by striking the subsection.
 6 Sec. ____ **NEW SECTION.** 476.21A CERTAIN
 7 **ADVERTISEMENTS PROHIBITED.**
 8 Except for an advertisement for a utility's product
 9 or service that is or becomes subject to competition,
 10 advertising which is required by the board or by other
 11 state or federal regulation, or advertising which is
 12 deemed by the board to be necessary for the utility's
 13 customers and which is approved by the board, a
 14 utility shall not engage in advertising for the
 15 utility's product or service.”
 16 2. Renumbering as necessary.

FALLON of Polk

H-3421

1 Amend House File 373 as follows:

2 1. Page 1, by inserting after line 24 the
3 following:

4 "NEW SUBSECTION. 35. Subtract the amount of
5 premiums paid by the taxpayer for the renewal of a
6 long-term care insurance policy or contract certified
7 by the division of insurance pursuant to chapter 249G
8 which covers the taxpayer, taxpayer's spouse, or
9 dependent children. The taxpayer may elect to take
10 for premiums paid during the tax year the deduction
11 authorized by this subsection or the credit under
12 section 422.11."

13 2. Page 1, by inserting before line 25 the
14 following:

15 "Sec. 100. NEW SECTION. 422.11 LONG-TERM CARE
16 INSURANCE CREDIT.

17 The tax imposed under this division, less the
18 credits allowed under sections 422.11A, 422.11B,
19 422.11C, 422.12, and 422.12B, shall be reduced by a
20 long-term care insurance credit. The amount of the
21 credit is equal to the first one hundred dollars paid
22 in premiums by the taxpayer during the tax year for
23 the renewal of a long-term care insurance policy or
24 contract certified by the division of insurance
25 pursuant to chapter 249G which covers the taxpayer,
26 taxpayer's spouse, or dependent children. Any amounts
27 paid in premiums for long-term coverage that are
28 claimed as a credit shall not be deducted as a medical
29 expense under section 422.9, subsection 2, or as
30 health insurance costs of self-employed individuals
31 under section 162(l) of the Internal Revenue Code. A
32 credit under this section for the premiums paid in the
33 tax year may not be taken if the taxpayer takes a
34 deduction under section 422.7, subsection 35, for
35 those premiums.

36 Any credit in excess of the tax liability for the
37 tax year is refundable. In lieu of claiming a refund,
38 the taxpayer may elect to have the overpayment shown
39 on the taxpayer's final, completed return credited to
40 the tax liability for the following tax year."

41 3. Page 5, line 11, by inserting after the figure
42 "1" the following: ", 100,".

GREIG of Emmet

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.

DODERER of Johnson

H-3429

- 1 Amend House File 502 as follows:
 2 1. Page 4, by striking lines 10 through 34.
 3 2. Page 5, line 27, by striking the figure and
 4 word "1996, and" and inserting the following: "1996."
 5 3. Page 5, by striking lines 28 and 29 and
 6 inserting the following: "If".

BRAND of Benton

H-3432

- 1 Amend House File 509 as follows:
 2 1. Page 5, by inserting after line 32 the
 3 following:
 4 "Sec. ____ Section 321.40, Code 1995, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. The county treasurer
 7 shall refuse to register a motor vehicle or renew the
 8 registration of a motor vehicle of a person when
 9 notified that the person has abandoned a motor vehicle
 10 and that the proceeds of the sale of the abandoned
 11 vehicle were insufficient to pay the costs of
 12 disposal. A county treasurer may register a motor
 13 vehicle or renew the registration of a motor vehicle
 14 when notified by the police authority, in accordance
 15 with section 321.89, that all of the expenses related
 16 to the abandonment of the motor vehicle have been
 17 paid."
 18 2. Page 9, by inserting after line 9 the
 19 following:
 20 "Sec. ____ Section 321.89, subsection 4, Code
 21 1995, is amended by adding the following new
 22 unnumbered paragraph:
 23 NEW UNNUMBERED PARAGRAPH. A police authority shall
 24 notify the county treasurer of the county of residence
 25 of the owner or owners of the abandoned vehicle of the
 26 amount of the unpaid disposal expenses. Notification
 27 shall be made by the end of the month following the
 28 month of disposal of the abandoned motor vehicle. All
 29 costs incurred by the police authority and costs which
 30 are paid from the road use tax fund under this
 31 subsection are an obligation of the last registered
 32 owner or owners, jointly and severally. The police
 33 authority shall immediately notify the county
 34 treasurer if the owner or owners pay the disposal
 35 expenses."
 36 3. By renumbering as necessary.

WARNSTADT of Woodbury

H-3433

- 1 Amend House File 526 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "court." the following: "If the local victim-offender
4 reconciliation program charges a fee for participation
5 in the program, and the court finds that the defendant
6 is able to pay the fee, the court shall order the
7 defendant to pay the fee as part of the order to
8 participate in the program."

KREIMAN of Davis

H-3435

- 1 Amend House File 34 as follows:
2 1. Page 1, line 15, by striking the word "nine"
3 and inserting the following: "nine".
4 2. Page 1, line 16, by striking the word "eight".

BERNAU of Story
COON of Warren

H-3436

- 1 Amend House File 493 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 730.6 IMPAIRMENT
5 TESTING OF PUBLIC SAFETY EMPLOYEES OR APPLICANTS
6 REGULATED.
7 1. As used in this section, unless the context
8 otherwise requires:
9 a. "Impairment testing" means a noninvasive,
10 computer-assisted test of hand-eye coordination
11 conducted to detect impairment by comparing an
12 employee's current performance level with the
13 employee's previously established baseline level of
14 performance, but not conducted to determine the cause
15 of impairment.
16 b. "Public safety employee" means an employee of
17 the state or a political subdivision of the state who
18 is a fire fighter or peace officer as defined in
19 section 801.4.
20 2. An employer shall not require or request
21 applicants for employment as a public safety employee
22 to submit to an impairment test as a condition of
23 preemployment.
24 3. An employer may require a public safety
25 employee to submit to an impairment test as a
26 condition of employment if the test is administered
27 equitably to all public safety employees in safety-
28 sensitive positions where impairment represents a

- 29 danger to the safety of the public safety employee,
 30 another employee, a member of the public, or the
 31 property of the employer.
- 32 4. A public safety employee shall not be
 33 discharged from employment solely because the results
 34 from an impairment test indicate that a public safety
 35 employee's faculties are impaired.
- 36 5. Impairment test results are not sufficient
 37 probable cause to request or require a public safety
 38 employee to submit to a drug test.
- 39 6. An employer shall protect the confidentiality
 40 of the results of any impairment test conducted on a
 41 public safety employee. The results of the test may
 42 be recorded in the public safety employee's personnel
 43 records."
- 44 2. Title page, line 1, by striking the word
 45 "drug" and inserting the following: "impairment".
- 46 3. Title page, lines 1 and 2, by striking the
 47 words "and making penalties applicable".

RUNNING of Linn

H-3437

- 1 Amend House File 493 as follows:
- 2 1. Page 1, line 23, by inserting after the word
 3 "basis" the following: "but only if the drug test is
 4 conducted under the supervision of a physician".

RUNNING of Linn

H-3440

- 1 Amend Senate File 146 as follows:
- 2 1. Page 1, by inserting before line 1 the
 3 following:
- 4 "Section 1. Section 12.32, subsection 1, Code
 5 1995, is amended to read as follows:
- 6 1. "Eligible borrower" means any person who is in
 7 the business or is entering the business of producing,
 8 processing, or marketing horticultural crops, ~~or~~
 9 nontraditional crops, or nontraditional livestock in
 10 this state, including but not limited to the breeding
 11 or training of Iowa-foaled horses and Iowa-whelped
 12 dogs which are involved in racing at a facility
 13 licensed pursuant to chapter 99D.
- 14 Sec. ____ Section 12.33, subsection 1, Code 1995,
 15 is amended by adding the following new paragraph:
 16 NEW PARAGRAPH. c. That there is an increasing
 17 expansion of nontraditional livestock production which
 18 promises new opportunities for agricultural animal
 19 producers, creates new value-added products, and

20 ensures greater diversity in agricultural production.

21 Sec. ____ Section 12.33, subsections 2 and 3, Code
22 1995, are amended to read as follows:

23 2. The linked investments for tomorrow program
24 provided for in this division is intended to provide
25 statewide availability of lower cost funds for lending
26 purposes that will stimulate existing or encourage new
27 businesses in the area of producing, processing, or
28 marketing horticultural ~~or~~ crops, nontraditional
29 crops, or nontraditional livestock, including but not
30 limited to the breeding or training of Iowa-foaled
31 horses and Iowa-whelped dogs which are involved in
32 racing at a facility licensed pursuant to chapter 99D.

33 3. It is the public policy of the state through
34 the linked investments for tomorrow program to create
35 an availability of lower cost funds to inject needed
36 capital into the business of producing, processing, or
37 marketing horticultural crops, ~~or~~ nontraditional
38 crops, or nontraditional livestock, including but not
39 limited to the breeding or training of Iowa-foaled
40 horses and Iowa-whelped dogs which are involved in
41 racing at a facility licensed pursuant to chapter 99D.

42 Sec. ____ Section 12.34, subsection 2, Code 1995,
43 is amended to read as follows:

44 2. The treasurer shall adopt rules pursuant to
45 chapter 17A to implement this division including, but
46 not limited to, rules identifying horticultural crops,
47 and nontraditional crops, and nontraditional
48 livestock, including but not limited to the breeding
49 or training of Iowa-foaled horses and Iowa-whelped
50 dogs which are involved in racing at a facility

Page 2

1 licensed pursuant to chapter 99D, for which the linked
2 investments may be loaned.

3 Sec. ____ Section 12.35, subsection 1, Code 1995,
4 is amended to read as follows:

5 1. An eligible lending institution that desires to
6 receive a linked investment shall accept and review
7 applications for loans from eligible borrowers. The
8 lending institution shall apply all usual lending
9 standards to determine the credit worthiness of each
10 eligible borrower. Loan applications shall be for the
11 purchase or lease of land, machinery, equipment, seed,
12 fertilizer, direct marketing facilities, or new or
13 expanding production, processing, or marketing
14 facilities for horticultural crops, ~~or~~ nontraditional
15 crops, or nontraditional livestock, including but not
16 limited to the breeding or training of Iowa-foaled
17 horses and Iowa-whelped dogs which are involved in
18 racing at a facility licensed pursuant to chapter 99D.

- 19 The maximum size of a loan is two hundred thousand
 20 dollars per borrower for a production loan and five
 21 hundred thousand dollars for processing or marketing
 22 facilities."
 23 2. By renumbering as necessary.

KREMER of Buchanan

H-3442

- 1 Amend the amendment, H-3327, to House File 166 as
 2 follows:
 3 1. Page 3, line 32, by inserting after the word
 4 "condemnation" the following: "or defending against
 5 an inverse condemnation action".

FALLON of Polk

H-3446

- 1 Amend House File 508 as follows:
 2 1. Page 1, line 3, by striking the figure "(1)".
 3 2. Page 1, by striking lines 11 through 17.
 4 3. Page 1, line 20, by striking the letter "a."
 5 4. By striking page 1, line 30, through page 2,
 6 line 1.
 7 5. By striking page 6, line 8, through page 7,
 8 line 4.
 9 6. Page 7, by striking lines 9 through 30.
 10 7. Page 8, by striking lines 10 and 11 and
 11 inserting the following: "under chapter 423 may be
 12 used to fund the loan guarantee".
 13 8. By striking page 13, line 22, through page 14,
 14 line 2, and inserting the following: "fund but shall
 15 remain in the marketability fund. Notwithstanding any
 16 provisions to the contrary, of the moneys allocated to
 17 the Iowa comprehensive petroleum underground storage
 18 tank fund under section 455G.3, pursuant to section
 19 423.24, subsection 1, paragraph "a", one million seven
 20 hundred thousand dollars per year shall be allocated
 21 to the marketability fund created under this section.
 22 2. Notwithstanding section 455G.1, subsection 2,
 23 the marketability fund shall be used to provide
 24 benefits to owners of petroleum contaminated property
 25 for the costs of corrective action."
 26 9. Page 14, by striking lines 15 through 19 and
 27 inserting the following: "benefits under this
 28 subsection."
 29 10. Page 14, by striking lines 21 through 23.
 30 11. Page 16, by striking lines 25 through 29 and
 31 inserting the following:
 32 "Sec. ____ EFFECTIVE DATE. The amendments to
 33 sections 423.24, subsection 1, paragraph "a", and

34 424.3, subsection 5, contained in this Act are
 35 effective July 1, 1995, and the remainder of this Act,
 36 being deemed of immediate importance, takes effect
 37 upon enactment."

38 12. Title page, by striking line 2 and inserting
 39 the following: "limitation on use tax allocations,
 40 providing for the use of".

41 13. Title page, by striking line 6 and inserting
 42 the following: "a marketability fund and providing".

43 14. By renumbering as necessary.

ERTL of Dubuque

H-3450

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 not have a cause of
 6 action against the minor's parent for failure to bring
 7 an action on behalf of the minor in a timely fashion."

BERNAU of Story

H-3455

1 Amend House File 502 as follows:

2 1. Page 3, line 14, by striking the words "one
 3 year" and inserting the following: "six months".
 4 2. Page 3, line 23, by striking the words "one-
 5 year" and inserting the following: "six-month".

FALLON of Polk

H-3456

1 Amend House File 502 as follows:

2 1. Page 3, by striking lines 5 through 32.
 3 2. Page 5, line 26, by striking the letter "'f'"
 4 and inserting the following: "'e'".
 5 3. Page 5, line 28, by striking the letter "'g'"
 6 and inserting the following: "'f'".

FALLON of Polk

H-3457

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 easement granted for a public purpose,
 6 including but not limited to, a utility or public
 7 highway, or scenic easement as provided in section

- 8 308.4, regardless of whether compensation was paid for
 9 the easement.”
 10 2. By renumbering as necessary.

WITT of Black Hawk
 BURNETT of Story
 SHOULTZ of Black Hawk
 HOLVECK of Polk
 MASCHER of Johnson

H-3463

- 1 Amend House File 522 as follows:
 2 1. Page 1, by striking lines 12 and 13 and
 3 inserting the following:
 4 “d. The state of residence of the patient.”

HARPER of Black Hawk

H-3464

- 1 Amend House File 522 as follows:
 2 1. Page 1, by striking line 17.
 3 2. By relettering as necessary.

HARPER of Black Hawk

H-3465

- 1 Amend House File 522 as follows:
 2 1. Page 2, by inserting after line 14 the
 3 following:
 4 “aa. The department shall not utilize counties as
 5 a basis for demographic reporting. The department may
 6 utilize department of human services districts, merged
 7 areas, congressional districts, or council of
 8 governments areas as a basis for demographic
 9 reporting.”
 10 2. By renumbering as necessary.

HARPER of Black Hawk

H-3468

- 1 Amend House File 522 as follows:
 2 1. Page 2, by striking lines 15 and 16 and
 3 inserting the following:
 4 “b. The department shall enter the data from any
 5 report of termination submitted, within thirty days of
 6 receipt of the report, and shall immediately destroy
 7 the report following entry of the data.”

SCHULTE of Linn
 WITT of Black Hawk
 CARROLL of Poweshiek

H-3469

1 Amend House File 502 as follows:

2 1. Page 4, by inserting after line 34 the
3 following:

4 "h. To strengthen the interaction between a
5 recipient and the community, the department shall
6 develop and implement a voluntary welfare replacement
7 initiative. The general assembly finds that this
8 initiative is a first step in an effort to return to a
9 system of public assistance in which churches and
10 other charitable organizations reassume responsibility
11 for public assistance, are highly involved with
12 families in need of assistance, and work as partners
13 with families' efforts to end dependency and become
14 stronger contributors to the success of their
15 communities. The initiative shall include the
16 provisions described in this paragraph and the
17 department shall implement those provisions which do
18 not require a federal waiver prior to the approval or
19 denial of the provisions which require a federal
20 waiver.

21 (1) For the purposes of this paragraph unless the
22 context otherwise requires:

23 (a) "Nonprofit organization" means a church or
24 other organization described in the Internal Revenue
25 Code, 26 U.S.C. } 501(c)(3), which is exempt from
26 income taxation under 26 U.S.C. } 501(a).

27 (b) "Voluntary welfare replacement initiative" or
28 "initiative" means the voluntary replacement
29 initiative created pursuant to this paragraph.

30 (2) The department shall publicize the initiative
31 to nonprofit organizations and recipients. The
32 department shall develop the initiative by matching
33 willing nonprofit organizations wishing to support a
34 recipient family with recipient families who have an
35 interest in receiving support through the initiative.
36 A nonprofit organization may be matched with a
37 recipient family who is a member of the nonprofit
38 organization. The department shall provide a
39 nonprofit organization participating in the initiative
40 with a nonidentifying profile of recipient families
41 which have expressed a desire to participate in the
42 initiative. If desired by the organization or the
43 recipient family, the department shall seek to match
44 organizations and families which are geographically
45 located close to one another. The department shall
46 develop the initiative in a manner which enables a
47 recipient or a nonprofit organization to withdraw from
48 the initiative in a manner which is acceptable to both
49 the recipient and the organization.

50 (3) A nonprofit organization which is matched with

Page 2

1 a recipient family under the initiative may support
2 the family in any manner, including but not limited to
3 any of the following:

4 (a) Assistance in locating employment, including
5 job training and job search assistance.

6 (b) Financial support or in-kind assistance.
7 Financial support may include the nonprofit
8 organization paying all or part of the recipient's
9 cash assistance under the family investment program.

10 In-kind assistance may include providing food,
11 clothing, housing repair or remodeling, children's
12 playthings, child day care, and transportation.

13 (c) Personal support, including emotional and
14 spiritual support and counseling.

15 (d) Parenting classes.

16 (4) The department shall modify the family
17 investment agreement provisions applicable to a
18 recipient family participating in the initiative to
19 reflect the involvement of the nonprofit organization
20 with the family and assistance provided. The
21 modifications may include involving the nonprofit
22 organization as part of the agreement. The department
23 shall periodically survey recipients and nonprofit
24 organizations participating in the initiative to gauge
25 satisfaction with the initiative. The department
26 shall designate the employee who develops a
27 recipient's family investment agreement or other
28 suitable individual to monitor the efficacy of the
29 recipient's involvement under the initiative. The
30 types and dollar amounts of a nonprofit organization's
31 assistance to an individual recipient under the
32 initiative shall be enumerated in writing and provided
33 to the recipient, the department of human services,
34 the nonprofit organization, and the department of
35 revenue and finance.

36 (5) The department of human services shall work
37 with the department of revenue and finance in
38 developing forms necessary to implement the tax credit
39 provisions of section 422.12, subsection 4, as enacted
40 by this Act, which provides a state tax credit for
41 individual contributions to a nonprofit organization
42 for the purposes of the initiative. The department of
43 human services and the department of revenue and
44 finance shall develop provisions for a nonprofit
45 organization to deposit moneys contributed for the
46 initiative in a trust fund to be known as an
47 alternative compassion trust fund. The nonprofit
48 organization shall deposit into the alternative
49 compassion trust fund the contributed moneys in the
50 amount agreed to in writing by the organization under

Page 3

1 subparagraph (4). Moneys deposited into the trust
2 fund shall be used for the costs of assistance
3 provided to a recipient as agreed to by the nonprofit
4 organization. Moneys contributed to the trust fund
5 are eligible for the voluntary welfare replacement
6 initiative credit under section 422.12. The
7 department of revenue and finance and the charitable
8 organization shall establish the total amount of
9 contributions made to the charitable organization
10 which will be eligible for the credit for the tax
11 year.

12 (6) In addition to assistance provided from the
13 alternative compassion trust fund, the nonprofit
14 organization may provide the recipient with additional
15 cash assistance. Subject to the maximum amount
16 specified in this subparagraph, the department shall
17 disregard such additional assistance received by the
18 recipient. The maximum amount which shall be
19 disregarded is an amount equal to ten percent of the
20 annual amount of cash assistance the nonprofit
21 organization has agreed to provide to the recipient
22 under subparagraph (4).

23 (7) Following the federal government's review of
24 the waiver provisions submitted pursuant to this
25 lettered paragraph, and the department's revision of
26 the provisions in accordance with the federal
27 government's approval requirements, the department
28 shall report to the members of the committees on human
29 resources of the house and senate and the joint
30 appropriations subcommittee on human services
31 concerning the department's implementation plans.

32 Sec. 101. Section 422.12, Code 1995, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 4. A voluntary welfare
35 replacement initiative credit in the amount the
36 taxpayer contributed to a nonprofit organization for
37 purposes of the voluntary welfare replacement
38 initiative for recipients of the family investment
39 program under chapter 239. Any amount taken as a
40 credit under this subsection shall not be deducted as
41 a charitable contribution under section 422.9,
42 subsection 2."

43 2. Page 5, line 27, by striking the word "and".

44 3. Page 5, line 29, by inserting after the figure
45 "1997" the following: ", and provisions of section 1,
46 subsection 3, paragraph "h", of this Act, which do not
47 require a federal waiver, shall be implemented
48 beginning January 1, 1997, and those provisions which
49 require a federal waiver shall be implemented in
50 accordance with the federal waiver".

Page 4

- 1 4. Page 5, by inserting after line 34 the
- 2 following:
- 3 "Sec. ____ EFFECTIVE DATE AND APPLICABILITY.
- 4 Section 101 of this Act takes effect January 1, 1997,
- 5 and is applicable to tax years beginning on or after
- 6 January 1, 1997."
- 7 5. Title page, line 3, by striking the words "and
- 8 providing" and inserting the following: ", creating a
- 9 voluntary welfare replacement initiative and tax
- 10 credit, and providing an effective date and".

BODDICKER of Cedar
 HURLEY of Fayette
 CARROLL of Poweshiek

H-3471

- 1 Amend the amendment, H-3327, to House File 166 as
- 2 follows:
- 3 1. Page 2, by striking lines 46 through 49 and
- 4 inserting the following: "property due to the inverse
- 5 condemnation. The reduction".
- 6 2. Page 3, by striking lines 21 through 23 and
- 7 inserting the following: "judgment accordingly. If
- 8 the defendant does not elect to rescind".

KOENIGS of Mitchell

H-3474

- 1 Amend House File 528 as follows:
- 2 1. Page 19, line 6, by inserting after the word
- 3 "lockers" the following: "or a randomly selected
- 4 number of school lockers".

OLLIE of Clinton

H-3476

- 1 Amend the amendment, H-3432, to House File 509 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the words
- 4 "register a motor vehicle or".
- 5 2. Page 1, lines 12 and 13, by striking the words
- 6 "register a motor vehicle or".

MYERS of Johnson

H-3477

- 1 Amend House File 509 as follows:
- 2 1. By striking page 13, line 24 through page 14,
- 3 line 10 and inserting the following:

4 "Sec. ____ Section 321.189, subsection 7,
5 paragraphs a and b, Code 1995, are amended to read as
6 follows:

7 a. An operator who has been issued a class M
8 license prior to ~~July 1, 1994~~ May 1, 1997.

9 b. An operator who is renewing the operator's
10 class M license issued prior to ~~July 1, 1994~~ May 1,
11 1997."

12 2. Page 20, by inserting after line 29 the
13 following:

14 "Sec. ____ 1994 Iowa Acts, chapter 1102, section
15 4, as amended by 1994 Iowa Acts, chapter 1199, section
16 52, is amended to read as follows:

17 SEC. 4. EFFECTIVE DATE. The provisions of this
18 Act which amend section 321.189, take effect May 1,
19 1995 1997."

20 3. Page 20, by striking lines 31 through 33 and
21 inserting the following:

22 "Sec. ____ EFFECTIVE DATE AND APPLICABILITY. The
23 sections of this Act which amend section 321.189,
24 subsection 7, and 1994 Iowa Acts, chapter 1102,
25 subsection 4, and chapter 1199, section 52, being
26 deemed of immediate importance, take effect upon
27 enactment and apply retroactively to May 1, 1995, in
28 order to delay the effective date of the amendments to
29 section 321.189, subsection 7, Code 1993, to May 1,
30 1997."

MYERS of Johnson

H-3479

1 Amend House File 528 as follows:

2 1. Page 5, by striking lines 18 through 21.

3 2. Page 7, by striking lines 5 through 9.

4 3. Title page, lines 5 and 6, by striking the
5 words "placing a juvenile in detention as a
6 dispositional alternative,".

7 4. By renumbering as necessary.

KREIMAN of Davis

H-3484

1 Amend House File 534 as follows:

2 1. Page 6, line 33, by inserting after the word
3 "subsection." the following: "Prior authorization
4 shall not be required for clozapine in addition to the
5 standards for clozapine existing in administrative
6 rules in effect on March 1, 1995."

HARPER of Black Hawk

H-3485

- 1 Amend House File 34 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 1C.2, Code 1995, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 5A. Election day, the first
- 7 Tuesday after the first Monday in November of each
- 8 even-numbered year."
- 9 2. Title page, line 1, by inserting after the
- 10 word "to" the following: "election day voting by
- 11 including the general election date as a paid state
- 12 holiday and modifying".
- 13 3. By renumbering as necessary.

SHOULTZ of Black Hawk

H-3487

- 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 to alleviate or remove a
- 6 demonstrable harm to the public health and safety,
- 7 including any use that is a menace to the public
- 8 health, welfare, or safety; that is structurally
- 9 unsafe; is unsanitary; that constitutes a fire hazard;
- 10 that constitutes a hazard to the public health,
- 11 welfare, or safety because of inadequate maintenance,
- 12 dilapidation, or abandonment; or which is otherwise
- 13 dangerous to human life."
- 14 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-3490

- 1 Amend House File 535 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 159.25 SANCTION FOR
- 5 TRUANCY — SUSPENSION OF PROGRAM BENEFITS.
- 6 As used in this section, "program benefits" means
- 7 financial incentives awarded by the department or a
- 8 soil and water conservation district, pursuant to
- 9 chapter 161A; moneys awarded from the water protection
- 10 fund pursuant to section 161C.4; moneys awarded from
- 11 the organic nutrient management fund pursuant to
- 12 section 161C.5; eligibility to participate in a
- 13 program administered by the agricultural development
- 14 authority pursuant to chapter 175; eligibility to

15 participate in any program or project administered by
16 a county agricultural extension council as provided in
17 chapter 176A; or eligibility to submit a claim for
18 indemnification of a loss from the grain depositors
19 and sellers indemnity fund as provided in chapter
20 203D.

21 If the department is notified by school officials
22 of a truancy pursuant to section 299.5A, the
23 department shall verify that the parent, guardian, or
24 legal or actual custodian of a truant is receiving
25 benefits from a program administered by the
26 department. The department shall suspend all program
27 benefits to the parent, guardian, or legal or actual
28 custodian, until the school notifies the department
29 that the child is no longer truant.

30 The department shall notify the United States
31 department of agriculture of the names and addresses
32 of the parent, guardian, or legal or actual custodian
33 of the truant, if requested by the United States
34 department of agriculture."

35 2. Page 1, line 28, by inserting after the word
36 "action." the following: "If the parent, guardian, or
37 legal or actual custodian owns title or leases
38 agricultural land used for farming as defined in
39 section 9H.1, the school official shall notify the
40 department of agriculture and land stewardship which
41 shall institute appropriate action pursuant to section
42 159.25."

43 3. By renumbering as necessary.

OLLIE of Clinton

H-3491

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 mediator
 39 may require the child's parent, guardian, or legal or
 40 actual custodian to attend and successfully complete a
 41 parenting skills class offered by the school district
 42 or school under section 299.14."

43 3. Page 1, line 35, by inserting after the
 44 numbers "299.5" the following: "or section 299.14".

45 4. Page 2, by inserting after line 4 the
 46 following:

47 "Sec. . NEW SECTION. 299.14 PARENTING SKILLS
 48 PROGRAM.

49 The board of directors of a public school district
 50 and the authorities in charge of an accredited

Page 2

1 nonpublic school shall offer and make available to
 2 parents, guardians, or legal or actual custodians of
 3 children deemed truant under section 299.8, a
 4 parenting skills program. The county attorney, a
 5 mediator acting under the provisions of 299.5A, the
 6 juvenile court or the district court, may require the
 7 parent, guardian, or legal or actual custodian of a
 8 child to attend and successfully complete the
 9 parenting skills class offered by the school district
 10 or school. The class shall be based upon a model
 11 program developed by the department of education under
 12 section 256.9, subsection 49. If a parent, guardian,
 13 or legal or actual custodian refuses to attend and
 14 successfully complete a parenting skills class
 15 required under this section, the matter shall be
 16 referred to the county attorney for prosecution under
 17 section 299.6."

18 5. By renumbering as necessary.

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.

KREIMAN of Davis

H-3493

- 1 Amend House File 528 as follows:
- 2 1. By striking page 18, line 35, through page 19,
- 3 line 9.
- 4 2. Title page, lines 8 through 10, by striking
- 5 the words "eliminating the notice required for
- 6 students before certain locker searches,".
- 7 3. By renumbering as necessary.

KREIMAN of Davis

H-3494

- 1 Amend House File 528 as follows:
- 2 1. By striking page 6, line 9, through page 7,
- 3 line 4, and inserting the following:
- 4 "Sec. ____ Section 232.45A, subsections 2 and 3,
- 5 Code 1995, are amended to read as follows:
- 6 2. Once a child sixteen years of age or older has
- 7 been waived to and convicted of an aggravated
- 8 misdemeanor or a felony by the district court, all
- 9 criminal proceedings against the child for any felony
- 10 offense occurring subsequent to the date of the
- 11 conviction of the child shall begin in district court,
- 12 notwithstanding sections 232.8 and 232.45. A copy of
- 13 the findings required by section 232.45, subsection 8,
- 14 shall be made a part of the record in the district
- 15 court proceedings.
- 16 3. If proceedings against a child for a felony
- 17 public offense who has previously been waived to and
- 18 convicted of such an offense by the district court are
- 19 mistakenly begun in the juvenile court, the matter
- 20 shall be transferred to district court upon the
- 21 discovery of the prior waiver and conviction,
- 22 notwithstanding sections 232.8 and 232.45."
- 23 2. By numbering and renumbering as necessary.

KREIMAN of Davis

H-3495

- 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 shall be released under this section
 16 only by a juvenile court officer.
 17 2. By renumbering as necessary.

KREIMAN of Davis

H-3497

- 1 Amend House File 545 as follows:
 2 1. Page 1, by striking lines 13 through 23 and
 3 inserting the following: "administration-certified
 4 air carrier operation.
 5 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 6 of immediate importance, takes effect upon enactment."
 7 2. Title page, by striking lines 2 and 3 and
 8 inserting the following: "aircraft and an effective
 9 date provision."

WEIGEL of Chickasaw

H-3498

- 1 Amend Senate File 266, 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 "DEPARTMENT OF EDUCATION
 6 Section 1. There is appropriated from the general
 7 fund of the state to the department of education for
 8 the fiscal year beginning July 1, 1995, and ending
 9 June 30, 1996, the following amounts, or so much
 10 thereof as may be necessary, to be used for the
 11 purposes designated:
 12 1. GENERAL ADMINISTRATION
 13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:
 16 \$ 5,059,445
 17 FTEs 92.95
 18 The department of education shall conduct a study
 19 of chapter 299, the compulsory education law of this
 20 state, in cooperation with interested individuals from

21 throughout the state. The department shall submit a
22 report of the findings and recommendations to the
23 general assembly by January 1, 1996.

24 2. VOCATIONAL EDUCATION ADMINISTRATION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28 \$ 644,510
29 FTEs 18.60

30 3. VOCATIONAL REHABILITATION DIVISION

31 a. For salaries, support, maintenance,
32 miscellaneous purposes, and for not more than the
33 following full-time equivalent positions:

34 \$ 3,732,836
35 FTEs 285.75

36 It is the intent of the general assembly that the
37 division of vocational rehabilitation services of the
38 department of education shall seek, in addition to
39 state appropriations, funds other than federal funds,
40 which may include but are not limited to local funds,
41 for purposes of matching federal vocational
42 rehabilitation funds.

43 Notwithstanding the full-time equivalent position
44 limit established in this subsection for the fiscal
45 year ending June 30, 1996, if federal funding is
46 available to pay the costs of additional employees for
47 the vocational rehabilitation division who would have
48 duties relating to vocational rehabilitation services
49 paid for through federal funding, authorization to
50 hire not more than four full-time equivalent employees

Page 2

1 shall be provided, the full-time equivalent position
2 limit shall be exceeded, and the additional employees
3 shall be hired by the division.

4 b. For matching funds for programs to enable
5 severely physically or mentally disabled persons to
6 function more independently, including salaries and
7 support, and for not more than the following full-time
8 equivalent positions:

9 \$ 37,445
10 FTEs 1.50

11 4. BOARD OF EDUCATIONAL EXAMINERS

12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions:

15 \$ 187,739
16 FTEs 2.00

17 5. SCHOOL FOOD SERVICE

18 For use as state matching funds for federal
19 programs that shall be disbursed according to federal
20 regulations, including salaries, support, maintenance,

21 miscellaneous purposes, and for not more than the
22 following full-time equivalent positions:

23 \$ 2,716,859
24 FTEs 14.00

25 6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

26 To provide funds for costs of providing textbooks
27 to each resident pupil who attends a nonpublic school
28 as authorized by section 301.1. The funding is
29 limited to \$20 per pupil and shall not exceed the
30 comparable services offered to resident public school
31 pupils:

32 \$ 616,000

33 7. STATE LIBRARY

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37 \$ 2,167,820
38 FTEs 33.50

39 8. REGIONAL LIBRARY

40 For state aid:

41 \$ 1,357,000

42 9. CENTER FOR ASSESSMENT

43 For the purpose of developing academic standards in
44 the areas of math, history, science, English, language
45 arts, and geography:

46 \$ 300,000

47 10. PUBLIC BROADCASTING DIVISION

48 For salaries, support, maintenance, capital
49 expenditures, miscellaneous purposes, and for not more
50 than the following full-time equivalent positions:

1 \$ 6,285,641
2 FTEs 97.00

3 Of the full-time equivalent positions provided for
4 under this subsection for the fiscal year beginning
5 July 1, 1995, and ending June 30, 1996, it is the
6 intent of the general assembly that 4.0 full-time
7 equivalent positions be provided for purposes formerly
8 provided for under the Star Schools program.

9 The public broadcasting division shall conduct a
10 study, in collaboration with all entities receiving
11 services via the Iowa communications network, of the
12 efficiencies of the network and shall make
13 recommendations relating to the elimination of
14 duplicative efforts. The study shall include an
15 investigation of the duties and functions of employees
16 of the division, other state agencies, area education
17 agencies, and public schools, if those duties and
18 functions involve the Iowa communications network.
19 The division shall submit a report of its findings and
20 recommendations to the general assembly and the

21 legislative fiscal bureau by January 1, 1996.

22 11. NATIONAL ASSESSMENT OF EDUCATION PROGRESS
23 (NAEP)

24 For participation by the department of education in
25 a state and national project to determine the academic
26 achievement of Iowa students in math, reading,
27 science, United States history, or geography:

28 \$ 50,000

29 12. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

30 For reimbursement for vocational education
31 expenditures made by secondary schools:

32 \$ 3,308,850

33 Funds appropriated in this subsection shall be used
34 for expenditures made by school districts to meet the
35 standards set in sections 256.11, 258.4, and 260C.14
36 as a result of the enactment of 1989 Iowa Acts,
37 chapter 278. Funds shall be used as reimbursement for
38 vocational education expenditures made by secondary
39 schools in the manner provided by the department of
40 education for implementation of the standards set in
41 1989 Iowa Acts, chapter 278.

42 13. COMMUNITY COLLEGES

43 Notwithstanding chapter 260D, for general state
44 financial aid, including general financial aid to
45 merged areas in lieu of personal property tax
46 replacement payments under section 427A.13, to merged
47 areas as defined in section 260C.2, for vocational
48 education programs in accordance with chapters 258 and
49 260C, to purchase instructional equipment for
50 vocational and technical courses of instruction in

Page 4

1 community colleges, and for salary increases:
2 \$117,911,054

3 The funds appropriated in this subsection shall be
4 allocated as follows:

5 a. Merged Area I	\$ 5,591,576
6 b. Merged Area II	\$ 6,661,223
7 c. Merged Area III	\$ 6,320,124
8 d. Merged Area IV	\$ 2,993,958
9 e. Merged Area V	\$ 6,408,851
10 f. Merged Area VI	\$ 5,958,584
11 g. Merged Area VII	\$ 8,276,351
12 h. Merged Area IX	\$ 10,375,853
13 i. Merged Area X	\$ 16,098,096
14 j. Merged Area XI	\$ 17,257,051
15 k. Merged Area XII	\$ 6,801,226
16 l. Merged Area XIII	\$ 6,993,147
17 m. Merged Area XIV	\$ 3,094,721
18 n. Merged Area XV	\$ 9,658,796
19 o. Merged Area XVI	\$ 5,421,497

20 Sec. 2. Notwithstanding 1994 Iowa Acts, chapter

21 1193, section 2, subsection 2, funds appropriated and
 22 allocated to the merged areas pursuant to 1994 Iowa
 23 Acts, chapter 1193, section 2, for the fiscal year
 24 beginning July 1, 1994, and ending June 30, 1995,
 25 pursuant to section 8.53, unnumbered paragraph 1,
 26 shall be paid to the merged areas by June 30, 1995.

27 COLLEGE STUDENT AID COMMISSION

28 Sec. 3. There is appropriated from the general
 29 fund of the state to the college student aid
 30 commission for the fiscal year beginning July 1, 1995,
 31 and ending June 30, 1996, the following amounts, or so
 32 much thereof as may be necessary, to be used for the
 33 purposes designated:

34 1. GENERAL ADMINISTRATION

35 For salaries, support, maintenance, miscellaneous
 36 purposes, and for not more than the following full-
 37 time equivalent positions:

38	\$	281,256
39	FTEs	6.05

40 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
 41 SCIENCES

42 a. For forgivable loans to Iowa students attending
 43 the university of osteopathic medicine and health
 44 sciences, under the forgivable loan program pursuant
 45 to section 261.19A:

46	\$	379,260
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47 b. For the university of osteopathic medicine and
 48 health sciences for an initiative in primary health
 49 care to direct primary care physicians to shortage
 50 areas in the state:

Page 5

1	\$	395,000
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2 The moneys appropriated in this lettered paragraph
 3 shall be used as follows:

4 (1) To reduce student loan debt for primary care
 5 physicians in an amount not to exceed \$30,000 per
 6 student for a four-year period of medical service in
 7 medically underserved areas of the state.

8 (2) For tuition scholarships for students
 9 attending the university of osteopathic medicine and
 10 health sciences who agree to practice primary care
 11 medicine in medically underserved areas of the state.
 12 The student shall practice in the state two years for
 13 every year of tuition. A person receiving funds under
 14 this subparagraph shall not be eligible for funds
 15 under subparagraph (1).

16 (3) For general administration costs of the
 17 university for the primary care initiative, the
 18 university shall expend an amount not to exceed
 19 \$50,000.

20 The university of osteopathic medicine and health

21 sciences shall report quarterly to the legislative
 22 fiscal bureau concerning the expenditure of funds used
 23 pursuant to subparagraphs (1), (2), and (3) of this
 24 lettered paragraph. The university shall also submit
 25 the annual audit of the university to the legislative
 26 fiscal bureau within six months following the year
 27 being audited. The college student aid commission
 28 shall not provide moneys for subparagraphs (1) and (2)
 29 of this lettered paragraph until the university has
 30 signed and submitted contracts for the use of these
 31 moneys for reduction of student loan debt and tuition
 32 scholarships. Funds for subparagraph (3) of this
 33 lettered paragraph shall be provided quarterly to the
 34 university. Notwithstanding section 8.33, the funds
 35 for this lettered paragraph shall not revert to the
 36 general fund but be available for expenditure the
 37 following fiscal year for purposes of subparagraphs
 38 (1) and (2).

39 3. STUDENT AID PROGRAMS

40 For payments to students for the Iowa grant
 41 program:

42 \$ 1,397,790

43 Sec. 4. There is appropriated from the loan
 44 reserve account to the college student aid commission
 45 for the fiscal year beginning July 1, 1995, and ending
 46 June 30, 1996, the following amount, or so much
 47 thereof as may be necessary, to be used for the
 48 purposes designated:

49 For operating costs of the Stafford loan program
 50 including salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:

3 \$ 4,639,570

4 FTEs 29.95

5 STATE BOARD OF REGENTS

6 Sec. 5. There is appropriated from the general
 7 fund of the state to the state board of regents for
 8 the fiscal year beginning July 1, 1995, and ending
 9 June 30, 1996, the following amounts, or so much
 10 thereof as may be necessary, to be used for the
 11 purposes designated:

12 1. OFFICE OF STATE BOARD OF REGENTS

13 a. For salaries, support, maintenance,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:

16 \$ 1,097,601

17 FTEs 15.63

18 If the moneys provided in this lettered paragraph
 19 are augmented by reimbursements from the institutions
 20 under the control of the state board of regents for

21 the funding of the office of the state board of
22 regents, the office shall report quarterly such
23 reimbursements to the chairpersons and ranking members
24 of the joint appropriations subcommittee on education.

25 b. For allocation by the state board of regents to
26 the state university of Iowa, the Iowa state
27 university of science and technology, and the
28 university of northern Iowa to reimburse the
29 institutions for deficiencies in their operating funds
30 resulting from the pledging of tuitions, student fees
31 and charges, and institutional income to finance the
32 cost of providing academic and administrative
33 buildings and facilities and utility services at the
34 institutions:

35 \$ 27,400,000

36 The state board of regents, the department of
37 management, and the legislative fiscal bureau shall
38 cooperate to determine and agree upon, by November 15,
39 1995, the amount that needs to be appropriated for
40 tuition replacement for the fiscal year beginning July
41 1, 1996.

42 c. For funds to be allocated to the southwest Iowa
43 graduate studies center:

44 \$ 71,662

45 d. For funds to be allocated to the siouxland
46 interstate metropolitan planning council for the
47 tristate graduate center under section 262.9,
48 subsection 21:

49 \$ 72,535

50 e. For funds to be allocated to the quad-cities

Page 7

1 graduate studies center:

2 \$ 150,374

3 2. STATE UNIVERSITY OF IOWA

4 a. General university, including lakeside
5 laboratory

6 For salaries, support, maintenance, equipment,
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:

9 \$191,266,859

10 FTEs 4,013.37

11 b. For the primary health care initiative in the
12 college of medicine:

13 \$ 770,854

14 From the moneys appropriated in this lettered
15 paragraph, \$330,000 shall be allocated to the
16 department of family practice at the state university
17 of Iowa college of medicine for family practice
18 faculty and support staff.

19 c. University hospitals

20 For salaries, support, maintenance, equipment, and

21 miscellaneous purposes and for medical and surgical
 22 treatment of indigent patients as provided in chapter
 23 255, and for not more than the following full-time
 24 equivalent positions:

25 \$ 28,821,254
 26 FTEs 5,780.87

27 Funds appropriated in this lettered paragraph shall
 28 not be used to perform abortions except medically
 29 necessary abortions, and shall not be used to operate
 30 the early termination of pregnancy clinic except for
 31 the performance of medically necessary abortions. For
 32 the purpose of this lettered paragraph, an abortion is
 33 the purposeful interruption of pregnancy with the
 34 intention other than to produce a live-born infant or
 35 to remove a dead fetus, and a medically necessary
 36 abortion is one performed under one of the following
 37 conditions:

38 (1) The attending physician certifies that
 39 continuing the pregnancy would endanger the life of
 40 the pregnant woman.

41 (2) The attending physician certifies that the
 42 fetus is physically deformed, mentally deficient, or
 43 afflicted with a congenital illness.

44 (3) The pregnancy is the result of a rape which is
 45 reported within 45 days of the incident to a law
 46 enforcement agency or public or private health agency
 47 which may include a family physician.

48 (4) The pregnancy is the result of incest which is
 49 reported within 150 days of the incident to a law
 50 enforcement agency or public or private health agency

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1 which may include a family physician.

2 (5) The abortion is a spontaneous abortion,
 3 commonly known as a miscarriage, wherein not all of
 4 the products of conception are expelled.

5 The total quota allocated to the counties for
 6 indigent patients for the fiscal year beginning July
 7 1, 1995, shall not be lower than the total quota
 8 allocated to the counties for the fiscal year
 9 commencing July 1, 1994. The total quota shall be
 10 allocated among the counties on the basis of the 1990
 11 census pursuant to section 255.16.

12 d. Psychiatric hospital

13 For salaries, support, maintenance, equipment, and
 14 miscellaneous purposes and for the care, treatment,
 15 and maintenance of committed and voluntary public
 16 patients, and for not more than the following full-
 17 time equivalent positions:

18 \$ 7,018,877
 19 FTEs 312.09

20 e. Hospital-school

21 For salaries, support, maintenance, miscellaneous
 22 purposes, and for not more than the following full-
 23 time equivalent positions:

24 \$ 5,705,918

25 FTEs 174.01

26 f. Oakdale campus

27 For salaries, support, maintenance, miscellaneous
 28 purposes, and for not more than the following full-
 29 time equivalent positions:

30 \$ 2,845,783

31 FTEs 63.58

32 g. State hygienic laboratory

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-
 35 time equivalent positions:

36 \$ 3,155,100

37 FTEs 101.38

38 h. Family practice program

39 For allocation by the dean of the college of
 40 medicine, with approval of the advisory board, to
 41 qualified participants, to carry out chapter 148D for
 42 the family practice program, including salaries and
 43 support, and for not more than the following full-time
 44 equivalent positions:

45 \$ 1,841,327

46 FTEs 166.74

47 i. Child health care services

48 For specialized child health care services,
 49 including childhood cancer diagnostic and treatment
 50 network programs, rural comprehensive care for

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1 hemophilia patients, and Iowa high-risk infant follow-
 2 up program, including salaries and support, and for
 3 not more than the following full-time equivalent
 4 positions:

5 \$ 440,054

6 FTEs 10.93

7 j. Agricultural health and safety programs

8 For agricultural health and safety programs, and
 9 for not more than the following full-time equivalent
 10 positions:

11 \$ 247,117

12 FTEs 3.48

13 k. Statewide cancer registry

14 For the statewide cancer registry, and for not more
 15 than the following full-time equivalent positions:

16 \$ 188,734

17 FTEs 3.07

18 l. Substance abuse consortium

19 For funds to be allocated to the Iowa consortium

20 for substance abuse research and evaluation, and for
 21 not more than the following full-time equivalent
 22 positions:

23 \$ 62,004
 24 FTEs 1.15

25 m. Center for biocatalysis
 26 For the center for biocatalysis, and for not more
 27 than the following full-time equivalent positions:

28 \$ 1,284,395
 29 FTEs 4.00

30 n. National advanced driving simulator
 31 For the national advanced driving simulator, and
 32 for not more than the following full-time equivalent
 33 positions:

34 \$ 559,982
 35 FTEs 5.00

36 (1) Of the moneys appropriated in this lettered
 37 paragraph, for the fiscal year beginning July 1, 1995,
 38 and ending June 30, 1996, the appropriation of the sum
 39 of \$326,347 is contingent upon the announcement by the
 40 United States department of transportation of the
 41 selection of the university of Iowa as the contractor
 42 for the development of the national advanced driving
 43 simulator system.

44 (2) If the contingency in subparagraph (1) is met
 45 it is the intent of the general assembly that of the
 46 moneys appropriated in this lettered paragraph, the
 47 state university of Iowa shall expend \$350,000, for
 48 the fiscal year beginning July 1, 1995, and ending
 49 June 30, 1996, for planning and architectural services
 50 related to the construction of the facility to house

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1 the national advanced driving simulator to be located
 2 at the Oakdale research park. It is further the
 3 intent of the general assembly to provide funding in
 4 fiscal years beginning July 1, 1996, and July 1, 1997,
 5 in the total amount of \$5.35 million for the
 6 construction of the facility to house the national
 7 advanced driving simulator to match federal funds
 8 provided for the project. Funds provided for the
 9 construction of the facility to house the national
 10 advanced driving simulator in fiscal years beginning
 11 July 1, 1996, and July 1, 1997, shall only be expended
 12 upon receiving notification from the national highway
 13 traffic safety administration that the United States
 14 congress has authorized the construction of the
 15 national advanced driving simulator, that federal
 16 funds have been appropriated to begin construction,
 17 and that delivery of the motion base, graphics system,
 18 and integrating software will take place in
 19 substantial compliance with the United States

20 department of transportation's acquisition schedule as
 21 set forth in the cooperative agreement between the
 22 state university of Iowa and the national highway
 23 traffic safety administration.

24 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

25 a. General university

26 For salaries, support, maintenance, equipment,
 27 miscellaneous purposes, and for not more than the
 28 following full-time equivalent positions:

29 \$152,252,558
 30 FTEs 3,560.32

31 b. Agricultural experiment station

32 For salaries, support, maintenance, miscellaneous
 33 purposes, and for not more than the following full-
 34 time equivalent positions:

35 \$ 30,717,738
 36 FTEs 515.94

37 c. Cooperative extension service in agriculture
 38 and home economics

39 For salaries, support, maintenance, and
 40 miscellaneous purposes, including salaries and support
 41 for the fire service institute, and for not more than
 42 the following full-time equivalent positions:

43 \$18,268,621
 44 FTEs 428.25

45 d. Leopold center

46 For agricultural research grants at Iowa state
 47 university under section 266.39B, and for not more
 48 than the following full-time equivalent positions:

49 \$ 560,593
 50 FTEs 11.50

Page 11

1 e. For deposit in and the use of the livestock
 2 disease research fund under section 267.8, and for not
 3 more than the following full-time equivalent
 4 positions:

5 \$ 276,022
 6 FTEs 3.37

7 4. UNIVERSITY OF NORTHERN IOWA

8 a. For salaries, support, maintenance, equipment,
 9 miscellaneous purposes, and for not more than the
 10 following full-time equivalent positions:

11 \$ 68,327,516
 12 FTEs 1,424.58

13 b. Recycling and reuse center:

14 \$ 239,745

15 5. STATE SCHOOL FOR THE DEAF

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-
 18 time equivalent positions:

19 \$ 6,460,684
 20 FTEs 124.14

21 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 22 For salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-
 24 time equivalent positions:

25 \$ 3,593,492
 26 FTEs 83.41

27 7. TUITION AND TRANSPORTATION COSTS

28 For payment to local school boards for the tuition
 29 and transportation costs of students residing in the
 30 Iowa braille and sight saving school and the state
 31 school for the deaf pursuant to section 262.43 and for
 32 payment of certain clothing and transportation costs
 33 for students at these schools pursuant to section
 34 270.5:

35 \$ 11,232

36 Sec. 6. Reallocations of sums received under
 37 section 5, subsections 2, 3, 4, 5, and 6, of this Act,
 38 including sums received for salaries, shall be
 39 reported on a quarterly basis to the co-chairpersons
 40 and ranking members of the legislative fiscal
 41 committee and the joint appropriations subcommittee on
 42 education.

43 Sec. 7. For the fiscal year beginning July 1,
 44 1995, and ending June 30, 1996, the state board of
 45 regents may use notes, bonds, or other evidences of
 46 indebtedness issued under section 262.48 to finance
 47 projects that will result in energy cost savings in an
 48 amount that will cause the state board to recover the
 49 cost of the projects within an average of six years.

50 Sec. 8. MEDICAL ASSISTANCE — SUPPLEMENTAL

Page 12

1 AMOUNTS.

2 For the fiscal year beginning July 1, 1995, and
 3 ending June 30, 1996, the department of human services
 4 shall continue the supplemental disproportionate share
 5 and a supplemental indirect medical education
 6 adjustment applicable to state-owned acute care
 7 hospitals with more than 500 beds and shall reimburse
 8 qualifying hospitals pursuant to that adjustment with
 9 a supplemental amount for services provided medical
 10 assistance recipients. The adjustment shall generate
 11 supplemental payments intended to equal the state
 12 appropriation made to a qualifying hospital for
 13 treatment of indigent patients as provided in chapter
 14 255. To the extent of the supplemental payments, a
 15 qualifying hospital shall, after receipt of the funds,
 16 transfer to the department of human services an amount
 17 equal to the actual supplemental payments that were
 18 made in that month. The aggregate amounts for the
 19 fiscal year shall not exceed the state appropriation
 20 made to the qualifying hospital for treatment of

21 indigent patients as provided in chapter 255. The
22 department of human services shall deposit the portion
23 of these funds equal to the state share in the
24 department's medical assistance account and the
25 balance shall be credited to the general fund of the
26 state. To the extent that state funds appropriated to
27 a qualifying hospital for the treatment of indigent
28 patients as provided in chapter 255 have been
29 transferred to the department of human services as a
30 result of these supplemental payments made to the
31 qualifying hospital, the department shall not,
32 directly or indirectly, recoup the supplemental
33 payments made to a qualifying hospital for any reason,
34 unless an equivalent amount of the funds transferred
35 to the department of human services by a qualifying
36 hospital pursuant to this provision is transferred to
37 the qualifying hospital by the department.

38 If the state supplemental amount allotted to the
39 state of Iowa for the federal fiscal year beginning
40 October 1, 1995, and ending September 30, 1996,
41 pursuant to section 1923 (f)(3) of the federal Social
42 Security Act, as amended, or pursuant to federal
43 payments for indirect medical education is greater
44 than the amount necessary to fund the federal share of
45 the supplemental payments specified in the preceding
46 paragraph, the department of human services shall
47 increase the supplemental disproportionate share or
48 supplemental indirect medical education adjustment by
49 the lesser of the amount necessary to utilize fully
50 the state supplemental amount or the amount of state

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1 funds appropriated to the state university of Iowa
2 general education fund and allocated to the university
3 for the college of medicine. The state university of
4 Iowa shall transfer from the allocation for the
5 college of medicine to the department of human
6 services, on a monthly basis, an amount equal to the
7 additional supplemental payments made during the
8 previous month pursuant to this paragraph. A
9 qualifying hospital receiving supplemental payments
10 pursuant to this paragraph that are greater than the
11 state appropriation made to the qualifying hospital
12 for treatment of indigent patients as provided in
13 chapter 255 shall be obligated as a condition of its
14 participation in the medical assistance program to
15 transfer to the state university of Iowa general
16 education fund on a monthly basis an amount equal to
17 the funds transferred by the state university of Iowa
18 to the department of human services. To the extent
19 that state funds appropriated to the state university

20 of Iowa and allocated to the college of medicine have
 21 been transferred to the department of human services
 22 as a result of these supplemental payments made to the
 23 qualifying hospital, the department shall not,
 24 directly or indirectly, recoup these supplemental
 25 payments made to a qualifying hospital for any reason,
 26 unless an equivalent amount of the funds transferred
 27 to the department of human services by the state
 28 university of Iowa pursuant to this paragraph is
 29 transferred to the qualifying hospital by the
 30 department.

31 Continuation of the supplemental disproportionate
 32 share and supplemental indirect medical education
 33 adjustment shall preserve the funds available to the
 34 university hospital for medical and surgical treatment
 35 of indigent patients as provided in chapter 255 and to
 36 the state university of Iowa for educational purposes
 37 at the same level as provided by the state funds
 38 initially appropriated for that purpose.

39 The department of human services shall, in any
 40 compilation of data or other report distributed to the
 41 public concerning payments to providers under the
 42 medical assistance program, set forth reimbursements
 43 to a qualifying hospital through the supplemental
 44 disproportionate share and supplemental indirect
 45 medical education adjustment as a separate item and
 46 shall not include such payments in the amounts
 47 otherwise reported as the reimbursement to a
 48 qualifying hospital for services to medical assistance
 49 recipients.

50 For purposes of this section, "supplemental

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1 payment" means a supplemental payment amount paid for
 2 medical assistance to a hospital qualifying for that
 3 payment under this section.

4 DEPARTMENT OF CULTURAL AFFAIRS

5 Sec. 9. There is appropriated from the general
 6 fund of the state to the department of cultural
 7 affairs for the fiscal year beginning July 1, 1995,
 8 and ending June 30, 1996, the following amounts, or so
 9 much thereof as is necessary, to be used for the
 10 purposes designated:

11 1. ARTS DIVISION

12 For salaries, support, maintenance, miscellaneous
 13 purposes, including funds to match federal grants, for
 14 areawide arts and cultural service organizations that
 15 meet the requirements of chapter 303C, and for not
 16 more than the following full-time equivalent
 17 positions:

18 \$ 1,050,292
 19 FTEs 10.00

20 2. HISTORICAL DIVISION

21 For salaries, support, maintenance, miscellaneous
 22 purposes, and for not more than the following full-
 23 time equivalent positions:

24 \$ 2,332,677
 25 FTEs 56.00

26 It is the intent of the general assembly that the
 27 capitol security staff place the security of the state
 28 historical building at a priority level higher than
 29 that of state capitol parking security duty.

30 3. HISTORIC SITES

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-
 33 time equivalent positions:

34 \$ 228,799
 35 FTEs 3.00

36 4. ADMINISTRATION

37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:

40 \$ 213,920
 41 FTEs 4.30

42 5. COMMUNITY CULTURAL GRANTS

43 For planning and programming for the community
 44 cultural grants program established under section
 45 303.3, and for not more than the following full-time
 46 equivalent position:

47 \$ 703,234
 48 FTEs 0.70

49 Sec. 10. Notwithstanding section 8.33, funds
 50 appropriated in 1994 Iowa Acts, chapter 1193, section

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1 14, remaining unencumbered or unobligated on June 30,
 2 1995, shall not revert to the general fund of the
 3 state but shall be available for purposes of the Iowa
 4 grant program, in addition to funds appropriated in
 5 section 3, subsection 3, of this Act, with funds to be
 6 distributed pursuant to section 261.93A.

7 Sec. 11. Notwithstanding section 8.33, funds
 8 appropriated in 1994 Iowa Acts, chapter 1199, section
 9 35, remaining unencumbered or unobligated on June 30,
 10 1995, shall not revert to the general fund of the
 11 state but shall be appropriated and available to the
 12 historical division of the department of cultural
 13 affairs for purposes of contracting with the national
 14 park service to complete a reconnaissance study of
 15 blood run national historic landmark in Lyon county to
 16 determine the feasibility of incorporating the
 17 landmark into the national park system.

18 Sec. 12. There is appropriated from the
 19 scholarship and tuition grant reserve fund to the

20 college student aid commission for the fiscal year
21 beginning July 1, 1995, and ending June 30, 1996, the
22 amount of \$160,000, or the unobligated and
23 unencumbered moneys transferred by August 31, 1995, to
24 the fund at the close of the 1994-1995 fiscal year,
25 whichever amount is greater, for purposes of the work-
26 study program, in addition to funds appropriated in
27 section 261.85.

28 Sec. 13. Funds appropriated for state scholarships
29 pursuant to section 261.25, subsection 2, for the
30 fiscal year beginning July 1, 1995, and ending June
31 30, 1996, shall be used in their entirety to fund
32 scholarships to eligible students, and the college
33 student aid commission shall not place an across-the-
34 board ceiling on the amount distributed under the
35 state scholarship program.

36 Sec. 14. From funds appropriated in section
37 294A.25, there is appropriated from phase III moneys
38 to the department of education for the fiscal year
39 beginning July 1, 1995, and ending June 30, 1996, the
40 amount of \$45,000 for purposes of the Iowa public
41 broadcasting division.

42 Sec. 15. The director of the department of
43 cultural affairs shall assume the duties of the
44 administrator of the historical division. The funds
45 appropriated during the fiscal year beginning July 1,
46 1994, and ending June 30, 1995, for the salary of the
47 administrator, which were not paid to the
48 administrator due to a vacancy in the position, shall
49 revert to the general fund as provided in section
50 8.33.

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1 Sec. 16. Section 11.6, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 1995, is amended to read
3 as follows:

4 The financial condition and transactions of all
5 cities and city offices, counties, county hospitals
6 organized under chapters 347 and 347A, memorial
7 hospitals organized under chapter 37, entities
8 organized under chapter 28E having gross receipts in
9 excess of one hundred thousand dollars in a fiscal
10 year, merged areas, area education agencies, and all
11 school offices in school districts, shall be examined
12 at least once each year, except that cities having a
13 population of seven hundred or more but less than two
14 thousand shall be examined at least once every four
15 years, and cities having a population of less than
16 seven hundred may be examined as otherwise provided in
17 this section. The examination shall cover the fiscal
18 year next preceding the year in which the audit is
19 conducted. The examination of school offices shall

20 include an audit of all school funds, the certified
 21 annual financial report, and the certified enrollment
 22 as provided in section 257.6. ~~Examinations of~~
 23 ~~community colleges shall include an audit of eligible~~
 24 ~~and noneligible contact hours as defined in section~~
 25 ~~260D-2. Eligible and noneligible contact hours and~~
 26 ~~any differences in certified enrollment shall be~~
 27 ~~reported to the department of management.~~

28 Sec. 17. Section 257.31, subsection 16, Code 1995,
 29 is amended to read as follows:

30 16. The committee shall perform the duties
 31 assigned to it under ~~chapter 260D~~ and section 257.32.

32 Sec. 18. NEW SECTION. 260C.24 PAYMENT OF
 33 APPROPRIATION.

34 Payment of appropriations for distribution under
 35 this chapter or of appropriations made in lieu of such
 36 appropriations, shall be made by the department of
 37 revenue and finance in monthly installments due on or
 38 about the fifteenth of each month of a budget year,
 39 and installments shall be as nearly equal as possible,
 40 as determined by the department of revenue and
 41 finance, taking into consideration the relative budget
 42 and cash position of the state resources.

43 Sec. 19. Section 260C.39, unnumbered paragraphs 3
 44 and 4, Code 1995, are amended by striking the
 45 unnumbered paragraphs.

46 Sec. 20. Section 260C.39, unnumbered paragraph 5,
 47 Code 1995, is amended to read as follows:

48 The terms of employment of personnel, for the
 49 academic year following the effective date of the
 50 agreement to combine the merged areas shall not be

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1 affected by the combination of the merged areas,
 2 except in accordance with the procedures under
 3 sections 279.15 to 279.18 and section 279.24, to the
 4 extent those procedures are applicable, or under the
 5 terms of the base bargaining agreement. The authority
 6 and responsibility to offer new contracts or to
 7 continue, modify, or terminate existing contracts
 8 pursuant to any applicable procedures under chapter
 9 279, shall be transferred to the acting, and then to
 10 the new, board of the combined merged area upon
 11 certification of a favorable vote to each of the
 12 merged areas affected by the agreement. The
 13 collective bargaining agreement of the merged area
 14 ~~with serving~~ the largest number of ~~contact hours~~
 15 ~~eligible for general aid, as defined under section~~
 16 ~~260D-2, students~~ shall serve as the base agreement for
 17 the combined merged area and the employees of the
 18 merged areas which combined to form the new combined

19 merged area shall automatically be accreted to the
20 bargaining unit from that former merged area for
21 purposes of negotiating the contracts for the
22 following years without further action by the public
23 employment relations board. If only one collective
24 bargaining agreement is in effect among the merged
25 areas which are combining under this section, then
26 that agreement shall serve as the base agreement, and
27 the employees of the merged areas which are combining
28 to form the new combined merged area shall
29 automatically be accreted to the bargaining unit of
30 that former merged area for purposes of negotiating
31 the contracts for the following years without further
32 action by the public employment relations board. The
33 board of the combined merged area, using the base
34 agreement as its existing contract, shall bargain with
35 the combined employees of the merged areas that have
36 agreed to combine for the academic year beginning with
37 the effective date of the agreement to combine merged
38 areas. The bargaining shall be completed by March 15
39 prior to the academic year in which the agreement to
40 combine merged areas becomes effective or within one
41 hundred eighty days after the organization of the
42 acting board of the new combined merged area,
43 whichever is later. If a bargaining agreement was
44 already concluded in the former merged area which has
45 the collective bargaining agreement that is serving as
46 the base agreement for the new combined merged area,
47 between the former merged area board and the employees
48 of the former merged area, that agreement is void,
49 unless the agreement contained multiyear provisions
50 affecting academic years subsequent to the effective

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1 date of the agreement to form a combined merged area.
2 If the base collective bargaining agreement contains
3 multiyear provisions, the duration and effect of the
4 agreement shall be controlled by the terms of the
5 agreement. The provisions of the base agreement shall
6 apply to the offering of new contracts, or the
7 continuation, modification, or termination of existing
8 contracts between the acting or new board of the
9 combined merged area and the combined employees of the
10 new combined merged area.

11 Sec. 21. Section 260C.45, unnumbered paragraph 3,
12 Code 1995, is amended by striking the unnumbered
13 paragraph.

14 Sec. 22. Section 260C.46, Code 1995, is amended to
15 read as follows:

16 260C.46 PROGRAM AND ADMINISTRATIVE SHARING.
17 By September 1, 1990, the department shall

18 establish guidelines and an approval process for
 19 program sharing agreements and for administrative
 20 sharing agreements entered into by two or more
 21 community colleges or by a community college and a
 22 higher education institution under the control of the
 23 board of regents. Guidelines established shall be
 24 designed to increase student access to programs,
 25 enhance educational program offerings throughout the
 26 state, and enhance interinstitutional cooperation in
 27 program offerings. ~~A community college must submit an~~
 28 ~~application and obtain approval from the department in~~
 29 ~~order to become eligible to receive funds from the~~
 30 ~~community college excellence 2000 account under~~
 31 ~~section 260D.14A for an administrative sharing or~~
 32 ~~program sharing agreement. The application shall~~
 33 ~~describe the sharing agreement, costs, and benefits~~
 34 ~~associated with the sharing proposal.~~

35 Sec. 23. Section 261.12, subsection 1, paragraph
 36 b, Code 1995, is amended to read as follows:

37 b. For the fiscal year beginning July 1, ~~1989~~
 38 1995, and for each following fiscal year, two thousand
 39 ~~six~~ nine hundred ~~fifty~~ dollars.

40 Sec. 24. Section 261.25, subsection 1, Code 1995,
 41 is amended to read as follows:

42 1. There is appropriated from the general fund of
 43 the state to the commission for each fiscal year the
 44 sum of ~~thirty-two~~ thirty-five million ~~four~~ two hundred
 45 ~~twenty-two~~ thirty-eight thousand ~~three~~ seven hundred
 46 ~~sixty-two~~ one dollars for tuition grants.

47 Sec. 25. Section 261C.6, unnumbered paragraph 2,
 48 Code 1995, is amended to read as follows:

49 A pupil is not eligible to enroll on a full-time
 50 basis in an eligible postsecondary institution and

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1 receive payment for all courses in which a student is
 2 enrolled. If an eligible postsecondary institution is
 3 a community college established under chapter 260C,
 4 ~~the contact hours of a pupil for which a tuition~~
 5 ~~reimbursement amount is received are not contact hours~~
 6 ~~eligible for general aid under chapter 260D.~~

7 Sec. 26. Section 294A.25, subsection 8, Code 1995,
 8 is amended to read as follows:

9 8. For the fiscal year beginning July 1, ~~1994~~
 10 1995, to the department of education from phase III
 11 moneys the amount of one million two hundred fifty
 12 thousand dollars for support for the operations of the
 13 new Iowa schools development corporation and for
 14 school transformation design and implementation
 15 projects administered by the corporation. Of the
 16 amount provided in this subsection, one hundred fifty

17 thousand dollars shall be used for the school and
18 community planning initiative.

19 Sec. 27. Section 303.3, subsection 3, Code 1995,
20 is amended to read as follows:

21 3. Notwithstanding section 8.33, moneys committed
22 to grantees under contract that remain unexpended on
23 June 30 of any fiscal year shall not revert but shall
24 be available for expenditure for purposes of the
25 contract program until June 30 of the succeeding
26 fiscal year.

27 Sec. 28. FUNDS TRANSFERRED.

28 1. For the fiscal year beginning July 1, 1995, and
29 ending June 30, 1996, the amount of \$150,000 is to be
30 paid to the department of education from additional
31 funds transferred from phase I to phase III for
32 development of a K-12 and community college management
33 information system. Notwithstanding section 294A.20,
34 if the additional funds transferred from phase I to
35 phase III are insufficient for purposes of the
36 appropriation provided under this subsection, moneys
37 allocated to phase III, which would otherwise revert
38 to the general fund under section 294A.20, shall be
39 transferred to the department in an amount sufficient
40 to fully fund the appropriation made under this
41 subsection. The department shall submit a report to
42 the legislative fiscal bureau by January 1, 1996,
43 describing the specific expenditure of funds
44 appropriated by the general assembly for purposes of
45 the management information system; the estimated time
46 of completion of the system; the department's
47 accomplishments under the system; and any
48 recommendations for future system funding needs.
49 2. For the fiscal year beginning July 1, 1995, and
50 ending June 30, 1996, up to \$50,000 from additional

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1 funds transferred from phase I to phase III is to be
2 paid to the department of education for support of the
3 Iowa mathematics and science coalition. If funds
4 available from the specified sources are insufficient
5 to fully fund the appropriation, the amount
6 appropriated to the department under this subsection
7 shall be reduced to an amount equal to the available
8 funds.

9 Sec. 29. Section 261.52A, Code 1995, is repealed.

10 Sec. 30. Chapter 260D, Code 1995, is repealed.

11 Sec. 31. Sections 2, 10, 11, 15, and 27 of this
12 Act, being deemed of immediate importance, take effect
13 upon enactment."

H-3502

1 Amend Senate File 150 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 232.2, subsection 4, Code
6 1995, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. g. A contract between the child's
9 parent, guardian, or custodian and the department or
10 agency involved with developing the plan. The
11 contract shall specify the actions expected of the
12 parent, guardian, or custodian in order for the
13 department or agency to recommend that the court
14 terminate a dispositional order for the child's out-
15 of-home placement and for the department or agency to
16 end its involvement with the child and the child's
17 family upon completion of the contract requirements.

18 Sec. ____ Section 232.91, Code 1995, is amended to
19 read as follows:

20 232.91 PRESENCE OF PARENTS, D GUARDIAN AD LITEM, 21 AND
FOSTER PARENTS AT HEARINGS.

22 1. Any hearings or proceedings under this division
23 subsequent to the filing of a petition shall not take
24 place without the presence of the child's parent,
25 guardian, custodian, or guardian ad litem in
26 accordance with and subject to section 232.38. A
27 parent without custody may petition the court to be
28 made a party to proceedings under this division.

29 2. Any hearing or proceeding under this division
30 subsequent to a dispositional order under section
31 232.102 shall also include as a party with a direct
32 interest in the case, the agency, facility,
33 institution, or person, including a foster parent,
34 with whom a child has been placed for the purposes of
35 foster care.

36 Sec. ____ Section 232.104, subsection 2, paragraph
37 b, Code 1995, is amended to read as follows:

38 b. Enter an order pursuant to section 232.102 to
39 continue placement of the child for an additional six
40 months at which time the court shall hold a hearing to
41 consider modification of its permanency order. An
42 order entered under this paragraph shall enumerate the
43 specific factors, conditions, or expected behavioral
44 changes which comprise the basis for the determination
45 that the need for removal of the child from the
46 child's home will no longer exist at the end of the
47 additional six-month period."

48 2. Page 1, by inserting after line 33 the
49 following:

50 "Sec. ____ Section 232.189, Code 1995, is amended

Page 2

1 to read as follows:

2 232.189 REASONABLE EFFORTS ADMINISTRATIVE
3 REQUIREMENTS.

4 Based upon a model reasonable efforts family court
5 initiative, the director of human services and the
6 chief justice of the supreme court or their designees
7 shall jointly establish and implement a statewide
8 protocol for reasonable efforts to prevent or
9 eliminate the need for placement of a child outside
10 the child's home. In addition, the director and the
11 chief justice shall design and implement a system for
12 judicial and departmental reasonable efforts education
13 for deployment throughout the state. The system for
14 reasonable efforts education shall be developed in a
15 manner which addresses the particular needs of rural
16 areas and shall include but is not limited to all of
17 the following topics:

- 18 1. Regular training concerning mental or emotional
19 disorders which may afflict children and the impact
20 children with such disorders have upon their families.
21 2. The duties of judicial and departmental
22 employees associated with placing a child removed from
23 the child's home into a permanent home and the urgency
24 of the placement for the child.
25 3. The essential elements, including writing
26 techniques, in developing effective permanency plans.
27 4. The essential elements of gathering evidence
28 sufficient for the evidentiary standards required for
29 judicial orders under this chapter.

30 Sec. ____ NEW SECTION. 234.7 DEPARTMENT DUTIES.

31 The department of human services shall comply with
32 all of the following requirements associated with
33 child foster care licensees under chapter 237A:

- 34 1. The department shall not assign more than one
35 worker to any child who is receiving child welfare
36 services, as defined in section 235.1, in a foster
37 care placement. If the department purchases services
38 for the child from a private agency, the department's
39 responsibility for case management services in the
40 placement shall be delegated to the private agency.
41 2. The department shall include a child's foster
42 parent in and provide timely notice of planning and
43 review activities associated with the child, including
44 but not limited to permanency planning, a clinical
45 assessment and consultation team review or other
46 activity, and placement review meetings.

47 Sec. ____ Section 234.38, Code 1995, is amended to
48 read as follows:

49 234.38 FOSTER CARE REIMBURSEMENT RATES.

- 50 1. The department of human services shall make

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1 reimbursement payments directly to foster parents for
2 services provided to children pursuant to section
3 234.6, subsection 6, paragraph "b", or section 234.35.
4 In any fiscal year, the reimbursement rate shall be
5 based upon ~~sixty-five~~ at least seventy percent of the
6 United States department of agriculture estimate of
7 the cost to raise a child in the calendar year
8 immediately preceding the fiscal year. The department
9 may pay an additional stipend for a child with special
10 needs."

11 3. Page 2, by inserting after line 13 the
12 following:

13 "Sec. ____ Section 237.15, subsection 1, Code
14 1995, is amended by adding the following new
15 paragraph:

16 NEW PARAGRAPH. j. A contract between the child's
17 parent, guardian, or custodian and the agency
18 responsible for creating the plan. The contract shall
19 specify the actions expected of the parent, guardian,
20 or custodian in order for the agency to recommend that
21 the court terminate a dispositional order for the
22 child's out-of-home placement and for the agency to
23 end its involvement with the child and the child's
24 family upon completion of the contract requirements.

25 Sec. ____ Section 273.2, subsection 1, Code 1995,
26 is amended to read as follows:

27 1. In-service training programs for employees of
28 school districts and area education agencies, provided
29 at the time programs and services are established they
30 do not duplicate programs and services available in
31 that area from the universities under the state board
32 of regents and from other universities and four-year
33 institutions of higher education in Iowa. The in-
34 service training programs shall include but are not
35 limited to regular training concerning mental or
36 emotional disorders which may afflict children and the
37 impact children with such disorders have upon their
38 families.

39 Sec. ____ Section 598.41, subsections 1 and 2,
40 Code 1995, are amended to read as follows:

41 1. The court, insofar as is reasonable and in the
42 best interest of the child, shall order the custody
43 award, including liberal visitation rights where
44 appropriate, which will assure the child the
45 opportunity for the maximum continuing physical and
46 emotional contact with both parents after the parents
47 have separated or dissolved the marriage, unless
48 direct physical harm or significant emotional harm to
49 the child, other children, or a parent is likely to
50 result from such contact with one parent, and which

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1 will encourage parents to share the rights and
2 responsibilities of raising the child. The court
3 shall consider the denial by one parent of the child's
4 opportunity for maximum continuing contact with the
5 other parent, without just cause, a significant factor
6 in determining the proper custody arrangement. Just
7 cause may include a determination by the court
8 pursuant to subsection 3, paragraph "i", that a parent
9 has a history of perpetration of domestic abuse that
10 will jeopardize the safety of or will result in direct
11 physical harm or significant emotional harm to the
12 child, other children, or the other parent.
13 Additionally, if a parent who is a victim of domestic
14 abuse as determined by the court pursuant to
15 subsection 3, paragraph "i", relocates or is not
16 present during the determination of custody or
17 visitation based upon the fear of or actual acts or
18 threats of domestic abuse perpetrated by the other
19 parent, the court shall not consider the relocation or
20 absence of that parent as a factor against that parent
21 in the awarding of custody or visitation to the absent
22 parent. Unless otherwise ordered by the court in the
23 custody decree, both parents shall have legal access
24 to information concerning the child, including but not
25 limited to medical, educational and law enforcement
26 records.

27 2. On the application of either parent, the court
28 shall consider granting joint custody in cases where
29 the parents do not agree to joint custody. If the
30 court does not grant joint custody under this
31 subsection, the court shall cite clear and convincing
32 evidence, pursuant to the factors in subsection 3,
33 that joint custody is unreasonable and not in the best
34 interest of the child to the extent that the legal
35 custodial relationship between the child and a parent
36 should be severed. Before ruling upon the joint
37 custody petition in these cases, unless the court
38 finds a history of domestic abuse exists which is
39 likely to result in direct physical harm or
40 significant emotional harm to the child, other
41 children, or a parent, the court may require the
42 parties to participate in custody mediation counseling
43 to determine whether joint custody is in the best
44 interest of the child. The court may require the
45 child's participation in the mediation counseling
46 insofar as the court determines the child's
47 participation is advisable.

48 The costs of custody mediation counseling shall be
49 paid in full or in part by the parties and taxed as
50 court costs.

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1 Sec. ____ Section 598.41, subsection 3, paragraph
2 i, Code 1995, is amended to read as follows:
3 i. Whether the safety of the child, other
4 children, or the other parent will be jeopardized or
5 whether direct physical harm or significant emotional
6 harm to the child, other children, or other parent
7 will result by the awarding of joint custody or by
8 unsupervised or unrestricted visitation. In
9 considering this factor, the court shall consider the
10 history of a parent as a perpetrator of domestic
11 abuse, including the parent's history of perpetration
12 of acts intended to cause pain, injury, or to place
13 the victim in fear of physical contact which will be
14 painful, injurious, insulting, or offensive coupled
15 with the apparent ability to execute the act.
16 Evidence of the parent's history may include
17 commencement of an action pursuant to section 236.3,
18 the issuance of a protective order against the parent
19 or the issuance of a court order or consent agreement
20 pursuant to section 236.5, the issuance of an
21 emergency order pursuant to section 236.6, the holding
22 of a parent in contempt pursuant to section 236.8, the
23 response of a peace officer to the scene of alleged
24 domestic abuse or the arrest of a parent following
25 response to a report of alleged domestic abuse, or a
26 conviction for domestic abuse assault pursuant to
27 section 708.2A."

28 4. Page 2, by inserting after line 31 the
29 following:

30 "Sec. ____ Section 600B.40, Code 1995, is amended
31 by adding the following new unnumbered paragraph:
32 NEW UNNUMBERED PARAGRAPH. In determining the
33 visitation or custody arrangements of a child born out
34 of wedlock, if a judgment of paternity is entered and
35 the mother of the child has not been awarded sole
36 custody, section 598.41 shall apply to the
37 determination, as applicable, and the court shall
38 consider the factors specified in section 598.41,
39 subsection 3, including but not limited to the factor
40 related to a parent's history of domestic abuse.

41 Sec. ____ Section 602.1203, Code 1995, is amended
42 to read as follows:

43 602.1203 PERSONNEL CONFERENCES.

44 The chief justice may order conferences of judicial
45 officers or court employees on matters relating to the
46 administration of justice or the affairs of the
47 department. For judges and other court employees who
48 handle cases involving children and family law, the
49 chief justice shall require regular training
50 concerning mental or emotional disorders which may

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- 1 afflict children and the impact children with such
- 2 disorders have upon their families."
- 3 5. Title page, line 1, by inserting after the
- 4 word "to" the following: "children, including".
- 5 6. Title page, line 3, by inserting after the
- 6 word "information" the following: ", case permanency
- 7 plans for children in out-of-home placements, state
- 8 foster care requests, and custody and visitation
- 9 determinations".

JOCHUM of Dubuque
BURNETT of Story

H-3503

- 1 Amend House File 521 as follows:
- 2 1. Page 1, by striking line 8 and inserting the
- 3 following:
- 4 b. The, if either of the following applies:
- 5 a. The stockholders are do not exceed twenty-five
- 6 in number and all the stockholders are natural persons
- 7 or.
- 8 2. Page 1, line 10, by striking the word "or" and
- 9 inserting the following: "or."
- 10 3. Page 1, by striking lines 11 and 12 and
- 11 inserting the following: "entities."
- 12 4. Page 1, line 34, by striking the word "or" and
- 13 inserting the following: "or."

MEYER of Sac

H-3505

- 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: "ninety".

HOLVECK of Polk

H-3508

- 1 Amend the amendment, H-3327, to House File 166 as
- 2 follows:
- 3 1. Page 2, by striking line 38 and inserting the
- 4 following: "The action shall be heard and decided by
- 5 a district judge."

HOLVECK of Polk

H-3509

- 1 Amend the amendment, H-3327, to House File 166, as
- 2 follows:

- 3 1. Page 3, by striking lines 39 through 46.
- 4 2. By renumbering as necessary.

MORELAND of Wapello

H-3512

- 1 Amend House File 502 as follows:
- 2 1. Page 4, by inserting after line 34 the
- 3 following:
- 4 "Sec. ____ SELF-HELP-FARE PROGRAM. The department
- 5 of human services shall create a self-help-fare
- 6 program available to recipients of public assistance
- 7 under chapter 239 and their families in accordance
- 8 with the following provisions:
- 9 1. For the purposes of this paragraph unless the
- 10 context otherwise requires:
- 11 a. "Nonprofit organization" means a church,
- 12 housing group, neighborhood association, or other
- 13 organization described in the Internal Revenue Code,
- 14 26 U.S.C. § 501(c)(3), which is exempt from income
- 15 taxation under 26 U.S.C. § 501(a) and serves a
- 16 particular geographic area, holds regular meetings,
- 17 and was established prior to July 1, 1995.
- 18 b. "Self-help-fare program" or "program" means the
- 19 self-help-fare program created pursuant to this
- 20 section.
- 21 2. The department shall publicize the program and
- 22 solicit the involvement of nonprofit organizations in
- 23 developing a list of approximately 100 nonprofit
- 24 organizations to be matched with recipients enrolled
- 25 in the program. A nonprofit organization may assist a
- 26 family matched with the organization in any manner
- 27 deemed appropriate by the organization and the family.
- 28 3. The department shall screen and select the
- 29 recipient families deemed to be appropriate for the
- 30 program. Not more than 100 recipient families may
- 31 participate over the course of the program. A
- 32 recipient's decision to participate in the program
- 33 shall be completely voluntary. The program shall
- 34 provide a guaranteed annual income to participating
- 35 families in lieu of a grant or other benefits under
- 36 the family investment program and other programs for
- 37 which the family investment program provides
- 38 eligibility, including but not limited to medical
- 39 assistance and emergency assistance. The amount of
- 40 the guaranteed annual income shall be not more than
- 41 \$8,000 for one adult and \$3,000 for each child up to a
- 42 maximum of two children. The guaranteed annual income
- 43 amount for a family participating in the program shall
- 44 be reduced to reflect 50 percent of the family's
- 45 earned income. A participant in the program shall
- 46 automatically be eligible for an individual

47 development account under chapter 541A.
48 4. The program shall operate for the two-year
49 period beginning September 1, 1995, and ending August
50 31, 1997. A participant in the program shall not be

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1 eligible for the family investment program for a
2 period of two years following the end of participation
3 in the self-help-fare program.
4 5. The department shall convene a committee and
5 provide staffing to assist the committee in assessing
6 the success of the program. The committee shall
7 include but is not limited to participants in the
8 program, nonprofit organizations participating in the
9 program, the department, and members of the general
10 assembly. The committee's assessment shall be
11 submitted to the governor and the general assembly on
12 or before December 15, 1997.
13 6. Implementation of the program is subject to
14 enactment of an appropriation for the program."
15 2. By renumbering as necessary.

FALLON of Polk

H-3519

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 Sec. 3. Section 232.2, subsection 12, Code 1995,
29 is amended by adding the following new paragraphs:
30 NEW PARAGRAPH c. A violation under section
31 299.13. However, this provision shall not apply to a
32 child attending a nonaccredited nonpublic school or
33 receiving competent private instruction.

34 NEW PARAGRAPH d. The violation of section 299.1
35 where the child has previously committed a delinquent
36 act and is subject to an informal adjustment agreement
37 under section 232.29, a consent decree under section
38 232.46, or a dispositional order following an
39 adjudication of delinquency under section 232.52.
40 However, this provision shall not apply to a child
41 attending a nonaccredited nonpublic school or
42 receiving competent private instruction."

43 2. Page 1, line 34, by inserting after the figure
44 "299.5," the following: "who employs a child in
45 violation of section 299.12."

46 3. Page 2, by inserting after line 4 the
47 following:

48 "Sec. ____ Section 299.8, Code 1995, is amended to
49 read as follows:

50 299.8 "TRUANT" DEFINED.

Page 2

1 Any child of compulsory attendance age who fails to
2 attend school as provided in this chapter, or as
3 required by the school board's or school governing
4 body's attendance policy, or who fails to attend
5 competent private instruction under chapter 299A,
6 without reasonable excuse for the absence, shall be
7 deemed to be a truant. A finding that a child age
8 twelve or older is truant, ~~however,~~ shall not by
9 itself mean that the child is a child in need of
10 assistance within the meaning of chapter 232 and shall
11 not be the sole basis for a child in need of
12 assistance petition. A child under the age of twelve
13 deemed truant is a child in need of assistance as
14 provided in section 232.2, subsection 6. However, the
15 department of human services shall not make an out-of-
16 home placement under this section until all available
17 alternatives are exhausted. However, this provision
18 shall not apply to a child attending a nonaccredited
19 nonpublic school or receiving competent private
20 instruction.

21 Sec. ____ NEW SECTION. 299.12 EMPLOYMENT OF
22 TRUANT DURING SCHOOL DAY PROHIBITED.

23 A person having custody or control of a child of
24 compulsory school age shall not knowingly employ the
25 child or allow the child to be employed, with or
26 without consideration, during the hours of the school

27 day in which the child is required to attend school as
 28 provided in this chapter.

29 Sec. ____ NEW SECTION. 299.13 TRUANCY —
 30 DELINQUENT ACT.

31 A child who has reached the age of twelve and is
 32 under the age of sixteen, who has run away from home
 33 to avoid attending school, or who is refusing to
 34 attend school, or who has been deemed truant fifteen
 35 or more school days in one school year, and whose
 36 child's parent, guardian, or legal or actual custodian
 37 and school officials have made reasonable efforts to
 38 cause the child to attend school, shall have committed
 39 a delinquent act and is subject to the applicable
 40 provisions of chapter 232. However, this provision
 41 shall not apply to a child attending a nonaccredited
 42 nonpublic school or receiving competent private
 43 instruction."

44 4. Page 2, by striking line 22 and inserting the
 following: "or actual custodian, or other responsible
 46 adult relative shall not harbor a runaway child. A
 47 person or a charitable organization providing shelter
 48 care services to at-risk children is exempt from this
 49 provision. A".

50 5. Title page, line 3, by striking the word "and"

Page 3

1 and inserting the following: ", making truancy by a
 2 child under the age of twelve a basis for a child in
 3 need of assistance petition and making truancy a
 4 delinquent act under certain cases, relating to the
 5 employment of a truant,".

HARRISON of Scott

H-3522

1 Amend House File 528 as follows:

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".

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
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

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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:

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."

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

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1 misdemeanors under the jurisdiction of the juvenile
2 court,".

3 5. By renumbering and correcting internal
4 references as necessary.

CONNORS of Polk

H-3527

1 Amend the amendment, H-3491, to House File 535 as
2 follows:

3 1. Page 1, by striking lines 38 through 40 and
4 inserting the following: "be appropriate under the
5 circumstances. The mediation agreement may include a
6 provision whereby the child's parent, guardian, or

7 legal or actual custodian agrees to attend and
 8 successfully complete a.
 9 2. Page 2, by striking lines 4 and 5 and
 10 inserting the following: "parenting skills program.
 11 The county attorney, the".
 12 3. Page 2, line 10, by inserting after the word
 13 "school." the following: "A mediation agreement may
 14 include a provision whereby the parent, guardian, or
 15 legal or actual custodian of a child agrees to attend
 16 and successfully complete the parenting skills class
 17 offered by the school district or school, pursuant to
 18 section 299.5A."

OLLIE of Clinton

H-3531

1 Amend House File 164 as follows:
 2 1. Page 1, by inserting after line 16 the
 3 following:
 4 "Sec. ____ Section 422.7, Code 1995, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 33. Subtract the amount of the
 7 employer social security credit allowable for the tax
 8 year under section 45B of the Internal Revenue Code to
 9 the extent that the credit increases federal adjusted
 10 gross income."
 11 2. Page 2, by inserting after line 20 the
 12 following:
 13 "Sec. ____ Section 422.35, Code 1995, is amended
 14 by adding the following new subsection:
 15 NEW SUBSECTION. 17. Subtract the amount of the
 16 employer social security credit allowable for the tax
 17 year under section 45B of the Internal Revenue Code to
 18 the extent that the credit increases federal adjusted
 19 gross income."
 20 3. Title page, line 2, by inserting after the
 21 word "Code" the following: ", allowing a deduction
 22 for the employer social security credit,".

DINKLA of Guthrie
BERNAU of Story

H-3532

1 Amend House File 480 as follows:
 2 1. Page 2, by striking lines 9 through 13 and
 3 inserting the following: "borrowing, including
 4 interest, if the borrowing is repaid with a division
 5 of property tax revenues under section 260E.4, 260F.4,
 6 or 403.19; and (10) amounts excluded from revenue by".

LARSON of Linn

H-3534

1 Amend House File 537 as follows:

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

4 "Sec. ____ NEW SECTION. 257.51 TRANSPORTATION
5 ASSISTANCE AID TO DISTRICTS.

6 1. The department of education shall pay
7 transportation assistance aid for a budget year to a
8 school district from funds appropriated in this
9 section to school districts whose average
10 transportation costs per pupil for the base year
11 exceed one hundred twenty-five percent of the state
12 average transportation costs per pupil for the base
13 year determined under subsection 2.

14 2. A district's average transportation costs per
15 pupil for the base year shall be determined by
16 dividing the district's actual cost for all children
17 transported in all school buses for the base year
18 pursuant to section 285.1, subsection 12, by the
19 district's actual enrollment for the base year, as
20 defined in section 257.6. The state average
21 transportation costs per pupil for the base year shall
22 be determined by dividing the total actual costs for
23 all children transported in all districts for the base
24 year, by the total of all districts' actual
25 enrollments for the base year.

26 3. A school district shall annually certify for
27 the base year its actual cost for all children
28 transported in all school buses by July 15 after each
29 school year on forms prescribed by the department of
30 education.

31 4. If a school district's average transportation
32 costs per pupil for the base year are greater than one
33 hundred twenty-five percent of the state average
34 transportation costs per pupil for the base year, the
35 department of education shall pay transportation
36 assistance aid for the budget year equal to the amount
37 of the difference multiplied by the district's actual
38 enrollment for the budget year.

39 5. There is appropriated from the general fund of
40 the state to the department of education, for each
41 fiscal year, an amount necessary to pay transportation
42 assistance aid pursuant to this section.
43 Transportation assistance aid is miscellaneous income
44 and shall be paid in the manner provided in section
45 257.16, commencing with the October 15 payment."

46 2. Title page, line 3, by inserting after the
47 word "district" the following: "or based upon the
48 school district's transportation costs per pupil".

H-3537

1 Amend House File 530 as follows:

2 1. Page 24, by inserting after line 8 the
3 following:

4 "Sec. ____ Section 509A.6, Code 1995, is amended
5 to read as follows:

6 509A.6 CONTRACT WITH INSURANCE CARRIER OR HEALTH
7 MAINTENANCE ORGANIZATION.

8 The governing body may contract with a nonprofit
9 corporation operating under the provisions of this
10 chapter or chapter 514 or with any insurance company
11 having a certificate of authority to transact an
12 insurance business in this state with respect of a
13 group insurance plan, which may include life,
14 accident, health, hospitalization and disability
15 insurance during period of active service of such
16 employees, with the right of any employee to continue
17 such life insurance in force after termination of
18 active service at such employee's sole expense; may
19 contract with a nonprofit corporation operating under
20 and governed by the provisions of this chapter or
21 chapter 514 with respect of any hospital or medical
22 service plan; and may contract with a health
23 maintenance organization or an organized delivery
24 system authorized to operate in this state with
25 respect to health maintenance organization or
26 organized delivery system activities."

27 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-3540

1 Amend House File 530 as follows:

2 1. Page 22, by inserting after line 9 the fol-
3 lowing:

4 "Sec. ____ There is appropriated from the general
5 fund of the state to the community grant fund
6 established under section 232.190 for new grants and
7 the continuation of existing grants for the fiscal
8 year beginning July 1, 1995, and ending June 30, 1996,
9 the following amount, or so much thereof as is
10 necessary, to be used for the purposes of the
11 community grant fund:

12 \$ 1,800,000

13 New grant proposals and continuation grant
14 recipients shall demonstrate community collaboration,
15 not merely disbursements of funds to various
16 organizations, and shall show significant progress
17 toward achieving objectives set forth in the proposal
18 such as process and impact evaluation objectives,

- 19 including objectives related to the number of persons
 20 served. Letters of support shall include specific
 21 commitments and shall be binding.”
 22 2. By renumbering as necessary.

WEIGEL of Chickasaw
 BELL of Jasper
 MUNDIE of Webster
 MASCHER of Johnson

H-3545

- 1 Amend House File 530 as follows:
 2 1. Page 2, by striking line 5 and inserting the
 3 following:
 4 “..... \$ 437,885”
 5 2. Page 3, by striking line 24 and inserting the
 6 following:
 7 “..... \$ 2,089,708”
 8 3. Page 3, line 27, by striking the figure
 9 “\$591,123” and inserting the following: “\$741,123”.
 10 4. Page 3, line 29, by inserting after the word
 11 “premiums,” the following: “travel reimbursement.”
 12 5. Page 4, by striking line 11 and inserting the
 13 following:
 14 “..... \$ 753,286”
 15 6. Page 7, by striking line 14 and inserting the
 16 following:
 17 “..... \$ 605,007”
 18 7. Page 18, by striking line 27 and inserting the
 19 following:
 20 “..... \$ 280,844”
 21 8. Page 18, by striking line 33 and inserting the
 22 following:
 23 “..... \$ 986,871”
 24 9. Page 19, by striking line 4 and inserting the
 25 following:
 26 “..... \$ 909,178”
 27 10. Page 19, by striking line 10 and inserting
 28 the following:
 29 “..... \$ 646,813”

MASCHER of Johnson
 MURPHY of Dubuque

H-3546

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 9, by striking lines 41 through 43 and
 5 inserting the following: “selection of the contractor

6 for the national advanced driving simulator system
7 development."

MILLAGE of Scott
MURPHY of Dubuque
GRUNDBERG of Polk

H-3547

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 7, by inserting after line 10 the
5 following:
6 "From the moneys appropriated in this lettered
7 paragraph, \$20,000 shall be allocated to the Iowa
8 research council."
9 2. Page 10, by inserting after line 30 the
10 following:
11 "From the moneys appropriated in this lettered
12 paragraph, \$20,000 shall be allocated to the Iowa
13 research council."
14 3. Page 11, by inserting after line 12 the
15 following:
16 "From the moneys appropriated in this lettered
17 paragraph, \$10,000 shall be allocated to the Iowa
18 research council."
19 4. By renumbering as necessary.

MILLAGE of Scott

H-3549

1 Amend Senate File 352, as passed by the Senate, as
2 follows:
3 1. Page 3, line 35, by inserting after the word
4 "grant." the following: "The provisions of this
5 paragraph shall not apply to an applicant who was
6 previously a resident of this state before living in
7 another state and receiving aid to families with
8 dependent children or to an applicant who has moved to
9 this state to be near the applicant's parent or
10 sibling."

FALLON of Polk

H-3550

1 Amend Senate File 352, as passed by the Senate, as
2 follows:
3 1. Page 4, by inserting after line 12 the
4 following:
5 "Sec. ____ SELF-HELP-FARE PROGRAM. The department
6 of human services shall create a self-help-fare
7 program available to recipients of public assistance
8 under chapter 239 and their families in accordance
9 with the following provisions:
10 1. For the purposes of this paragraph unless the

11 context otherwise requires:

12 a. "Nonprofit organization" means a church,
13 housing group, neighborhood association, or other
14 organization described in the Internal Revenue Code,
15 26 U.S.C. § 501(c)(3), which is exempt from income
16 taxation under 26 U.S.C. § 501(a) and serves a
17 particular geographic area, holds regular meetings,
18 and was established prior to July 1, 1995.

19 b. "Self-help-fare program" or "program" means the
20 self-help-fare program created pursuant to this
21 section.

22 2. The department shall publicize the program and
23 solicit the involvement of nonprofit organizations in
24 developing a list of approximately 100 nonprofit
25 organizations to be matched with recipients enrolled
26 in the program. A nonprofit organization may assist a
27 family matched with the organization in any manner
28 deemed appropriate by the organization and the family.

29 3. The department shall screen and select the
30 recipient families deemed to be appropriate for the
31 program. Not more than 100 recipient families may
32 participate over the course of the program. A
33 recipient's decision to participate in the program
34 shall be completely voluntary. The program shall
35 provide a guaranteed annual income to participating
36 families in lieu of a grant or other benefits under
37 the family investment program and other programs for
38 which the family investment program provides
39 eligibility, including but not limited to medical
40 assistance and emergency assistance. The amount of
41 the guaranteed annual income shall be not more than
42 \$8,000 for one adult and \$3,000 for each child up to a
43 maximum of two children. The guaranteed annual income
44 amount for a family participating in the program shall
45 be reduced to reflect 50 percent of the family's
46 earned income. A participant in the program shall
47 automatically be eligible for an individual
48 development account under chapter 541A.

49 4. The program shall operate for the two-year
50 period beginning September 1, 1995, and ending August

Page 2

1 31, 1997. A participant in the program shall not be
2 eligible for the family investment program for a
3 period of two years following the end of participation
4 in the self-help-fare program.

5 5. The department shall convene a committee and
6 provide staffing to assist the committee in assessing
7 the success of the program. The committee shall
8 include but is not limited to participants in the
9 program, nonprofit organizations participating in the
10 program, the department, and members of the general
11 assembly. The committee's assessment shall be
12 submitted to the governor and the general assembly on
13 or before December 15, 1997.

- 14 6. Implementation of the program is subject to
 15 enactment of an appropriation for the program.”
 16 2. By renumbering as necessary.

FALLON of Polk

H-3551

- 1 Amend House File 130 as follows:
 2 1. Page 1, by inserting after line 24 the
 3 following:
 4 “Sec. ____ The division of criminal and juvenile
 5 justice planning of the department of human rights,
 6 under the direction of the criminal and juvenile
 7 justice advisory council, shall conduct a study to
 8 assess the impact of this Act upon the district court
 9 and the whole judicial system in Iowa. The study
 10 shall include an analysis regarding whether this Act
 11 results in more jury trials than if this Act had not
 12 been enacted, how often juries receive the instruction
 13 contained in section 624.13A and how often juries fail
 14 to follow the court’s instructions regarding the law
 15 versus how often juries returned verdicts which
 16 contradict the courts’ instructions regarding the law
 17 prior to the enactment of this Act, and other relevant
 18 information. The council shall deliver a final report
 19 to the general assembly, which may include
 20 recommendations for legislation, not later than
 21 November 1, 1999.
 22 Sec. ____ REPEAL. Section 624.13A, Code 1995, is
 23 repealed effective June 30, 2000.”
 24 2. Title page, line 1, by inserting after the
 25 word “instructions” the following: “, requiring a
 26 report to the general assembly, and providing a repeal
 27 date”.
 28 3. By renumbering as necessary.

FALLON of Polk
HURLEY of Fayette

H-3552

- 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: “shall use landfill
 7 alternative financial assistance moneys under section
 8 455E.11 to provide incentives for locating an end
 9 manufacturer for crushed recycled glass in a central
 10 location within”.
 11 _ Title page, line 3, by striking the word
 12 “requesting” and inserting the following:

- 13 "requiring".
- 14 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-3553

- 1 Amend House File 395 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: "low or nonalcoholic beers
- 4 and wines, wine coolers, mineral water, soda water and
- 5 similar carbonated soft drinks in liquid form or
- 6 noncarbonated soft drinks, waters, and juices packaged
- 7 in volumes of eight ounces or more but less than
- 8 thirty-two ounces and intended for human consumption."
- 9 2. Title page, line 2, by inserting after the
- 10 word "from" the following: "and adding additional
- 11 beverages to".

SHOULTZ of Black Hawk

H-3554

- 1 Amend House File 395 as follows:
- 2 1. Page 2, by striking lines 18 through 22.
- 3 2. Title page, by striking lines 3 and 4 and
- 4 inserting the following: "beverage container deposit
- 5 law, and making encouragement of".
- 6 3. By renumbering as necessary.

SHOULTZ of Black Hawk

H-3557

- 1 Amend the amendment, H-3545, to House File 530 as
- 2 follows;
- 3 1. Page 1, by inserting before line 5 the
- 4 following:
- 5 " Page 3, by striking lines 9 and 10 and
- 6 inserting the following:
- 7 "..... \$ 222,772
- 8 "..... FTEs 9.00"
- 9 2. By renumbering as necessary.

MASCHER of Johnson
MURPHY of Dubuque

H-3560

- 1 Amend House File 330 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "~~two seven~~ hundred ~~fifty~~" and inserting the following:
- 4 "~~two four~~ hundred".
- 5 2. Page 1, line 18, by striking the words "~~two~~
- 6 ~~seven~~ hundred ~~fifty~~" and inserting the following:
- 7 "~~two four~~ hundred".

KREMER of Buchanan
GRUNDBERG of Polk

H-3562

- 1 Amend House File 343 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 "effective." the following: "However, if the person,
 4 to whom the record pertains, reaches the age of
 5 twenty-one prior to the expiration of the twelve-year
 6 period, the record shall be destroyed when the person
 7 reaches the age of twenty-one."
 8 2. Page 2, by inserting after line 11 the
 9 following:
 10 "Any records of a criminal justice agency
 11 pertaining to violation of this section shall be
 12 destroyed when the person who committed the violation
 13 reaches the age of twenty-one."

SHOULTZ of Black Hawk

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:

	Minimum separation distance in feet for opera- tions hav- ing an animal weight ca- pacity of less than 625,000 pounds for animals other than beef cattle, or less than 1,600,000 pounds for beef cattle	"Minimum separation distance in feet for opera- tions hav- ing an animal weight ca- pacity of 625,000 or more pounds but less than 1,250,000 pounds for ani- mals other than beef cattle, or 1,600,000 pounds for ani- mals other than beef cattle, or 3,200,000 pounds for beef cattle	Minimum separation distance in feet for opera- tions hav- ing an animal weight ca- pacity of 1,250,000 or more pounds for animals other than beef cattle, or 3,200,000 or more pounds for beef cattle
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28			
29			
30			
31	Type of structure		
32	Anaerobic lagoon	1,250	1,875
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	cattle
25 Animal feeding			
26 operation structure	1,250	1,875	2,500".

DREES of Carroll

H-3576

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, line 37, by striking the figure
- 5 "2,167,820" and inserting the following: "2,392,820".

- 6 2. Page 2, line 41, by striking the figure
7 "1,357,000" and inserting the following: "1,457,000".

OLLIE of Clinton

H-3580

- 1 Amend House File 519 as follows:
2 1. Title page, line 1, by inserting after the
3 words "for the" the following: "promotion and".
4 2. Title page, line 2, by inserting before the
5 word "fees" the following: "and providing for".

KOENIGS of Mitchell

H-3584

- 1 Amend House File 519 as follows:
2 1. By striking page 10, line 35, through page 11,
3 line 16, and inserting the following: "regardless of
4 those separation distance requirements. However, the
5 animal feeding operation shall not be expanded on or
6 after the effective date of this Act."

KOENIGS of Mitchell

H-3593

- 1 Amend House File 530 as follows:
2 1. Page 2, by striking line 5 and inserting the
3 following:
4 "..... \$ 437,885"
5 2. Page 3, by striking lines 9 and 10 and
6 inserting the following:
7 "..... \$ 222,772
8 FTEs 9.00"
9 3. Page 3, by striking line 24 and inserting the
10 following:
11 "..... \$ 2,089,708"
12 4. Page 3, line 27, by striking the figure
13 "\$591,123" and inserting the following: "\$741,123".
14 5. Page 3, line 29, by inserting after the word
15 "premiums," the following: "travel reimbursement".
16 6. Page 4, by striking line 11 and inserting the
17 following:
18 "..... \$ 753,286"
19 7. Page 7, by striking line 14 and inserting the
20 following:
21 "..... \$ 605,007"
22 8. Page 18, by striking line 27 and inserting the
23 following:
24 "..... \$ 280,844"
25 9. Page 18, by striking line 33 and inserting the
26 following:

- 27 " \$ 986,871"
- 28 10. Page 19, by striking line 4 and inserting the
- 29 following:
- 30 " \$ 909,178"
- 31 11. Page 19, by striking line 10 and inserting
- 32 the following:
- 33 " \$ 646,813"

MASCHER of Johnson
 RUNNING of Linn
 SHOULTZ of Black Hawk

MURPHY of Dubuque
 WISE of Lee
 BERNAU of Story

H-3599

- 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 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. This
- 16 section does not apply to an animal feeding operation
- 17 which has an animal weight capacity of six hundred
- 18 twenty-five thousand or more pounds for animals other
- 19 than beef cattle, or one million six hundred thousand
- 20 or more pounds for beef cattle, as provided in section
- 21 455B.161, unless the owner of the agricultural land on
- 22 which the animal feeding operation is located is
- 23 qualified to file for a homestead tax credit as
- 24 provided pursuant to section 425.2 on the parcel of
- 25 agricultural land on which the operation is
- 26 maintained."
- 27 2. By renumbering as necessary.

GARMAN of Story
 COON of Warren

H-3601

- 1 Amend House File 519 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 13.26 CONTRACT FEEDING
- 5 — MODEL CONTRACTS — CARE AND FEEDING OF ANIMALS.
- 6 The attorney general shall prepare, update, and
- 7 publish a model contract or several versions of a
- 8 model contract for use by agricultural producers

9 negotiating an agreement involving the care and
 10 feeding of animals for agricultural purposes. A party
 11 is not bound by this section to include any term or
 12 condition of the model contract in an agreement. The
 13 model contract shall include terms and conditions
 14 which provide methods to better ensure a fair return
 15 of investment, and compensation for labor or services.
 16 The model contract shall include terms or conditions
 17 which ensure that the party providing the labor has
 18 control over factors relating to payment earned by the
 19 party in providing for the care and feeding,
 20 including, but not limited to, acceptance of animals
 21 delivered to the party, animal feed products, and
 22 veterinary services. The model contract shall include
 23 provisions which provide for the liability of each
 24 party under the contract, and procedures and remedies
 25 available if the contract is terminated, including,
 26 but not limited to, procedures involving mediation
 27 pursuant to chapter 654B.

28 Sec. 2. Section 15.318, subsections 3 and 4, Code
 29 1995, are amended to read as follows:

30 ~~3. The total number of jobs to be created or~~
 31 ~~retained.~~

32 4 3. The size of the business receiving
 33 assistance. The department shall award more points to
 34 small-sized and medium-sized farms, and to small
 35 businesses as defined by the United States small
 36 business administration than to other businesses.

37 Sec. 3. Section 15A.1, subsection 2, Code 1995, is
 38 amended by adding the following new paragraph:
 39 NEW PARAGRAPH. e. The extent to which the public
 40 moneys are used to support a project which sustains
 41 economic development in the community and encourages
 42 the expansion of existing businesses and the
 43 establishment of new businesses.

44 Sec. 4. Section 15A.1, Code 1995, is amended by
 45 adding the following new subsection:
 46 NEW SUBSECTION. 4. Unless otherwise provided, a
 47 preference shall not be provided to support a business
 48 or farm because of its size.

49 Sec. 5. Section 88.3, Code 1995, is amended by
 50 adding the following new subsection:

Page 2

1 NEW SUBSECTION. 7A. "Industrial animal feeding
 2 operation" means the same as defined in section
 3 455B.161.

4 Sec. 6. NEW SECTION. 88.22 INDUSTRIAL ANIMAL
 5 FEEDING OPERATIONS.

6 1. The following requirements shall apply to
 7 industrial animal feeding operations:

8 a. An employee of the operation must be at least
 9 eighteen years of age.

10 b. An employer shall provide an employee a written

11 statement notifying the employee of health risks
 12 associated with working in the operation.
 13 c. An employer shall post signs on the premises
 14 which shall warn employees of health risks associated
 15 with working in the operation.
 16 d. The employer shall provide, at no cost to the
 17 employee, annual physical examinations of the
 18 employees, if the employer does not provide insurance
 19 coverage for the employee.

20 2. The commissioner, in cooperation with the Iowa
 21 department of public health, shall adopt all rules
 22 necessary to implement this section.

23 Sec. 7. NEW SECTION. 135.108 INDUSTRIAL ANIMAL
 24 FEEDING OPERATION — NEIGHBORING RESIDENTS.

25 The department shall provide education and
 26 distribute educational materials to persons residing
 27 within a five-mile radius of an industrial animal
 28 feeding operation as defined in section 455B.161. The
 29 department shall establish and maintain a central
 30 registry for health-related complaints from persons
 31 employed in or residing near industrial animal feeding
 32 operations. The department shall investigate reports
 33 of incidents involving industrial animal feeding
 34 operations which threaten the health of employees or
 35 residents. The department shall issue a report to the
 36 general assembly not later than January 10 of each
 37 year regarding its findings and recommendations
 38 concerning industrial animal feeding operation health-
 39 related issues.

40 Sec. 8. NEW SECTION. 172A.14 CONTRACT FEEDING
 41 CONTRACTS — NOTICE.

42 In order to preserve free and private enterprise,
 43 prevent monopoly, and protect consumers, all contracts
 44 for the purchase of swine or cattle by a
 45 slaughterhouse or processor as defined in section
 46 9H.1, where the contract allows delivery more than
 47 twenty days after the making of the contract, shall be
 48 publicly posted and available for inspection by the
 49 public or state personnel at the place of business of
 50 the slaughterhouse or processor. All such contracts

Page 3

1 existing on the effective date of this Act, which
 2 allow delivery more than twenty days after the
 3 effective date of the Act, shall also be publicly
 4 posted and available for inspection by the public or
 5 state personnel at the place of business of the
 6 slaughterhouse or processor.

7 Sec. 9. Section 175.13A, subsection 1, Code 1995,
 8 is amended to read as follows:

9 1. In addition to the other programs authorized
 10 pursuant to this chapter, the authority is authorized
 11 to provide any type of economic assistance directly or

12 indirectly to agricultural producers, and may develop
 13 and implement programs including, but not limited to,
 14 the making of loan guarantees, interest buy-downs,
 15 grants, secured or unsecured direct loans, secondary
 16 market purchases of loans or mortgages, loans to
 17 mortgage lenders, lending institutions, other
 18 agricultural lenders as designated by rule of the
 19 authority, or entities that provide funds or credits
 20 to such lenders or institutions, to assist
 21 agricultural producers within the state. The
 22 authority shall provide that assistance provided under
 23 this chapter is administered in the most efficient
 24 manner possible. The authority shall ensure that
 25 programs administered under this chapter for beginning
 26 farmers shall, to every extent practicable, assist the
 27 transfer of land from retiring farmers to beginning
 28 farmers. The authority may exercise any of the powers
 29 granted to it in this chapter in order to fulfill the
 30 goal of providing financial assistance to agricultural
 31 producers. The authority may participate in and
 32 cooperate with programs of any agency or
 33 instrumentality of the federal government or with
 34 programs of any other state agency in the
 35 administration of the programs to provide economic
 36 assistance to agricultural producers.

37 Sec. 10. NEW SECTION. 332.1 DEFINITIONS..

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

40 1. "Bond" means a bond issued by a surety company
 41 or an irrevocable letter of credit issued by a bank,
 42 credit union, or savings and loan association as
 43 defined in section 12C.1.

44 2. "Department" means the department of natural
 45 resources.

46 3. "Industrial animal feeding operation" means the
 47 same as defined in section 455B.161.

48 Sec. 11. NEW SECTION. 332.2 OPERATING PERMITS.

49 1. A county board of supervisors must approve an
 50 operating permit for an industrial animal feeding

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1 operation or related structure prior to the
 2 construction of the operation or structure. The
 3 county may impose a fee for the issuance of the
 4 permit. The permit must be approved each year as
 5 provided by the county.

6 2. A person shall not receive a permit for the
 7 operation of an industrial animal feeding operation,
 8 unless the person submits evidence of financial
 9 responsibility as provided in section 332.3 and
 10 complies with a manure management plan, as provided in
 11 section 332.4.

12 3. A county may provide that a person issued a
 13 permit for the construction of an industrial animal

14 feeding operation or related structure by the
 15 department prior to the effective date of this Act
 16 must comply with this section not later than two years
 17 following the effective date of this Act.

18 Sec. 12. NEW SECTION. 332.3 EVIDENCE OF
 19 FINANCIAL RESPONSIBILITY --- CLEANUP.

20 1. Prior to issuing an operating permit as
 21 required pursuant to section 332.2, a county must
 22 receive evidence of financial responsibility, in such
 23 an amount as required by the county, but not less than
 24 three hundred thousand dollars. The amount shall be
 25 deposited in an escrow account under the control of
 26 the county. However, the person may submit a bond for
 27 the amount according to requirements and procedures
 28 required by the county.

29 2. The moneys in the escrow account or bond shall
 30 be used exclusively to pay for removing and disposing
 31 of manure from a manure storage structure connected to
 32 the industrial animal feeding operation, if the county
 33 acquires real estate containing the manure storage
 34 structure following nonpayment of taxes pursuant to
 35 section 446.19.

36 Sec. 13. NEW SECTION. 332.4 MANURE MANAGEMENT
 37 PLAN.

38 1. Prior to issuing an operating permit as
 39 required pursuant to section 332.2, a county must
 40 approve a manure management plan for the operation.
 41 The plan shall be for a period of five years. The
 42 plan shall provide for the application of manure in a
 43 manner that is consistent with manure management
 44 practices provided in section 455B.202. The plan
 45 shall be filed with the department and the county
 46 recorder in each county where the industrial animal
 47 feeding operation is located. The plan shall include
 48 provisions required by the county, including, but not
 49 limited to, all of the following:

50 a. Calculations to determine the land area

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1 required for application of manure from the industrial
 2 animal feeding operation for the crop schedule
 3 specified in the plan.

4 b. The rate of manure application which shall be
 5 consistent with the requirements of section 455B.202.

6 c. A crop schedule for land subject to
 7 application.

8 d. Manure sludge management, according to rules
 9 adopted by the department.

10 2. A person receiving a permit for the operation
 11 of an industrial animal feeding operation or related
 12 structure shall maintain a current manure management
 13 plan and maintain records sufficient to demonstrate
 14 compliance with the manure management plan. The
 15 person shall submit any amendments or modifications to

16 the plan to the county and the department prior to
17 altering a practice provided in the plan. The county
18 or the department may inspect the industrial animal
19 feeding operation at any time during normal working
20 hours, and may inspect records required to be
21 maintained as part of the manure management plan.
22 Sec. 14. Section 335.3, Code 1995, is amended to
23 read as follows:

24 335.3 POWERS.

25 ~~Subject to section 335.2, the~~ The board of
26 supervisors may by ordinance regulate and restrict the
27 height, number of structures, and size of buildings
28 and other structures, the percentage of lot that may
29 be occupied, the size of yards, courts, and other open
30 spaces, the density of population, and the location
31 and use of buildings, structures, and land for trade,
32 industry, residence, or other purposes, and may
33 regulate, restrict, and prohibit the use for
34 residential purposes of tents, trailers, and portable
35 or potentially portable structures. However, such
36 powers shall be exercised only with reference to land
37 and structures located within the county but lying
38 outside of the corporate limits of any city.

39 Sec. 15. Section 352.6, unnumbered paragraph 1,
40 Code 1995, is amended to read as follows:

41 An owner of farmland may submit a proposal to the
42 county board for the creation or expansion of an
43 agricultural area within the county. An agricultural
44 area, at its creation, shall include at least ~~three~~
45 six hundred forty contiguous acres of farmland;
46 ~~however,~~ However, a smaller area may be created if
47 the farmland is adjacent to farmland subject to an
48 agricultural land preservation ordinance pursuant to
49 section 335.27 or adjacent to land located within an
50 existing agricultural area. The proposal shall

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1 include a description of the proposed area to be
2 created or expanded, including its boundaries. The
3 territory shall be as compact ~~and as nearly adjacent~~
4 as feasible. Land shall not be included in an
5 agricultural area without the consent of the owner.
6 Agricultural areas shall not exist within the
7 corporate limits of a city. The county board may
8 consult with the department of natural resources when
9 creating or expanding an agricultural area contiguous
10 to a location which is under the direct supervision of
11 the department, including a state park, state
12 preserve, state recreation area, or sovereign lake.
13 Agricultural areas may be created in a county which
14 has adopted zoning ordinances. Except as provided in
15 this section, the use of the land in agricultural
16 areas is limited to farm operations.
17 Sec. 16. Section 352.7, Code 1995, is amended to

18 read as follows:

19 352.7 DUTIES OF COUNTY BOARD.

20 1. Within thirty days of receipt of a proposal to
21 create or expand an agricultural area which meets the
22 statutory requirements, the county board shall provide
23 notice of the proposal by publishing notice in a
24 newspaper of general circulation in the county. The
25 board shall provide notice by ordinary mail to persons
26 residing within five miles of the boundaries of the
27 proposed agricultural area. Within forty-five days
28 after receipt of the proposal, the county board shall
29 hold a public hearing on the proposal.

30 2. Within sixty days after receipt, the county
31 board shall may adopt the proposal or any modification
32 of the proposal it that the board deems appropriate,
33 unless to do so would be inconsistent with the
34 purposes of this chapter.

35 Sec. 17. Section 352.9, Code 1995, is amended to
36 read as follows:

37 352.9 WITHDRAWAL.

38 At An owner of farmland within an agricultural area
39 may voluntarily withdraw from the area at any time
40 after three years from the date of creation of an
41 agricultural area, an owner may. Prior to the
42 transfer of title to the farmland, the owner must
43 withdraw from an agricultural area by filing. An
44 owner withdrawing from an agricultural area shall file
45 a notice of withdrawal with the county board a request
46 for withdrawal containing. The notice shall contain a
47 legal description of the land to be withdrawn and a
48 statement of the reasons for the withdrawal. The
49 county board shall, within sixty days of receipt of
50 the request, approve or deny the request for

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1 ~~withdrawal. At any time after six years from the date~~
2 ~~of creation of an agricultural area, an owner may~~
3 ~~withdraw from an agricultural area by filing with the~~
4 ~~county board a notice of withdrawal containing a legal~~
5 ~~description of the land to be withdrawn.~~

6 The board shall cause the description of that
7 agricultural area filed with the county auditor and
8 recording officer in the county to be modified to
9 reflect any withdrawal. Withdrawal shall be effective
10 on the date of recording. The agricultural area from
11 which the land is withdrawn shall continue in
12 existence even if smaller than ~~three~~ six hundred forty
13 acres after withdrawal.

14 Sec. 18. Section 403.17, subsection 9, Code 1995,
15 is amended to read as follows:

16 9. "Economic development area" means an area of a
17 municipality designated by the local governing body as
18 appropriate for commercial and industrial enterprises
19 or housing and residential development for low and

20 moderate income families, including single or
21 multifamily housing. If an urban renewal plan for an
22 urban renewal area is based upon a finding that the
23 area is an economic development area and that no part
24 contains slum or blighted conditions, then the
25 division of revenue provided in section 403.19 and
26 stated in the plan shall be limited to twenty years
27 from the calendar year following the calendar year in
28 which the city first certifies to the county auditor
29 the amount of any loans, advances, indebtedness, or
30 bonds which qualify for payment from the division of
31 revenue provided in section 403.19. Such area
32 designated before July 1, 1994, shall not include land
33 which is part of a century farm. An economic
34 development area does not include any area of a
35 municipality in which an industrial animal feeding
36 operation, as defined in section 455B.161, may be
37 established.

38 Sec. 19. Section 414.23, unnumbered paragraph 1,
39 Code 1995, is amended to read as follows:

40 The powers granted by this chapter may be extended
41 by ordinance by any city to the unincorporated area up
42 to two miles beyond the limits of such city, except
43 for those areas within a county where a county zoning
44 ordinance exists. The ordinance shall describe in
45 general terms the area to be included. ~~The exemption~~
46 ~~from regulation granted by section 335.2 to property~~
47 ~~used for agricultural purposes shall apply to such~~
48 ~~unincorporated area.~~ If the limits of any such city
49 are at any place less than four miles distant from the
50 limits of any other city which has extended or

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1 thereafter extends its zoning jurisdiction under this
2 section, then at such time the powers herein granted
3 shall extend to a line equidistant between the limits
4 of said cities.

5 Sec. 20. Section 441.21, subsection 1, paragraph
6 e, Code 1995, is amended to read as follows:

7 e. The actual value of agricultural property shall
8 be determined on the basis of productivity and net
9 earning capacity of the property determined on the
10 basis of its use for agricultural purposes capitalized
11 at a rate of seven percent and applied uniformly among
12 counties and among classes of property. Any formula
13 or method employed to determine productivity and net
14 earning capacity of property shall be adopted in full
15 by rule. However, property upon which is located an
16 industrial animal feeding operation, as defined in
17 section 455B.161, shall be assessed as industrial
18 property.

19 Sec. 21. Section 455B.134, subsection 3, paragraph
20 f, subparagraph (1), unnumbered paragraph 2, Code
21 1995, is amended to read as follows:

22 Anaerobic lagoons, constructed or expanded on or
 23 after June 20, 1979, but prior to the effective date
 24 of this Act, or earthen waste slurry storage basins,
 25 constructed or expanded on or after July 1, 1990, but
 26 prior to the effective date of this Act, which are
 27 used in connection with animal feeding operations
 28 containing less than six hundred twenty-five thousand
 29 pounds* live animal weight capacity of animal species
 30 other than beef cattle or containing less than one
 31 million six hundred thousand pounds live animal weight
 32 capacity of beef cattle, shall be located at least one
 33 thousand two hundred fifty feet from a residence not
 34 owned by the owner of the feeding operation or from a
 35 public use area other than a public road. Anaerobic
 36 lagoons or earthen waste slurry storage basins, which
 37 are used in connection with animal feeding operations
 38 containing six hundred twenty-five thousand pounds or
 39 more live animal weight capacity of animal species
 40 other than beef cattle or containing one million six
 41 hundred thousand pounds or more live animal weight
 42 capacity of beef cattle, shall be located at least one
 43 thousand eight hundred seventy-five feet from a
 44 residence not owned by the owner of the feeding
 45 operation or from a public use area other than a
 46 public road. For the purpose of this paragraph the
 47 determination of live animal weight capacity shall be
 48 based on the average animal weight capacity during a
 49 production cycle and the maximum animal capacity of
 50 the animal feeding operation. These separation

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1 ~~distances apply to the construction of new facilities~~
 2 ~~and the expansion of existing facilities.~~

3 Sec. 22. NEW SECTION. 455B.161 SEPARATION
 4 DISTANCES — ANIMAL FEEDING OPERATIONS.

5 1. As used in this section, unless the context
 6 otherwise requires:

7 a. "Anaerobic lagoon" means an impoundment used in
 8 conjunction with an animal feeding operation, if the
 9 primary function of the impoundment is to store and
 10 stabilize organic wastes, the impoundment is designed
 11 to receive wastes on a regular basis, and the
 12 impoundment's design waste loading rates provide that
 13 the predominant biological activity is anaerobic.

14 b. "Animal feeding operation" means a lot, yard,
 15 corral, building, or other area in which animals are
 16 confined and fed and maintained for forty-five days or
 17 more in any twelve-month period, and all structures
 18 used for storage of manure from animals in the animal
 19 feeding operation. Two or more animal feeding
 20 operations under common ownership or management are
 21 deemed to be a single animal feeding operation, if
 22 they are adjacent or utilize a common system for
 23 manure storage.

24 c. "Animal feeding operation structure" means any
25 structure in which animals are kept or maintained or
26 in which manure is stored in connection with an animal
27 feeding operation.

28 d. "Animal unit" means a unit of measurement used
29 to determine the animal capacity of an animal feeding
30 operation. One animal unit equals the following
31 number of animals for each of the following species:

32 (1) Dairy cattle	0.7
33 (2) Slaughter and feeder cattle	1.0
34 (3) Sheep (including lambs)	10.0
35 (4) Horses	0.5
36 (5) Swine (55 pounds or more)	2.5
37 (6) Swine (less than 55 pounds)	0.5
38 (7) Laying hens (dry matter manure)	100.0
39 (8) Laying hens (liquid manure)	30.0

40 e. "Animal unit capacity" means the number of
41 animal units that may be maintained in an animal
42 feeding operation during any one time.

43 f. "Earthen manure storage basin" means an earthen
44 cavity, either covered or uncovered, which, on a
45 regular basis, receives waste discharges from a
46 confinement feeding operation if accumulated wastes
47 from the basin are completely removed at least twice
48 each year.

49 g. "Industrial animal feeding operation" means an
50 animal feeding operation with an animal unit capacity

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1 of one thousand or more animal units within a one mile
2 radius.

3 h. "Public use area" means a park, recreation
4 area, or wildlife management area over which the
5 United States, the state, or a county exercises
6 jurisdiction.

7 2. An animal feeding operation structure, which is
8 part of an industrial animal feeding operation, and
9 which is constructed on or after the effective date of
10 this Act or expanded on or after the effective date of
11 this Act, shall not be constructed or expanded closer
12 to one of the following locations or objects than
13 provided in paragraphs "a" and "b":

14 a. For a residence, not less than two and one-half
15 feet for each animal unit of capacity for the
16 industrial animal feeding operation.

17 b. For a public use area, not less than one mile.

18 3. An anaerobic lagoon or earthen waste slurry
19 storage basin constructed on or after the effective
20 date of this Act or expanded on or after the effective
21 date of this Act, which is not part of an industrial
22 animal feeding operation, shall not be constructed or
23 expanded closer to a residence or public use area than
24 one thousand two hundred fifty feet.

25 4. All distances between locations or objects
26 provided in this section shall be measured from their
27 closest points, as provided in rules adopted by the
28 department.

29 5. A separation distance requirement provided in
30 this section shall not apply, if the owner of a
31 residence also owns the animal feeding operation, or
32 if the titleholder of the land benefiting from the
33 distance separation requirements executes a written
34 waiver to the titleholder of the land where the animal
35 feeding operation is located, under such terms and
36 conditions that the parties negotiate. The written
37 waiver becomes effective only upon the recording of
38 the waiver in the office of the recorder of deeds of
39 the county in which the benefited land is located.
40 The filed waiver shall preclude enforcement by the
41 state of this section.

42 Sec. 23. Section 455B.171, Code 1995, is amended
43 by adding the following new subsections:

44 NEW SUBSECTION. 1A. "Animal feeding operation"
45 means a lot, yard, corral, building, or other area in
46 which animals are confined and fed and maintained for
47 forty-five days or more in any twelve-month period,
48 and all structures used for the storage of manure from
49 animals in the animal feeding operation. Two or more
50 animal feeding operations under common ownership or

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1 management are deemed to be a single animal feeding
2 operation, if they are adjacent or utilize a common
3 area or system for manure storage.

4 NEW SUBSECTION. 6A. "Industrial animal feeding
5 operation" means an animal feeding operation with an
6 animal unit capacity of one thousand or more animal
7 units as defined in section 455B.161, within a one-
8 mile radius.

9 Sec. 24. Section 455B.173, subsection 3,
10 unnumbered paragraph 1, Code 1995, is amended to read
11 as follows:

12 Establish, modify or repeal rules relating to the
13 location, construction, operation, and maintenance of
14 disposal systems and public water supply systems and
15 specifying the conditions, including the viability of
16 a system pursuant to section 455B.174, under which the
17 director shall issue, revoke, suspend, modify, or deny
18 permits for the operation, installation, construction,
19 addition to, or modification of any disposal system or
20 public water supply system, ~~or for the discharge of~~
21 ~~any pollutant or for the disposal of water wastes~~
22 ~~resulting from poultry and livestock operations.~~ The
23 rules specifying the conditions under which the
24 director shall issue permits for the construction of
25 an electric power generating facility subject to

26 chapter 476A shall provide for issuing a conditional
 27 permit upon the submission of engineering
 28 descriptions, flow diagrams and schematics that
 29 qualitatively and quantitatively identify effluent
 30 streams and alternative disposal systems that will
 31 provide compliance with effluent standards or
 32 limitations.

33 Sec. 25. Section 455B.173, Code 1995, is amended
 34 by adding the following new subsection:

35 NEW SUBSECTION. 12. Adopt, modify, or repeal
 36 rules relating to the construction or operation of
 37 animal feeding operations. The rules shall include,
 38 but are not limited to, minimum manure control
 39 requirements, requirements for obtaining permits, and
 40 departmental evaluations of animal feeding operations.
 41 The department may collect fees for the issuance of
 42 permits. The fees shall be deposited into the
 43 enforcement fund as established in section 455B.201.
 44 The department shall issue a permit for the
 45 construction of an animal feeding operation, including
 46 an industrial animal feeding operation, if an
 47 application is submitted according to procedures
 48 required by the department, and the application meets
 49 standards established by the department. Prior to
 50 granting a permit to a person for the construction of

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1 an animal feeding operation, the department may
 2 require the installation and operation of a
 3 hydrological monitoring system. The department shall
 4 not issue a permit for the construction of an
 5 industrial animal feeding operation or a related
 6 structure, unless the department approves an
 7 environmental impact study completed by a bonded
 8 environmental engineer meeting requirements
 9 established by department rule. Persons residing
 10 within five miles from a proposed industrial animal
 11 feeding operation or related structure shall be
 12 notified within ten days prior to any tests or the
 13 recovery of samples performed at the site of the
 14 proposed operation or structure. A structure used to
 15 store manure which is part of an industrial animal
 16 feeding operation must use the best available designs
 17 and materials feasible to prevent groundwater
 18 contamination and odors. The department shall not
 19 issue a permit to a person under this subsection if
 20 the department has begun an enforcement action which
 21 is not resolved, relating to an alleged violation of
 22 this chapter concerning an animal feeding operation in
 23 which the person has an interest. The department
 24 shall establish an industrial animal feeding operation
 25 enforcement fund as provided in section 455B.201.

26 Sec. 26. NEW SECTION. 455B.201 INDUSTRIAL ANIMAL
 27 FEEDING OPERATIONS ENFORCEMENT FUND — FEES.

28 1. a. An industrial animal feeding operations
29 enforcement fund is created as a separate fund in the
30 state treasury under the control of the department.
31 The fund consists of moneys from construction fees as
32 provided in section 455B.173 and an annual fee as
33 provided in this section and remitted by persons
34 required to obtain a construction permit for an
35 industrial animal feeding operation or related
36 structure; delinquency penalties; sums collected on
37 behalf of the fund by the department through legal
38 action or settlement; interest, property, and
39 securities acquired through the use of moneys in the
40 fund; or moneys contributed to the fund from other
41 sources.

42 b. The moneys deposited in the fund shall be used
43 exclusively to administer and enforce provisions of
44 this chapter relating to industrial animal feeding
45 operations, including but not limited to issuing
46 permits, performing tests, and conducting
47 investigations. The treasurer of state shall act as
48 custodian of the fund and disburse amounts contained
49 in the fund as directed by the department.

50 c. The treasurer of state is authorized to invest

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1 the moneys deposited in the fund. The income from
2 such investment shall be credited to and deposited in
3 the fund. Notwithstanding section 8.33, moneys in the
4 fund are not subject to reversion to the general fund
5 of the state. The fund shall be administered by the
6 department, which shall make expenditures from the
7 fund consistent with the purposes of this section.
8 The moneys in the fund shall be disbursed upon
9 warrants drawn by the director of revenue and finance
10 pursuant to the order of the department. The fiscal
11 year of the fund begins July 1. The finances of the
12 fund shall be calculated on an accrual basis in
13 accordance with generally accepted accounting
14 principles. The auditor of state shall regularly
15 perform audits of the fund.

16 2. a. The department shall deposit into the fund
17 an annual fee collected from persons required to
18 obtain a construction permit for the issuance of
19 permits for the construction of industrial animal
20 feeding operations as provided in section 455B.173.

21 b. A permittee shall pay an annual fee to the
22 department which shall be remitted to the department
23 as provided in rules adopted by the department. The
24 department shall establish four payment dates each
25 year beginning July 1 and which shall be three months
26 apart. A permittee who has been issued a construction
27 permit for an industrial animal feeding operation
28 prior to the effective date of this Act shall pay the
29 annual fee on a payment date specified by the

30 department, but not earlier than the second payment
31 date following the effective date of this Act. A
32 permittee who has received a construction permit on or
33 after the effective date of this Act shall make the
34 full annual payment on the second payment date after
35 the construction permit is issued by the department.
36 A permittee shall pay the annual fee to the department
37 on each anniversary of the payment date. The
38 department shall provide notice in writing to a
39 permittee within one month prior to the permittee's
40 payment date.

41 c. The annual fee shall equal five cents per
42 animal unit of capacity for an industrial animal
43 feeding operation housing poultry and twelve and one-
44 half cents per animal unit of capacity for an
45 industrial animal feeding operation housing other
46 species of animals, as defined in section 455B.161.
47 The fee shall not be paid if the industrial animal
48 feeding operation does not house any animals or store
49 manure for three consecutive months prior to the
50 permittee's payment date. If the industrial animal

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1 feeding operation again houses animals or stores
2 manure, the permittee shall pay the department by the
3 next payment date and subsequently on each anniversary
4 of that payment date. The permittee shall notify the
5 department if a fee is not owing within one month
6 prior to the permittee's payment date.

7 d. A permittee is delinquent if the permittee
8 fails to submit the full fee when due or, if upon
9 examination, an underpayment of the fee is found by
10 the department. The permittee is subject to a penalty
11 of ten dollars or an amount equal to the amount of the
12 deficiency for each day the permittee is delinquent,
13 whichever is less.

14 e. If, on March 1, the unexpended or unobligated
15 moneys of the fund exceed five hundred thousand
16 dollars, the annual fee shall be waived. The
17 department may reinstate the annual fee if the
18 unobligated or unexpended moneys in the fund are less
19 than five hundred thousand dollars. The department
20 shall reinstate the annual fee if unexpended or
21 unobligated moneys in the fund are less than four
22 hundred fifty thousand dollars. A permittee who does
23 not make payment on or after July 1 of each fiscal
24 year shall pay the fee on the next payment date, but
25 not before one month prior to the next payment date.
26 However, a delayed payment shall not change a
27 permittee's payment date anniversary.

28 Sec. 27. NEW SECTION. 455B.202 MANURE MANAGEMENT
29 PRACTICES.

30 The department shall adopt rules for manure

31 management practices by persons required to obtain a
32 permit for the construction of an industrial animal
33 feeding operation or related structure which shall
34 include all of the following:

- 35 1. Requirements for the submission and approval of
36 a manure management plan as provided in section 332.4.
- 37 2. Manure application practices, including manure
38 application rates on land based on the production of
39 designated crops and according to crop schedules. The
40 application rates shall be based on phosphorous use
41 levels of designated crops, according to soil tests
42 which shall be performed each year and a chemical
43 analysis of the manure which shall be performed each
44 five years. In no case shall manure be applied to
45 land which exceeds the maximum crop uptake of nitrogen
46 or phosphorous.
- 47 3. Manure shall be applied to land according to a
48 schedule included in rules adopted by the department.
49 Manure shall not be applied during any period when
50 soil temperatures are fifty degrees Fahrenheit and

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1 cooling. Manure shall not be applied to frozen land,
2 unless the application is approved after a public
3 hearing by the county board of supervisors in the
4 county where the land is located. However, manure
5 shall not be applied on land having a slope that
6 exceeds four percent.

- 7 4. Manure applied to land must be injected or
8 incorporated within twenty-four hours, unless
9 inclement weather prohibits incorporation.
- 10 5. Manure shall not be applied by the use of
11 irrigation equipment or a device which sprays liquid
12 manure more than twenty-five feet.

13 Sec. 28. NEW SECTION. 455B.203 DISTANCE
14 REQUIREMENTS.
15 An industrial animal feeding operation structure
16 shall be located at least one-half mile from an
17 agricultural drainage well, sinkhole, or a lake,
18 river, or stream. All distances between locations or
19 objects shall be measured from their closest points,
20 as provided by rules adopted by the department. The
21 department may require that the distances be not
22 greater than one mile if a structure is located on an
23 elevation higher than the agricultural drainage well,
24 sinkhole, lake, river, or stream.
25 Sec. 29. Section 335.2, Code 1995, is repealed."

FALLON of Polk
BURNETT of Story
DREES of Carroll
KOENIGS of Mitchell

H-3608

- 1 Amend House File 530 as follows:
- 2 1. Page 23, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____ Section 80E.1, subsection 1, Code 1995,
- 5 is amended to read as follows:
- 6 1. A drug enforcement and abuse prevention
- 7 coordinator shall be appointed by the governor from a
- 8 list of candidates from within the attorney general's
- 9 office provided by the attorney general, subject to
- 10 confirmation by the senate, ~~and shall serve at the~~
- 11 ~~pleasure of the governor.~~ The governor attorney
- 12 general shall fill a vacancy in the office in the same
- 13 manner as the original appointment was made. The
- 14 coordinator shall be selected primarily for
- 15 administrative ability. The coordinator shall not be
- 16 selected on the basis of political affiliation and
- 17 shall not engage in political activity while holding
- 18 the office. The salary of the coordinator shall be
- 19 fixed by the ~~governor~~ attorney general."
- 20 2. By renumbering as necessary.

MURPHY of Dubuque

H-3611

- 1 Amend House File 518 as follows:
- 2 1. Page 7, by striking line 21 and inserting the
- 3 following:
- 4 "9. The duration of any plan shall be for a period
- 5 of three to five years."
- 6 2. Page 7, by striking line 24 and inserting the
- 7 following: "no later than one year prior to".

WEIGEL of Chickasaw

H-3612

- 1 Amend House File 518 as follows:
- 2 1. Page 7, by inserting after line 30 the
- 3 following:
- 4 "10. The board, in determining whether to file a
- 5 written complaint pursuant to subsection 6 or prior to
- 6 reviewing a local exchange carrier's operation
- 7 pursuant to subsection 9, may request that such
- 8 carrier provide any information which the board deems
- 9 necessary to make such determination or conduct such
- 10 review. The carrier shall provide the requested
- 11 information upon receipt of the request from the
- 12 board."
- 13 2. By renumbering as necessary.

BRAND of Benton

H-3613

- 1 Amend House File 518 as follows:
- 2 1. Page 7, line 21, by inserting after the word
- 3 "plan" the following: "which shall be for a period of
- 4 at least three years but for no more than five years".
- 5 2. Page 7, by striking lines 28 through 30 and
- 6 inserting the following: "carrier's plan as a result
- 7 of the review.
- 8 10. The board, at the expiration of the time
- 9 period for a plan, shall conduct a hearing for review
- 10 of the rates of the local exchange carrier pursuant to
- 11 sections 476.3 and 476.6."

WEIGEL of Chickasaw

H-3614

- 1 Amend House File 518 as follows:
- 2 1. Page 7, line 21, by inserting after the word
- 3 "plan" the following: "which shall be for a period of
- 4 three to five years".
- 5 2. Page 7, by striking line 24 and inserting the
- 6 following: "no later than one year prior to".

WEIGEL of Chickawaw

H-3615

- 1 Amend House File 518 as follows:
- 2 1. Page 12, by striking lines 24 through 26 and
- 3 inserting the following: "disbursement of support
- 4 funds directly to eligible subscribers."

FALLON of Polk

H-3616

- 1 Amend House File 518 as follows:
- 2 1. Page 6, by inserting after line 16 the
- 3 following:
- 4 "g. Providing that no price increases shall be
- 5 undertaken within three years of the date of approval
- 6 of the rate-regulated utilities plan."

BRAND of Benton

H-3617

- 1 Amend House File 518 as follows:
- 2 1. Page 5, line 12, by striking the word "six"
- 3 and inserting the following: "ten".
- 4 2. Page 5, line 14, by striking the word "six"
- 5 and inserting the following: "ten".

BRAND of Benton

H-3618

- 1 Amend House File 518 as follows:
- 2 1. By striking page 5, line 31 through page 6,
- 3 line 5, and inserting the following:
- 4 "The plan may provide that price increases for
- 5 basic communications services which are permitted
- 6 under this section may be deferred and accumulated for
- 7 a maximum of three years into a single price increase,
- 8 not to exceed six percent. Price decreases for basic
- 9 communications services shall not be deferred or
- 10 accumulated, except that a price decrease required
- 11 under this section may be offset by a price increase
- 12 for basic communications services which would have
- 13 been permitted under this section in the previous
- 14 twelve-month period but which was deferred by the
- 15 local exchange carrier."

HOLVECK of Polk

H-3619

- 1 Amend House File 518 as follows:
- 2 1. Page 5, by striking lines 7 through 10 and
- 3 inserting the following: "access service rates in
- 4 effect as of July 1, 1995."
- 5 2. Page 10, by striking lines 26 through 34.
- 6 3. Renumber and reletter as necessary.

HOLVECK of Polk

H-3620

- 1 Amend House File 518 as follows:
- 2 1. Page 12, line 23, by inserting after the word
- 3 "collected" the following: "from all rate-regulated
- 4 local exchange carriers and competitive local exchange
- 5 service providers".

BELL of Jasper

H-3621

- 1 Amend House File 518 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 476.1, unnumbered paragraph 4,
- 5 Code 1995, is amended to read as follows:
- 6 Mutual telephone companies in which at least fifty
- 7 percent of the users are owners, co-operative
- 8 telephone corporations or associations, telephone
- 9 companies having less than fifteen thousand customers
- 10 and less than fifteen thousand access lines,
- 11 municipally owned utilities, and unincorporated
- 12 villages which own their own distribution systems are
- 13 not subject to the rate regulation provided for in

14 this chapter or to sections 476.30A through 476.30D."

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

16 following:

17 "2A. "Basic communications price factor" means the

18 following:

19 a. For purposes of a local exchange carrier having

20 less than fifteen thousand customers and less than

21 fifteen thousand access lines, a factor determined

22 annually as the lower of the following:

23 (1) Forty-one and six thousand six hundred sixty-

24 seven ten thousandths percent of the percentage change

25 of the average annual gross national product price

26 index.

27 (2) The percentage change of the average annual

28 gross national product price index minus two and

29 seventy-five hundredths percentage points.

30 b. For purposes of the local exchange carrier

31 having fifteen thousand or more customers and fifteen

32 thousand or more access lines, a factor determined

33 annually as the lower of the following:

34 (1) Fifty-two and eight hundred thirty-four ten

35 thousandths percent of the percentage change of the

36 average annual gross national product price index.

37 (2) The percentage change of the average annual

38 gross national product price index minus two and six

39 hundred twenty-five thousandths percentage points."

40 3. Page 5, by striking lines 24 through 30 and

41 inserting the following: "the prices for basic

42 communications services based upon the basic

43 communications price factor."

44 4. By renumbering as necessary.

BERNAU of Story

H-3626

1 Amend House File 515 as follows:

2 1. Page 8, by striking lines 2 through 35.

3 2. By renumbering and correcting internal

4 references as necessary.

HOLVECK of Polk

H-3627

1 Amend the House File 518 as follows:

2 1. Page 4, by striking lines 17 through 19 and

3 inserting the following: "subsection 4, concurrent

4 with a rate".

WEIGEL of Chickasaw

H-3628

1 Amend House File 518 as follows:

2 1. Page 5, line 30, by inserting after the word

3 "number." the following: "However, the plan shall

4 provide that a local exchange carrier may reduce the
 5 price for any basic communications service, to an
 6 amount not less than the total service long-run
 7 incremental cost for such service on one day's notice
 8 filed with the board. For purposes of this section,
 9 total service long-run incremental cost is the
 10 difference between the company's total cost and the
 11 company's total cost less the cost of the service in
 12 question."

BELL of Jasper

H-3630

1 Amend House File 518 as follows:
 2 1. Page 5, line 10, by inserting after the word
 3 "plan." the following: "For purposes of the rate case
 4 filed pursuant to this paragraph, the local exchange
 5 carrier shall only be allowed to include one-half of
 6 the amount of the access charge reduction as part of
 7 the carrier's cost of service."

HOLVECK of Polk

H-3631

1 Amend House File 518 as follows:
 2 1. Page 3, line 30, by inserting after the word
 3 "basic" the following: "and may reclassify by rule as
 4 basic those two-way switched voice communications
 5 services previously classified by rule as nonbasic".

BRAND of Benton

H-3632

1 Amend House File 518 as follows:
 2 1. Page 5, line 10, by inserting after the word
 3 "plan." the following: "For purposes of the rate case
 4 filed pursuant to this paragraph, the local exchange
 5 carrier shall only be allowed to include one-third of
 6 the amount of the access charge reduction as part of
 7 the carrier's cost of service."

HOLVECK of Polk

H-3633

1 Amend House File 518 as follows:
 2 1. Page 4, line 12, by inserting after the word
 3 "a" the following: "proposed".
 4 2. Page 4, line 14, by inserting after the word
 5 "carrier" the following: "to be applied to all rate-
 6 regulated local exchange carriers. The board, after
 7 notice and opportunity for hearing, may approve,
 8 modify, or reject one of the plans submitted. Upon

9 approval, the plan shall apply to all rate-regulated
 10 utilities".
 11 3. Page 4, by striking lines 27 through 31 and
 12 inserting the following: "may approve, modify, or
 13 reject the plan. A local exchange carrier shall have
 14 ten days to accept or reject any board modifications
 15 to the plan. If a local exchange carrier rejects a
 16 modification to the plan, the board shall reject the
 17 plan without prejudice to any local exchange carrier
 18 to submit".

WEIGEL of Chickasaw

H-3641

1 Amend House File 344 as follows:
 2 1. Page 1, line 18, by inserting after the word
 3 "subsection," the following: "This subsection does
 4 not apply to deputy sheriffs who are subject to
 5 collective bargaining agreements negotiated pursuant
 6 to chapter 20."

WELTER of Jones

H-3642

1 Amend Senate File 446, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, by inserting after line 3 the
 4 following:
 5 "Sec. ____ Section 462A.14, Code 1995, is amended
 6 by striking the section and inserting in lieu thereof
 7 the following:
 8 462A.14 DEFINITIONS — OPERATING WHILE
 9 INTOXICATED.
 10 1. As used in this section and sections 462A.14A
 11 and 462A.14B:
 12 2. "Alcohol concentration" means the number of
 13 grams of alcohol per any of the following:
 14 a. One hundred milliliters of blood.
 15 b. Two hundred ten liters of breath.
 16 c. Sixty-seven milliliters of urine.
 17 3. "Alcoholic beverage" includes alcohol, wine,
 18 spirits, beer, or any other beverage which contains
 19 ethyl alcohol and is fit for human consumption.
 20 a. "Chemical test" means an analysis of a person's
 21 blood, breath, urine, or other bodily substance for
 22 the determination of the presence of alcohol, a
 23 controlled substance, or a drug.
 24 b. "Controlled substance" means controlled
 25 substance as defined in section 124.101.
 26 c. "Motorboat" means a watercraft, as defined in
 27 section 462A.2, that is propelled by an engine.
 28 d. "Peace officer" means peace officer as defined
 29 in section 801.4.
 30 e. "Prima facie evidence of intoxication" includes

31 evidence that, at the time of an alleged violation, a
32 person had an alcohol concentration equal to or in
33 excess of the level specified in section 321J.2,
34 subsection 1, paragraph "b".

35 f. "Relevant evidence of intoxication" includes
36 evidence that, at the time of the alleged violation, a
37 person had an alcohol concentration of at least one-
38 half, but not more than, the level specified in
39 section 321J.2, subsection 1, paragraph "b".

40 g. "Sailboat" means a watercraft, as defined in
41 462A.2, that is propelled by wind through use of one
42 or more sails.

43 Sec. ____ **NEW SECTION. 462A.14A OPERATING A**
44 **MOTORBOAT OR SAILBOAT WHILE INTOXICATED.**

45 1. A person commits the offense of operating a
46 motorboat or sailboat while intoxicated if the person
47 operates a motorboat or sailboat in either of the
48 following conditions:

49 a. While under the influence of an alcoholic
50 beverage or other drug or a combination of such

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1 substances.

2 b. While having an alcohol concentration as
3 defined in section 462A.14 of .10 or more.

4 2. A person who violates this section commits:

5 a. A serious misdemeanor for the first offense and
6 shall be imprisoned in the county jail for not less
7 than forty-eight hours to be served as ordered by the
8 court, less credit for any time the person was
9 confined in a jail or detention facility following
10 arrest, and assessed a fine of not less than five
11 hundred dollars. As an alternative to a portion or
12 all of the fine, the court may order the person to
13 perform not more than two hundred hours of unpaid
14 community service.

15 b. A person who violates this section and who has
16 previously been convicted of a violation of this
17 section within the previous six years commits an
18 aggravated misdemeanor and shall be imprisoned in the
19 county jail or a community-based correctional facility
20 for not less than seven days, which sentence shall not
21 be suspended notwithstanding section 901.5, subsection
22 3, and section 907.3, subsection 3, and assessed a
23 fine of not less than seven hundred fifty dollars.

24 c. A person who violates this section commits a
25 class "D" felony and shall be imprisoned in the county
26 jail for a determinate sentence of not more than one
27 year but not less than thirty days, which shall not be
28 suspended, notwithstanding section 901.5, subsection
29 3, and section 907.3, subsection 3, or committed to
30 the custody of the director of the department of
31 corrections, and assessed a fine of not less than
32 seven hundred fifty dollars in either of the following
33 cases:

- 34 (1) If the person has twice been previously
35 convicted of a violation of this section within the
36 previous six years.
- 37 (2) If the offense results in serious bodily
38 injury to another person and the court determines that
39 the person who committed the offense caused the
40 serious bodily injury.
- 41 d. A person who violates this section commits a
42 class "C" felony if the crime results in the death of
43 another person and the court determines that the
44 person who committed the offense caused the death.
- 45 e. A person who operates a motorboat or sailboat
46 after the person has been ordered, pursuant to this
47 section, not to operate a motorboat or sailboat
48 commits a simple misdemeanor.
- 49 3. a. Except for a penalty imposed under
50 subsection 2, paragraph "e", in addition to a criminal

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- 1 penalty imposed for a misdemeanor under this section,
2 the court shall order the person not to operate a
3 motorboat or sailboat for a period of time not to
4 exceed one year.
- 5 b. In addition to a criminal penalty imposed for a
6 felony under this section, the court shall order the
7 person not to operate a motorboat or sailboat for a
8 period of time not to exceed two years.
- 9 4. a. A person who operates a motorboat or
10 sailboat in waters over which this state has
11 jurisdiction impliedly consents to submit to the
12 chemical test provisions of this section as a
13 condition of operating a motorboat or sailboat in this
14 state. If a person refuses to submit to a chemical
15 test under this section, the court shall order the
16 person not to operate a motorboat or sailboat for a
17 period of time not to exceed one year.
- 18 b. A peace officer who has probable cause to
19 believe that a person has committed an offense under
20 this section shall offer the person the opportunity to
21 submit to a chemical test. However, it is not
22 necessary for the peace officer to offer a chemical
23 test to an unconscious person. A peace officer may
24 offer a person more than one chemical test under this
25 section. However, all tests must be administered
26 within two hours after the officer had probable cause
27 to believe the person violated this section. A person
28 must submit to each chemical test offered by a peace
29 officer in order to comply with the implied consent
30 provisions of this section.
- 31 c. If the chemical test results in relevant
32 evidence that the person is intoxicated, the person
33 may be arrested for an offense under this section. If
34 the chemical test results in prima facie evidence that
35 the person is intoxicated, the person shall be
36 arrested for an offense under this section.

37 d. A person who refuses to submit to a chemical
38 test may be arrested for an offense under this
39 section.

40 e. At any proceeding under this section, a
41 person's refusal to submit to a chemical test is
42 admissible into evidence.

43 f. If a person refuses to submit to a chemical
44 test under this section, the peace officer shall
45 inform the person that the person's refusal will
46 result in the suspension of the person's motorboat or
47 sailboat operation privileges.

48 5. At any proceeding concerning an offense under
49 this section, evidence of the amount by weight of
50 alcohol that was in the blood of the person charged

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1 with the offense at the time of the alleged violation,
2 as shown by an analysis of the person's blood, breath,
3 urine, or other bodily substance, is admissible.

4 Sec. ____ NEW SECTION. 462A.14B PRELIMINARY
5 SCREENING TEST.

6 When a peace officer has reasonable grounds to
7 believe that a motorboat or sailboat operator may be
8 violating or has violated section 462A.14A, or the
9 operator has been involved in a motorboat or sailboat
10 collision resulting in injury or death, the peace
11 officer may request the operator to provide a sample
12 of the operator's breath for a preliminary screening
13 test using a device approved by the commission of
14 public safety for that purpose. The results of this
15 preliminary screening test may be used for the purpose
16 of deciding whether an arrest should be made and
17 whether to request a chemical test authorized in
18 section 462A.14A, but shall not be used in any court
19 action except to prove that a chemical test was
20 properly requested of a person pursuant to this
21 section and section 462A.14A.

22 Sec. ____ NEW SECTION. 462A.14C ARREST AND
23 CONVICTION STATISTICS.

24 The department shall collect and maintain
25 statistics on the number of arrests and convictions
26 for violations of section 462A.14A that occur each
27 year.

28 Sec. ____ Section 462A.23, subsection 2, paragraph
29 b, Code 1995, is amended by striking the paragraph and
30 inserting in lieu thereof the following:

31 b. Operating a motorboat or sailboat while
32 intoxicated, or manipulating waterskis, surfboard, or
33 similar device while in an intoxicated condition or
34 under the influence of a narcotic drug."

35 2. Page 23, by inserting after line 11 the
36 following:

37 "Sec. ____ Section 912.1, subsection 2, Code 1995,
38 is amended to read as follows:

39 2. "Crime" means conduct that occurs or is

40 attempted in this state, poses a substantial threat of
 41 personal injury or death, and is punishable as a
 42 felony or misdemeanor, or would be so punishable but
 43 for the fact that the person engaging in the conduct
 44 lacked the capacity to commit the crime under the laws
 45 of this state. "Crime" does not include conduct
 46 arising out of the ownership, maintenance, or use of a
 47 motor vehicle, motorcycle, motorized bicycle, train,
 48 boat, or aircraft except for violations of section
 49 321.261, 321.277, 321J.2, ~~462A.14~~ 462A.14A, or 707.6A,
 50 or when the intention is to cause personal injury or

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- 1 death. A license revocation under section 321J.9 or
 2 321J.12 shall be considered by the department as
 3 evidence of a violation of section 321J.2 for the
 4 purposes of this chapter."
 5 3. Title page, line 2, by inserting after the
 6 word "motor vehicle" the following: ", a motorboat,
 7 or sailboat."
 8 4. Title page, line 6, by inserting after the
 9 word "revocation" the following: "of motor vehicle
 10 licenses".
 11 5. By numbering and renumbering as necessary.

GARMAN of Story

H-3643

- 1 Amend House File 508 as follows:
 2 1. Page 11, by inserting after line 17 the
 3 following:
 4 "Sec. ____ Section 455G.13, subsection 1, Code
 5 1995, is amended to read as follows:
 6 1. FULL RECOVERY SOUGHT FROM OWNER. The board
 7 shall may seek full recovery from the owner, operator,
 8 or other potentially responsible party liable for the
 9 released petroleum which is the subject of a
 10 corrective action, for which the fund expends moneys
 11 for corrective action or third-party liability, and
 12 for all other costs, including reasonable attorney
 13 fees and costs of litigation for which moneys are
 14 expended by the fund in connection with the release.
 15 The liability of the owner, operator or other
 16 potentially responsible party is limited to that
 17 percentage of the released petroleum which was the
 18 subject of the corrective action and which the board
 19 through clear and convincing evidence, demonstrates
 20 was released by the owner, operator, or other
 21 potentially responsible party. When federal cleanup
 22 funds are recovered, the funds are to be deposited to
 23 the remedial account of the fund and used solely for
 24 the purpose of future cleanup activities."
 25 2. Page 16, by inserting after line 21 the
 26 following:

- 27 "Sec. ____ APPLICABILITY. The section of this Act
28 that amends section 455G.13, subsection 1, applies to
29 all cases that are tried on or after the effective
30 date of this Act."
31 3. Title page, line 5, by inserting after the
32 word "requirements," the following: "limiting cost
33 recovery."
34 4. By renumbering as necessary.

GIPP of Winneshiek

H-3644

- 1 Amend House File 508 as follows:
2 1. Page 2, line 31, by striking the word
3 "reclassifying" and inserting the following:
4 "classifying".
5 2. Page 4, by inserting after line 20 the
6 following:
7 "(g) Remediation shall not be required on a site
8 that does not present an increased cancer risk at the
9 point of exposure of one in one million for
10 residential areas or one in ten thousand for
11 nonresidential areas."
12 3. Page 15, by striking line 25 and inserting the
13 following: "when final rules referred to in
14 subparagraph (2) are adopted by the environmental
15 protection commission."
16 4. Page 16, by striking lines 10 through 12 and
17 inserting the following:
18 "3. The department of natural resources shall not
19 require an owner or operator to proceed with
20 corrective action until such time as the rules
21 implementing the amendments to section 455B.474,
22 contained in this Act, become effective. However, an
23 owner or operator may elect to proceed with corrective
24 action pursuant to rules of the department existing on
25 January 1, 1995, and shall receive benefits under
26 section 455G.9, until such time as the rules
27 implementing the amendments to section 455B.474,
28 contained in this Act, become effective."

GIPP of Winneshiek
WITT of Black Hawk

H-3647

- 1 Amend Senate File 156, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 9, by striking the words "agrees
4 to maintain" and inserting the following: ", as of
5 the end of each fiscal year of the qualified venture
6 capital company, maintains".
7 2. Page 1, by striking lines 10 and 11 and
8 inserting the following: "or assets in Iowa."
9 3. Page 1, line 12, by striking the words "raise

- 10 equity capital or".
- 11 4. Page 1, line 13, by inserting after the word
12 "obtain" the following: "adequate".
- 13 5. Page 1, line 13, by inserting after the word
14 "financing" the following: "on suitable terms".
- 15 6. Page 2, lines 23 and 24, by striking the words
16 " , which shall not exceed fifty percent,".
- 17 7. Page 2, line 25, by inserting after the word
18 "company." the following: "The cumulative tax credit
19 for all years claimed shall not exceed fifty percent
20 of the taxpayer's new cash invested in the qualified
21 venture capital company."
- 22 8. Page 2, line 31, by striking the words
23 "qualified venture capital company" and inserting the
24 following: "taxpayer".
- 25 9. Page 2, line 32, by striking the words
26 "qualified venture capital company" and inserting the
27 following: "taxpayer".
- 28 10. Page 3, lines 1 and 2, by striking the words
29 "qualified venture capital company's" and inserting
30 the following: "taxpayer's".
- 31 11. Page 3, lines 7 and 8, by striking the words
32 "qualified venture capital companies" and inserting
33 the following: "taxpayers".
- 34 12. Page 3, lines 19 and 20, by striking the
35 words "qualified venture capital company" and
36 inserting the following: "taxpayer".
- 37 13. Page 4, line 14, by inserting after the word
38 "assets" the following: "as private capitalization in
39 the qualified venture capital company".

Committee on Economic Development

H-3649

- 1 Amend the amendment, H-3610, to House File 518, as
2 follows:
- 3 1. Page 3, by striking lines 28 through 32.
- 4 2. Page 4, line 9, by striking the words "Primary
5 residence" and inserting the following: "Residence".
- 6 3. Page 4, by striking lines 29 through 34 and
7 inserting the following: "services, other than a
8 local exchange carrier."
- 9 4. Page 5, by striking lines 37 through 40 and
10 inserting the following: "subsection 4. The board
11 may approve".
- 12 5. Page 6, by striking lines 21 through 43 and
13 inserting the following: "the date of filing of the
14 plan, in a period beginning no more than two years and
15 not ending more than five years from the plan's
16 inception."
- 17 6. Page 11, line 17, by inserting after the word
18 "rules." the following: "The tariffs implementing the
19 unbundled essential facilities shall not provide for
20 an increase in prices for basic communications
21 services except as provided pursuant to a proceeding

22 to establish initial rates under a price regulation
23 plan established under section 476.30B.”
24 7. Page 11, line 47, by striking the word
25 “seventy-five” and inserting the following:
26 “fifteen”.

HOLVECK of Polk

H-3650

1 Amend the amendment, H-3610, to House File 518 as
2 follows:
3 1. Page 5, line 12, by inserting after the word
4 “basic” the following: “and may reclassify by rule as
5 basic those two-way switched communications services
6 previously classified by rule as nonbasic”.

BRAND of Benton

H-3651

1 Amend the amendment, H-3610, to House File 518 as
2 follows:
3 1. Page 7, line 24, by inserting after the word
4 “productivity.” the following: “However, the plan
5 shall provide that a local exchange carrier may reduce
6 the price for any basic communications service, to an
7 amount not less than the total service long-run
8 incremental cost for such service on one day’s notice
9 filed with the board. For purposes of this section,
10 total service long-run incremental cost is the
11 difference between the company’s total cost and the
12 company’s total cost less the cost of the service in
13 question.”

BELL of Jasper

H-3653

1 Amend the amendment, H-3610, to House File 518 as
2 follows:
3 1. Page 13, line 23, by inserting after the word
4 “collected” the following: “from all rate-regulated
5 local exchange carriers and competitive local exchange
6 service providers”.

BELL of Jasper

H-3654

1 Amend the amendment, H-3610, to House File 518 as
2 follows:
3 1. Page 13, by striking lines 24 through 26 and
4 inserting the following: “funds directly to eligible
5 subscribers.”

FALLON of Polk

H-3655

1 Amend the amendment, H-3607, to House File 519 as
2 follows:

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

5 "Sec. ____ Section 335.2, Code 1995, is amended to
6 read as follows:

7 335.2 FARMS EXEMPT.

8 1. Except to the extent required to implement
9 section 335.27, no ordinance adopted under this
10 chapter applies to land, farm houses, farm barns, farm
11 outbuildings or other buildings or structures which
12 are primarily adapted, by reason of nature and area,
13 for use for agricultural purposes, while so used.
14 However, the ordinances may apply to any structure,
15 building, dam, obstruction, deposit or excavation in
16 or on the flood plains of any river or stream.

17 2. This section shall not apply to the
18 unincorporated area up to two miles beyond the limits
19 of a city, if the person holding an interest in the
20 property within the area establishes an agricultural
21 feeding operation, as defined in section 455B.161 on
22 the property, and the person is classified as a type
23 of corporation, limited liability company, limited
24 partnership, or trust, regulated under chapter 9H.
25 However, if the property is so held, the exemption in
26 subsection 1 shall continue to apply if the natural
27 person who is a shareholder of the corporation, member
28 of the limited liability company, limited partner of
29 the limited partnership, or beneficiary of the trust,
30 holds a minimum interest in the corporation, limited
31 liability company, limited partnership, or trust, and
32 resides in closer proximity to the operation than any
33 other person. The minimum interest may be either an
34 equity position in the corporation, limited liability
35 company, limited partnership, or trust which is at
36 least equal to any other stockholder of the
37 corporation, member of the limited liability company,
38 limited partner of the limited partnership, or
39 beneficiary of the trust; or an equity position which
40 is at least twenty-five percent of the total equity
41 position held by all shareholders of the corporation,
42 members of the limited liability company, limited
43 partners of the limited partnership, or beneficiaries
44 of the trust."

45 2. By renumbering as necessary.

BERNAU of Story

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."

FALLON of Polk
 COON of Warren

H-3657

- 1 Amend the amendment, H-3584, to House File 519 as
 2 follows:
- 3 1. Page 1, line 4, by striking the words
 4 "However, the".
- 5 2. Page 1, by striking lines 5 and 6 and
 6 inserting the following: "If the animal feeding
 7 operation wants to expand on or after the effective
 8 date of this Act, it needs to comply with the
 9 separation distance requirements of section
 10 455B.162.""

KOENIGS of Mitchell

H-3661

- 1 Amend the amendment, H-3610, to House File 518 as
 2 follows:
- 3 1. Page 3, by inserting after line 46 the
 4 following:

- 5 "Basic communications price factor" means
6 the following:
- 7 a. For purposes of a local exchange carrier with
8 seventy-five thousand or more access lines, a factor
9 determined annually as the lower of the following:
- 10 (1) Forty-one and six thousand six hundred sixty-
11 seven ten thousandths percent of the percentage change
12 of the average annual gross national product price
13 index.
- 14 (2) The percentage change of the average annual
15 gross national product price index minus two and
16 seventy-five hundredths percentage points.
- 17 b. For purposes of the local exchange carrier with
18 fewer than seventy-five thousand access lines, a
19 factor determined annually as the lower of the
20 following:
- 21 (1) Fifty-two and eight hundred thirty-four ten
22 thousandths percent of the percentage change of the
23 average annual gross national product price index.
- 24 (2) The percentage change of the average annual
25 gross national product price index minus two and six
26 hundred twenty-five thousandths percentage points."
- 27 2. Page 7, by striking lines 17 through 24 and
28 inserting the following: "services based upon the
29 basic communications price factor."
- 30 3. By striking page 11, line 45, through page 12,
31 line 5.
- 32 4. By renumbering and correcting internal
33 references as necessary.

BERNAU of Story

H-3662

- 1 Amend the amendment, H-3610, to House File 518 as
2 follows:
- 3 1. Page 4, line 1, by striking the word "voice".

DODERER of Johnson

H-3663

- 1 Amend the amendment, H-3610, to House File 518 as
2 follows:
- 3 1. Page 5, by striking lines 37 through 43 and
4 inserting the following: "subsection 4, concurrent
5 with a rate proceeding under".
- 6 2. By striking page 11, line 45 through page 12,
7 line 5.
- 8 3. By renumbering as necessary.

WEIGEL of Chickasaw

H-3664

- 1 Amend the amendment, H-3610, to House File 518 as
2 follows:
- 3 1. Page 7, line 3, by striking the word "six" and
4 inserting the following: "ten".
 - 5 2. Page 7, line 6, by striking the word "six" and
6 inserting the following: "ten".
 - 7 3. Page 7, lines 11 and 12, by striking the words
8 "twelve months" and inserting the following: "three
9 years".
 - 10 4. Page 7, line 13, by striking the words "twelve
11 months" and inserting the following: "three years".

BRAND of Benton.

H-3665

- 1 Amend the amendment, H-3610, to House File 518 as
2 follows:
- 3 1. Page 7, line 10, by inserting after the word
4 "Act." the following: "For purposes of a rate case
5 filed pursuant to this paragraph, the local exchange
6 carrier shall only be allowed to include one-third of
7 the amount of the access charge reduction as part of
8 the carrier's cost of service."

HOLVECK of Polk

H-3666

- 1 Amend the amendment, H-3610, to House File 518 as
2 follows:
- 3 1. Page 7, by striking lines 25 through 40 and
4 inserting the following:
5 "(5) The plan may provide that price increases for
6 basic communications services which are permitted
7 under this section may be deferred and accumulated for
8 a maximum of three years into a single price increase,
9 not to exceed six percent. Price decreases for basic
10 communications services shall not be deferred or
11 accumulated, except that a price decrease required
12 under this section may be offset by a price increase
13 for basic communications services which would have
14 been permitted under this section in the previous
15 twelve-month period but which was deferred by the
16 local exchange carrier."

HOLVECK of Polk

H-3667

- 1 Amend the amendment, H-3610, to House File 518, as
2 follows:
- 3 1. Page 8, line 47, by inserting after the word

4 "plan" the following: "which shall be for a period of
 5 at least three years but for no more than five years".
 6 2. Page 9, by striking lines 4 through 7 and
 7 inserting the following: "exchange carrier's plan as
 8 a result of the review.
 9 10. The board, at the expiration of the time
 10 period for a plan, shall conduct a hearing for review
 11 of the rates of the local exchange carrier pursuant to
 12 sections 476.3 and 476.6."

WEIGEL of Chickasaw

H-3669

1 Amend House File 493 as follows:
 2 1. Page 1, lines 16 and 17, by striking the words
 3 "fighter or" and inserting the following: "fighter".
 4 2. Page 1, line 17, by inserting after the figure
 5 "801.4" the following: ", an employee of the
 6 department of justice performing duties specified in
 7 section 13.2, subsections 1 through 3, a prosecuting
 8 attorney as defined in section 13A.1, or an employee
 9 of the judicial department or a judicial officer as
 10 defined in section 602.1101".

COON of Warren
 BELL of Jasper
 TYRRELL of Iowa
 RUNNING of Linn

H-3670

1 Amend House File 512 as follows:
 2 1. Page 18, by inserting after line 24 the fol-
 3 lowing:
 4 "Sec. ____ Section 15A.1, subsection 3, Code 1995,
 5 is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. c. The business has not solicited
 7 or advertised for permanent replacement employees
 8 during a labor dispute within the last ten years."
 9 2. By renumbering as necessary.

FALLON of Polk

H-3672

1 Amend the amendment, H-3386, to House File 492 as
 2 follows:
 3 1. Page 1, by striking line 2.
 4 2. By renumbering as necessary.

KREIMAN of Davis

H-3673

- 1 Amend House File 521 as follows:
- 2 1. Page 1, line 13, by striking the word "fifty"
- 3 and inserting the following: "seventy-five".
- 4 2. Page 2, line 2, by striking the word "fifty"
- 5 and inserting the following: "seventy-five".
- 6 3. Page 2, line 18, by striking the word "fifty"
- 7 and inserting the following: "seventy-five".

WEIGEL of Chickasaw

H-3674

- 1 Amend House File 521 as follows:
- 2 1. Page 1, line 13, by striking the words "more
- 3 than fifty" and inserting the following: "one
- 4 hundred".
- 5 2. Page 2, line 2, by striking the words "more
- 6 than fifty" and inserting the following: "one
- 7 hundred".
- 8 3. Page 2, line 18, by striking the words "more
- 9 than fifty" and inserting the following: "one
- 10 hundred".

WEIGEL of Chickasaw

H-3677

- 1 Amend House File 370 as follows:
- 2 1. By striking page 1, line 31, through page 2,
- 3 line 2, and inserting the following:
- 4 "Sec. ____ This Act shall not apply to contracts
- 5 between an electric utility and an alternate energy
- 6 production facility or small hydro facility that are
- 7 in effect as of the effective date of this Act. The
- 8 utilities board shall continue to allow the recovery
- 9 of costs as would have been allowed prior to the
- 10 effective date of this Act until the termination of
- 11 the contract. The intent of this section is to
- 12 protect alternate energy production facilities or
- 13 small hydro facilities that have entered into
- 14 contracts with electric utilities from suffering
- 15 economic damage due to the enactment of this Act."
- 16 2. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-3678

- 1 Amend House File 370 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:

4 "Section 1. Section 476.44, subsection 2, Code
5 1995, is amended to read as follows:
6 2. An electric utility subject to this division,
7 except a utility which elects rate regulation pursuant
8 to section 476.1A, shall not be required to purchase,
9 at any one time, more than its share of one two
10 hundred five ten megawatts of power from alternative
11 energy production facilities or small hydro facilities
12 at the rates established pursuant to section 476.43.
13 The board shall allocate the one two hundred five ten
14 megawatts based upon each utility's percentage of the
15 total Iowa retail peak demand, for the year beginning
16 January 1, 1990, of all utilities subject to this
17 section. If a utility undergoes reorganization as
18 defined in section 476.76, the board shall combine the
19 allocated purchases of power for each utility involved
20 in the reorganization.
21 Notwithstanding the one two hundred five ten
22 megawatt maximum, the board may increase the amount of
23 power that a utility is required to purchase at the
24 rates established pursuant to section 476.43 if the
25 board finds that a utility, including a reorganized
26 utility, exceeds its 1990 Iowa retail peak demand by
27 twenty percent and the additional power the utility is
28 required to purchase will encourage the development of
29 alternate energy production facilities and small hydro
30 facilities. The increase shall not exceed the
31 utility's increase in peak demand multiplied by the
32 ratio of the utility's share of the one two hundred
33 five ten megawatt maximum to its 1990 Iowa retail peak
34 demand."

SHOULTZ of Black Hawk

H-3679

1. Amend House File 370 as follows:
 - 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. INTERIM STUDY. The legislative
5 council is requested to authorize an interim study to
6 analyze the issue of requiring the purchase of
7 alternate energy from alternate energy production
8 facilities and small hydro facilities. The study
9 committee shall work with the energy project of the
10 national conference of state legislatures which has
11 offered to provide technical assistance to the
12 committee. The study committee shall evaluate the
13 existing energy efficiency and alternate energy policy
14 of the state, including the laws and regulations of
15 the state and provide recommendations to the general
16 assembly regarding amendment or repeal of the existing
17 policy or laws."

- 18 2. Title page, by striking lines 1 through 3 and
 19 inserting the following: "An Act relating to an
 20 interim study of alternate energy policies."

SHOULTZ of Black Hawk

H-3680

- 1 Amend House File 472 as follows:
 2 1. Page 1, by striking lines 1 through 34.
 3 2. Page 4, by striking lines 15 through 19.
 4 3. Title page, lines 2 and 3, by striking the
 5 words "allocating gaming revenues and making an
 6 appropriation."
 7 4. By renumbering as necessary.

MCCOY of Polk

H-3681

- 1 Amend House File 492 as follows:
 2 1. Page 3, by inserting after line 25 the
 3 following:
 4 "Sec. ____ Section 562B.10, subsection 4, Code
 5 1995, is amended to read as follows:
 6 4. Rental agreements shall be for a term of one
 7 year unless otherwise specified in the rental
 8 agreement. Rental agreements shall be canceled by at
 9 least sixty days' written notice given by either
 10 party. A landlord shall cancel a rental agreement
 11 only for good cause and shall not cancel a rental
 12 agreement solely for the purpose of making the
 13 tenant's mobile home space available for another
 14 mobile home."
 15 2. Title page, line 3, by inserting after the
 16 word "danger" the following: "and prohibiting a
 17 mobile home landlord from cancelling a rental
 18 agreement without good cause".
 19 3. By renumbering as necessary.

CONNORS of Polk

H-3682

- 1 Amend House File 521 as follows:
 2 1. Page 1, by striking line 13 and inserting the
 3 following:
 4 "Both of the following apply:
 5 () The stockholders holding more than fifty
 6 percent of the".
 7 2. Page 1, by inserting after line 26 the
 8 following:

9 " () The revenue of the corporation from rent,
 10 royalties, dividends, interest, and annuities does not
 11 exceed twenty percent of its gross receipts."

12 3. Page 2, by striking line 2 and inserting the
 13 following:

14 " Both of the following apply:

15 () The members holding more than fifty percent
 16 of the".

17 4. Page 2, by inserting after line 4 the
 18 following:

19 " () The revenue of the company from rent,
 20 royalties, dividends, interest, and annuities does not
 21 exceed twenty percent of its gross receipts."

22 5. Page 2, by striking line 18 and inserting the
 23 following:

24 " Both of the following apply:

25 () The beneficiaries holding more than fifty
 26 percent of".

27 6. Page 2, by inserting after line 20 the
 28 following:

29 " () The revenue of the trust from rent,
 30 royalties, dividends, interest, and annuities does not
 31 exceed twenty percent of its gross receipts."

32 7. By relettering and renumbering as necessary.

WEIGEL of Chickasaw

H-3685

1 Amend Senate File 290 as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 14, line 13, by striking the figure
 4 "1997" and inserting the following: "1996".

5 2. Page 14, line 15, by striking the figure
 6 "1997" and inserting the following: "1996".

7 3. Page 20, line 4, by striking the figure "1997"
 8 and inserting the following: "1996".

9 4. Page 20, line 20, by striking the figure
 10 "1997" and inserting the following: "1996".

MYERS of Johnson
 WELTER of Jones

H-3686

1 Amend the amendment, H-3660, to Senate File 93, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:

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

6 " Page 1, by striking line 9 and inserting
 7 the following: "judgment.""

- 8 2. Page 1, by inserting after line 16 the
 9 following:
 10 "_. Page 1, by striking lines 15 through 18 and
 11 inserting the following:
 12 "(1) Kidnapping of a minor.
 13 (a) False imprisonment of a minor."
 14 3. Page 2, line 2, by striking the figure "25"
 15 and inserting the following: "28".
 16 4. Page 2, line 12, by striking the words "the
 17 money" and inserting the following: "ten percent of
 18 the moneys transmitted into the court technology and
 19 modernization fund, for use for the purposes
 20 established in section 602.8108, subsection 4,
 21 paragraph "a", and the balance of the moneys
 22 transmitted".
 23 5. Page 2, by inserting after line 16 the
 24 following:
 25 "_. Page 7, line 31, by striking the word
 26 "Failure" and inserting the following: "A willful
 27 failure".
 28 _ Page 7, line 34, by striking the words "who
 29 fails" and inserting the following: "who willfully
 30 fails".
 31 _ Page 8, line 5, by inserting after the word
 32 "The" the following: "willful".
 33 6. By numbering and renumbering as necessary.

COON of Warren
 KREIMAN of Davis

H-3687

- 1 Amend House File 370 as follows:
 2 1. Page 1, lines 3 and 4, by striking the figures
 3 and word "~~476.41 through 476.44 476.42, 476.43~~" and
 4 inserting the following: "476.41 through 476.44
 5 476.43".
 6 2. Page 1, lines 10 and 11, by striking the
 7 figures and word "~~476.41 through 476.42, 476.43~~" and
 8 inserting the following: "476.41 through 476.43".
 9 3. Page 1, by striking line 29 and inserting the
 10 following:
 11 "Sec. ____ Section 476.44, Code 1995, is".
 12 4. Page 1, line 31, by striking the words and
 13 figure "sections 476.41 and" and inserting the
 14 following: "section".
 15 5. Page 2, by striking lines 3 and 4.
 16 6. Title page, by striking line 3 and inserting
 17 the following: "facilities."
 18 7. By renumbering as necessary.

SHOULTZ of Black Hawk

H-3694

- 1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate as
3 follows:
- 4 1. Page 16, by inserting after line 31 the
5 following:
- 6 "Sec. ____ NEW SECTION. 257.50 TRANSPORTATION
7 ASSISTANCE AID TO DISTRICTS.
- 8 1. The department shall pay transportation
9 assistance aid to a school district from funds
10 appropriated in this section to school districts whose
11 average transportation costs per pupil exceed the
12 state average transportation costs per pupil
13 determined under subsection 2 by twenty-five percent.
- 14 2. A district's average transportation costs per
15 pupil shall be determined by dividing the district's
16 actual cost for all children transported in all school
17 buses for a school year pursuant to section 285.1,
18 subsection 12, by the district's actual enrollment for
19 the school year, as defined in section 257.6. The
20 state average transportation costs per pupil shall be
21 determined by dividing the total actual costs for all
22 children transported in all districts for a school
23 year, by the total of all districts' actual
24 enrollments for the school year.
- 25 3. A school district shall annually certify its
26 actual cost for all children transported in all school
27 buses by July 15 after each school year on forms
28 prescribed by the department of education.
- 29 4. If a school district's average transportation
30 costs per pupil exceed the state average
31 transportation costs per pupil by twenty-five percent,
32 the department of education shall pay transportation
33 assistance aid equal to the amount of the difference
34 multiplied by the district's actual enrollment for the
35 school year.
- 36 5. There is appropriated from the general fund of
37 the state to the department of education, for each
38 fiscal year, an amount necessary to pay transportation
39 assistance aid pursuant to this section.
40 Transportation assistance aid is miscellaneous income
41 for purposes of chapter 257."
- 42 2. By renumbering as necessary.

WEIGEL of Chickasaw
MERTZ of Kossuth
MAY of Worth
MUNDIE of Webster
DREES of Carroll

H-3696

- 1 Amend House File 493 as follows:
2 1. Page 1, line 32, by inserting after the word

3 "expense" the following: " , unless evaluation and
4 treatment are provided under an employee benefit
5 plan".

DISNEY of Polk
CONNORS of Polk

H-3697

1 Amend House File 549 as follows:
2 1. Page 9, line 5, by striking the word "ten" and
3 inserting the following: "twenty-five".

BLODGETT of Cerro Gordo

H-3699

1 Amend House File 370 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Sec. ____ Section 476.44, subsection 2, Code
5 1995, is amended to read as follows:
6 2. An electric utility subject to this division,
7 except a utility which elects rate regulation pursuant
8 to section 476.1A, shall not be required to purchase,
9 at any one time, more than its share of one hundred
10 five megawatts of power from alternative energy
11 production facilities or small hydro facilities at the
12 rates established pursuant to section 476.43. An
13 alternate energy production facility or a small hydro
14 facility is limited to providing not more than fifty
15 percent of the total alternate energy required to be
16 purchased under this section. The board shall
17 allocate the one hundred five megawatts based upon
18 each utility's percentage of the total Iowa retail
19 peak demand, for the year beginning January 1, 1990,
20 of all utilities subject to this section. If a
21 utility undergoes reorganization as defined in section
22 476.76, the board shall combine the allocated
23 purchases of power for each utility involved in the
24 reorganization.
25 Notwithstanding the one hundred five megawatt
26 maximum, the board may increase the amount of power
27 that a utility is required to purchase at the rates
28 established pursuant to section 476.43 if the board
29 finds that a utility, including a reorganized utility,
30 exceeds its 1990 Iowa retail peak demand by twenty
31 percent and the additional power the utility is
32 required to purchase will encourage the development of
33 alternate energy production facilities and small hydro
34 facilities. The increase shall not exceed the
35 utility's increase in peak demand multiplied by the

36 ratio of the utility's share of the one hundred five
37 megawatt maximum to its 1990 Iowa retail peak demand."

WEIGEL of Chickasaw

H-3700

1 Amend House File 370 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Sec. ____ Section 476.44, subsection 2, Code
5 1995, is amended to read as follows:
6 2. An electric utility subject to this division,
7 except a utility which elects rate regulation pursuant
8 to section 476.1A, shall not be required to purchase,
9 at any one time, more than its share of one hundred
10 five megawatts of power from alternative energy
11 production facilities or small hydro facilities at the
12 rates established pursuant to section 476.43. An
13 alternate energy production facility or a small hydro
14 facility is limited to providing not more than thirty-
15 three percent of the total alternate energy required
16 to be purchased under this section. The board shall
17 allocate the one hundred five megawatts based upon
18 each utility's percentage of the total Iowa retail
19 peak demand, for the year beginning January 1, 1990,
20 of all utilities subject to this section. If a
21 utility undergoes reorganization as defined in section
22 476.76, the board shall combine the allocated
23 purchases of power for each utility involved in the
24 reorganization.
25 Notwithstanding the one hundred five megawatt
26 maximum, the board may increase the amount of power
27 that a utility is required to purchase at the rates
28 established pursuant to section 476.43 if the board
29 finds that a utility, including a reorganized utility,
30 exceeds its 1990 Iowa retail peak demand by twenty
31 percent and the additional power the utility is
32 required to purchase will encourage the development of
33 alternate energy production facilities and small hydro
34 facilities. The increase shall not exceed the
35 utility's increase in peak demand multiplied by the
36 ratio of the utility's share of the one hundred five
37 megawatt maximum to its 1990 Iowa retail peak demand."

WEIGEL of Chickasaw

H-3701

1 Amend House File 514 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. 101. Section 321.18, subsection 7, Code
5 1995, is amended to read as follows:
6 7. Any school bus in this state used exclusively

- 7 for the transportation of pupils to and from school or
 8 a school function or for the purposes provided in
 9 section 285.1, subsection 1, and section 285.10,
 10 subsection 9, or used exclusively for the
 11 transportation of children enrolled in a federal head
 12 start program. Upon application the department shall,
 13 without charge, issue a registration certificate and
 14 shall also issue registration plates which shall have
 15 imprinted thereon the words "Private School Bus" and a
 16 distinguishing number assigned to the applicant. Such
 17 plates shall be attached to the front and rear of each
 18 bus exempt from registration under this subsection."
- 19 2. Page 11, line 8, by inserting after the figure
 20 "1997." the following: "However, section 101 of this
 21 Act takes effect July 1, 1995."
- 22 3. Title page, line 5, by inserting after the
 23 word "emblems," the following: "providing an
 24 exception from registration for certain school
 25 buses,".
- 26 4. By renumbering as necessary.

HARPER of Black Hawk

H-3703

- 1 Amend the amendment, H-3610, to House File 518 as
 2 follows:
 3 1. Page 13, by striking lines 23 through 25 and
 4 inserting the following: "collected, a mechanism or
 5 fund for the deposit of funds collected pursuant to
 6 this section which is under the control of the board
 7 or other entity which is not a provider of local
 8 exchange services, and a mechanism for disbursement of
 9 support funds for the benefit of eligible subscribers
 10 to such subscriber's provider of".

FALLON of Polk

H-3704

- 1 Amend the amendment, H-3610, to House File 518, as
 2 follows:
 3 1. Page 8, line 47, by inserting after the word
 4 "plan" the following: "which shall be for a period of
 5 at least three years but for no more than five years".
 6 2. Page 9, by striking lines 4 through 7 and
 7 inserting the following: "exchange carrier's plan as
 8 a result of the review.
 9 10. The board, prior to the expiration of the time
 10 period for a plan, shall commence and complete a
 11 hearing for review of the rates of the local exchange
 12 carrier pursuant to sections 476.3 and 476.6."

WEIGEL of Chickasaw

H-3705

1 Amend House File 370 as follows:

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

4 "Section 1. NEW SECTION. 422.11D ALTERNATE
5 ENERGY CREDIT.

6 1. The taxes imposed under this division, less the
7 credits allowed under this division, shall be reduced
8 by an alternate energy tax credit. An electric
9 utility required to purchase alternate energy pursuant
10 to section 476.43 may claim the credit under this
11 section. An individual may claim the alternate energy
12 tax credit allowed a partnership, subchapter S
13 corporation, or estate or trust electing to have the
14 income taxed directly to the individual. The amount
15 claimed shall be based upon the pro rata share of the
16 individual's earnings of a partnership, subchapter S
17 corporation, or estate or trust.

18 2. The amount of this credit is equal to one-half
19 of the amount of the difference in the cost of the
20 electricity purchased from an alternate energy
21 production facility or small hydro facility pursuant
22 to section 476.43 and the cost of the electricity
23 which the electric utility would have generated or
24 purchased from another source, but for the required
25 purchase of alternate energy.

26 3. Any credit in excess of the tax liability for
27 the tax year may be credited to the tax liability for
28 the following five tax years or until depleted,
29 whichever is the earlier.

30 Sec. 2. Section 422.33, Code 1995, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 9. The taxes imposed under this
33 division shall be reduced by an alternate energy tax
34 credit. An electric utility required to purchase
35 alternate energy pursuant to section 476.43 may claim
36 an alternate energy tax credit. The amount of the
37 credit is equal to one-half of the amount of the
38 difference in the cost of the electricity purchased
39 from an alternate energy production facility or small
40 hydro facility pursuant to section 476.43 and the cost
41 of the electricity which the electric utility would
42 have generated or purchased from another source, but
43 for the required purchase of alternate energy. Any
44 credit in excess of the tax liability for the tax year
45 may be credited to the tax liability for the following
46 five tax years or until depleted, whichever is the
47 earlier.

48 Sec. 3. This Act, being deemed of immediate
49 importance, takes effect upon enactment and applies
50 retroactively to January 1, 1995, for tax years

Page 2

- 1 beginning on or after that date.”
- 2 2. Title page, by striking lines 1 through 3 and
- 3 inserting the following: “An Act providing an
- 4 alternate energy tax credit for required purchases of
- 5 alternate energy and providing effective and
- 6 retroactive applicability dates.”

SHOULTZ of Black Hawk

H-3712

- 1 Amend House File 370 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 “Section 1. ALTERNATE ENERGY TASK FORCE.
- 5 1. An alternate energy task force shall be
- 6 established to study the issue of alternate energy
- 7 within the state. The task force shall consist of the
- 8 following members:
- 9 a. Four legislative members. Two of the members
- 10 shall be members of the senate, appointed by the
- 11 majority leader of the senate in consultation with the
- 12 president and minority leader of the senate. Two of
- 13 the members shall be from the house of
- 14 representatives, appointed by the speaker of the
- 15 house, in consultation with the majority leader and
- 16 minority leader of the house of representatives.
- 17 Legislative members shall receive compensation under
- 18 section 2.12.
- 19 b. The administrator for the energy and geological
- 20 resources division of the department of natural
- 21 resources or the administrator’s designee.
- 22 c. The consumer advocate or the advocate’s
- 23 designee.
- 24 d. Two persons appointed by the governor to
- 25 include a person representing the electric utility
- 26 industry and a person representing the alternate
- 27 energy production industry.
- 28 2. Administrative support and staffing for the
- 29 task force shall be provided by the Iowa utilities
- 30 board.
- 31 3. The task force shall evaluate the electricity
- 32 purchase and wheeling requirements for alternate
- 33 energy production and small hydro facilities,
- 34 including a review of the rates for purchases
- 35 established in sections 476.41 through 476.44. The
- 36 task force shall gather information and hear testimony
- 37 relating to alternate energy production in other
- 38 states and federal requirements and initiatives
- 39 concerning alternate energy. The task force shall

- 40 provide recommendations and long-range planning
- 41 relating to Iowa's future alternate energy policies.
- 42 4. The task force shall make its report on its
- 43 evaluation and recommendation to the general assembly
- 44 no later than December 15, 1995."
- 45 2. Title page, by striking lines 1 through 3 and
- 46 inserting the following: "An Act creating an
- 47 alternate energy task force."

VANDE HOEF of Osceola
 EDDIE of Buena Vista
 KLEMME of Plymouth

SHOULTZ of Black Hawk
 HUSEMAN of Cherokee
 MERTZ of Kossuth

H-3713

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by inserting after line 24 the
- 5 following:
- 6 "The state board of regents shall review the
- 7 faculty development leave policies and practices of
- 8 the institutions of higher learning under its control.
- 9 The board shall submit a report of its findings and
- 10 recommendations to the general assembly by December 1,
- 11 1995."

RANTS of Woodbury
 GRUNDBERG of Polk

H-3714

- 1 Amend the amendment, H-3637, to House File 519 as
- 2 follows:
- 3 1. Page 1, by striking lines 24 through 42 and
- 4 inserting the following:
- 5 " _ Page 11, by striking lines 2 through 16
- 6 and inserting the following: "effective date of this
- 7 Act, if an animal feeding operation structure as
- 8 constructed or expanded complies with the distance
- 9 requirements of section 455B.162."

SCHRADER of Marion

H-3715

- 1 Amend the amendment, H-3687, to House File 370 as
- 2 follows:
- 3 1. Page 1, by inserting after line 8 the
- 4 following:
- 5 " _ Page 1, by inserting after line 11 the
- 6 following:

7 "Sec. ____ Section 476.41, Code 1995, is amended
 8 to read as follows:
 9 476.41 PURPOSE.
 10 It is the policy of this state to encourage the
 11 economical development of alternate energy production
 12 facilities and small hydro facilities in order to
 13 conserve our finite ~~and expensive~~ energy resources and
 14 to provide for their most efficient use."
 15 2. By renumbering as necessary.

NUTT of Woodbury

H-3716

1 Amend House File 430 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. ____ Section 237A.1, subsection 8, paragraph
 5 b, Code 1995, is amended to read as follows:
 6 b. "Group day care home" means a facility
 7 providing child day care for more than six but less
 8 than twelve children, or for less than sixteen
 9 children at any one time as authorized in accordance
 10 with section 237A.3, subsection 3, provided each child
 11 in excess of six children is attending school in
 12 kindergarten or a higher grade level or the facility
 13 complies with the requirements of section 237A.3,
 14 subsection 2A.
 15 Sec. ____ Section 237A.3, Code 1995, is amended by
 16 adding the following new subsection:
 17 NEW SUBSECTION. 2A. A registered group day care
 18 home may provide care for more than six children who
 19 are not attending school in kindergarten or a higher
 20 grade level if the home has at least two adults
 21 providing care when such children are present."
 22 2. Title page, line 1, by inserting after the
 23 word "to" the following: "child day care provisions
 24 involving group day care homes and".

MASCHER of Johnson
 BODDICKER of Cedar
 GRUBBS of Scott
 HAMMITT of Harrison

H-3718

1 Amend the amendment, H-3679, to House File 370 as
 2 follows:
 3 1. Page 1, by striking lines 4 through 20 and
 4 inserting the following:
 5 ""Section 1. ALTERNATE ENERGY TASK FORCE.
 6 1. An alternate energy task force shall be

7 established to study the issue of alternate energy
8 within the state. The task force shall consist of the
9 following members:

10 a. Four legislative members. Two of the members
11 shall be members of the senate, appointed by the
12 majority leader of the senate in consultation with the
13 president and minority leader of the senate. Two of
14 the members shall be from the house of
15 representatives, appointed by the speaker of the
16 house, in consultation with the majority leader and
17 minority leader of the house of representatives.
18 Legislative members shall receive compensation under
19 section 2.12.

20 b. The administrator for the energy and geological
21 resources division of the department of natural
22 resources or the administrator's designee.

23 c. The consumer advocate or the advocate's
24 designee.

25 d. Two persons appointed by the governor to
26 include a person representing the electric utility
27 industry and a person representing the alternate
28 energy production industry.

29 2. Administrative support and staffing for the
30 task force shall be provided by the Iowa utilities
31 board.

32 3. The task force shall evaluate the electricity
33 purchase and wheeling requirements for alternate
34 energy production and small hydro facilities,
35 including a review of the rates for purchases
36 established in sections 476.41 through 476.44. The
37 task force shall gather information and hear testimony
38 relating to alternate energy production in other
39 states and federal requirements and initiatives
40 concerning alternate energy. The task force shall
41 provide recommendations and long-range planning
42 relating to Iowa's future alternate energy policies.

43 4. The task force shall make its report on its
44 evaluation and recommendation to the general assembly
45 no later than December 15, 1995."

46 2. Title page, by striking lines 1 through 3 and
47 inserting the following: "An Act creating an
48 alternate energy task force."

VANDE HOEF of Osceola

H-3720

1 Amend Senate File 406, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 256.7, Code 1995, is amended

6 by adding the following new subsection:
 7 NEW SUBSECTION. 21. Exempt accredited nonpublic
 8 schools from any requirement to establish and operate
 9 a media services program.”
 10 2. Title page, by striking lines 1 through 6 and
 11 inserting the following: “An Act directing the state
 12 board of education to exempt accredited nonpublic
 13 schools from any requirement to establish and operate
 14 a media services program.”

MASCHER of Johnson
 CORNELIUS of Jackson

H-3721

1 Amend House File 521 as follows:
 2 1. Page 2, by inserting after line 34 the
 3 following:
 4 “Sec. ____ Section 9H.5, Code 1995, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 2A. If a person who is a
 7 stockholder of an authorized farm corporation, a
 8 member of an authorized limited liability company, a
 9 beneficiary of an authorized trust, or a limited
 10 partner of a limited partnership proposes to transfer
 11 an interest in the authorized entity to a person other
 12 than a natural person who is a farmer stockholder, a
 13 farmer member, a farmer beneficiary, or a farmer
 14 limited partner, the transferor must first offer to
 15 sell or dispose of the interest to each of the natural
 16 persons who are farmer stockholders, farmer members,
 17 farmer beneficiaries, or farmer limited partners on
 18 the same terms and at the same price as proposed to
 19 the person who is not a natural person who is a farmer
 20 stockholder, farmer member, farmer beneficiary, or
 21 farmer limited partner. Each natural person who is a
 22 farmer stockholder, farmer member, farmer beneficiary,
 23 or farmer limited partner shall have ten business days
 24 after being given notice of the terms and price of the
 25 proposed transfer in which to exercise the right to
 26 purchase the interest by submitting a binding offer to
 27 the transferor on the same terms as the proposed
 28 transfer, with execution of the transfer to occur
 29 within thirty days after the offer unless otherwise
 30 agreed by the parties. If more than one natural
 31 person who is a farmer stockholder, farmer member,
 32 farmer beneficiary, or farmer limited partner
 33 exercises the right to purchase the interest, the
 34 transferor shall transfer the interest according to
 35 terms negotiated between the parties. After the
 36 expiration of either the period for offer or the
 37 period for execution without the submission of an
 38 offer or an execution, the transferor may sell or
 39 otherwise dispose of the interest to any other person

40 on the terms upon which it was offered to the natural
 41 persons who are farmer stockholders, farmer members,
 42 farmer beneficiaries, or farmer limited partners.
 43 However, this subsection shall not apply to a transfer
 44 of an interest between persons related to each other
 45 as spouse, parent, grandparent, lineal ascendants of
 46 grandparents or their spouses and other lineal
 47 descendants of the grandparents or their spouses or
 48 persons acting in a fiduciary capacity for persons so
 49 related.”
 50 2. By renumbering as necessary.

MUNDIE of Webster

H-3724

1 Amend House File 457 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 “Sec. ____ Section 206.34, subsection 1, paragraph
 5 a, Code 1995, is amended to read as follows:
 6 a. “Local governmental entity” means any political
 7 subdivision, or any state authority which is not the
 8 general assembly or under the direction of a principal
 9 central department as enumerated in section 7E.5,
 10 including a city as defined in section 362.2, a county
 11 as provided in chapter 331, or any special purpose
 12 district. However, “local governmental entity” does
 13 not include a city as defined in section 362.2.”
 14 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-3726

1 Amend House File 521 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 “if” the following: “the stockholders holding
 4 seventy-five percent or more of the control and
 5 financial investment in the corporation are farmers
 6 residing in this state, more than fifty percent of the
 7 required percentage of farmers are actively engaged in
 8 livestock production.”
 9 2. Page 1, line 32, by inserting after the word
 10 “if” the following: “the members holding seventy-five
 11 percent or more of the control and financial
 12 investment in the limited liability company are
 13 farmers residing in this state, more than fifty
 14 percent of the required percentage of farmers are
 15 actively engaged in livestock production.”
 16 3. Page 2, line 9, by inserting after the word
 17 “if” the following: “the beneficiaries holding
 18 seventy-five percent or more of the control and
 19 financial investment in the trust are farmers residing

20 in this state, more than fifty percent of the required
 21 percentage of farmers are actively engaged in
 22 livestock production.”.

WEIGEL of Chickasaw

H-3728

1 Amend Senate File 406, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 “Section 1. Section 256.7, Code 1995, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 21. Exempt accredited nonpublic
 8 schools from any requirement to establish and operate
 9 a media services program.
 10 Sec. 2. REPEAL. Section 256.11A, Code 1995, is
 11 repealed.”
 12 2. Title page, by striking lines 1 through 6 and
 13 inserting the following: “An Act directing the state
 14 board of education to exempt accredited nonpublic
 15 schools from any requirement to establish and operate
 16 a media services program.”

MASCHER of Johnson
 CORNELIUS of Jackson

H-3730

1 Amend House File 521 as follows:
 2 1. Page 1, line 1, by striking the word and
 3 figure “and 4” and inserting the following: “4, and
 4 5”.
 5 2. Page 2, by inserting after line 20 the
 6 following:
 7 ~~“5. “Beneficial ownership” includes interests held~~
 8 ~~by a nonresident alien individual directly or~~
 9 ~~indirectly holding or acquiring a ten percent or~~
 10 ~~greater share in the partnership, limited partnership,~~
 11 ~~corporation, limited liability company, or trust, or~~
 12 ~~directly or indirectly through two or more such~~
 13 ~~entities. In addition, the term beneficial ownership~~
 14 ~~shall include interests held by all nonresident alien~~
 15 ~~individuals if the nonresident alien individuals in~~
 16 ~~the aggregate directly or indirectly hold or acquire~~
 17 ~~twenty-five percent or more of the partnership,~~
 18 ~~limited partnership, corporation, limited liability~~
 19 ~~company, or trust.”~~
 20 3. Page 2, by inserting after line 34 the
 21 following:
 22 “Sec. ____ Section 9H.1, subsection 18, Code 1995,
 23 is amended by striking the subsection.

24 Sec. ____ Section 567.3, subsection 1, Code 1995,
25 is amended to read as follows:

26 1. A nonresident alien, foreign business or
27 foreign government, or an agent, trustee or fiduciary
28 thereof, shall not purchase or otherwise acquire
29 agricultural land in this state. A nonresident alien,
30 foreign business or foreign government, or an agent,
31 trustee or fiduciary thereof, which owns or holds
32 agricultural land in this state on January 1, 1980,
33 may continue to own or hold the land, but shall not
34 purchase or otherwise acquire additional agricultural
35 land in this state. For purposes of this chapter, a
36 nonresident alien, foreign business, or foreign
37 government, or an agent, trustee, or fiduciary
38 thereof, shall be deemed to have purchased or
39 otherwise acquired agricultural land in this state, if
40 the nonresident alien, foreign business, or foreign
41 government, or the agent, trustee, or fiduciary,
42 becomes a general partner in a partnership which
43 holds, acquires, or leases agricultural land, or
44 becomes a shareholder in a corporation, authorized
45 farm corporation, or family farm corporation; or
46 becomes a member of a limited liability company,
47 authorized limited liability company, or family farm
48 limited liability company; or becomes a limited
49 partner in a limited partnership or a family farm
50 limited partnership; or becomes a beneficiary of a

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1 trust, an authorized trust, or a family trust, all as
2 defined in section 9H.1, which acquires, holds, or
3 leases an interest in agricultural land.

4 Sec. ____ Section 567.5, Code 1995, is amended to
5 read as follows:

6 567.5 LAND ACQUIRED BY DEVISE OR DESCENT.

7 A nonresident alien, foreign business or foreign
8 government, or an agent, trustee or fiduciary thereof,
9 which acquires agricultural land or an interest in
10 agricultural land, by devise or descent after January
11 1, 1980, shall divest itself of all right, title and
12 interest in the land within two years from the date of
13 acquiring the land or interest. This section shall
14 not require divestment of agricultural land or an
15 interest in agricultural land, acquired by devise or
16 descent from a nonresident alien, if such land or an
17 interest in such land was acquired by any nonresident
18 alien prior to July 1, 1979. A nonresident alien,
19 foreign business, or foreign government, or an agent,
20 trustee, or fiduciary thereof, which becomes a general
21 partner in a partnership; or becomes a shareholder in
22 a corporation, authorized corporation, or family farm
23 corporation; or becomes a member of a limited

24 liability company, authorized limited liability
 25 company, or family farm limited liability company; or
 26 becomes a limited partner in a limited partnership or
 27 a family farm limited partnership; or becomes a
 28 beneficiary of a trust, an authorized trust, or a
 29 family trust, all as defined in section 9H.1, which
 30 acquires, holds, or leases agricultural land, by
 31 devise or descent on and after the effective date of
 32 this Act, shall divest itself of all right, title, and
 33 interest in the land within two years from the date of
 34 acquiring the land or interest. This section shall
 35 not require divestment of an interest in any form of a
 36 general partnership, corporation, limited liability
 37 company, limited partnership, or trust which holds an
 38 interest in or leases agricultural land acquired by
 39 devise or descent from a nonresident alien, if such
 40 interest was acquired by any nonresident alien prior
 41 to the effective date of this Act."
 42 4. By renumbering as necessary.

WEIGEL of Chickasaw
 BURNETT of Story

H-3733

1 Amend the amendment, H-3610, to House File 518, as
 2 follows:
 3 1. Page 8, by inserting after line 2 the
 4 following:
 5 "g. Providing automatic adjustments to basic local
 6 exchange service and switched access service rates
 7 resulting in average cost decreases realized by an
 8 exchange carrier that sells any of its exchanges in
 9 the state."

WEIGEL of Chickasaw

H-3734

1 Amend the amendment, H-3610, to House File 518 as
 2 follows:
 3 1. Page 9, by striking lines 23 and 24 and
 4 inserting the following: "sources, and the denial of
 5 which results in undue harm."

HOLVECK of Polk

H-3735

1 Amend the amendment, H-3503, to House File 521 as
 2 follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "_. Page 1, line 15, by inserting after the

6 word "state" the following: "and all the
 7 stockholders are natural persons, persons acting in a
 8 fiduciary capacity for the benefit of natural persons,
 9 nonprofit corporations, or family farm entities".

WEIGEL of Chickasaw

H-3736

1 Amend House File 508 as follows:
 2 1. Page 6, line 19, by striking the figures and
 3 word "455G.11, and 455G.13," and inserting the
 4 following: "and 455G.11, and 455G.13,".
 5 2. Page 7, by inserting after line 30 the
 6 following:
 7 "Sec. ____ Section 455G.8, subsection 5, Code
 8 1995, is amended to read as follows:
 9 5. COST RECOVERY ENFORCEMENT. Cost recovery
 10 enforcement net proceeds as provided by section
 11 455G.13 shall be allocated ~~among the fund's accounts~~
 12 as directed by the board to the innocent landowners
 13 fund created under section 455G.21, subsection 2,
 14 paragraph "a". When federal cleanup funds are
 15 recovered, the funds are to be deposited to the
 16 remedial account of the fund and used solely for the
 17 purpose of future cleanup activities."
 18 3. Page 13, line 34, by inserting after the word
 19 "board." the following: "The innocent landowners fund
 20 shall also include any moneys recovered pursuant to
 21 cost recovery enforcement under section 455G.13."
 22 4. By renumbering as necessary.

WITT of Black Hawk

H-3737

1 Amend House File 512 as follows:
 2 1. Page 4, line 22, by inserting after the word
 3 "board" the following: "and for allocating \$50,000
 4 for the junior olympics".
 5 2. Page 4, line 23, by striking the figure
 6 "581,000" and inserting the following: "631,000".

BAKER of Polk
CATALDO of Polk
MCCOY of Polk

H-3738

1 Amend House File 512 as follows:
 2 1. Page 18, by inserting after line 16 the fol-
 3 lowing:
 4 "Sec. ____ HOUSING IMPROVEMENT FUND. There is
 5 appropriated from the general fund of the state to the

- 6 Iowa finance authority for the fiscal year beginning
 7 July 1, 1995, and ending June 30, 1996, the following
 8 amount, or so much thereof as is necessary, to be used
 9 for the purpose designated:
 10 For deposit in the housing improvement fund created
 11 in section 16.100 for purposes of the fund:
 12 \$ 1,000,000"
 13 2. Title page, line 2, by inserting after the
 14 word "foundation," the following: "the Iowa finance
 15 authority,".
 16 3. By renumbering as necessary.

BAKER of Polk
 MURPHY of Dubuque
 WISE of Lee

H-3739

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 16, by inserting after line 42 the
 5 following:
 6 "Sec. ____ **NEW SECTION. 260C.29 CAREER**
 7 **OPPORTUNITY PROGRAM — MISSION.**
 8 1. The mission of the career opportunity program
 9 established in this section is to encourage
 10 collaborative efforts by a community college, the
 11 institutions under the control of the state board of
 12 regents, and business and industry to enhance the
 13 educational opportunities and provide for job creation
 14 and career advancement for Iowa's minority persons by
 15 providing assistance to minority persons who major in
 16 fields or subject areas where minorities are currently
 17 underrepresented or underutilized.
 18 2. A career opportunity program is established to
 19 be administered by the community college located in a
 20 county with a population in excess of three hundred
 21 thousand. The community college shall provide office
 22 space for the efficient operation of the program. The
 23 community college shall employ a director for the
 24 program. The director of the program shall employ
 25 necessary support staff. The director and staff shall
 26 be employees of the community college.
 27 3. The director of the program shall do the
 28 following:
 29 a. Direct the coordination of the program between
 30 the community college and the institutions of higher
 31 education under the control of the state board of
 32 regents.
 33 b. Propose rules to the state board of education
 34 as necessary to implement the program.
 35 c. Recruit minority persons into the program.
 36 d. Enlist the assistance and cooperation of

37 leaders from business and industry to provide job
 38 placement services for students who are successfully
 39 completing the program.
 40 e. Prepare and submit an annual report to the
 41 governor and the general assembly by January 15.
 42 4. To be eligible for the program, a minority
 43 person shall be a resident of Iowa who is accepted for
 44 admission at or attends a community college or an
 45 institution of higher education under the control of
 46 the state board of regents. In addition, the person
 47 shall major in or achieve credit toward an associate
 48 degree, a bachelor's degree, or a master's degree in a
 49 field or subject area where minorities are
 50 underrepresented or underutilized.

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1 5. The amount of assistance provided to a student
 2 under this section shall not exceed the cost of
 3 tuition, fees, and books required for the program in
 4 which the student is enrolled and attends. As used in
 5 this section, "books" may include book substitutes,
 6 including reusable workbooks, loose-leaf or bound
 7 manuals, and computer software materials used as book
 8 substitutes. A student who meets the qualifications
 9 of this section shall receive assistance under this
 10 section for not more than the equivalent of two full
 11 years of study.

12 6. For purposes of this section, "minority person"
 13 means a person who is Black, Hispanic, Asian, or a
 14 Pacific Islander, American Indian, or an Alaskan
 15 native American."

16 2. By renumbering as necessary.

BAKER of Polk

H-3740

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, by inserting after line 46 the
 5 following:

6 " CAREER OPPORTUNITY PROGRAM.

7 For allocation to merged area XI to be used for the
 8 purposes of the career opportunity program established
 9 in section 260C.29:

10 \$ 60,000"

11 2. Page 16, by inserting after line 42 the
 12 following:

13 "Sec. NEW SECTION. 260C.29 CAREER
 14 OPPORTUNITY PROGRAM — MISSION.

15 1. The mission of the career opportunity program

16 established in this section is to encourage
 17 collaborative efforts by a community college, the
 18 institutions under the control of the state board of
 19 regents, and business and industry to enhance the
 20 educational opportunities and provide for job creation
 21 and career advancement for Iowa's minority persons by
 22 providing assistance to minority persons who major in
 23 fields or subject areas where minorities are currently
 24 underrepresented or underutilized.

25 2. A career opportunity program is established to
 26 be administered by the community college located in a
 27 county with a population in excess of three hundred
 28 thousand. The community college shall provide office
 29 space for the efficient operation of the program. The
 30 community college shall employ a director for the
 31 program. The director of the program shall employ
 32 necessary support staff. The director and staff shall
 33 be employees of the community college.

34 3. The director of the program shall do the
 35 following:

36 a. Direct the coordination of the program between
 37 the community college and the institutions of higher
 38 education under the control of the state board of
 39 regents.

40 b. Propose rules to the state board of education
 41 as necessary to implement the program.

42 c. Recruit minority persons into the program.

43 d. Enlist the assistance and cooperation of
 44 leaders from business and industry to provide job
 45 placement services for students who are successfully
 46 completing the program.

47 e. Prepare and submit an annual report to the
 48 governor and the general assembly by January 15.

49 4. To be eligible for the program, a minority
 50 person shall be a resident of Iowa who is accepted for

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1 admission at or attends a community college or an
 2 institution of higher education under the control of
 3 the state board of regents. In addition, the person
 4 shall major in or achieve credit toward an associate
 5 degree, a bachelor's degree, or a master's degree in a
 6 field or subject area where minorities are
 7 underrepresented or underutilized.

8 5. The amount of assistance provided to a student
 9 under this section shall not exceed the cost of
 10 tuition, fees, and books required for the program in
 11 which the student is enrolled and attends. As used in
 12 this section, "books" may include book substitutes,
 13 including reusable workbooks, loose-leaf or bound
 14 manuals, and computer software materials used as book
 15 substitutes. A student who meets the qualifications
 16 of this section shall receive assistance under this
 17 section for not more than the equivalent of two full
 18 years of study.

- 19 6. For purposes of this section, "minority person"
20 means a person who is Black, Hispanic, Asian, or a
21 Pacific Islander, American Indian, or an Alaskan
22 native American."
23 3. By renumbering and correcting internal
24 references as necessary.

BAKER of Polk

H-3741

- 1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 15, by inserting after line 35 the
5 following:
6 "Sec. 401.
7 1. Notwithstanding section 8.33 and section
8 279.51, subsection 1, paragraph "b", for the fiscal
9 year ending June 30, 1995, from the funds allocated to
10 the child development coordinating council that would
11 otherwise revert to the general fund, up to \$60,000
12 shall be transferred to the department of education
13 during either the fiscal year beginning July 1, 1994,
14 or the fiscal year beginning July 1, 1995, for the
15 public purpose of contracting with a statewide
16 nonprofit organization, within the meaning of section
17 501(c)(3) of the Internal Revenue Code, pursuant to
18 subsection 3, to provide educational tutoring services
19 to at-risk students who are not meeting the academic
20 requirements of their schools.
21 2. Notwithstanding section 279.51, subsection 1,
22 paragraph "b", for the fiscal year beginning July 1,
23 1995, \$60,000 shall be transferred to the department
24 of education for the public purpose of contracting
25 with a statewide nonprofit organization, within the
26 meaning of section 501(c)(3) of the Internal Revenue
27 Code, pursuant to subsection 3, to provide educational
28 tutoring services to at-risk students who are not
29 meeting the academic requirements of their schools.
30 3. To qualify for a contract under this section, a
31 statewide nonprofit organization shall have provided
32 educational tutoring services to not less than 1,000
33 students per year since calendar year 1993, at no cost
34 to the students; shall demonstrate accountability for
35 academic progress; be characterized by partnerships
36 with other agencies that provide services to at-risk
37 youth; and provide tutoring sites in rural and urban
38 sites."
39 2. Page 20, line 11, by inserting after the
40 figure "11," the following: "401."
41 3. By renumbering and correcting internal
42 references as necessary.

BAKER of Polk

H-3742

1 Amend Senate File 341, as passed by the Senate, as
2 follows:

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

5 "Section 1. NEW SECTION. 527.3A PROHIBITION ON
6 ISSUING OR PROVIDING AN ACCESS DEVICE TO AN INDIVIDUAL
7 UNDER THE AGE OF EIGHTEEN.

8 A person shall not provide or issue an access
9 device to an individual knowing or having reasonable
10 cause to believe that the individual is under the age
11 of eighteen. A person who provides or issues access
12 devices in this state shall request proof of the
13 individual's age on any application form used, or in
14 some other appropriate manner as approved by the
15 administrator if an application form is not used.
16 However, the prohibition of this section does not
17 apply if the person obtains prior to providing or
18 issuing the access device, the written consent of the
19 parent, guardian, or custodian of such individual.

20 Sec. ____ NEW SECTION. 536C.8A PROHIBITION ON
21 ISSUING A CREDIT CARD TO AN INDIVIDUAL UNDER THE AGE
22 OF EIGHTEEN.

23 A person shall not issue a credit card to an
24 individual knowing or having reasonable cause to
25 believe that the individual is under the age of
26 eighteen. A person who issues credit cards in this
27 state shall request proof of the individual's age on
28 any application form used, or in some other
29 appropriate manner as approved by the administrator if
30 an application form is not used. However, the
31 prohibition of this section does not apply if the
32 person obtains prior to issuing the credit card, the
33 written consent of the parent, guardian, or custodian
34 of such individual."

35 2. Page 1, by inserting after line 12 the
36 following:

37 "Sec. ____ NEW SECTION. 537.9101 PROHIBITION ON
38 ISSUING A CREDIT CARD TO AN INDIVIDUAL UNDER THE AGE
39 OF EIGHTEEN.

40 A person shall not issue a credit card to an
41 individual knowing or having reasonable cause to
42 believe that the individual is under the age of
43 eighteen. A person who issues credit cards in this
44 state shall request proof of the individual's age on
45 any application form used, or in some other
46 appropriate manner as approved by the administrator if
47 an application form is not used. However, the
48 prohibition of this section does not apply if the
49 person obtains prior to issuing the credit card, the
50 written consent of the parent, guardian, or custodian

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- 1 of such individual.”
- 2 3. Title page, line 1, by inserting after the
- 3 word “relating” the following: “to the issuance of
- 4 credit cards to certain individuals and”.
- 5 4. Renumber as necessary.

MURPHY of Dubuque

H-3746

- 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 63, line 4, by striking the word
- 7 “subdivision.” and inserting the following:
- 8 “subdivision, with the consent of such governmental
- 9 subdivision. The governmental subdivision shall be
- 10 subject to any existing deeds, licenses, and easements
- 11 associated with the real estate of the cemetery. The
- 12 governmental subdivision shall not be liable for any
- 13 existing liabilities of the cemetery, except for
- 14 existing duties under contracts in effect at the time
- 15 of issuance of a liquidation order with members of the
- 16 public concerning interment or burial rights.”
- 17 4. Page 65, line 8, by inserting after the figure
- 18 “566A.2C.” the following: “A cemetery with average
- 19 retail sales equal to or less than five thousand
- 20 dollars for the previous three calendar years is
- 21 exempt from sections 566A.2B, 566A.2C, and 566A.2D.”
- 22 5. Page 69, by striking lines 10 through 14 and
- 23 inserting the following:
- 24 “3. The report shall be made under oath.”
- 25 6. Page 70, by striking lines 2 through 8 and
- 26 inserting the following:
- 27 “3. The report shall be made under oath.”
- 28 7. Page 71, by striking lines 32 and 33.
- 29 8. Page 72, by striking lines 26 through 28 and
- 30 inserting the following: “and maintain a public
- 31 registry of perpetual care cemeteries.”
- 32 9. Title page, line 3, by inserting after the
- 33 word “cemeteries,” the following: “establishing
- 34 requirements related to the sale of preneed funeral
- 35 contracts and the sale of funeral and cemetery
- 36 merchandise.”.
- 37 10. By renumbering and correcting internal
- 38 numbering and references as necessary.

VAN FOSSEN of Scott

H-3751

- 1 Amend the amendment, H-3610, to House File 518 as
- 2 follows:
- 3 1. Page 5, by striking lines 49 and 50 and
- 4 inserting the following:
- 5 "The local exchange carrier shall be subject to
- 6 both rate-of-return regulation and price regulation
- 7 pursuant to the plan in order for the board to compare
- 8 the results of each. The board may not impose
- 9 retroactive rate-of-return regulation on the local
- 10 exchange carrier, but may require a return to rate-of-
- 11 return regulation if the board determines that the
- 12 public interest would be better served."

HOLVECK of Polk

H-3752

- 1 Amend the amendment, H-3610, to House File 518 as
- 2 follows:
- 3 1. Page 7, line 48, by inserting after the word
- 4 "infrastructure." the following: "The plan shall
- 5 include a requirement that the local exchange carrier
- 6 develop and file with the board an accelerated
- 7 modernization plan detailing how the carrier will
- 8 modernize the carrier's telecommunications
- 9 infrastructure and the schedule to be followed for
- 10 such modernization."

BRAND of Benton

H-3753

- 1 Amend the amendment, H-3610, to House File 518 as
- 2 follows:
- 3 1. Page 6, line 16, by striking the word "shall"
- 4 and inserting the following: "may".

HOLVECK of Polk

H-3754

- 1 Amend House File 479 as follows:
- 2 1. Page 2, by striking lines 14 through 19.
- 3 2. By renumbering as necessary.

BRAUNS of Muscatine

H-3755

- 1 Amend House File 508 as follows:
- 2 1. Page 6, by inserting after line 7 the

3 following:

4 "Sec. ____ Section 455G.2, subsection 15, Code
5 1995, is amended by striking the subsection and
6 inserting in lieu thereof the following:

7 15. "Responsible person" means any of the
8 following:

9 a. The owner or operator of the property, site, or
10 facility at which, or an underground storage tank from
11 which, a petroleum release occurred.

12 b. A person who at the time of a petroleum release
13 owned or operated the property, site, or facility at
14 which, or an underground storage tank from which, the
15 release occurred.

16 c. A person who owned the property, site, or
17 facility or owned or operated an underground storage
18 tank at the property, site, or facility at any time
19 when released petroleum was present unless the
20 underground storage tank was not operated on the
21 property, site, or facility during the period of that
22 ownership and the owner had no actual knowledge that
23 the underground storage tank had been operated on the
24 property, site, or facility.

25 d. A person who by contract, agreement, or
26 otherwise arranged for disposal or caused any release
27 of petroleum.

28 e. A person who caused or contributed to a
29 petroleum release on the property, site, or facility.

30 f. Successors or assigns of a responsible person."

31 2. Page 11, by inserting after line 17 the
32 following:

33 "Sec. ____ Section 455G.13, Code 1995, is amended
34 to read as follows:

35 455G.13 COST RECOVERY ENFORCEMENT.

36 1. FULL COST RECOVERY SOUGHT FROM OWNER ACTIONS.

37 a. The board shall seek full recovery, a claimant,
38 or both, may recover from the owner, operator, or
39 other potentially a responsible party liable for the
40 released petroleum which is the subject of a
41 corrective action, for which the fund expends moneys
42 person moneys that have been expended or will be
43 expended in the future for corrective action or and
44 third-party liability, and for all other costs,
45 including reasonable attorney fees and costs of
46 litigation for which moneys are expended by the fund
47 in connection with the release. The board shall not
48 seek recovery from past or present owners or operators
49 and other responsible persons who are small
50 businesses, except pursuant to subsections 2, 3, and

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1 4.

2 b. When The department of natural resources is

3 authorized to recover federal cleanup funds are
4 ~~recovered, the funds which~~ are to be deposited to in
5 the remedial account of the fund and used solely for
6 the purpose of future cleanup activities.

7 2. LIMITATION OF LIABILITY OF OWNER OR OPERATOR.

8 Except as provided in subsection 3:

9 a. ~~The board or the department of natural~~
10 ~~resources shall not seek recovery for expenses in~~
11 ~~connection with corrective action for a release under~~
12 subsection 1 from an owner or operator eligible for
13 regarding any site where the owner or operator
14 receives assistance under the remedial account for
15 that site, except for any unpaid portion of the
16 insurance deductible under section 455G.11 or remedial
17 copayment amounts under section 455G.9, subsection 4.

18 ~~This section does not affect any authorization of the~~
19 ~~department of natural resources to impose or collect~~
20 ~~civil or administrative fines or penalties or fees.~~

21 The remedial account shall not be held liable for any
22 third-party liability.

23 b. ~~An owner or operator's liability for a release~~
24 ~~for which coverage is admitted under the insurance~~
25 ~~account shall not exceed the amount of the deductible~~
26 The liability of an owner or operator who is insured
27 under the insurance account for the release for which
28 coverage is admitted shall not exceed the amount of
29 the deductible.

30 c. ~~The department of natural resources shall not~~
31 ~~seek recovery from an owner or operator regarding any~~
32 ~~site where the owner or operator receives assistance~~
33 ~~under the remedial account for that site. This~~
34 ~~section does not affect the department of natural~~
35 ~~resources' authority to impose or collect civil or~~
36 ~~administrative fines or penalties or fees.~~

37 3. OWNER OR OPERATOR NOT IN COMPLIANCE, SUBJECT TO

38 FULL AND TOTAL COST RECOVERY. Notwithstanding
39 subsection 2, the liability of an owner or operator
40 shall be ~~the full and total costs of corrective action~~
41 ~~and bodily injury or property damage to third parties,~~
42 as specified in subsection 1, if the owner or operator
43 has not complied with the financial responsibility or
44 other underground storage tank rules of the department
45 of natural resources or with this chapter and rules
46 adopted under this chapter.

47 4. TREBLE DAMAGES FOR CERTAIN VIOLATIONS.

48 Notwithstanding subsections 2 and 3, the owner or
49 operator, or both, ~~of a tank who receive benefits~~
50 under section 455G.9 are liable to the fund for

1 punitive damages in an amount equal to three times the
2 amount of any ~~cost incurred or moneys expended by the~~

3 fund as a result of a release of petroleum from the
 4 tank recoverable under subsection 1, if the owner or
 5 operator did any of the following:

6 a. Failed, without sufficient cause, to respond to
 7 a release of petroleum from the tank upon, or in
 8 accordance with, a notice issued by the director of
 9 the department of natural resources.

10 b. After May 5, 1989, failed to perform any of the
 11 following:

12 (1) Failed to register the underground storage
 13 tank, which was known to exist or reasonably should
 14 have been known to exist.

15 (2) Intentionally failed to report a known
 16 release.

17 The punitive damages imposed under this subsection
 18 are in addition to any costs or expenditures recovered
 19 from the owner or operator pursuant to this chapter
 20 and in addition to any other penalty or relief
 21 provided by this chapter or any other law.

22 However, the state, a city, county, or other
 23 political subdivision shall not be liable for punitive
 24 damages.

25 The provisions of chapter 668A do not apply to this
 26 subsection.

27 5. LIEN ON UNDERGROUND STORAGE TANK SITE. Any
 28 amount for which ~~an owner or operator~~ a claimant is
 29 liable to the fund, if not paid when due, by statute,
 30 rule, or contract, or determination of liability by
 31 the board or department of natural resources after
 32 hearing, shall constitute a lien upon the real
 33 property where the underground storage tank, which was
 34 the subject of corrective action, is situated, and the
 35 liability shall be collected in the same manner as the
 36 environmental protection charge pursuant to section
 37 424.11.

38 6. JOINDER OF PARTIES. The department of natural
 39 resources has standing in any case or contested action
 40 related to the fund or a an underground storage tank
 41 to assert any claim that the department may have
 42 regarding the underground storage tank at issue in the
 43 case or contested action, ~~upon motion and sufficient~~
 44 ~~showing by a party to a cost recovery or subrogation~~
 45 ~~action provided for under this section, the court or~~
 46 ~~the administrative law judge shall join to the action~~
 47 ~~any potentially responsible party who may be liable~~
 48 ~~for costs and expenditures of the type recoverable~~
 49 ~~pursuant to this section. No other action may be~~
 50 ~~joined with an action brought under subsection 1.~~

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1 7. STRICT LIABILITY, DEFENSES AND DAMAGES —
 2 COMPARATIVE FAULT. The standard of liability for a

3 release of petroleum or other regulated substance as
 4 defined in section 455B.471 is strict liability.
 5 Responsible persons are strictly liable for damages
 6 and costs recoverable under this section. The rule of
 7 joint and several liability applies in any action
 8 brought pursuant to this section.
 9 In order to establish the liability of a
 10 responsible person who owned, operated, or leased the
 11 site or an underground storage tank prior to the
 12 claimant, the board or the claimant need only show
 13 petroleum contamination was present during the time of
 14 ownership, operation, or leasehold of the person.
 15 The amount of money expended by the board for
 16 corrective action and third-party liability is
 17 presumed to be reasonable.

18 8. ~~THIRD PARTY CONTRACTS NOT BINDING ON BOARD,~~
 19 ~~PROCEEDINGS AGAINST RESPONSIBLE PARTY NO TRANSFER OF~~
 20 ~~LIABILITY.~~ An insurance, indemnification, hold
 21 harmless, conveyance, or similar risk-sharing or risk-
 22 shifting agreement shall not be effective to transfer
 23 any liability for costs expenditures recoverable under
 24 this section. The fund, board, or department of
 25 natural resources may proceed directly against the
 26 ~~owner or operator or other allegedly a~~ responsible
 27 party person. This section does not bar any agreement
 28 to insure, hold harmless, or indemnify a party to the
 29 agreement for any costs or expenditures under this
 30 chapter, and does not modify rights between the
 31 parties to ~~an the~~ agreement, except to the extent the
 32 agreement shifts liability to ~~an owner or operator~~
 33 eligible for assistance under the remedial account for
 34 ~~any damages or other expenses in connection with a~~
 35 ~~corrective action for which another potentially~~
 36 ~~responsible party is or may be liable a~~ claimant. Any
 37 such provision is null and void and of no force or
 38 effect.

39 9. ~~LATER PROCEEDINGS PERMITTED AGAINST OTHER~~
 40 ~~PARTIES.~~ The entry of judgment against a party to ~~the~~
 41 a cost recovery action does not bar a future action by
 42 the board, a claimant, or the department of natural
 43 resources against another person who is later alleged
 44 to be or discovered to be liable for ~~costs and~~
 45 expenditures paid by the fund recoverable under this
 46 section. ~~Notwithstanding section 668.5 no other~~
 47 ~~potentially responsible party may seek contribution or~~
 48 ~~any other recovery from an owner or operator eligible~~
 49 ~~for assistance under the remedial account for damages~~
 50 ~~or other expenses in connection with corrective action~~

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1 for a release for which the potentially responsible
 2 party is or may be liable. Subsequent successful

3 proceedings against another party shall not modify or
4 reduce the liability of a party against whom judgment
5 has been previously entered.

6 ~~10. CLAIMS AGAINST POTENTIALLY RESPONSIBLE~~
7 ~~PARTIES. Upon payment by the fund for corrective~~
8 ~~action or third-party liability pursuant to this~~
9 ~~chapter, the rights of the claimant to recover payment~~
10 ~~from any potentially responsible party, are assumed by~~
11 ~~the board to the extent paid by the fund. A claimant~~
12 ~~is precluded from receiving double compensation for~~
13 ~~the same injury.~~

14 10. CLAIMANT'S ACTION. In an action brought by a
15 claimant pursuant to this chapter seeking damages for
16 corrective action or third-party liability section,
17 the court shall permit evidence and argument as to the
18 replacement or indemnification of actual economic
19 losses incurred or to be incurred in the future by the
20 claimant by reason of insurance benefits, governmental
21 benefits or programs, or from any other source.

22 If evidence and argument regarding previous
23 payments or future rights of payment is permitted
24 pursuant to this subsection, the court shall also
25 permit evidence and argument as to the costs to the
26 claimant of procuring the previous payments or future
27 rights of payment and as to any existing rights of
28 indemnification or subrogation relating to the
29 previous payments or future rights of payment.

30 If evidence or argument is permitted pursuant to
31 this subsection, the court shall, unless otherwise
32 agreed to by all parties, except the board, instruct
33 the jury to answer special interrogatories or, if
34 there is no jury, shall make findings indicating the
35 effect of such evidence or argument on the verdict.

36 A claimant may elect to permit the board to pursue
37 the claimant's cause of action for any injury not
38 compensated by the fund against any potentially
39 responsible party moneys expended by the claimant
40 recoverable under this section, provided the attorney
41 general determines such representation would not be a
42 conflict of interest. If a claimant so elects, the
43 board's litigation expenses shall be shared on a pro
44 rata proportionate basis with the claimant, but the
45 claimant's share of litigation expenses are payable
46 exclusively from any share of the settlement or
47 judgment payable to the claimant.

48 11. EXCLUSION OF PUNITIVE DAMAGES. The fund shall
49 not be liable in any case for punitive damages.

50 12. RECOVERY OR SUBROGATION — INSTALLERS AND

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1 INSPECTORS. Notwithstanding any other provision
2 contained in this chapter, the board or a person

- 3 insured under the insurance account has no right of
 4 recovery or right of subrogation against an installer
 5 or an inspector insured by the fund ~~for at the time of~~
 6 the installation or inspection of the underground
 7 storage tank giving rise to the liability other than
 8 for recovery of any deductibles paid.
- 9 13. CONTRIBUTION. A defendant to a cost recovery
 10 action under this section shall not seek contribution,
 11 fault allocation, or any recovery from the board or a
 12 claimant in an action allowed under this section.
- 13 14. LIMITATIONS OF ACTIONS. A suit brought under
 14 this section for the recovery of moneys expended under
 15 the remedial account must be commenced no later than
 16 five years after the last payment for corrective
 17 action.
- 18 15. RIGHT TO JURY TRIAL. Any party to an action
 19 brought pursuant to this section is entitled to a jury
 20 trial upon demand.
- 21 16. DEFINITIONS. For purposes of this section:
- 22 a. "Operator" means a person who has or had
 23 control of or the responsibility for the operation of
 24 an underground storage tank or the property, site, or
 25 facility where the underground storage tank is or was
 26 situated.
- 27 b. "Owner" means the person who owns or owned the
 28 underground storage tank or the property, site, or
 29 facility where the underground storage tank is or was
 30 situated.
- 31 c. "Underground storage tank" means as defined in
 32 section 455B.471, subsection 11, notwithstanding the
 33 requirement to maintain proof of financial
 34 responsibility under federal or state law.
- 35 17. RETROACTIVE APPLICATION. This section applies
 36 to any release whether existing before or after the
 37 effective date of this section of this Act."
- 38 3. Title page, line 7, by inserting after the
 39 word "benefits," the following: "expanding cost
 40 recovery enforcement,".
- 41 4. By renumbering as necessary.

SHOULTZ of Black Hawk
 WITT of Black Hawk

H-3756

- 1 Amend House File 512 as follows:
- 2 1. Page 18, line 18, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
- 5 2. Page 18, by inserting after line 24 the
 6 following:
 7 "NEW SUBSECTION. 5. A business which has its

8 headquarters in another country shall, as a condition
9 of accepting assistance under this part, agree to
10 treat its Iowa workforce in a manner which meets at
11 least the minimum standards by which the business
12 treats its workforce in the country in which it is
13 headquartered. For purposes of the part, a business
14 which is owned or controlled by a business which is
15 headquartered in another country is considered to also
16 have its headquarters in that country."

FALLON of Polk

H-3757

1 Amend House File 512 as follows:
2 1. Page 3, line 33, by inserting after the word
3 "positions" the following: ", provided that a
4 business which has its headquarters in another country
5 shall, as a condition of accepting assistance, agree
6 to treat its Iowa workforce in a manner which meets at
7 least the minimum standards by which the business
8 treats its workforce in the country in which it is
9 headquartered. For purposes of this paragraph, a
10 business which is owned or controlled by a business
11 which is headquartered in another country is
12 considered to also have its headquarters in that
13 country."

FALLON of Polk

H-3758

1 Amend House File 512 as follows:
2 1. Page 3, line 33, by inserting after the word
3 "positions" the following: ", provided that no
4 assistance shall be awarded to a business which has
5 solicited or advertised for permanent replacement
6 employees during a labor dispute within the last ten
7 years".

FALLON of Polk

H-3759

1 Amend House File 553 as follows:
2 1. Page 7, by inserting after line 1 the
3 following:
4 "Notwithstanding section 455B.183A, subsection 2,
5 paragraph "b", the total amount of fees for the
6 operation of a public water supply system required to
7 be adopted by the environmental protection commission
8 pursuant to that paragraph for the fiscal year

9 beginning July 1, 1995, and ending June 30, 1996,
 10 shall not exceed the same amount that is appropriated
 11 from the general fund of the state to the
 12 administrative account of the water quality protection
 13 fund under this subsection. Notwithstanding section
 14 455B.183A, subsection 2, paragraph "b", the total
 15 amount of moneys from the fees shall be deposited into
 16 the water quality protection fund's public water
 17 supply system account for purposes of supporting the
 18 program to assist supply systems, as provided in
 19 section 455B.183B."

VANDE HOEF of Osceola

H-3761

1 Amend Senate File 391, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "injury." the following: "This section does not apply
 5 when:
 6 1. A department of public safety officer is
 7 requested by another law enforcement agency to pursue
 8 and arrest.
 9 2. A department of public safety officer is
 10 assisting another law enforcement agency attempting to
 11 effect an arrest.
 12 3. A department of public safety officer is
 13 participating with another law enforcement agency in
 14 effecting an arrest.
 15 For purposes of this section, "during the course of
 16 the arrest" means the time a prisoner is in the sole
 17 custody of a department of public safety officer."

WEIDMAN of Cass

H-3762

1 Amend Senate File 458, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 29 the
 4 following:
 5 "Sec. ____ Section 445.39, Code 1995, is amended
 6 to read as follows:
 7 445.39 INTEREST ON DELINQUENT TAXES.
 8 If the first installment of taxes is not paid by
 9 the delinquent date specified in section 445.37, the
 10 installment becomes due and draws interest of ~~one and~~
 11 ~~one-half ten~~ percent per ~~month~~ annum until paid, from
 12 the delinquent date following the levy. If the last
 13 half is not paid by the delinquent date specified for
 14 it in section 445.37, the same interest shall be

15 charged from the date the last half became delinquent.
 16 However, after April 1 in a fiscal year when late
 17 delivery of the tax list referred to in chapter 443
 18 results in a delinquency date later than October 1 for
 19 the first installment, interest on delinquent first
 20 installments shall accrue as if delivery were made on
 21 the previous June 30. The interest imposed under this
 22 section shall be computed to the nearest whole dollar
 23 and the amount of interest shall not be less than one
 24 dollar. In calculating interest each fraction of a
 25 month shall be counted as an entire month. The
 26 interest percentage on delinquent special assessments
 27 and rates or charges is the same as that for the first
 28 installment of delinquent ad valorem taxes."
 29 2. Title page, line 1, by inserting after the
 30 word "treasurer" the following: "and the imposition
 31 of an interest penalty,".

GRUNDBERG of Polk

H-3764

1 Amend House File 512 as follows:
 2 1. Page 9, by striking lines 21 through 30 and
 3 inserting the following:
 4 "For allocating \$450,000 for funding, to the extent
 5 possible, the currently existing high technology
 6 apprenticeship programs under section 260C.44 at the
 7 community colleges, and for the purposes of the
 8 workforce investment program, for a competitive grant
 9 program by the department in consultation with the
 10 state job training coordinating council for projects
 11 that increase Iowa's pool of available labor via
 12 training and support services with priority given to
 13 projects which serve displaced homemakers or welfare
 14 recipients, including salaries and support for not
 15 more than the following full-time equivalent
 16 positions:
 17 \$ 928,000".

BAKER of Polk
 NELSON of Marshall

H-3769

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. Initial prices for basic communications
16 services shall be set at the rates in effect as of the
17 first of July prior to the date such regulation is to
18 commence.

19 d. (1) A price-regulated local exchange carrier
20 shall not increase its rates for basic communications
21 services, for a period of twelve months after electing
22 to become price regulated. To the extent necessary,
23 rates for basic services may be increased to carry out
24 the purpose of any rules that may be adopted by the
25 board relating to the terms and conditions of
26 unbundled services and interconnection. A price-
27 regulated local exchange carrier may increase its
28 rates for basic communications services following the
29 initial twelve-month period, to the extent that the
30 change in rate does not exceed two percentage points
31 less than the most recent annual change in the gross
32 domestic product price index, as published by the
33 federal government. If application of such formula
34 achieves a negative result, prices shall be reduced so
35 that the cumulative price change for basic services,
36 including prior price reductions in these services,
37 achieves the negative result. After January 1, 2000,
38 the board by rule may adopt different measures of
39 inflation and productivity if they are found to be
40 more reflective of the individual price-regulated
41 carriers.

42 (2) Price increases for basic communications
43 services which are permitted under this subsection may
44 be deferred and accumulated for a maximum of three
45 years into a single price increase, provided that a
46 deferred and accumulated price increase under this
47 subsection shall not at any time exceed six percent.
48 A price decrease for basic communications services
49 shall not be deferred or accumulated, except that
50 price decreases of less than two percent may be

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1 deferred by the local exchange carrier for one year.
2 A price decrease required under this section may be
3 offset by a price increase for a basic communications
4 service that would have been permitted under this
5 section in the previous twelve-month period, but which
6 was deferred by the local exchange carrier. A rate

7 change pursuant to this subsection may take effect
8 thirty days after the notification of the board and
9 consumers.

10 (3) A price-regulated local exchange carrier shall
11 not increase its aggregate revenue weighted prices for
12 nonbasic communications services more than six percent
13 in any twelve-month period.

14 (4) A price-regulated local exchange carrier may
15 reduce the price for any basic communications service,
16 to an amount not less than the total service long-run
17 incremental cost for such service on one day's notice
18 filed with the board. For purposes of this
19 subsection, "total service long-run incremental costs"
20 means the difference between the company's total cost
21 and the total cost of the company less the applicable
22 service, feature, or function.

23 (5) A price-regulated local exchange carrier may
24 offer new service alternatives for any basic
25 communications services on thirty days prior notice to
26 the board, provided that the preexisting basic com-
27 munications service rate structure continues to be
28 offered to customers. New telecommunications services
29 shall be considered nonbasic communications services
30 as defined in section 476.30A, subsection 6.

31 (6) A price-regulated local exchange carrier must
32 reduce the average intrastate access service rates to
33 the carrier's average interstate access service rates.
34 Such carrier shall reduce the average interstate
35 access service rates by at least twenty-five percent
36 of the difference of such rates within ninety days of
37 the election to be price-regulated and twenty-five
38 percent each of the next three years.

39 e. A local exchange carrier shall notify customers
40 of a rate change under this subsection at least thirty
41 days prior to the effective date of the rate change.

42 f. The board may review a local exchange carrier's
43 operation under this subsection, with notice and an
44 opportunity for hearing, after four years of the
45 carrier's election to be price-regulated. The local
46 exchange carrier, consumer advocate, or any person may
47 propose, and the board may approve, any reasonable
48 modifications to the price-regulation requirements in
49 this subsection as a result of the specific carrier
50 review, except that such modifications shall not

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1 require a reduction in the rates for any basic
2 communications service or a return to rate-base, rate-
3 of-return regulation."

DINKLA of Guthrie
LAMBERTI of Polk
RENKEN of Grundy

H-3771

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 shall be set at the rates in effect as of the
26 first of July prior to the date such regulation is to
27 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 interstate
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.

Page 3

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."

DINKLA of Guthrie
 RENKEN of Grundy
 LAMBERTI of Polk
 BELL of Jasper
 CARROLL of Poweshiek

H-3773

1 Amend House File 495 as follows:
 2 1. Page 3, line 35, through page 4, line 1, by
 3 striking the words "or unreasonable".
 4 2. Page 4, line 18, by inserting after the words
 5 "for review" the following: "and notify the applicant
 6 and the agency of the board's decision, findings, or
 7 recommendations in accordance with subsection 8".
 8 3. Page 4, by striking lines 19 through 21 and
 9 inserting the following: "Failure of the board to act
 10 on a request for review within ninety days of
 11 receiving the request shall constitute a decision of
 12 the board to decline to take action on the request."
 13 4. Page 4, line 22, by striking the word
 14 "REQUEST" and inserting the following:
 15 "RECOMMENDATION".
 16 5. Page 4, line 23, by striking the words "or
 17 unreasonable" and inserting the following: "in
 18 accordance with the criteria specified in section
 19 17A.19, subsection 8,".
 20 6. Page 4, line 23, by striking the word
 21 "request" and inserting the following: "recommend".
 22 7. By striking page 4, line 25, through page 5,
 23 line 3, and inserting the following: "requirements
 24 applied to a waiver that was granted. The board's
 25 recommendation shall be issued in writing to the
 26 applicant and the agency. The agency shall consider
 27 the board's recommendation and within thirty days of
 28 the recommendation's issuance shall either accept the
 29 recommendation and take the action recommended by the

30 board or reject the recommendation. If the agency
31 rejects the recommendation, the agency shall notify
32 the applicant and the board of its decision in
33 writing, detailing its reasons for rejecting the
34 recommendation. Upon receiving a rejection of a
35 recommendation, the board shall prepare a summary of
36 the review process which shall include the agency
37 rejection and any other comments or information the
38 board deems desirable. The board shall forward this
39 summary to the governor and the administrative rules
40 review committee for additional study.
41 9. JUDICIAL REVIEW. An applicant may seek
42 judicial review of an agency's decision to refuse to
43 grant a waiver or concerning an agency's decision
44 concerning any additional requirements applied to a
45 waiver which is granted. The petition for review must
46 be filed within thirty days of the date of a decision
47 by the waiver review board."

Houser of Pottawattamie

H-3774

1 Amend the amendment, H-3610, to House File 518 as
2 follows:
3 1. Page 7, by inserting after line 24 the
4 following:
5 "() The plan shall provide for the retraining of
6 employees of the local exchange carrier who are not
7 retained as employees of the carrier as a result of
8 the implementation of and operation under the plan,
9 and for the expenditure by the carrier of funds which
10 are necessary for such training."
11 2. By renumbering as necessary.

Brand of Benton

H-3775

1 Amend the amendment, H-3610, to House File 518 as
2 follows:
3 1. Page 7, by inserting after line 24 the
4 following:
5 "Upon a determination under the plan of the total
6 percent of increase or decrease pursuant to this
7 subparagraph, the percent of increase or decrease
8 shall be multiplied by five percent. The result of
9 the multiplication is the technology investment
10 factor. The amount of the increase of gross revenue
11 collected by a local exchange carrier associated with
12 the price increase or decrease shall be multiplied by
13 the technology investment factor. The resulting

14 amount, if positive, shall be deposited by the local
15 exchange carrier in the Iowa communications network
16 fund established in section 8D.14 to be used for the
17 purposes authorized under chapter 8D."

BRAND of Benton

H-3776

1 Amend House File 534 as follows:

2 1. Page 36, by inserting after line 1 the
3 following:

4 "Sec. 100. PERSONAL ASSISTANCE SERVICES.

5 1. The department of human services, in
6 consultation with the personal assistance and family
7 support services council created in section 225C.48,
8 shall submit a request to the United States department
9 of health and human services to amend the mental
10 retardation and the ill and handicapped home and
11 community-based services waivers to include the
12 provision of consumer-directed attendant care as a
13 fundable service under the medical assistance home and
14 community-based services waiver. If approved, the
15 consumer-directed attendant care services portion of
16 the waiver as provided in 1994 Iowa Acts, chapter
17 1041, section 5, shall be implemented immediately
18 following approval.

19 2. The department of human services, in
20 consultation with the personal assistance and family
21 support services council created in section 225C.48,
22 shall submit a waiver request to the United States
23 department of health and human services for approval
24 of funding of services provided to persons with
25 physical disabilities through the medical assistance
26 home and community-based services waiver, including
27 consumer-directed attendant care services. If
28 approved, the services, as provided in 1994 Iowa Acts,
29 chapter 1041, section 5, shall be implemented
30 immediately following approval. The department shall
31 use existing state funds to draw down federal funds
32 for the consumer-directed attendant services. The
33 department shall not propose or implement the medical
34 assistance home and community-based waiver for
35 services for persons with physical disabilities in a
36 manner which would require county funding to match
37 federal funding. The nonfederal funding match shall
38 be provided only through expenditure of state funds
39 from existing human services programs, including but
40 not limited to the in-home-health-related program and
41 other programs which are funded solely through
42 expenditure of state funds.

43 Sec. 200. PERSONAL ASSISTANCE SERVICES —

44 APPROPRIATION. There is appropriated from the general
 45 fund of the state to the department of human services
 46 for the fiscal year beginning July 1, 1995, and ending
 47 June 30, 1996, the following amount, or so much
 48 thereof as is necessary, to be used for the purpose
 49 designated:
 50 For the personal assistance services program

Page 2

- 1 created in section 225C.46:
- 2 \$ 2,889,723"
- 3 2. By striking page 36, line 27, through page 37,
- 4 line 14.
- 5 3. Page 44, line 29, by inserting after the
- 6 figure "1194," the following: "and sections 100 and
- 7 200 of this Act relating to personal assistance
- 8 services,".
- 9 4. By renumbering as necessary.

RUNNING of Linn

H-3782

- 1 Amend House File 525 as follows:
- 2 1. Page 4, by inserting after line 18 the
- 3 following:
- 4 "4. A structured fines operation in a county shall
- 5 terminate within sixty days of notice from the chief
- 6 judge of the judicial district containing the pilot
- 7 site that it is the intent of the court to cease
- 8 ordering structured fines. The notice shall be
- 9 submitted to the governmental entity having overall
- 10 responsibility for the operation of the structured
- 11 fines program in the pilot site, the division of
- 12 criminal and juvenile justice planning of the
- 13 department of human rights, and the legislative fiscal
- 14 bureau."

GRUBBS of Scott

H-3783

- 1 Amend House File 522 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "patient" the following: "and of the impregnator".

GRUNDBERG of Polk

H-3784

- 1 Amend House File 522 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and

- 3 inserting the following:
4 "1. A health care provider who induces a
5 termination of".
6 2. Page 1, line 19, by striking the words
7 "spontaneous or".
8 3. Page 1, by striking line 24.
9 4. Page 1, lines 25 and 26, by striking the words
10 ", if the termination is induced".
11 5. Page 1, line 31, by striking the words
12 "identifies or".
13 6. Page 1, line 33, by striking the words
14 "identified or".
15 7. By renumbering and relettering as necessary.

GRUNDBERG of Polk

H-3790

- 1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 15, by inserting after line 17 the
5 following:
6 "Sec. 301. Notwithstanding section 257B.1 and
7 257B.1A, for the fiscal year beginning July 1, 1994,
8 and ending June 30, 1995, the portion of the interest
9 earned on the permanent school fund that is not
10 transferred to the credit of the first, in the nation
11 in education foundation and not transferred to the
12 credit of the national center for gifted and talented
13 education shall be transferred to the department of
14 education and allocated to merged area XII to
15 establish an economic development center at the
16 Cherokee attendance center. Notwithstanding section
17 8.33, unencumbered or unobligated funds remaining on
18 June 30 of the fiscal year for which the funds were
19 appropriated shall not revert but shall be available
20 for expenditure for the following fiscal year for the
21 purposes of this section."
22 2. Page 20, by inserting after line 8 the
23 following:
24 "Sec. 302. 1994 Iowa Acts, chapter 1193, section
25 15, is repealed."
26 3. Page 20, line 11, by striking the word and
27 figures "15, and 27" and inserting the following:
28 "301, 15, 27, and 302".
29 4. By renumbering and correcting internal
30 references as necessary.

HUSEMAN of Cherokee
GRIES of Crawford

H-3791

- 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_ DISPLACED
- 6 EMPLOYEE RETRAINING.
- 7 A local exchange company operating under a plan of
- 8 price regulation pursuant to section 476.30B shall
- 9 provide in the plan for the retraining of employees of
- 10 the local exchange carrier who are not retained as
- 11 employees of the carrier as a result of the
- 12 implementation of and operation under the plan, and
- 13 for the expenditures of funds by the carrier which are
- 14 necessary for such training."
- 15 2. Renumber as necessary.

BRAND of Benton

H-3795

- 1 Amend House File 512 as follows:
- 2 1. Page 18, line 18, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 18, by inserting after line 24 the fol-
- 6 lowing:
- 7 "NEW SUBSECTION. 5. Assistance shall not be
- 8 provided to a business which has solicited or
- 9 advertised for permanent replacement employees during
- 10 a labor dispute within the last ten years."

FALLON of Polk

H-3796

- 1 Amend House File 534 as follows:
- 2 1. Page 40, by inserting after line 34 the
- 3 following:
- 4 "c. If the department of human services revises
- 5 the reimbursement rates due to implementation of a
- 6 redesigned purchase of services system."

WITT of Black Hawk
HOUSER of Pottawattamie

H-3797

- 1 Amend House File 512 as follows:
- 2 1. Page 18, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ Section 15E.112, subsection 3, Code
- 5 1995, is amended to read as follows:
- 6 3. Payments of interest, recaptures of awards, or
- 7 repayments of moneys loaned under the value-added

- 8 agricultural products and processes financial
 9 assistance program shall be deposited into the fund.
 10 ~~Section 8.33 does not apply to any moneys in the fund.~~
 11 Unencumbered or unobligated moneys in the fund derived
 12 from moneys deposited pursuant to section 423.24,
 13 ~~which are in excess of three million six hundred fifty~~
 14 ~~thousand dollars of unencumbered or unobligated moneys~~
 15 ~~in the fund deposited pursuant to that section, which~~
 16 are remaining on June 30 of each fiscal year, shall be
 17 credited on August 31 to the road use tax fund as
 18 created in section 312.1.”
 19 2. By renumbering as necessary.

KOENIGS of Mitchell

H-3798

- 1 Amend Senate File 7, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. By striking page 1, line 1, through page 3,
 4 line 32.
 5 2. Title page, line 2, by striking the word
 6 “penalties” and inserting the following: “a penalty”.
 7 3. By renumbering as necessary.

KREIMAN of Davis

H-3799

- 1 Amend House File 502 as follows:
 2 1. Page 2, line 24, by inserting after the word
 3 “require” the following: “, subject to the
 4 availability of child care for a minor parent’s
 5 children.”.

BRAND of Benton

H-3800

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 10, by inserting after line 36 the fol-
 5 lowing:
 6 “From the moneys appropriated in this lettered
 7 paragraph, \$100,000 shall be expended to support a
 8 beginning farmer center as provided in section
 9 266.39E.”

BRAND of Benton

H-3802

- 1 Amend House File 522 as follows:
 2 1. Page 1, by inserting after line 26 the

- 3 following:
- 4 " . The confidential health care provider code
- 5 as assigned by the department."
- 6 2. By relettering as necessary.

SCHULTE of Linn
 MCCOY of Polk
 O'BRIEN of Boone
 LAMBERTI of Polk

GRUBBS of Scott
 MERTZ of Kossuth
 MUNDTIE of Webster
 TEIG of Hamilton
 WITT of Black Hawk

H-3804

- 1 Amend the amendment, H-3463, to House File 522 as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "patient" the following: "and of the impregnator".

DODERER of Johnson

H-3805

- 1 Amend House File 522 as follows:
- 2 1. Page 1, by striking line 10.
- 3 2. Page 1, line 27, by inserting after the word
- 4 "collected" the following: "or compiled".
- 5 3. Page 1, line 29, by inserting after the word
- 6 "which" the following: ", whether specific
- 7 information regarding the patient, provider, or
- 8 facility is collected or compiled."
- 9 4. Page 2, line 2, by inserting after the word
- 10 "obtained" the following: "or compiled".
- 11 5. Page 2, by striking lines 7 through 14 and
- 12 inserting the following:
- 13 "a. The department may use information collected
- 14 or compiled only for health research studies or
- 15 studies to prevent spontaneous terminations of
- 16 pregnancies."
- 17 6. By renumbering and relettering as necessary.

DODERER of Johnson

H-3806

- 1 Amend House File 522 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "period" the following: ", if known".

DODERER of Johnson

H-3807

- 1 Amend House File 522 as follows:
- 2 1. Page 2, by striking lines 22 through 24.

DODERER of Johnson

H-3808

1 Amend Senate File 150, 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 232.2, subsection 6, paragraph
6 o, Code 1995, is amended to read as follows:

7 o. In whose body there is an illegal drug present,
8 determined in accordance with a medically relevant
9 test as defined in section 232.73, as a direct and
10 foreseeable consequence of the acts or willful
11 omissions of the child's parent, guardian, or
12 custodian.

13 Sec. ____ Section 232.68, subsection 2, paragraph
14 f, Code 1995, is amended to read as follows:

15 f. An illegal drug is present in a child's body as
16 a direct and foreseeable consequence of the acts or
17 willful omissions of the person responsible for the
18 care of the child.

19 Sec. ____ Section 232.73, unnumbered paragraph 2,
20 Code 1995, is amended to read as follows:

21 As used in this section and section 232.77,
22 "medically relevant test" means a test that produces
23 reliable results of exposure to cocaine, heroin,
24 amphetamine, methamphetamine, or other illegal drugs,
25 or combinations or derivatives thereof, including a
26 drug urine screen test. A reliable test result for
27 exposure to a mixture or substance containing cocaine
28 base requires a reading of more than three hundred
29 nanograms. The department shall consult with the
30 state board of health and the board of pharmacy
31 examiners in developing a list of laboratories
32 approved for the purposes of this chapter to process
33 medically relevant tests for particular types of
34 drugs, drug combinations, and derivatives.

35 Sec. ____ Section 232.77, subsection 2, Code 1995,
36 is amended to read as follows:

37 2. If a health practitioner discovers in a child
38 physical or behavioral symptoms of the effects of
39 exposure to cocaine, heroin, amphetamine,
40 methamphetamine, or other illegal drugs, or
41 combinations or derivatives thereof, which were not
42 prescribed by a health practitioner, or if the health
43 practitioner has determined through examination of the
44 natural mother of the child that the child was exposed
45 in utero, the health practitioner may perform or cause
46 to be performed a medically relevant test, as defined
47 in section 232.73, on the child. The practitioner
48 shall report any positive results of such a test on
49 the child to the department. The department shall
50 begin an investigation pursuant to section 232.71 upon

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1 receipt of such a report. A positive test result
2 shall not be used for the criminal prosecution of a

3 parent for acts and omissions resulting in
 4 intrauterine exposure of the child to an illegal drug
 5 and shall not represent grounds for a determination of
 6 child abuse.

7 Sec. ____ NEW SECTION. 232.106 TERMS AND
 8 CONDITIONS ON CHILD'S PARENT.

9 If the court enters an order under this chapter
 10 which imposes terms and conditions on the child's
 11 parent, guardian, or custodian, the purpose of the
 12 terms and conditions shall be to assure the protection
 13 of the child. The order is subject to the following
 14 provisions:

- 15 1. The order shall state the reasons for and
 16 purpose of the terms and conditions.
- 17 2. If a parent, guardian, or custodian is required
 18 to have a chemical test of blood or urine for the
 19 purpose of determining the presence of an illegal
 20 drug, the test shall be a medically relevant test as
 21 defined in section 232.73. The parent, guardian, or
 22 custodian may select the laboratory which processes
 23 the test from among the laboratories approved pursuant
 24 to section 232.73. A positive test result shall not
 25 be used for the criminal prosecution of a parent,
 26 guardian, or custodian for the presence of an illegal
 27 drug."

28 2. Page 2, by inserting after line 13 the
 29 following:

30 "Sec. ____ Section 235C.3, subsection 3, Code
 31 1995, is amended to read as follows:

- 32 3. IDENTIFICATION. The council shall develop
 33 recommendations regarding state programs or policies
 34 to increase the accuracy of the identification of
 35 chemically exposed infants and children."

36 3. By renumbering as necessary.

FALLON of Polk

H-3809

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 2, by striking lines 28 through 31 and
 5 inserting the following: "as authorized by section
 6 301.1. Notwithstanding section 301.30, unnumbered
 7 paragraph 4, the funding is \$20 per nonpublic school
 8 pupil."

9 2. Page 2, line 32, by striking the figure
 10 "616,000" and inserting the following: "906,000".

WITT of Black Hawk
 ERTL of Dubuque
 MCCOY of Polk
 O'BRIEN of Boone
 KREIMAN of Davis

MURPHY of Dubuque
 JOCHUM of Dubuque
 RUNNING of Linn
 CATALDO of Polk
 KREMER of Buchanan

H-3810

1 Amend Senate File 446, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 23, by inserting after line 3 the
4 following:

5 "Sec. ____ NEW SECTION. 321M.1 IMPOUNDMENT OF
6 MOTOR VEHICLES USED TO COMMIT CERTAIN OFFENSES —
7 LIABILITY OF OWNER PERMITTING ILLEGAL USE OF VEHICLE.

8 1. If a person whose motor vehicle license or
9 operating privilege has been suspended, denied,
10 revoked, or barred under section 321.209, 321.210,
11 321.210A, 321.560, 321A.4, 321A.5, 321A.17, or
12 321J.17, for an offense which arose out of the same
13 facts and circumstances that resulted in the person's
14 conviction of a violation of section 321J.2, or has
15 been revoked under section 321J.9 or 321J.12 or
16 section 707.6A, subsection 1, paragraph "a", operates
17 a motor vehicle in violation of section 321.218,
18 321.561, 321A.32, or 321J.21, and the person knew or
19 should have known that the person's license has been
20 suspended, denied, revoked, or barred, the motor
21 vehicle which is operated shall be impounded as
22 provided in this chapter. If the person who operates
23 the motor vehicle is the owner of the motor vehicle,
24 the person shall not be permitted to regain possession
25 of the motor vehicle until the period of revocation or
26 suspension has ended. The department of
27 transportation shall send a copy of the notice
28 advising a person convicted of a violation of section
29 321.218, 321.561, 321A.32, or 321J.21, of the date of
30 expiration of the period of revocation or suspension
31 to the court which enters the order of conviction.

32 2. A person who owns a motor vehicle, who is not
33 the person who operates the motor vehicle under
34 subsection 1, but who knows of, should have known of,
35 or gives consent to the operation of the motor vehicle
36 in violation of subsection 1, shall be jointly liable
37 for any damage caused by the person who operated the
38 motor vehicle, as well as for any costs associated
39 with the seizure or impoundment of the motor vehicle.

40 Sec. ____ NEW SECTION. 321M.2 NOTICE OF SEIZURE.

41 Upon the arrest of a person for a violation of
42 section 321.218, 321.561, 321A.32, or 321J.21, the
43 motor vehicle used to commit the offense shall be
44 seized. The officer taking possession of the motor
45 vehicle shall make a written inventory of the motor
46 vehicle and any property contained in the vehicle and
47 deliver a copy of the inventory to the person from
48 whom it was seized and the county attorney. If the
49 person operating the motor vehicle is not the
50 registered owner or titleholder of the vehicle, the

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1 officer shall also cause a copy of the inventory to be
2 delivered to the registered owner or titleholder, or
3 both the registered owner and titleholder if they are
4 different persons. The county attorney shall file a
5 copy of the inventory with the district court in the
6 county in which the motor vehicle was seized, along
7 with a list of the names and addresses of the persons
8 who have received copies of the inventory.

9 Sec. ____ NEW SECTION. 321M.3 APPLICATIONS FOR
10 RETURN OF VEHICLE.

11 Any person claiming right to immediate possession
12 of the vehicle may make application for the vehicle's
13 return in the office of the clerk of the district
14 court for the county in which the property was seized.
15 The application shall state the nature of the
16 claimant's interest and the grounds upon which the
17 claimant seeks to have the property immediately
18 returned. If no grounds are set out in the
19 application for a return, the court may enter judgment
20 on the pleadings without further hearing.

21 Sec. ____ NEW SECTION. 321M.4 HEARING — APPEAL.

22 1. Unless the person making application is the
23 person who operated the motor vehicle in violation of
24 section 321.218, 321.561, 321A.32, or 321J.21, an
25 application for the return of the motor vehicle shall
26 be set for hearing not less than five nor more than
27 thirty days after the filing of the application and
28 shall be tried to the court. If the person making
29 application is the person who operated the motor
30 vehicle, the hearing on the application shall be held
31 not less than five nor more than thirty days after
32 receipt of the copy of the notice of the period of
33 revocation, suspension, or bar from the department of
34 transportation. All claims to the same motor vehicle
35 shall be heard in one proceeding unless it is shown
36 that the proceeding would result in prejudice to one
37 or more parties. If the total value of the motor
38 vehicle sought to be returned is less than ten
39 thousand dollars, the proceeding may be conducted by a
40 magistrate or a district associate judge, and appeals
41 are to be conducted under the same procedures
42 applicable to appeals of small claims. In all other
43 cases, the hearing shall be conducted by a district
44 judge. Appeals from judgments entered by a district
45 judge shall be made within thirty days after the entry
46 of a judgment order. The motor vehicle shall remain
47 in impoundment during the course of the appeal.

48 2. The following persons shall be entitled to
49 immediate return of the motor vehicle without payment
50 of costs associated with seizure or impoundment of the

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1 vehicle:

2 a. The owner of the motor vehicle, if the person
3 is not the same person as the person who operated the
4 motor vehicle and the motor vehicle was operated
5 without the owner's knowledge or consent, either
6 express or implied.

7 b. A motor vehicle rental or leasing agency, if
8 the agency did not or could not have known that the
9 person operating the motor vehicle did not have a
10 valid motor vehicle license or operating privileges
11 and the operation of the motor vehicle in violation of
12 section 321.218, 321.561, 321A.32, or 321J.21
13 constitutes a violation of the rental or leasing
14 agreement.

15 c. A person who owns the motor vehicle and who is
16 charged but is not convicted of the violation of
17 section 321.218, 321.561, 321A.32, or 321J.21, which
18 resulted in the seizure and impoundment of the motor
19 vehicle under this chapter.

20 3. A person who owns a motor vehicle which has
21 been seized and impounded under this chapter who knew
22 or should have known, or who gave consent to the
23 operation of the motor vehicle by the person whose
24 motor vehicle license was suspended or revoked, shall
25 be entitled to the return of the motor vehicle upon
26 payment of the costs, as well as the costs of the
27 hearing on the application, which are associated with
28 the seizure and impoundment of the motor vehicle.

29 4. A person who owns a motor vehicle which has
30 been seized and impounded under this chapter who has
31 been convicted of a violation of section 321.218,
32 321.561, 321A.32, or 321J.21 shall be entitled to the
33 return of the motor vehicle upon expiration of the
34 period of revocation or suspension and upon payment of
35 the costs, as well as the costs of the hearing on the
36 application, which are associated with the seizure and
37 impoundment of the motor vehicle."

38 2. Title page, line 15, by inserting after the
39 word "offender," the following: "providing for the
40 impoundment of motor vehicles which are driven by
41 persons whose licenses are suspended, revoked, or
42 barred for or arising out of an operating-while-
43 intoxicated violation."

44 3. By renumbering as necessary.

WITT of Black Hawk
WELTER of Jones

H-3812

1 Amend Senate File 98, as passed by the Senate, as
2 follows:

3 1. Page 1, line 31, by inserting after the word
4 "plan," the following: "The city of Des Moines shall

5 consult with the capitol planning commission created
 6 pursuant to section 18A.1 in preparing the part of the
 7 comprehensive plan which provides for preserving the
 8 dominance of the Iowa state capitol dome and the view
 9 of the Iowa state capitol."

10 2. By striking page 1, line 32, through page 2,
 11 line 3.

DRAKE of Pottawattamie

H-3819

1 Amend Senate File 195 as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 30 the
 4 following:

5 "Sec. NEW SECTION. 724.11A REVIEW OF DENIED
 6 APPLICATIONS — RULES.

7 All applications for nonprofessional permits to
 8 carry weapons which are denied by the sheriff shall be
 9 forwarded to the commissioner of public safety for
 10 review in accordance with rules adopted in accordance
 11 with chapter 17A. A person who meets the criteria of
 12 section 724.8 and who provides reasonable
 13 justification for going armed under the rules adopted
 14 pursuant to this section shall be issued a permit to
 15 carry weapons by the commissioner. Reasonable
 16 justification under the rules shall include personal
 17 protection. A copy of the permit issued by the
 18 commissioner shall be sent to the sheriff of the
 19 county in which the person resides. It is the intent
 20 of the general assembly that the rules adopted
 21 pursuant to this section provide for uniform standards
 22 for awarding nonprofessional permits to carry
 23 weapons."

24 2. Title page, line 3, by inserting after the
 25 word "cases" the following: "and nonprofessional
 26 permits to carry weapons".

27 3. By renumbering as necessary.

Committee on Judiciary

H-3824

1 Amend the amendment, H-3294, to Senate File 93, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 8, by inserting after the word
 5 "chapter" the following: "if the reversal or setting
 6 aside of the conviction is based upon a finding that
 7 the person did not commit the offense".

FALLON of Polk

H-3825

1 Amend Senate File 462, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 25, by inserting after line 3 the
 4 following:
 5 "5. Moneys appropriated in this section shall not
 6 be allocated to persons who provide abortions."

BODDICKER of Cedar
 BRADLEY of Clinton
 LORD of Dallas
 O'BRIEN of Boone
 SCHULTE of Linn
 VANDE HOEF of Osceola
 RUNNING of Linn
 HURLEY of Fayette
 HUSEMAN of Cherokee
 DAGGETT of Adams

SALTON of Palo Alto
 CARROLL of Poweshiek
 MUNDIE of Webster
 VAN FOSSEN of Scott
 GARMAN of Story
 VEENSTRA of Sioux
 DISNEY of Polk
 HARRISON of Scott
 KREMER of Buchanan
 MERTZ of Kossuth
 MCCOY of Polk

H-3826

- 1 Amend Senate File 436, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 6 the
 4 following:
 5 "NEW SUBPARAGRAPH. (14) To a member of the Iowa
 6 house of representatives or the Iowa senate, if the
 7 member is asked to review the child abuse information
 8 by a resident of the member's district who is a
 9 subject of a child abuse report identified in
 10 paragraph "a" and the child abuse report is part of
 11 the child abuse information to be reviewed."
 12 2. By renumbering as necessary.

FALLON of Polk

H-3828

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, line 38, by striking the figure
 5 "281,256" and inserting the following: "296,256".
 6 2. Page 4, by inserting after line 39 the
 7 following:
 8 "From the moneys appropriated in this subsection,
 9 \$15,000 shall be expended to provide grants to
 10 students who would meet the requirements for receipt
 11 of a vocational-technical tuition grant, but who are
 12 enrolled in a licensed school of cosmetology arts and
 13 sciences under chapter 157, or a licensed barber
 14 school under chapter 158. The amount of the grant
 15 made by the college student aid commission pursuant to
 16 this subsection shall be not less than \$300 or the
 17 amount of the student's established financial need."

JOCHUM of Dubuque

H-3830

- 1 Amend Senate File 462 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 21 the
- 4 following:
- 5 "___ Medical assistance funding shall not be
- 6 provided to a nursing facility licensed pursuant to
- 7 chapter 135C, if the nursing facility establishes a
- 8 system of the order of admission of applicants for
- 9 which the basis of admission is other than initial
- 10 application, including source of payment of the
- 11 resident's cost of care, unless documentation is
- 12 provided to the facility verifying the applicant's
- 13 death or desire to cancel the application for
- 14 admission, or unless the applicant is the spouse of a
- 15 current resident and a bed becomes available even
- 16 though the spouse is listed first on the application
- 17 listing. The admissions listing shall be made
- 18 available to an applicant upon request."
- 19 2. By renumbering as necessary.

RUNNING of Linn

H-3838

- 1 Amend House File 297 as follows:
- 2 1. Page 4, by inserting after line 12 the
- 3 following:
- 4 "Sec. ___ NEW SECTION. 321M.5 PROCEDURES — NOT
- 5 LOSS OF USE.
- 6 The impoundment, immobilization, or forfeiture of a
- 7 motor vehicle under this chapter does not constitute
- 8 loss of use of a motor vehicle for purposes of any
- 9 contract of insurance."
- 10 2. By renumbering as necessary.

WITT of Black Hawk
WELTER of Jones

H-3839

- 1 Amend the amendment, H-3640, to Senate File 290, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 4 and 5.
- 5 2. By renumbering as necessary.

MUNDIE of Webster

H-3854

- 1 Amend House File 553 follows:
- 2 1. Page 3, line 15, by striking the figure

- 3 "5,456,854" and inserting the following: "5,621,854".
4 2. Page 3, line 16, by striking the figure
5 "169.80" and inserting the following: "176.30".

WEIGEL of Chickasaw

H-3857

- 1 Amend the amendment, H-3851, to House File 512 as
2 follows:
3 1. Page 16, line 7, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 16, by inserting after line 13 the
7 following:
8 "NEW SUBSECTION. 5. A business which has its
9 headquarters in another country shall, as a condition
10 of accepting assistance under this part, agree to
11 treat its Iowa workforce in a manner which meets at
12 least the minimum standards by which the business
13 treats its workforce in the country in which it is
14 headquartered. For purposes of the part, a business
15 which is owned or controlled by a business which is
16 headquartered in another country is considered to also
17 have its headquarters in that country."

FALLON of Polk

H-3858

- 1 Amend the amendment, H-3765, to Senate File 462, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "_. Page 1, by inserting after line 34 the
7 following:
8 "_. The department shall research the
9 feasibility of establishing a program of developing
10 community-based residential facilities or "second
11 chance homes" for young mothers and children. The
12 research shall consider potential benefits of second
13 chance homes including the potential effects of
14 deterring child abuse by use of the homes. The
15 research is subject to all of the following
16 provisions:
17 a. The department shall consider developing the
18 home in a manner to provide supervision by mature
19 adult couples. The program should coordinate
20 comprehensive services for pregnant or parenting
21 teens, including but not limited to educational
22 services, vocational services, personal and family
23 counseling, parent education classes, and assistance

- 24 in developing independent living and homemaking
25 skills.
- 26 b. The department shall consider various options
27 for designing second chance homes so that the homes
28 will not necessarily be government-operated
29 institutions. The options considered shall include
30 operation by churches and community groups with state
31 guidance through administrative rules. If the program
32 is implemented, administrative rules will delineate
33 how the homes will be structured and specify the
34 combination of support, services, and participant
35 obligations to help teenage mothers to become good
36 mothers, finish school, and gain adequate skills to
37 support their children.
- 38 c. The department shall consider a design which
39 provides incentive grants to communities that pledge
40 private funding and in-kind services equal to at least
41 one-half of the cost of operating a second chance
42 home. In addition, operating expenses could be
43 supported in part by participants' welfare payments,
44 food stamps, housing assistance, and other forms of
45 public assistance for which participants are eligible,
46 as well as a commitment from communities.
- 47 d. The department shall submit a report to the
48 general assembly on or before January 8, 1996,
49 concerning the research conducted pursuant to this
50 subsection."

Page 2

- 1 2. By renumbering as necessary.

JOCHUM of Dubuque

H-3860

- 1 Amend the amendment, H-3765, to Senate File 462, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 1, line 17, by inserting after the word
5 "paragraph." the following: "The department shall not
6 expand the requirement of prior authorization for
7 drugs other than the "A" rated generic bioequivalents
8 authorized under this paragraph, without prior
9 approval of the general assembly for such expansion."
- 10 2. Page 1, by inserting after line 21 the
11 following:
- 12 "aa. The department shall amend the contract with
13 the department's fiscal agent regarding prior
14 authorization of prescription drugs to provide for
15 review by the fiscal agent of inquiries for prior
16 authorization during pharmacy business hours,
17 evenings, Saturdays and during pharmacy peak business
18 hours on Sundays, and shall consider providing for

19 review by the fiscal agent of inquiries on a seven-
20 day-per-week, 24-hour-per-day basis.

21 aaa. (1) The department of human services shall
22 conduct a study of the prior authorization program
23 based upon the program data collected during fiscal
24 year 1994-1995, including a review of a sampling of
25 specific drugs for which prior authorization is
26 required. The study shall be completed by October 1,
27 1995, and a report of the findings of the study shall
28 be submitted to the chairpersons and ranking members
29 of the senate and house appropriations committees, to
30 the chairpersons and ranking members of the joint
31 human services appropriations committee, and to the
32 legislative fiscal bureau. The study shall address
33 and include information and recommendations regarding
34 all of the following:

35 (a) A comparison of the costs associated with the
36 prescribing of generic drugs rather than brand name
37 drugs, taking into consideration any rebates or other
38 cost reductions associated with the use of brand name
39 drugs.

40 (b) A review of the time associated with the prior
41 authorization process including telephone
42 communications between providers and the department's
43 prior authorization fiscal agent and with delays for
44 either party. The review shall include an analysis of
45 the average time associated with each inquiry by
46 classification of drug.

47 (c) A review of the number of denials of
48 authorization by classification of drug by the fiscal
49 agent and the rationale for the denials.

50 (d) A review of the actual and projected cost

Page 2

1 savings and workability of the prior authorization
2 program.

3 (e) A review of the services provided by the
4 fiscal agent including a comparison of the services of
5 the fiscal agent with private pay insurers in
6 providing a similar service, and an evaluation of the
7 current availability of the fiscal agent and any
8 improvements to the program which might result from
9 increased availability.

10 (f) A review of the volume of inquiries for prior
11 authorization during a weekly period including an
12 analysis of the days and times of peak volume as
13 compared with the availability of the fiscal agent for
14 responding to inquiries.

15 (g) An analysis of the time which elapses between
16 the submission of a bill to the department for
17 reimbursement and actual reimbursement.

18 (2) Following receipt of the report from the
19 department, the legislative fiscal bureau shall review

20 the study. The review shall include all of the
21 following:
22 (a) An evaluation of the cost and savings
23 methodology utilized by the department, including an
24 analysis of whether all governmental costs and savings
25 were included or adequately addressed in the savings
26 methodology used during fiscal year 1994-1995. If the
27 legislative fiscal bureau determines that the cost and
28 savings methodology utilized by the department or the
29 fiscal agent did not include or adequately address all
30 governmental costs, the legislative fiscal bureau
31 shall provide recommendations to the general assembly
32 to improve the cost and savings methodology for future
33 application.

34 (b) An individualized assessment of the prior
35 authorization program based on a random sample of not
36 more than 50 individual prior authorization actions,
37 of which one-half shall be approval actions and one-
38 half shall be denial actions. The random sample shall
39 be provided by the department to the legislative
40 fiscal bureau based upon a random sampling methodology
41 submitted by the legislative fiscal bureau. All data
42 deemed necessary by the legislative fiscal bureau to
43 conduct the assessment shall be provided by the
44 department including but not limited to the date and
45 time of the prior authorization contact between the
46 fiscal agent and the provider; the name, address, and
47 telephone number of the provider; and the
48 classification of the drug for which prior
49 authorization was sought. If the action was an
50 approval action, the department shall provide a

Page 3

1 statement of the actual cost associated with the
2 substituted drug and the cost associated with the
3 alternative drug. If the action was a denial action,
4 the department shall provide the rationale for the
5 denial.”

6 3. Page 1, by striking lines 26 through 29.

7 4. Page 1, by striking lines 30 through 38 and
8 inserting the following:

9 “ . The department shall develop a plan to
10 administratively pursue reimbursement for pharmacy
11 services for which a recipient of medical assistance
12 also has third-party coverage. The department shall
13 develop the plan in cooperation with the insurance
14 division of the department of commerce and with
15 representatives of the Iowa pharmacists association.
16 The department shall submit the plan to the general
17 assembly on or before January 1, 1996, and shall
18 implement the plan on or before May 1, 1996. The
19 department shall also include a preliminary estimate
20 of the costs of administratively pursuing

- 21 reimbursement for pharmacy services in the budget
- 22 submitted to the council of human services for fiscal
- 23 year 1996-1997."
- 24 5. By relettering as necessary.

HOUSER of Pottawattamie

H-3866

- 1 Amend the amendment, H-3498, to Senate File 266, 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 "LOCAL ARTS COMPREHENSIVE EDUCATIONAL
- 7 STRATEGIES (LACES)
- 8 For contracting with the Iowa alliance for arts
- 9 education to execute the local arts comprehensive
- 10 educational strategies program (LACES):
- 11 \$ 150,000"
- 12 2. By renumbering as necessary.

NELSON of Pottawattamie
 MYERS of Johnson
 GRIES of Crawford
 COHOON of Des Moines

H-3879

- 1 Amend House File 553 as follows:
- 2 1. Page 9, line 23, by striking the word
- 3 "amounts" and inserting the following: "amount".
- 4 2. Page 9, by striking lines 25 through 29.
- 5 3. Page 9, line 30, by striking the figure "2."

MURPHY of Dubuque

H-3880

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 9, by striking the figure
- 5 "191,266,859" and inserting the following:
- 6 "192,560,559".

MASCHER of Johnson

H-3881

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by striking lines 2 through 19 and

5 inserting the following:

6	"	\$122,702,717
7	The funds appropriated in this subsection shall be	
8	allocated as follows:	
9	a. Merged Area I	\$ 5,855,506
10	b. Merged Area II	\$ 6,923,140
11	c. Merged Area III	\$ 6,503,071
12	d. Merged Area IV	\$ 3,090,811
13	e. Merged Area V	\$ 6,662,837
14	f. Merged Area VI	\$ 6,152,350
15	g. Merged Area VII	\$ 8,738,393
16	h. Merged Area IX	\$10,812,416
17	i. Merged Area X	\$16,790,137
18	j. Merged Area XI	\$17,871,190
19	k. Merged Area XII	\$ 7,052,271
20	l. Merged Area XIII	\$ 7,279,958
21	m. Merged Area XIV	\$ 3,236,992
22	n. Merged Area XV	\$10,090,203
23	o. Merged Area XVI	\$ 5,643,442"

BRAND of Benton
 RUNNING of Linn
 HARPER of Black Hawk
 MASCHER of Johnson
 WEIGEL of Chickasaw
 NELSON of Pottawattamie

SHOULTZ of Black Hawk
 MAY of Worth
 BELL of Jasper
 OLLIE of Clinton
 LARKIN of Lee
 COHOON of Des Moines
 DREES of Carroll

H-3882

- 1 Amend House File 553 as follows:
- 2 1. By striking page 9, line 14, through page 10,
- 3 line 4.
- 4 2. By renumbering as necessary.

MURPHY of Dubuque

H-3884

- 1 Amend House File 553 as follows:
- 2 1. By striking page 10, line 16, through page 11,
- 3 line 8.
- 4 2. By renumbering as necessary.

MASCHER of Johnson

H-3892

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 9, by striking the figure
- 5 "191,266,859" and inserting the following:
- 6 "191,466,859".

- 7 2. Page 10, line 29, by striking the figure
 8 "152,252,558" and inserting the following:
 9 "152,452,558".
 10 3. Page 11, line 11, by striking the figure
 11 "68,327,516" and inserting the following:
 12 "68,527,516".

WITT of Black Hawk
 MYERS of Johnson
 SHOULTZ of Black Hawk
 BERNAU of Story

MASCHER of Johnson
 BURNETT of Story
 HARPER of Black Hawk
 DODERER of Johnson

H-3893

- 1 Amend Senate File 256, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 21 the
 4 following:
 5 "Sec. ____ Section 206.34, subsection 1, paragraph
 6 a, Code 1995, is amended to read as follows:
 7 a. "Local governmental entity" means any political
 8 subdivision, or any state authority which is not the
 9 general assembly or under the direction of a principal
 10 central department as enumerated in section 7E.5,
 11 ~~including a city as defined in section 362.2~~, a county
 12 as provided in chapter 331, or any special purpose
 13 district. However, "local governmental entity" does
 14 not include a city as defined in section 362.2."
 15 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-3894

- 1 Amend Senate File 256, as passed by the Senate, as
 2 follows:
 3 1. By striking page 1, lines 1 through 21, and
 4 inserting the following:
 5 "Section 1. Section 206.2, subsection 7, Code
 6 1995, is amended by striking the subsection.
 7 Sec. 2. Section 206.5, subsection 6, Code 1995, is
 8 amended by striking the subsection.
 9 Sec. 3. Section 206.22, subsection 4, Code 1995,
 10 is amended by striking the subsection.
 11 Sec. 4. REPEAL. Chapter 206A, Code 1995, is
 12 repealed."
 13 2. Title page, lines 1 and 2, by striking the
 14 words "notification of the application of pesticides"
 15 and inserting the following: "pesticides, by
 16 providing for the elimination of provisions relating
 17 to chemigation."

WEIGEL of Chickasaw

H-3895

1 Amend Senate File 256, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "provisions." the following: "The rules shall
 5 establish specifications for notification signs and
 6 procedures for placing and maintaining those signs in
 7 urban areas. A sign must be posted by a commercial or
 8 public applicator immediately following the exterior
 9 application of pesticides on property in order to
 10 alert occupants of adjoining property, and shall not
 11 be removed for twenty-four hours following
 12 application. The sign must be posted in a clear and
 13 visible location on the property near the area of the
 14 application. The sign shall be of reusable
 15 construction and contain permanent lettering. The
 16 color of the sign shall be white with red lettering.
 17 The sign shall be at least eleven inches by twenty-
 18 eight inches in size, and contain the following
 19 warning in capital letters at least four inches high:
 20 WARNING
 21 CHEMICALS APPLIED TO THIS PROPERTY
 22 Below the warning, the following statement shall be
 23 set forth in print easily readable from a distance:
 24 "Do not remove this sign for twenty-four hours". The
 25 sign shall feature a universal symbol warning against
 26 entry into the area of the property subject to the
 27 application."

WEIGEL of Chickasaw

H-3897

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 19, by inserting after line 6 the
 5 following:
 6 "Sec. 202. Section 262.9, Code 1995, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 30. Reduce the expenditure of
 9 funds available to the institutions of higher learning
 10 under the control of the board for faculty development
 11 leaves for the fiscal year beginning July 1, 1996, and
 12 ending June 30, 1997, by ten percent of the
 13 replacement costs and salaries and benefit costs for
 14 the fiscal year beginning July 1, 1995, and ending
 15 June 30, 1996. The institutions shall not reduce
 16 general student financial aid for the fiscal year
 17 beginning July 1, 1996, and ending June 30, 1997, in
 18 an effort to supplant funds for faculty development
 19 leaves. It is the intent of the general assembly to
 20 reduce the funds appropriated to the institutions of

- 21 higher learning under the control of the board in the
- 22 fiscal year beginning July 1, 1996, and ending June
- 23 30, 1997, by an amount equivalent to the amount by
- 24 which institutions reduce the funds available for
- 25 faculty development leaves as provided in this
- 26 subsection."
- 27 2. Page 20, by inserting after line 10 the
- 28 following:
- 29 "Sec. ____ Section 202 of this Act is repealed
- 30 effective July 1, 1997."
- 31 3. By renumbering as necessary.

LORD of Dallas
 TEIG of Hamilton
 ERTL of Dubuque
 WEIDMAN of Cass
 HOUSER of Pottawattamie
 CORMACK of Webster
 SUKUP of Franklin
 HURLEY of Fayette
 HAHN of Muscatine
 VEENSTRA of Sioux
 MEYER of Sac
 NUTT of Woodbury

BRUNKHORST of Bremer
 LAMBERTI of Polk
 SALTON of Palo Alto
 KLEMME of Plymouth
 KREMER of Buchanan
 VAN FOSSEN of Scott
 DISNEY of Polk
 TYRRELL of Iowa
 BRANSTAD of Winnebago
 EDDIE of Buena Vista
 VANDE HOEF of Osceola
 CARROLL of Poweshiek
 MAIN of Jefferson

H-3898

- 1 Amend the amendment, H-3874, to House File 553, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the figure "35"
- 4 and inserting the following: "29".
- 5 2. By renumbering as necessary.

KOENIGS of Mitchell

H-3901

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by inserting after line 46 the
- 5 following:
- 6 "_. IMAGES
- 7 For allocation to Merged Area XI to be used for the
- 8 grants to students for the Iowa minority academic
- 9 grants for economic success program under sections
- 10 261.101 through 261.105:
- 11 \$ 1,000
- 12 Merged Area XI shall distribute a portion of the
- 13 funds to a private institution of higher education
- 14 cooperating with Merged Area XI, for purposes of the

15 Iowa minority academic grants for economic success
 16 program equal to the number of students who are
 17 enrolled and participating in the program at the
 18 private institution compared to the number of students
 19 who are enrolled and participating in the program at
 20 the two institutions.

21 If the Seventy-sixth General Assembly establishes a
 22 career opportunity program during the 1995 Session,
 23 the moneys allocated for purposes of the Iowa minority
 24 academic grants for economic success program in this
 25 subsection for the fiscal year beginning July 1, 1995,
 26 and ending June 30, 1996, shall be transferred to
 27 Merged Area XI and used for purposes of the career
 28 opportunity program."

29 2. By renumbering as necessary.

BAKER of Polk

H-3907

1 Amend House File 164 as follows:

2 1. Page 1, line 16, by striking the word and
 3 figures "January 1, 1994" and inserting the following:
 4 "January 1, 1994 April 15."

HALVORSON of Clayton

H-3909

1 Amend the amendment, H-3896, to House File 553, as
 2 follows:

3 1. Page 1, by striking lines 11 through 20 and
 4 inserting the following:

5 "By striking page 10, line 16, through page
 6 11, line 8."

7 2. By renumbering as necessary.

MASCHER of Johnson

MERTZ of Kossuth

WITT of Black Hawk

FALLON of Polk

SCHRADER of Marion

MCCOY of Polk

BURNETT of Story

CATALDO of Polk

KOENIGS of Mitchell

MAY of Worth

H-3913

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 16, by striking the figure
 5 "5,059,445" and inserting the following: "4,939,445".

6 2. Page 3, by inserting after line 28 the
 7 following:

- 8 "___ FAMILY RESOURCE CENTERS
 9 For support of the family resource center
 10 demonstration program established under chapter 256C:
 11 \$ 120,000"
 12 3. By renumbering as necessary.

BRAUNS of Muscatine
 MYERS of Johnson
 HURLEY of Fayette

MASCHER of Johnson
 NELSON of Pottawattamie
 JOCHUM of Dubuque
 DODERER of Johnson

H-3918

- 1 Amend the amendment, H-3815, to Senate File 208, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 2, line 6, by striking the word "five"
 5 and inserting the following: "three".

MURPHY of Dubuque

H-3926

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by inserting after line 32 the
 5 following:
 6 "___ VOCATIONAL AGRICULTURE YOUTH ORGANIZATION
 7 To assist a vocational agriculture youth
 8 organization (future farmers of America) sponsored by
 9 the schools to support the foundation established by
 10 that vocational agriculture youth organization and for
 11 other youth activities:
 12 \$ 59,400"
 13 2. By renumbering as necessary.

MERTZ of Kossuth
 WEIGEL of Chickasaw
 KREIMAN of Davis
 SCHRADER of Marion
 MAY of Worth

WISE of Lee
 DREES of Carroll
 BURNETT of Story
 LARKIN of Lee
 KOENIGS of Mitchell
 MASCHER of Johnson

H-3932

- 1 Amend House File 565 as follows:
 2 1. Page 2, line 33, by inserting after the word
 3 "writing." the following: "The results from an
 4 individual's employability skills assessment shall not
 5 be used to deny the individual employment or
 6 advancement to higher education."

BODDICKER of Cedar

H-3933

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 16, by inserting after line 31 the
5 following:

6 "Sec. 403. NEW SECTION. 257.50 ADDITIONAL AID
7 FOR AT-RISK PUPILS.

8 1. Beginning with the school budget year
9 commencing July 1, 1996, if the general assembly
10 appropriates moneys for additional state aid for at-
11 risk pupils for that budget year, and in each
12 succeeding year in which the general assembly
13 appropriates moneys for additional state aid for at-
14 risk pupils, school districts shall receive additional
15 state aid based upon the number of at-risk pupils
16 enrolled in a public school in the district. Each
17 school district shall assist the department in
18 identifying the number of at-risk pupils and the
19 number shall be reported by the department to the
20 department of management by October 1 of each budget
21 year. For purposes of identifying at-risk pupils, the
22 department shall use the primary and secondary risk
23 factors specified in 281 IAC 65, rules 4 and 5, and
24 other risk factors that the department, with the
25 approval of the department of management, shall
26 specify.

27 2. The amount of additional state aid a school
28 district shall receive for a budget year equals the
29 product of ten percent of the district cost per pupil
30 for that budget year multiplied by the number of at-
31 risk pupils identified and reported pursuant to
32 subsection 1.

33 The additional state aid shall be paid in the
34 manner provided in section 257.16, commencing with the
35 October 15 payment. Aid received by a school district
36 under this section shall be miscellaneous income."

37 2. Page 20, by inserting after line 10 the
38 following:

39 "Sec. ____ Section 403 of this Act applies for
40 computing state aid for school budget years beginning
41 on or after July 1, 1996."

42 3. By renumbering as necessary.

SHOULTZ of Black Hawk
HARPER of Black Hawk
BURNETT of Story
JOCHUM of Dubuque

H-3934

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 11, line 11, by striking the figure
5 "68,327,516" and inserting the following:
6 "69,043,216".

WITT of Black Hawk
RUNNING of Linn
SHOULTZ of Black Hawk

H-3935

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 7, line 9, by striking the figure
5 "191,266,859" and inserting the following:
6 "190,514,859".
7 2. Page 10, line 29, by striking the figure
8 "152,252,558" and inserting the following:
9 "151,628,558".
10 3. Page 11, line 11, by striking the figure
11 "68,327,516" and inserting the following:
12 "68,103,516".
13 4. Page 18, by striking line 44 and inserting the
14 following: "sum of ~~thirty-two~~ thirty-six million four
15 eight hundred".

COON of Warren

H-3936

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 20, by inserting after line 10 the
5 following:
6 "Sec. 302. 1994 Iowa Acts, chapter 1193, section
7 15, is repealed."
8 2. Page 20, line 11, by striking the word and
9 figure "and 27" and inserting the following: "27, and
10 302".
11 3. By renumbering and correcting internal
12 references as necessary.

GRUNDBERG of Polk

H-3937

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 14, line 24, by striking the figure
5 "2,332,677" and inserting the following: "2,432,677".
6 2. Page 14, line 25, by striking the figure

- 7 "56.00" and inserting the following: "57.00".
- 8 3. Page 15, by striking lines 42 through 50.
- 9 4. Page 20, line 11, by striking the figure
- 10 "15,".
- 11 5. By renumbering and correcting internal
- 12 references as necessary.

SHOULTZ of Black Hawk
 JOCHUM of Dubuque
 HARPER of Black Hawk

BRAND of Benton
 BURNETT of Story
 MASCHER of Johnson

H-3938

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 18, line 40, by striking the word and
- 5 figure "subsection 1" and inserting the following:
- 6 "subsections 1 and 3".
- 7 2. Page 18, line 41, by striking the word "is"
- 8 and inserting the following: "are".
- 9 3. Page 18, by inserting after line 46 the
- 10 following:
- 11 "3. There is appropriated from the general fund of
- 12 the state to the commission for each fiscal year the
- 13 sum of one million four hundred ~~twenty-four~~ fifty-
- 14 eight thousand seven hundred ~~eighty~~ eighty-four
- 15 dollars for vocational-technical tuition grants."

SHOULTZ of Black Hawk
 JOCHUM of Dubuque
 WITT of Black Hawk

KREIMAN of Davis
 HARPER of Black Hawk
 MASCHER of Johnson
 RUNNING of Linn

H-3939

- 1 Amend the amendment, H-3498, to Senate 266, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 18, by inserting after line 46 the
- 5 following:
- 6 "Sec. ____ Section 261.85, unnumbered paragraph 1,
- 7 Code 1995, is amended to read as follows:
- 8 There is appropriated from the general fund of the
- 9 state to the commission for each fiscal year the sum
- 10 of ~~two three million eight hundred ninety-eight~~
- 11 ~~thousand eight hundred forty~~ dollars for the work-
- 12 study program."
- 13 2. By renumbering and correcting internal
- 14 references as necessary.

SHOULTZ of Black Hawk
 JOCHUM of Dubuque
 WITT of Black Hawk

BURNETT of Story
 HARPER of Black Hawk
 MASCHER of Johnson
 RUNNING of Linn

H-3940

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 10, line 29, by striking the figure
- 5 "152,252,558" and inserting the following:
- 6 "153,653,041".

BERNAU of Story
 BURNETT of Story
 RUNNING of Linn
 SHOULTZ of Black Hawk

H-3942

- 1 Amend Senate File 454, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 28 and 29, by striking the words
- 4 "including but" and inserting the following: "which
- 5 may include but are".
- 6 2. Page 2, line 16, by striking the word
- 7 "cleaning" and inserting the following: "housekeeping
- 8 chores".
- 9 3. Page 2, by striking lines 22 through 28.
- 10 4. Page 5, by striking lines 2 through 4 and
- 11 inserting the following:
- 12 "f. Rules to establish a fee schedule for
- 13 certification."
- 14 5. Page 7, by striking line 6 and inserting the
- 15 following: "when a funding source for the Act's
- 16 implementation and administration is established."
- 17 6. By renumbering as necessary.

MARTIN of Scott

H-3943

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 16, by striking the figure
- 5 "5,059,445" and inserting the following: "5,009,445".
- 6 2. Page 2, by inserting after line 46 the
- 7 following:
- 8 "_. PARENT EDUCATION PILOT PROJECT
- 9 For purposes of the parent education pilot project
- 10 established under 1994 Iowa Acts, chapter 1199,
- 11 section 58, in a county with fewer than 35,000
- 12 inhabitants:
- 13 \$ 50,000
- 14 3. By renumbering as necessary.

HURLEY of Fayette

H-3946

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 19, by inserting after line 6 the
5 following:

6 "Sec. ____ Section 285.3, Code 1995, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 285.3 PARENTAL REIMBURSEMENT FOR NONPUBLIC SCHOOL
10 STUDENT TRANSPORTATION.

11 1. A parent or legal guardian of a student
12 attending an accredited nonpublic school, who
13 furnishes transportation for the student pursuant to
14 section 285.1 and meets the requirements of subsection
15 2, is entitled to reimbursement equal to an amount
16 calculated under the provisions of section 285.1,
17 subsection 3. In addition, parents or legal guardians
18 who transport one or more family members more than
19 four miles to their accredited nonpublic schools of
20 attendance shall be entitled to one supplemental
21 mileage payment per family, per claim period, equal to
22 fifteen percent of the parental reimbursement amount,
23 rounded to the nearest whole dollar, when calculated
24 under the provisions of section 285.1, subsection 3.

25 2. To qualify for parental reimbursement under
26 subsection 1, a parent or legal guardian of a student
27 attending an accredited nonpublic school, who
28 furnishes transportation for a child pursuant to
29 section 285.1, shall submit a claim for reimbursement
30 to the resident public school district notifying the
31 district that the student is enrolled and attending an
32 accredited nonpublic school. Claims for reimbursement
33 shall be filed with the district by December 1 and May
34 1 annually and shall include the name, age, and grade
35 level of the student and the name of the accredited
36 nonpublic school and its location. The district shall
37 submit claims for reimbursement to the department of
38 education on behalf of the parent or legal guardian if
39 the parent or guardian meets the requirements of this
40 section."

41 2. By renumbering as necessary.

COHOON of Des Moines

H-3952

1 Amend the amendment, H-3914, to House File 482 as
2 follows:

3 1. Page 1, line 29, by inserting after the word
4 "grants," the following: "school corporations
5 established under chapter 273."

MEYER of Sac

H-3957

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "The department of education shall conduct a study
7 of the possible uses for the interest earned on the
8 permanent school fund provided for under sections
9 257B.1 and 257B.1A. The department shall submit a
10 report of its findings and recommendations to the
11 general assembly and the legislative fiscal bureau by
12 January 1, 1996."

13 2. Page 15, by inserting after line 17 the
14 following:

15 "Sec. 601. Notwithstanding section 257B.1A,
16 subsection 4, and 1994 Iowa Acts, chapter 1193,
17 section 15, for the fiscal year beginning July 1,
18 1994, and ending June 30, 1995, the remaining portion
19 of the interest earned on the permanent school fund
20 shall, after transfers are made pursuant to section
21 257B.1A, subsections 2 and 3, be deposited in the
22 interest for Iowa schools fund established under this
23 Act."

24 3. Page 15, by inserting before line 18 the
25 following:

26 "Sec. _____. Notwithstanding section 257B.1A, for
27 the fiscal year beginning July 1, 1995, and ending
28 June 30, 1996, the treasurer of state shall transfer
29 \$69,400 of the interest earned on the permanent school
30 fund to the department of education to assist a
31 vocational agriculture youth organization sponsored by
32 the schools to support the foundation established by
33 that vocational agriculture youth organization and for
34 other youth activities."

35 4. Page 16, by inserting after line 31 the
36 following:

37 "Sec. 602. Section 257B.1A, Code 1995, is amended
38 by striking the section and inserting in lieu thereof
39 the following:

40 257B.1A TRANSFER OF INTEREST.

41 1. The interest for Iowa schools fund is
42 established in the office of treasurer of state. The
43 department of revenue and finance shall deposit
44 interest earned on the permanent school fund in the
45 interest for Iowa schools fund. Moneys in the
46 interest for Iowa schools fund shall be transferred or
47 allocated only for school purposes as provided in this
48 section.

49 2. For a transfer of moneys from the interest for
50 Iowa schools fund to the first in the nation in

Page 2

1 education foundation, prior to July 1, October 1,
 2 January 1, and March 1 of each year, the governing
 3 board of the first in the nation in education
 4 foundation established in section 257A.2 shall certify
 5 to the treasurer of state the cumulative total value
 6 of contributions received under section 257A.7 for
 7 deposit in the first in the nation in education fund
 8 and for the use of the foundation. The cumulative
 9 total value of contributions received includes the
 10 value of the amount deposited in the national center
 11 endowment fund established in section 263.8A in excess
 12 of eight hundred seventy-five thousand dollars. The
 13 value of in-kind contributions shall be based upon the
 14 fair market value of the contribution determined for
 15 income tax purposes.

16 The portion of the interest in Iowa schools fund
 17 that is equal to the cumulative total value of
 18 contributions, less the portion of the interest in
 19 Iowa schools fund dedicated to the national center for
 20 gifted and talented education, is dedicated to the
 21 first in the nation in education foundation for that
 22 year. The interest earned on this dedicated amount
 23 shall be transferred by the treasurer of state to the
 24 credit of the first in the nation in education
 25 foundation.

26 3. For a transfer of moneys from the interest in
 27 Iowa schools fund to the national center endowment
 28 fund established in section 263.8A, prior to July 1,
 29 October 1, January 1, and March 1 of each year, the
 30 state university of Iowa shall certify to the
 31 treasurer of state the cumulative total value of
 32 contributions received and deposited in the national
 33 center endowment fund. Within fifteen days following
 34 certification by the state university of Iowa, the
 35 treasurer of state shall transfer from the interest in
 36 Iowa schools fund to the national center an amount
 37 equal to one-half the cumulative total value of the
 38 contributions deposited in the national center
 39 endowment fund, not to exceed eight hundred seventy-
 40 five thousand dollars."

41 5. Page 20, line 11, by striking the figure "15,"
 42 and inserting the following: "601,15,602,".

43 6. By renumbering and correcting internal
 44 references as necessary.

DAGGETT of Union
 GRIES of Crawford
 BOGGESESS of Taylor
 ERTL of Dubuque
 HOUSER of Pottawattamie
 MAIN of Jefferson
 GARMAN of Story

BRAUNS of Muscatine
 GRUNDBERG of Polk
 CARROLL of Poweshiek
 WELTER of Jones
 BRUNKHORST of Bremer
 EDDIE of Buena Vista
 LORD of Dallas

GREIG of Emmet
 HUSEMAN of Cherokee
 SCHULTE of Linn
 HURLEY of Fayette
 VEENSTRA of Sioux
 VAN FOSSEN of Scott
 GREINER of Washington
 CORNELIUS of Jackson
 VANDE HOEF of Osceola

HAHN of Muscatine
 KLEMMER of Plymouth
 BODDICKER of Cedar
 SUKUP of Franklin
 ARNOLD of Lucas
 BRADLEY of Clinton
 MEYER of Sac
 LAMBERTI of Polk
 BRANSTAD of Winnebago

H-3964

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 10, by inserting after line 23 the
 5 following:

6 " INTERNATIONAL CENTER FOR GIFTED AND TALENTED
 7 EDUCATION

8 For purposes of establishing the international
 9 center for gifted and talented education and for not
 10 more than the following full-time equivalent
 11 positions:

12	\$	90,000
13	FTEs	2.00"

14 2. Page 16, by inserting after line 31 the
 15 following:

16 "Sec. Section 257B.1A, Code 1995, is amended
 17 to read as follows:

18 257B.1A TRANSFER OF INTEREST.

19 1. The department of revenue and finance shall
 20 transfer the interest earned on the permanent school
 21 fund to the first in the nation in education
 22 foundation and to the national international center
 23 for gifted and talented education in the manner
 24 provided in this section.

25 2. For a transfer of interest earned to the first
 26 in the nation in education foundation, prior to July
 27 1, October 1, January 1, and March 1 of each year, the
 28 governing board of the first in the nation in
 29 education foundation established in section 257A.2
 30 shall certify to the director of revenue and finance
 31 the cumulative total value of contributions received
 32 under section 257A.7 for deposit in the fund and for,
 33 the use of the foundation. ~~The cumulative total value~~
 34 ~~of contributions received includes the value of the~~
 35 ~~amount deposited in the national center endowment fund~~
 36 ~~established in section 263.8A in excess of eight~~
 37 ~~hundred seventy five thousand dollars.~~ The value of
 38 in-kind contributions shall be based upon the fair
 39 market value of the contribution determined for income
 40 tax purposes.

41 The portion of the permanent school fund that is
 42 equal to the cumulative total value of contributions,

43 less the portion of the permanent school fund
44 dedicated to the national center for gifted and
45 talented education, is dedicated to the first in the
46 nation in education foundation for that year. The
47 interest earned on this dedicated amount shall be
48 transferred by the department of revenue and finance
49 to the credit of the first in the nation in education
50 foundation.

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1 3. For a transfer of interest earned to the
2 national international center endowment fund
3 established in section 263.8A, prior to July 1,
4 October 1, January 1, and March 1 of each year, the
5 state university of Iowa shall certify to the
6 department of revenue and finance the cumulative total
7 value of contributions received and deposited in the
8 national international center endowment fund. The
9 department of revenue and finance shall dedicate the
10 interest earned on a portion of the permanent school
11 fund to the national international center in the
12 manner provided in this subsection. The portion of
13 the permanent school fund that is used to determine
14 the dedicated amount of interest earned for a year
15 shall equal one-half the cumulative total value of the
16 contributions deposited in the national international
17 center endowment fund, not to exceed eight hundred
18 seventy-five thousand dollars. In addition, if the
19 cumulative total value of contributions deposited in
20 the international center endowment fund between July
21 1, 1995, and June 30, 1998, equals or exceeds one
22 million three hundred fifty thousand dollars,
23 effective July 1, 1998, the portion of the permanent
24 school fund used to determine the dedicated amount of
25 interest earned for a year shall also equal one-half
26 that total, not to exceed six hundred seventy-five
27 thousand dollars.
28 However, if, prior to July 1, 1998, the general
29 assembly appropriates moneys for the international
30 center endowment fund established in section 263.8A in
31 an aggregate amount equal to eight hundred seventy-
32 five thousand dollars, the transfer of the interest
33 earned based upon the cumulative value of
34 contributions equal to one million seven hundred fifty
35 thousand dollars deposited in the international center
36 endowment fund on July 1, 1995, is no longer required
37 under this section. If, on or after July 1, 1998, the
38 general assembly appropriates moneys for the
39 international center endowment fund in an aggregate
40 amount equal to six hundred seventy-five thousand
41 dollars, the transfer of interest earned based upon
42 the cumulative value of contributions equal to one
43 million three hundred fifty thousand dollars deposited

44 in the international center endowment fund between
 45 July 1, 1995, and June 30, 1998, is no longer required
 46 under this section.

47 Within fifteen days following certification by the
 48 state university of Iowa, the department of revenue
 49 and finance shall transmit the interest earned on the
 50 dedicated amount to the state university of Iowa for

Page 3

1 the use of the ~~national~~ international center for
 2 gifted and talented education.

3 4. ~~The remaining portion of the interest earned on~~
 4 ~~the permanent school fund shall become a part of the~~
 5 ~~permanent school fund.~~

6 Until the appropriations specified in subsection 3
 7 have been made by the general assembly, fifty percent
 8 of the portion of the interest earned on the permanent
 9 school fund remaining after the total of the transfer
 10 of moneys to the first in the nation in education
 11 foundation pursuant to subsection 2 and the transfer
 12 of moneys to the international center endowment fund
 13 in subsection 3, shall in addition be transferred to
 14 the international center endowment fund and the
 15 remaining fifty percent shall become a part of the
 16 permanent school fund."

17 3. Page 19, by inserting after line 6 the
 18 following:

19 "Sec. ____ Section 263.8A, Code 1995, is amended
 20 to read as follows:

21 263.8A NATIONAL INTERNATIONAL CENTER FOR TALENTED
 22 AND GIFTED EDUCATION.

23 The state board of regents shall establish and
 24 maintain at Iowa City as an integral part of the state
 25 university of Iowa the ~~national~~ international center
 26 for talented and gifted education. The ~~national~~
 27 international center shall provide programs to assist
 28 classroom teachers to teach gifted and talented
 29 students in regular classrooms, provide programs to
 30 enhance the learning experiences of gifted and
 31 talented students, serve as a center for national and
 32 international symposiums and policy forums for
 33 enhancing the teaching of gifted and talented
 34 students, and undertake other appropriate activities
 35 to enhance the programs of the center, including, but
 36 not limited to, coordinating and working with the
 37 world council for gifted and talented children,
 38 incorporated.

39 ~~A national~~ An international center endowment fund
 40 is established at the state university of Iowa and
 41 gifts and grants to the ~~national~~ international center
 42 and investment earnings and returns on the endowment
 43 fund shall be deposited in the fund and interest
 44 ~~earned on moneys in the fund~~ may be expended by the

45 state university of Iowa for the purposes for which
 46 the ~~national~~ international center was established.”
 47 4. By renumbering as necessary.

GRUBBS of Scott

H-3966

1 Amend House File 564 as follows:

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

4 “Sec. 100. Section 99F.7, subsection 10, paragraph
 5 a, Code 1995, is amended to read as follows:

6 a. A license to conduct gambling games on an
 7 excursion gambling boat in a county shall be issued
 8 only if the county electorate approves the conduct of
 9 the gambling games as provided in this subsection.
 10 The board of supervisors, upon receipt of a valid
 11 petition meeting the requirements of section 331.306,
 12 shall direct the commissioner of elections to submit
 13 to the qualified electors of the county a proposition
 14 to approve or disapprove the conduct of gambling games
 15 on an excursion gambling boat in the county. The
 16 proposition shall be submitted at a general election
 17 or at a special election called for that purpose. To
 18 be submitted at a general election, the petition must
 19 be received by the board of supervisors at least five
 20 working days before the last day for candidates for
 21 county offices to file nomination papers for the
 22 general election pursuant to section 44.4. If a
 23 majority of the county voters voting on the
 24 proposition favor the conduct of gambling games, the
 25 commission may issue one or more licenses as provided
 26 in this chapter. If a majority of the county voters
 27 voting on the proposition do not favor the conduct of
 28 gambling games, a license to conduct gambling games in
 29 the county shall not be issued. ~~After a referendum
 30 has been held, another referendum requested by
 31 petition shall not be held for at least two years.~~

32 Sec. 101. Section 99F.7, subsection 10, Code 1995,
 33 is amended by adding the following new paragraph:
 34 NEW PARAGRAPH d. After a referendum has been
 35 held which defeated a proposal to conduct gambling
 36 games on excursion gambling boats or which defeated a
 37 proposal to conduct gambling games at a licensed pari-
 38 mutuel racetrack enclosure as provided in this
 39 section, another referendum on a proposal to conduct
 40 gambling games on an excursion gambling boat or at a
 41 licensed pari-mutuel racetrack shall not be held for
 42 at least two years.”

43 2. Page 3, by striking line 18 and inserting the
 44 following: “enactment. Sections 1 through 3 of this
 45 Act apply retroactively to January 1, 1995, and
 46 sections 100 and 101 apply retroactively to September
 47 1, 1994.”

- 48 3. Title page, line 1, by inserting after the
 49 word "the" the following: "frequency of referendums
 50 held on excursion gambling boat proposals or gambling

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- 1 games proposals for licensed pari-mutuel racetracks
 2 and the".

HANSON of Black Hawk
 WITT of Black Hawk

H-3968

- 1 Amend House File 511 as follows:
 2 1. Page 1, line 8, by striking the words "~~ten~~
 3 fifteen" and inserting the following: "ten".
 4 2. Page 1, line 10, by inserting after the word
 5 "agreement." the following: "The parties may contract
 6 for an additional over-limit charge not to exceed five
 7 dollars if the balance of the account continues to
 8 exceed the credit limit in the billing cycle
 9 immediately subsequent to the billing cycle during
 10 which the credit limit is first exceeded."
 11 3. Page 1, line 10, by striking the word "charge"
 12 and inserting the following: "~~charge~~ charges".
 13 4. Page 1, by striking line 32 and inserting the
 14 following: "not paid in full within ten days after
 15 its due date, as".
 16 5. Page 1, by striking line 34 and inserting the
 17 following: "exceed ten dollars. The parties may
 18 contract for an additional delinquency charge not to
 19 exceed five dollars if any payment not paid in full
 20 remains unpaid in full in the billing cycle
 21 immediately subsequent to the billing cycle during
 22 which the initial payment is due."
 23 6. Page 2, by striking line 6 and inserting the
 24 following: "paid in full within ten days after its
 25 deferred".
 26 7. Page 2, lines 12 and 13, by striking the words
 27 "~~within ten days after on or before~~" and inserting the
 28 following; "within ten days after".

MCCOY of Polk

H-3969

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 8, by inserting after line 4 the
 5 following:
 6 "The state university of Iowa hospitals shall not
 7 perform an abortion on a pregnant minor until

8 notification is provided to a parent or guardian of
9 the minor, unless a medical emergency exists."

BRUNKHORST of Bremer

H-3970

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 16, by inserting after line 27 the
5 following:

6 "Sec. 801. Section 257.11, Code 1995, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 2A. ALTERNATIVE SCHOOL. If the
9 school budget review committee certifies to the
10 department of management that an alternative school
11 serving two or more school districts would otherwise
12 not be implemented without the assignment of
13 additional weighting, students attending classes in
14 the alternative school are assigned a weighting of one
15 and forty-eight hundredths."

16 2. Page 20, line 11, by inserting after the
17 figure "15," the following: "801,"

18 3. By renumbering as necessary.

DAGGETT of Union

H-3972

1 Amend Senate File 83, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 6 the
4 following:

5 "Sec. ____ Section 257.6, subsection 1, unnumbered
6 paragraph 3, Code 1995, is amended to read as follows:

7 A school district shall certify its actual
8 enrollment to the department of education by October 1
9 of each year, and the department shall promptly
10 forward the information to the department of
11 management. The department of management shall
12 determine whether a district is entitled to an advance
13 for increasing enrollment on the basis of its actual
14 enrollment.

15 Sec. ____ Section 257.6, subsection 4, Code 1995,
16 is amended to read as follows:

17 4. Budget enrollment. Budget enrollment for the
18 budget year is the basic enrollment for the budget
19 year. However, if a district's actual enrollment for
20 a budget year is greater than its budget enrollment,
21 the district is eligible for an advance for increasing
22 enrollment as provided in section 257.13.

23 Sec. ____ NEW SECTION. 257.13 ADVANCE FOR
24 INCREASING ENROLLMENT.

25 If a district's actual enrollment for the budget

26 year, determined under section 257.6, is greater than
27 its budget enrollment for the budget year, the
28 district is granted an advance from the state of an
29 amount equal to the product of one-half of its regular
30 program district cost per pupil for the budget year
31 multiplied by the difference between the actual
32 enrollment for the budget year and the budget
33 enrollment for the budget year. The advance is
34 miscellaneous income.

35 If a district receives an advance under this
36 section for a budget year, the department of
37 management shall determine the amount of the advance
38 which would have been generated by local property tax
39 revenues if the actual enrollment for the budget year
40 had been used in determining district cost for that
41 budget year, shall reduce, but not by more than the
42 amount of the advance, the district's total state
43 school aids otherwise available under this chapter for
44 the next following budget year by the amount so
45 determined, and shall increase the district's
46 additional property tax levy for the next following
47 budget year by the amount necessary to compensate for
48 the reduction in state aid, so that the local property
49 tax for the next following year will be increased only
50 by the amount which it would have been increased in

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1 the budget year if the enrollment calculated in this
2 section could have been used to establish the levy.

3 There is appropriated each fiscal year from the
4 general fund of the state to the department of
5 education the amount required to pay advances
6 authorized under this section, which shall be paid to
7 school districts in the same manner as other state
8 aids are paid under section 257.16."

9 2. Page 1, by inserting after line 26 the
10 following:

11 "Sec. ____ Section 265.6, Code 1995, is amended to
12 read as follows:

13 265.6 STATE AID APPLICABLE.

14 If the state board of regents has established a
15 laboratory school, it shall receive state aid pursuant
16 to chapters 256B and 257 for each pupil enrolled in
17 the laboratory school in the same amount as the public
18 school district in which the pupil resides would
19 receive aid for that pupil and shall transmit the
20 amount received to the institution of higher education
21 at which the laboratory school has been established.

22 If the board of a school district terminates a
23 contract with the state board of regents for
24 attendance of pupils in a laboratory school, the
25 school district shall inform the department of
26 management of the number of these pupils who are
27 enrolled in the district on the third Friday of the
28 following September. The department of management

29 shall pay to the school district, from funds
 30 appropriated in section 257.16, an amount equal to the
 31 amount of state aid paid for each pupil in that school
 32 district for that school year in payments made as
 33 provided in section 257.16. However, payments shall
 34 not be made for pupils for whom an advance is received
 35 by the district under section 257.13."
 36 3. Title page, line 2, by inserting after the
 37 word "districts" the following: ", providing an
 38 advance for increasing enrollment,".

GRUNDBERG of Polk
 JACOBS of Polk
 THOMSON of Linn
 HAMMITT of Harrison

METCALF of Polk
 NELSON of Marshall
 LAMBERTI of Polk
 CHURCHILL of Polk
 WITT of Black Hawk

H-3973

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

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

6 "The department of education shall conduct a study
 7 of the possible uses for the remaining portion of the
 8 interest earned on the permanent school fund after
 9 transfers are made pursuant to section 257B.1A,
 10 subsections 2 and 3. The department shall submit a
 11 report of its findings and recommendations to the
 12 general assembly and the legislative fiscal bureau by
 13 January 1, 1996."

14 2. Page 15, by inserting after line 17 the
 15 following:

16 "Sec. 601. Notwithstanding section 257B.1A,
 17 subsection 4, and 1994 Iowa Acts, chapter 1193,
 18 section 15, for the fiscal year beginning July 1,
 19 1994, and ending June 30, 1995, the remaining portion
 20 of the interest earned on the permanent school fund
 21 shall, after transfers are made pursuant to section
 22 257B.1A, subsections 2 and 3, be deposited in the
 23 interest for Iowa schools fund established under this
 24 Act."

25 3. Page 16, by inserting after line 31 the
 26 following:

27 "Sec. 602. Section 257B.1, subsection 5, Code
 28 1995, is amended by striking the subsection.
 29 Sec. 603. Section 257B.1A, Code 1995, is amended
 30 by striking the section and inserting in lieu thereof
 31 the following:

32 257B.1A TRANSFER OF INTEREST.

33 1. The interest for Iowa schools fund is
 34 established in the office of treasurer of state. The
 35 department of revenue and finance shall deposit
 36 interest earned on the permanent school fund in the
 37 interest for Iowa schools fund. Moneys in the

38 interest for Iowa schools fund shall be transferred or
39 allocated only for school purposes as provided in this
40 section.

41 2. For a transfer of moneys from the interest for
42 Iowa schools fund to the first in the nation in
43 education foundation, prior to July 1, October 1,
44 January 1, and March 1 of each year, the governing
45 board of the first in the nation in education
46 foundation established in section 257A.2 shall certify
47 to the treasurer of state the cumulative total value
48 of contributions received under section 257A.7 for
49 deposit in the first in the nation in education fund
50 and for the use of the foundation. The cumulative

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1 total value of contributions received includes the
2 value of the amount deposited in the national center
3 endowment fund established in section 263.8A in excess
4 of eight hundred seventy-five thousand dollars. The
5 value of in-kind contributions shall be based upon the
6 fair market value of the contribution determined for
7 income tax purposes.

8 The portion of the interest in Iowa schools fund
9 that is equal to the cumulative total value of
10 contributions, less the portion of the interest in
11 Iowa schools fund dedicated to the national center for
12 gifted and talented education, is dedicated to the
13 first in the nation in education foundation for that
14 year. The interest earned on this dedicated amount
15 shall be transferred by the treasurer of state to the
16 credit of the first in the nation in education
17 foundation.

18 3. For a transfer of moneys from the interest in
19 Iowa schools fund to the national center endowment
20 fund established in section 263.8A, prior to July 1,
21 October 1, January 1, and March 1 of each year, the
22 state university of Iowa shall certify to the
23 treasurer of state the cumulative total value of
24 contributions received and deposited in the national
25 center endowment fund. Within fifteen days following
26 certification by the state university of Iowa, the
27 treasurer of state shall transfer from the interest in
28 Iowa schools fund to the national center an amount
29 equal to one-half the cumulative total value of the
30 contributions deposited in the national center
31 endowment fund, not to exceed eight hundred seventy-
32 five thousand dollars."

33 4. Page 20, line 11, by striking the figure "15,"
34 and inserting the following: "601, 15, 602, 603,"

35 5. By renumbering and correcting internal
36 references as necessary.

H-3982

- 1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 16, by inserting after line 31 the
5 following:
6 "Sec. ____ NEW SECTION. 257.50 TRANSPORTATION
7 ASSISTANCE AID TO DISTRICTS.
8 1. The department shall pay transportation
9 assistance aid to a school district from funds
10 appropriated in this section to school districts whose
11 average transportation costs per pupil exceed the
12 state average transportation costs per pupil
13 determined under subsection 2 by fifty percent.
14 2. A district's average transportation costs per
15 pupil shall be determined by dividing the district's
16 actual cost for all children transported in all school
17 buses for a school year pursuant to section 285.1,
18 subsection 12, by the district's actual enrollment for
19 the school year, as defined in section 257.6. The
20 state average transportation costs per pupil shall be
21 determined by dividing the total actual costs for all
22 children transported in all districts for a school
23 year, by the total of all districts' actual
24 enrollments for the school year.
25 3. A school district shall annually certify its
26 actual cost for all children transported in all school
27 buses by July 15 after each school year on forms
28 prescribed by the department of education.
29 4. If a school district's average transportation
30 costs per pupil exceed the state average
31 transportation costs per pupil by fifty percent, the
32 department of education shall pay transportation
33 assistance aid equal to the amount of the difference
34 multiplied by the district's actual enrollment for the
35 school year.
36 5. There is appropriated from the general fund of
37 the state to the department of education, for each
38 fiscal year, an amount necessary to pay transportation
39 assistance aid pursuant to this section.
40 Transportation assistance aid is miscellaneous income
41 for purposes of chapter 257."
42 2. By renumbering as necessary.

WEIGEL of Chickasaw
MERTZ of Kossuth
MAY of Worth
MUNDIE of Webster
DREES of Carroll

H-3985

- 1 Amend Senate File 481, 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	"STATE DEPARTMENT OF TRANSPORTATION	
6	Section 1. There is appropriated from the general	
7	fund of the state to the state department of	
8	transportation for the fiscal year beginning July 1,	
9	1995, and ending June 30, 1996, the following amounts,	
10	or so much thereof as is necessary, to be used for the	
11	purposes designated:	
12	1. a. For providing assistance for the	
13	restoration, conservation, improvement, and	
14	construction of railroad main lines, branch lines,	
15	switching yards, and sidings as required in section	
16	327H.18, for use by the railway finance authority as	
17	provided in chapter 327I:	
18	.....	\$ 1,497,000
19	b. For airport engineering studies and improvement	
20	projects as provided in chapter 328:	
21	.....	\$ 2,262,000
22	2. For planning and programming, for salaries,	
23	support, maintenance, and miscellaneous purposes:	
24	.....	\$ 241,000
25	Sec. 2. There is appropriated from the road use	
26	tax fund to the state department of transportation for	
27	the fiscal year beginning July 1, 1995, and ending	
28	June 30, 1996, the following amounts, or so much	
29	thereof as is necessary, for the purposes designated:	
30	1. For the payment of costs associated with the	
31	production of motor vehicle licenses, as defined in	
32	section 321.1, subsection 43:	
33	.....	\$ 1,070,000
34	2. For salaries, support, maintenance, and	
35	miscellaneous purposes:	
36	a. Operations and finance:	
37	.....	\$ 4,211,321
38	b. Administrative services:	
39	.....	\$ 820,552
40	c. Planning and programming:	
41	.....	\$ 400,595
42	d. Motor vehicles:	
43	.....	\$ 21,810,473
44	3. For payments to the department of personnel for	
45	expenses incurred in administering the merit system on	
46	behalf of the state department of transportation, as	
47	required by chapter 19A:	
48	\$ 35,000
49	4. Unemployment compensation:	
50	\$ 17,000

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1 5. For payments to the department of personnel for
2 paying workers' compensation claims under chapter 85
3 on behalf of employees of the state department of

4	transportation:		
5	.....	\$	75,000
6	6. For payment to the general fund of the state		
7	for indirect cost recoveries:		
8	.....	\$	120,000
9	7. For reimbursement to the auditor of state for		
10	audit expenses as provided in section 11.5B:		
11	.....	\$	32,480
12	8. For paving, grading, and replacement of scale		
13	facilities at Salix, Storm Lake, and Early:		
14	.....	\$	570,000
15	The provisions of section 8.33 do not apply to the		
16	funds appropriated in subsection 8, which shall remain		
17	available for expenditure for the purposes designated		
18	until June 30, 1998. Unencumbered or unobligated		
19	funds remaining on June 30, 1998, from funds		
20	appropriated in subsection 8, shall revert to the fund		
21	from which appropriated on August 30, 1998.		
22	Sec. 3. There is appropriated from the primary		
23	road fund to the state department of transportation		
24	for the fiscal year beginning July 1, 1995, and ending		
25	June 30, 1996, the following amounts, or so much		
26	thereof as is necessary, to be used for the purposes		
27	designated:		
28	1. For salaries, support, maintenance,		
29	miscellaneous purposes and the following full-time		
30	equivalent positions:		
31	a. Operations and finance:		
32	.....	\$	25,869,545
33	.....	FTEs	282.0
34	b. Administrative services:		
35	.....	\$	5,040,535
36	.....	FTEs	94.0
37	c. Planning and programming:		
38	.....	\$	7,636,322
39	.....	FTEs	74.0
40	d. Project development:		
41	.....	\$	52,862,681
42	.....	FTEs	1185.0
43	e. Maintenance:		
44	.....	\$	98,780,764
45	.....	FTEs	1646.0
46	f. Motor vehicles:		
47	.....	\$	840,800
48	.....	FTEs	549.0
49	2. For deposit in the state department of		
50	transportation's highway materials and equipment		

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1	revolving fund established by section 307.47 for		
2	2 funding the increased replacement cost of equipment:		
3	.....	\$	3,120,000
4	3. For payments to the department of personnel for		

5	expenses incurred in administering the merit system on	
6	behalf of the state department of transportation, as	
7	required by chapter 19A:	
8	.....	\$ 665,000
9	4. Unemployment compensation:	
10	.....	\$ 328,000
11	5. For payments to the department of personnel for	
12	paying workers' compensation claims under chapter 85	
13	on behalf of the employees of the state department of	
14	transportation:	
15	.....	\$ 1,425,000
16	6. For costs associated with underground storage	
17	tank replacement and cleanup:	
18	.....	\$ 1,000,000
19	7. For payment to the general fund for indirect	
20	cost recoveries:	
21	.....	\$ 880,000
22	8. For reimbursement to the auditor of state for	
23	audit expenses as provided in section 11.5B:	
24	.....	\$ 199,520
25	9. a. For improvements to upgrade the handling of	
26	wastewater at various field facilities throughout the	
27	state:	
28	.....	\$ 750,000
29	b. For construction of large salt storage	
30	facilities at various locations throughout the state:	
31	.....	\$ 600,000
32	c. For payment of a court-ordered drainage	
33	assessment to Polk county:	
34	.....	\$ 213,213
35	d. For replacement of roofs at various field	
36	facility locations throughout the state:	
37	.....	\$ 510,000
38	e. For replacement of brick exterior on the	
39	Atlantic office building:	
40	.....	\$ 150,000
41	f. For replacement of the roof on the	
42	administration building at the Ames complex:	
43	.....	\$ 200,000
44	g. For tuck pointing and repairs to the brick	
45	exteriors of the northeast and northwest office	
46	buildings at the Ames central office complex:	
47	.....	\$ 150,000
48	h. For replacement and updating the exhaust system	
49	at the Ames laboratory building:	
50	\$ 150,000

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1 The provisions of section 8.33 do not apply to the
2 funds appropriated in subsection 9 which shall remain
3 available for expenditure for the purposes designated
4 until June 30, 1998. Unencumbered or unobligated
5 funds remaining on June 30, 1998, from funds

6 appropriated in subsection 9 shall revert to the fund
7 from which appropriated on August 30, 1998.

8 Sec. 4. 1994 Iowa Acts, chapter 1199, section 10,
9 is amended by adding the following new unnumbered
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. The provisions of
12 section 8.33 do not apply to the funds appropriated in
13 this section. Unencumbered or unobligated funds
14 remaining on June 30, 1995, from funds appropriated
15 for the fiscal year beginning July 1, 1994, shall not
16 revert but shall remain available for expenditure
17 during the fiscal year beginning July 1, 1995, for the
18 purposes for which they were appropriated.

19 Sec. 5. 1993 Iowa Acts, chapter 169, section 14,
20 subsection 2, paragraph a, is amended to read as
21 follows:

22 a. The department shall retain all administrative
23 authority over licensing functions which shall include
24 administrative procedures relating to cancellation,
25 revocation, or suspension of licenses, including
26 administrative hearings and appeals and training and
27 shall retain all supervisory authority over the
28 issuance of commercial driver's licenses.

29 Sec. 6. 1993 Iowa Acts, chapter 169, section 14,
30 subsection 3, is amended to read as follows:

31 3. Notwithstanding the provisions of chapters 321
32 and 321L which grant sole authority to the department
33 for the issuance of motor vehicle licenses,
34 nonoperator's identification cards, and handicapped
35 identification devices, the county treasurer in each
36 of the counties chosen for the pilot project shall be
37 granted the same authority as is given to the
38 department in relation to the issuance of motor
39 vehicle licenses, nonoperator's identification cards,
40 and handicapped identification devices under chapters
41 321 and 321L. However, a county shall only be
42 authorized to issue commercial driver's licenses if
43 certified to do so by the department. If a county
44 fails to meet the standards for certification under
45 this section, the department itself shall provide for
46 the issuance of commercial driver's licenses in that
47 county. The department shall certify the county
48 treasurers to issue commercial driver's licenses if
49 all of the following conditions are met:

50 a. The driving skills test is the same as that

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1 which would otherwise be administered by the state.

2 b. The county examiner contractually agrees to
3 comply with the requirements of 49 C.F.R. § 383.75,
4 adopted as of a specific date by rule by the
5 department.

6 c. The department provides supervision over the

7 issuance of commercial driver's licenses by the county
8 treasurers.

9 Sec. 7. DRIVER'S LICENSE PILOT PROJECT.

10 1. The driver's license pilot project implemented
11 in accordance with 1993 Iowa Acts, chapter 169,
12 section 14, is extended until June 30, 1996.

13 2. The legislative council is requested to
14 establish an interim study committee to evaluate
15 expansion of the driver's license pilot program to
16 include additional counties and to determine the
17 feasibility of permanently transferring authority to
18 the six pilot project counties to issue driver's
19 licenses. The committee shall evaluate the benefits
20 to the public from the issuance of driver's licenses
21 by the counties and the cost effectiveness of doing
22 so. The committee shall hear testimony from federal
23 transportation officials regarding issuance of
24 commercial driver's licenses and compliance with
25 federal regulations. The committee shall provide
26 recommendations regarding such expansion to the
27 general assembly no later than December 15, 1995.

28 3. Notwithstanding any other provisions to the
29 contrary, the county treasurers of Adams, Cass,
30 Fremont, Mills, Montgomery, and Page counties may
31 retain for deposit in the county general fund, up to
32 five dollars for each motor vehicle license
33 transaction, including, but not limited to, issuance
34 or renewal of motor vehicle licenses, nonoperator's
35 identification cards, or handicapped identification
36 devices.

37 4. As a condition for retention of moneys under
38 this subsection, a county treasurer shall document the
39 actual quarterly expenditures associated with driver's
40 license issuance including the amount of time spent
41 during that quarter on driver's license-related
42 activities, the proportionate share of salaries and
43 benefits for county employees performing driver's
44 license-related activities, the total numbers of
45 transactions conducted, and other costs related to the
46 administration of driver's license-related activities.
47 Each county treasurer shall provide the documentation
48 of expenditures to the state department of trans-
49 portation and legislative fiscal bureau. If the
50 county treasurer's total expenses are less than the

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1 moneys retained under this subsection, the county
2 treasurer shall submit the difference to the treasurer
3 of state on a quarterly basis. The treasurer of state
4 shall deposit that amount in the road use tax fund.

5 Sec. 8. The state department of transportation
6 shall consider as a priority for inclusion into the
7 state five-year transportation plan the preparation of

8 planning studies for development of highway bypass
 9 projects that promote the safe flow of traffic and
 10 economic development in the project areas.

11 Sec. 9. Section 314.21, subsection 3, paragraph b,
 12 subparagraph (1), Code 1995, is amended to read as
 13 follows:

14 (1) For the fiscal period year beginning July 1,
 15 1989 1995, and ending June 30, 1995, ~~fifty 1996, and~~
 16 ~~each subsequent fiscal year, seventy-five thousand~~
 17 ~~dollars in each fiscal year~~ to the university of
 18 northern Iowa to maintain the position of the state
 19 roadside specialist and to continue its integrated
 20 roadside vegetation management pilot program providing
 21 research, education, training, and technical
 22 assistance.

23 Sec. 10. The legislative fiscal bureau shall
 24 evaluate the living roadway trust program and provide
 25 a written report to the joint appropriations
 26 subcommittee on transportation, infrastructure and
 27 capitals by January 15, 1996.

28 Sec. 11. Section 4 of this Act, being deemed of
 29 immediate importance, takes effect upon enactment."

30 2. Title page, by striking lines 1 through 12 and
 31 inserting the following: "An Act relating to and
 32 making appropriations to the state department of
 33 transportation including allocation and use of moneys
 34 from the general fund, road use tax fund, primary road
 35 fund and certain use tax revenues, relating to the
 36 living roadway trust fund, the state roadside
 37 specialist, and the county treasurer's driver's
 38 license pilot project, and providing an effective
 39 date."

Committee on Appropriations

H-3997

1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking line 17 and inserting the
 5 following: "provided in chapter 327I, and for up to
 6 \$100,000 for the renovation of historical electric
 7 rail cars and the payment of renovation expenses
 8 incurred by the Mason City — Clear Lake electric
 9 trolley railroad historical society, provided matching
 10 funds are raised and expended for that purpose."

BLODGETT of Cerro Gordo
 MAY of Worth

H-3998

1 Amend House File 555 as follows:

2 1. Page 1, line 29, by striking the words "forty-

- 3 ~~five~~ ninety-five" and inserting the following:
 4 "forty-five".
 5 2. Page 1, lines 32 and 33, by striking the words
 6 "~~forty-five~~ ninety-five" and inserting the following:
 7 "forty-five".

SHOULTZ of Black Hawk
 DODERER of Johnson
 HARPER of Black Hawk

H-3999

- 1 Amend the Senate amendment, H-3928, to House File
 2 471, as amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 1, by striking lines 3 and 4 and
 5 inserting the following:
 6 "_. Page 1, by striking lines 1 through 12 and
 7 inserting the following:"
 8 2. Page 1, line 24, by striking the words "term
 9 less than" and inserting the following: "mandatory
 10 minimum term which is less than the mandatory minimum
 11 term which is".
 12 3. Page 1, by striking line 30.
 13 4. Page 1, by striking lines 34 and 35 and
 14 inserting the following:
 15 "_. Page 5, by inserting after line 13 the
 16 following:"
 17 5. Page 2, line 35, by striking the word
 18 "rehabilitation" and inserting the following:
 19 "rehabilitation,".
 20 6. By numbering and renumbering as necessary.

HURLEY of Fayette

H-4000

- 1 Amend House File 555 as follows:
 2 1. Page 1, line 29, by striking the words "~~forty-~~
 3 ~~five~~ ninety-five" and inserting the following:
 4 "forty-five".
 5 2. Page 1, lines 32 and 33, by striking the words
 6 "~~forty-five~~ ninety-five" and inserting the following:
 7 "forty-five".

METCALF of Polk
 CONNORS of Polk

H-4005

- 1 Amend House File 555 as follows:
 2 1. Page 1, line 33, by inserting after the word
 3 "more." the following: "The department shall annually

- 4 audit the credit taken under this subsection on a
- 5 sampling of tax returns."

GRUNDBERG of Polk

H-4008

- 1 Amend the Senate amendment, H-3989, to House File
- 2 486, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 6 through 12 and
- 5 inserting the following:
- 6 " Page 65, by striking lines 13 through 15
- 7 and inserting the following: "exempt from section
- 8 566A.2D. Political subdivisions of the state which
- 9 are counties are exempt from this chapter. Political
- 10 subdivisions of the state other than counties are
- 11 subject only to sections 566A.1A, 566A.2A, 566A.2B,
- 12 and 266A.2E."

VAN FOSSEN of Scott

H-4012

- 1 Amend House File 555 as follows:
- 2 1. Page 1, by inserting after line 2 the
- 3 following:
- 4 "Sec. __. Section 422.12, subsection 1, Code
- 5 1995, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. f. For each dependent attending a
- 8 public elementary or secondary school in this state,
- 9 the first twenty dollars of any fees charged for
- 10 textbooks to be used by the dependent."

GRUNDBERG of Polk
MARTIN of Scott
JACOBS of Polk

H-4015

- 1 Amend the amendment, H-3966, to House File 564 as
- 2 follows:
- 3 1. Page 1, line 45, by striking the word
- 4 "January," and inserting the following: "January".

HANSON of Black Hawk

H-4019

- 1 Amend House File 567 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 100. NEW SECTION. 422.11D ALTERNATE
- 5 ENERGY CREDIT.

6 1. The taxes imposed under this division, less the
 7 credits allowed under this division, shall be reduced
 8 by an alternate energy tax credit. An electric
 9 utility required to purchase alternate energy pursuant
 10 to section 476.43 may claim the credit under this
 11 section. For purposes of this subsection, "alternate
 12 energy production" does not include a methane produced
 13 from a sanitary landfill. An individual may claim the
 14 alternate energy tax credit allowed a partnership,
 15 subchapter S corporation, or estate or trust electing
 16 to have the income taxed directly to the individual.
 17 The amount claimed shall be based upon the pro rata
 18 share of the individual's earnings of a partnership,
 19 subchapter S corporation, or estate or trust.

20 2. The amount of this credit is equal to one-half
 21 of the amount of the difference in the cost of the
 22 electricity purchased from an alternate energy
 23 production facility or small hydro facility pursuant
 24 to section 476.43 and the cost of the electricity
 25 which the electric utility would have generated or
 26 purchased from another source, but for the required
 27 purchase of alternate energy.

28 3. Any credit in excess of the tax liability for
 29 the tax year may be credited to the tax liability for
 30 the following five tax years or until depleted,
 31 whichever is the earlier.

32 Sec. 101. Section 422.33, Code 1995, is amended by
 33 adding the following new subsection:

34 NEW SUBSECTION. 9. The taxes imposed under this
 35 division shall be reduced by an alternate energy tax
 36 credit. An electric utility required to purchase
 37 alternate energy pursuant to section 476.43 may claim
 38 an alternate energy tax credit. For purposes of this
 39 subsection, "alternate energy production" does not
 40 include a methane produced from a sanitary landfill.
 41 The amount of the credit is equal to one-half of the
 42 amount of the difference in the cost of the
 43 electricity purchased from an alternate energy
 44 production facility or small hydro facility pursuant
 45 to section 476.43 and the cost of the electricity
 46 which the electric utility would have generated or
 47 purchased from another source, but for the required
 48 purchase of alternate energy. Any credit in excess of
 49 the tax liability for the tax year may be credited to
 50 the tax liability for the following five tax years or

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1 until depleted, whichever is the earlier."

2 2. Page 2, by inserting after line 25 the
 3 following:

4 "Sec. ____ Sections 100 and 101 of this Act are
 5 repealed on that date that the utilities board

- 6 determines that the cost to the electric utility to
- 7 purchase alternate energy is less than the cost
- 8 incurred by the electric utility to generate or
- 9 purchase the electricity from another source."

SHOULTZ of Black Hawk

H-4020

- 1 Amend House File 567 as follows:
- 2 1. Page 2, line 11, by inserting after the word
- 3 "energy." the following: "The Iowa utilities board
- 4 shall provide testimony regarding the estimated cost
- 5 savings to the investor-owned electric utilities and
- 6 the amount of that cost savings that may be passed on
- 7 to the customers of investor-owned electric utilities
- 8 if the alternate energy purchasing requirements
- 9 contained in sections 476.43 and 476.44 were
- 10 repealed."

DODERER of Johnson

H-4021

- 1 Amend House File 567 as follows:
- 2 1. Page 2, line 20, by inserting after the words
- 3 "hydro facilities." the following: "However, the Iowa
- 4 utilities board may require electric utilities to
- 5 enter into long-term contracts with alternate energy
- 6 production facilities or small hydro facilities, if
- 7 the parties were in the process of ongoing contract
- 8 negotiations on or prior to the effective date of this
- 9 Act and the alternate energy production facility or
- 10 small hydro facility relied upon the negotiations to
- 11 the economic detriment of the alternate energy
- 12 production facility or small hydro facility."

BURNETT of Story
BERNAU of Story

H-4022

- 1 Amend House File 567 as follows:
- 2 1. Page 2, by striking lines 16 through 25.
- 3 2. By renumbering as necessary.

VANDE HOEF of Osceola
HOLVECK of Polk

H-4025

- 1 Amend House File 567 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:

4 "Sec. ____ Section 476.44, subsection 2, Code
 5 1995, is amended to read as follows:
 6 2. An electric utility subject to this division,
 7 except a utility which elects rate regulation pursuant
 8 to section 476.1A, shall not be required to purchase,
 9 at any one time, more than its share of one hundred
 10 five megawatts of power from alternative energy
 11 production facilities or small hydro facilities at the
 12 rates established pursuant to section 476.43. An
 13 alternate energy production facility or a small hydro
 14 facility is limited to providing not more than thirty-
 15 three percent of the total alternate energy required
 16 to be purchased under this section. The board shall
 17 allocate the one hundred five megawatts based upon
 18 each utility's percentage of the total Iowa retail
 19 peak demand, for the year beginning January 1, 1990,
 20 of all utilities subject to this section. If a
 21 utility undergoes reorganization as defined in section
 22 476.76, the board shall combine the allocated
 23 purchases of power for each utility involved in the
 24 reorganization. "

25 Notwithstanding the one hundred five megawatt
 26 maximum, the board may increase the amount of power
 27 that a utility is required to purchase at the rates
 28 established pursuant to section 476.43 if the board
 29 finds that a utility, including a reorganized utility,
 30 exceeds its 1990 Iowa retail peak demand by twenty
 31 percent and the additional power the utility is
 32 required to purchase will encourage the development of
 33 alternate energy production facilities and small hydro
 34 facilities. The increase shall not exceed the
 35 utility's increase in peak demand multiplied by the
 36 ratio of the utility's share of the one hundred five
 37 megawatt maximum to its 1990 Iowa retail peak demand."

38 2. Page 2, by striking lines 16 through 25.
 39 3. By renumbering as necessary.

HOLVECK of Polk
 SHOULTZ of Black Hawk

H-4026

1 Amend House File 567 as follows:
 2 1. Page 2, by inserting before line 26 the
 3 following:
 4 "Any person who suffers actual economic loss,
 5 including developers of alternate energy production
 6 facilities or small hydro facilities who relied upon
 7 the provisions of sections 476.43 and 476.44 in
 8 conducting ongoing contract negotiations, landowners
 9 who are deprived of wind energy royalties, and cities
 10 or counties who lose property taxes because of the

- 11 effect of the moratorium contained in this Act, shall
- 12 be reimbursed by the state for the full amount of the
- 13 loss."

BERNAU of Story
SHOULTZ of Black Hawk
BURNETT of Story

H-4027

- 1 Amend House File 567 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "Sec. NEW SECTION. 476.58 ELECTRICITY
- 5 GENERATED WITHIN STATE.
- 6 A rate-regulated electric utility shall purchase
- 7 any available electricity generated within the state,
- 8 including electricity generated by alternate energy
- 9 production facilities or small hydro facilities, prior
- 10 to purchasing electricity generated from outside the
- 11 state."
- 12 2. By renumbering as necessary.

SHOULTZ of Black Hawk
HOLVECK of Polk

H-4028

- 1 Amend House File 567 as follows:
- 2 1. Page 2, line 11, by inserting after the word
- 3 "energy," the following: "The Iowa utilities board
- 4 shall conduct hearings to determine the estimated cost
- 5 savings to the investor-owned electric utilities, if
- 6 any, and the amount of that cost savings that shall be
- 7 passed on to the customers of investor-owned electric
- 8 utilities if the alternate energy purchasing
- 9 requirements contained in sections 476.43 and 476.44
- 10 were repealed. The Iowa utilities board shall make
- 11 recommendations to the interim study committee based
- 12 upon their findings."

SHOULTZ of Black Hawk

H-4029

- 1 Amend House File 567 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "Sec. NEW SECTION. 476.46 NEW GENERATING
- 5 CAPACITY — YEAR 2012.
- 6 A rate-regulated electric utility shall be
- 7 prohibited from providing for new generating capacity,
- 8 other than by means of alternate energy production

- 9 facilities or small hydro facilities, until January 1,
 10 2012.”
 11 2. By renumbering as necessary.

JOCHUM of Dubuque
 MURPHY of Dubuque
 MASCHER of Johnson
 DODERER of Johnson

H-4031

- 1 Amend House File 567 as follows:
 2 1. Page 2, line 8, by inserting after the figure
 3 “476.44” the following: “and to review the use of tax
 4 credits to promote the execution of contracts under
 5 section 476.43”.

SHOULTZ of Black Hawk

H-4032

- 1 Amend House File 567 as follows:
 2 1. Page 2, line 8, by inserting after the figure
 3 “476.44.” the following: “The legislative council is
 4 requested to include the following persons as members
 5 of the interim study committee: the administrator for
 6 the energy and geological services division of the
 7 department of natural resources or the administrator’s
 8 designee; the consumer advocate or the advocate’s
 9 designee; a person representing the electric utility
 10 industry; and a person representing the alternate
 11 energy production industry.”

SHOULTZ of Black Hawk

H-4034

- 1 Amend the amendment, H-4019, to House File 567 as
 2 follows:
 3 1. Page 1, line 40, by striking the words “a
 4 methane produce” and inserting the following:
 5 “methane produced”.

SHOULTZ of Black Hawk

H-4035

- 1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking line 43 and inserting the
 5 following:
 6 \$ 21,960,473”.

7 Of the moneys appropriated in this paragraph, a
 8 sufficient amount shall be allocated to provide
 9 effective and necessary oversight of the county
 10 treasurers' issuance of motor vehicle licenses in
 11 accordance with this Act."

12 2. Page 4, line 28, by inserting after the word
 13 "licenses" the following: "and the administration of
 14 written tests".

15 3. Page 4, by inserting after line 28 the
 16 following:

17 "Sec. ____ 1993 Iowa Acts, chapter 169, section
 18 14, subsection 2, is amended by adding the following
 19 new paragraph:

20 NEW PARAGRAPH. f. The county treasurers shall be
 21 subject to the supervision of the state department of
 22 transportation and shall be considered agents of the
 23 department when performing motor vehicle licensing
 24 functions."

25 4. Page 6, by inserting after line 10 the
 26 following:

27 "Sec. ____ The provisions of section 8.33 do not
 28 apply to the \$70,000 appropriation to the state
 29 department of transportation for a study to determine
 30 the potential costs and benefits of the development of
 31 rail passenger service between Cedar Rapids and Iowa
 32 City, made in 1994 Iowa Acts, chapter 1189, section 8,
 33 subsection 1, paragraph "a", but shall remain
 34 available for expenditure until June 30, 1996.
 35 Unencumbered or unobligated moneys remaining on June
 36 30, 1996, shall revert to the general fund of the
 37 state on August 31, 1996."

38 5. Page 6, line 35, by striking the words "and
 39 certain use tax revenues".

40 6. By renumbering as necessary.

BRAUNS of Muscatine

H-4036

1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

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

6 Sec. ____ INTENT. It is the intent of the general
 7 assembly that the fees imposed in sections 200 through
 8 205 of this Act be remitted monthly by the state
 9 department of transportation to the treasurer of state
 10 and appropriated to the road use tax fund.

11 Sec. 200. NEW SECTION. 325.9A COMPLIANCE REVIEW.

12 When a certificate is awarded to a motor carrier of
 13 property who has applied to transport hazardous

14 materials requiring placarding as provided by federal
15 hazardous materials regulations and the carrier does
16 not have a safety rating issued by the United States
17 department of transportation, the department shall
18 award the certificate subject to completion of a motor
19 carrier education program. A compliance review shall
20 be conducted by the department within one hundred
21 eighty days of the issuance of the certificate and
22 shall determine the carrier's compliance with sections
23 321.449 and 321.450. If the department determines
24 that the carrier's safety rating is unsatisfactory,
25 the department shall suspend the carrier from
26 intrastate transportation of hazardous materials.
27 Sec. 201. NEW SECTION. 325.9B MOTOR CARRIER
28 EDUCATION COURSE.

29 1. An applicant for a certificate issued pursuant
30 to this chapter to transport hazardous materials
31 requiring placarding as provided by federal hazardous
32 materials regulations shall be required to
33 successfully complete a motor carrier education course
34 established and provided by the department before the
35 certificate will be issued. The education course
36 shall require instruction concerning, at a minimum,
37 safety and insurance regulations, hazardous materials
38 regulations, and size and weight regulations. The
39 applicant shall designate at least one person employed
40 by the applicant, who has a substantial interest in or
41 control over the operations to be conducted by the
42 applicant, to complete the course.

43 The department may require a motor carrier of
44 property to complete a motor carrier education course
45 if the carrier receives a citation for being ten
46 thousand or more pounds over the legal maximum gross
47 weight for a vehicle operated by the motor carrier.

48 An applicant shall pay a fee, determined by the
49 department to defray the cost of the course but in no
50 event more than two hundred fifty dollars, into the

Page 2

1 road use tax fund as provided in section 325.36.

2 2. The requirement that an applicant complete a
3 motor carrier education course prior to issuance of a
4 certificate under this chapter does not apply to the
5 following:

6 a. A motor carrier of hazardous materials
7 requiring placarding as provided by federal hazardous
8 materials regulations issued a certificate prior to
9 January 1, 1995.

10 b. A successor in interest to a motor carrier of
11 hazardous materials requiring placarding as provided
12 by federal hazardous materials regulations issued a

13 certificate prior to January 1, 1995.
 14 Sec. 202. Section 325.12, Code 1995, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 8. A filing fee of five hundred
 17 dollars for motor carriers of property that transport
 18 hazardous materials requiring placarding as provided
 19 by federal hazardous materials regulations.
 20 Sec. 203. Section 327.7, Code 1995, is amended by
 21 adding the following new subsection:
 22 NEW SUBSECTION. 5. A filing fee of five hundred
 23 dollars for contract carriers and truck operators that
 24 transport hazardous materials requiring placarding as
 25 provided by federal hazardous materials regulations.
 26 Sec. 204. Section 327.8, Code 1995, is amended to
 27 read as follows:
 28 327.8 ISSUANCE.
 29 Upon the filing of the application and if the
 30 applicant shall otherwise comply with the terms and
 31 conditions of this chapter and sections 325.9A and
 32 325.9B, the department shall issue to the applicant a
 33 permit as herein defined. The actual operation of
 34 such motor vehicle or vehicles shall not begin without
 35 the written approval of the state department, stating
 36 that the applicant has complied with the prescribed
 37 safety regulations.
 38 Sec. 205. Section 327A.3, Code 1995, is amended by
 39 adding the following new unnumbered paragraph:
 40 NEW UNNUMBERED PARAGRAPH. The provisions of
 41 sections 325.9A and 325.9B and section 325.12,
 42 subsection 8, concerning payment of fees, apply to
 43 liquid transport carriers for hire that transport
 44 hazardous materials requiring placarding as provided
 45 by federal hazardous materials regulations."
 46 2. By renumbering as necessary.

BRAUNS of Muscatine

H-4037

1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 6, by inserting after line 22 the
 5 following:
 6 "Sec. ____ Section 321.449, unnumbered paragraph
 7 4, Code 1995, is amended to read as follows:
 8 Notwithstanding other provisions of this section,
 9 rules adopted under this section for ~~a driver~~ drivers
 10 of a commercial ~~vehicle~~ vehicles shall not apply to a
 11 driver ~~for a private carrier, who is not for hire and~~
 12 of a commercial vehicle who is engaged exclusively in
 13 intrastate commerce, when the ~~driver's~~ commercial

14 ~~vehicle is not operated more than one hundred miles~~
 15 ~~from the driver's work reporting location vehicle's~~
 16 ~~gross vehicle weight rating is 26,000 pounds or less,~~
 17 ~~unless the vehicle is used to transport hazardous~~
 18 ~~materials requiring a placard or if the vehicle is~~
 19 ~~designed to transport more than fifteen passengers,~~
 20 ~~including the driver. For the purpose of complying~~
 21 ~~with the hours of service recordkeeping requirements~~
 22 ~~under 49 C.F.R. § 395.1(e)(5), a driver's report of~~
 23 ~~daily beginning and ending on duty time submitted to~~
 24 ~~the motor carrier at the end of each work week shall~~
 25 ~~be considered acceptable motor carrier time records.~~
 26 In addition, rules adopted under this section shall
 27 not apply to a driver for a farm operation as defined
 28 in section 352.2, or for an agricultural interest when
 29 the commercial vehicle is operated between the farm as
 30 defined in section 352.2 and another farm, between the
 31 farm and a market for farm products, or between the
 32 farm and an agribusiness location. A driver or a
 33 driver-salesperson for a private carrier, who is not
 34 for hire and who is engaged exclusively in intrastate
 35 commerce may drive twelve hours, be on duty sixteen
 36 hours in a twenty-four hour period and be on duty
 37 seventy hours in seven consecutive days or eighty
 38 hours in eight consecutive days. A driver-salesperson
 39 means as defined in 49 C.F.R. § 395.2, adopted as of a
 40 specific date by the department by rule."
 41 2. By renumbering as necessary.

BRAUNS of Muscatine

H-4038

1 Amend House File 567 as follows:
 2 1. Page 2, by inserting after line 2 the
 3 following:
 4 "NEW SUBSECTION. 9. Notwithstanding other
 5 provisions of this section, the rates required for
 6 purchase of alternate energy for long-term contracts
 7 entered into on or after July 1, 1995, shall be set at
 8 a minimum of four cents per kilowatt hour. A contract
 9 entered into pursuant to subsection 1 shall include an
 10 escalation provision which shall provide for an annual
 11 rate increase which is based upon the increase in the
 12 consumer price index."

WITT of Black Hawk
 SHOULTZ of Black Hawk
 VANDE HOEF of Osceola

H-4039

1 Amend House File 567 as follows:
 2 1. Page 2, line 8, by inserting after the figure

3 "476.44" the following: ", and to review the
 4 environmental costs associated with each method of
 5 electricity generation. The Iowa utilities board
 6 shall quantify and establish a range of environmental
 7 costs associated with each method of electricity
 8 generation. Environmental costs shall include
 9 socioeconomic costs, and the costs to the environment
 10 from production of toxins and disposal of toxins,
 11 including production and disposal of toxins in out-of-
 12 state generating plants. The committee shall take
 13 into account the total range of environmental costs
 14 for each method of electricity generation when
 15 providing long-range planning recommendations for
 16 Iowa's future alternate energy policies".

WITT of Black Hawk
 VANDE HOEF of Osceola

H-4047

1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 5, line 36, by inserting after the word
 5 "devices." the following: "Notwithstanding section
 6 321.191, the county treasurers in the six pilot
 7 project counties shall add an additional five-dollar
 8 fee to the cost of a motor vehicle license. This fee
 9 shall be paid by the licensee and shall be in addition
 10 to the fee imposed pursuant to section 321.191. This
 11 fee shall be in addition to the fees retained by the
 12 county treasurers under this subsection and shall be
 13 deposited in the county general fund."

KOENIGS of Mitchell
 OLLIE of Clinton

H-4052

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 10, line 29, by striking the figure
 5 "152,252,558" and inserting the following:
 6 "151,856,558".
 7 2. Page 11, by inserting after line 6 the
 8 following:
 9 " . . . Healthy livestock program
 10 For salaries, support, maintenance, miscellaneous
 11 purposes, and for not more than the following full-
 12 time equivalent positions:
 13 \$ 1,000,000
 14 FTEs 8.00

- 15 The university is encouraged to seek funds from
 16 nongovernmental sources to augment the funds
 17 appropriated in this lettered paragraph."
 18 3. By relettering as necessary.

WEIGEL of Chickasaw
 MUNDIE of Webster
 MAY of Worth
 DREES of Carroll
 BERNAU of Story

MERTZ of Kossuth
 KOENIGS of Mitchell
 LARKIN of Lee
 NELSON of Pottawattamie
 BURNETT of Story
 O'BRIEN of Boone

H-4053

- 1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by inserting after line 39 the
 5 following:
 6 "It is the intent of the general assembly that the
 7 state department of transportation conduct an
 8 intermodal transportation study to analyze the
 9 feasibility and need for additional intermodal
 10 transportation facilities in Iowa. The study shall
 11 include an analysis of the potential economic benefit
 12 to affected communities. The study shall be conducted
 13 for areas of the state located more than seventy-five
 14 miles from existing intermodal transportation
 15 facilities. The department shall give preference to
 16 communities who wish to be included in the study. For
 17 purposes of this study, "intermodal transportation
 18 facility" means a facility that acts as an exchange
 19 center for goods which are transferred from one
 20 modality to another."

COHOON of Des Moines
 OLLIE of Clinton
 WARNSTADT of Woodbury

H-4054

- 1 Amend House File 567 as follows:
 2 1. Page 2, line 25, by inserting after the word
 3 "incurred." the following: "The moratorium in this
 4 section shall not apply to projects which have been
 5 granted a hydroelectric license under subchapter 1 of
 6 the federal Power Act, 16 U.S.C. § 791 et seq., by the
 7 federal energy regulatory commission as of the
 8 effective date of this Act."

CORMACK of Webster
 MUNDIE of Webster

H-4060

- 1 Amend House File 567 as follows:
 2 1. Page 2, line 20, by inserting after the words

- 3 "hydro facilities" the following: "and shall not
- 4 approve a proposed rate, charge, schedule, or
- 5 regulation of an electric utility under section 476.6
- 6 which may result in an increase in customer rates".

WEIGEL of Chickasaw
 SHOULTZ of Blackhawk
 VANDE HOEF of Osceola

H-4061

- 1 Amend House File 567 as follows:
- 2 1. Page 2, line 17, by striking the word and
- 3 figures "April 15, 1996" and inserting the following:
- 4 "December 31, 1995".

SHOULTZ of Black Hawk

H-4062

- 1 Amend House File 567 as follows:
- 2 1. Page 2, line 25, by inserting after the word
- 3 "incurred." the following: "The moratorium provided
- 4 in this section does not apply to wind-generated
- 5 sources of electricity."

FALLON of Polk

H-4063

- 1 Amend the amendment, H-3498, to Senate File 266, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 16, by inserting after line 27 the
- 5 following:
- 6 "Sec. 266. Section 257.11, subsection 2,
- 7 unnumbered paragraph 1, Code 1995, is amended to read
- 8 as follows:
- 9 If the school budget review committee certifies to
- 10 the department of management that the shared classes
- 11 or teachers would otherwise not be implemented without
- 12 the assignment of additional weighting, pupils
- 13 attending classes in another school district or a
- 14 community college, including a college course taken
- 15 over the Iowa communications network, attending
- 16 classes taught by a teacher who is employed jointly
- 17 under section 280.15, or attending classes taught by a
- 18 teacher who is employed by another school district,
- 19 are assigned a weighting of one plus an additional
- 20 portion equal to one times the percent of the pupil's
- 21 school day during which the pupil attends classes in
- 22 another district or community college, attends classes
- 23 taught by a teacher who is jointly employed under
- 24 section 280.15, or attends classes taught by a teacher
- 25 who is employed by another school district."

- 26 2. Page 20, line 11, by inserting after the
 27 figure "15," the following: "266,"
 28 3. Page 20, line 13, by inserting after the word
 29 "enactment." the following: "Section 266 of this Act
 30 applies to school budget years commencing on or after
 31 July 1, 1995."

KREIMAN of Davis

H-4064

- 1 Amend House File 508 as follows:
 2 1. Page 1, by striking lines 11 through 14 and
 3 inserting the following:
 4 "(2) Beginning January 1, 1996, through December
 5 31, 1997, two million five hundred thousand dollars
 6 per quarter, shall be deposited into and accredited to
 7 the Iowa comprehensive petroleum underground storage
 8 tank marketability fund created in section 455G.21.
 9 Beginning January 1, 1998, through December 31, 2002,
 10 four million two hundred fifty thousand dollars per
 11 quarter, shall be deposited into and accredited to the
 12 Iowa comprehensive petroleum underground storage tank
 13 marketability fund created in section 455G.21. The
 14 moneys so deposited".
 15 2. Page 1, line 20, by striking the letter "a."
 16 3. By striking page 1, line 30, through page 2,
 17 line 1.
 18 4. Page 2, line 31, by striking the word
 19 "reclassifying" and inserting the following:
 20 "classifying".
 21 5. Page 4, by inserting after line 20 the
 22 following:
 23 "(g) Remediation shall not be required on a site
 24 that does not present an increased cancer risk at the
 25 point of exposure of one in one million for
 26 residential areas or one in ten thousand for
 27 nonresidential areas."
 28 6. Page 13, by inserting after line 8 the
 29 following:
 30 "7A. The board may provide for exemption from the
 31 certification requirements of this section for a
 32 professional engineer registered pursuant to chapter
 33 542B, if the person is qualified in the field of
 34 geotechnical, hydrological, environmental groundwater,
 35 or hydrogeological engineering."
 36 7. Page 13, line 23, by striking the word
 37 "moneys".
 38 8. Page 13, line 24, by striking the words
 39 "Seventeen million dollars per year" and inserting the
 40 following: "Moneys allocated to the fund".
 41 9. Page 14, line 16, by striking the words
 42 "Twelve million dollars per year" and inserting the
 43 following: "The remainder of the moneys".
 44 10. Page 14, by striking lines 22 and 23 and

- 45 inserting the following: "subparagraph (2) is
 46 repealed on January 1, 2003."
 47 11. Page 15, line 20, by inserting after the word
 48 "report" the following: "jointly with the department
 49 of natural resources".
 50 12. Page 15, by striking line 25 and inserting

Page 2

- 1 the following: "when final rules referred to in
 2 subparagraph (2) are adopted by the environmental
 3 protection commission."
 4 13. Page 16, line 2, by striking the word "Take"
 5 and inserting the following: "Shall take".
 6 14. Page 16, by striking lines 10 through 12 and
 7 inserting the following:
 8 "3. The department of natural resources shall not
 9 require an owner or operator to proceed with
 10 corrective action until such time as the rules
 11 implementing the amendments to section 455B.474,
 12 contained in this Act, become effective. However, an
 13 owner or operator may elect to proceed with corrective
 14 action pursuant to rules of the department existing on
 15 January 1, 1995, and shall receive benefits under
 16 section 455G.9, until such time as the rules
 17 implementing the amendments to section 455B.474,
 18 contained in this Act, become effective."
 19 15. Page 16, line 26, by striking the figure "25"
 20 and inserting the following: "24".
 21 16. Page 16, line 29, by inserting after the
 22 figure "1995." the following: "Section 25 is
 23 effective January 1, 1996."

GIPP of Winneshiek
 WITT of Black Hawk

H-4065

- 1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 6, by inserting after line 10 the
 5 following:
 6 "Sec. ____ Section 22.7, Code 1995, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 33. Personal information
 9 contained in state department of transportation
 10 handicapped parking permit records capable of
 11 disclosure by bulk distribution for purposes of
 12 surveys, marketing, or solicitations, unless the
 13 individual who is the subject of the record has been
 14 given an opportunity by the state department of
 15 transportation to prohibit the disclosure."
 16 2. Page 6, by inserting after line 22 the
 17 following:

18 "Sec. ____ Section 321.11, Code 1995, is amended
 19 by adding the following new unnumbered paragraph:
 20 **NEW UNNUMBERED PARAGRAPH.** However, personal
 21 information contained in department handicapped
 22 parking permit records may only be disclosed by bulk
 23 distribution for purposes of surveys, marketing, or
 24 solicitations, if the individual who is the subject of
 25 the record has been given an opportunity by the
 26 department to prohibit the disclosure."
 27 3. By renumbering as necessary.

FALLON of Polk

H-4066

1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 16, by inserting after line 27 the
 5 following:
 6 "Sec. 266. Section 257.11, subsection 2,
 7 unnumbered paragraph 1, Code 1995, is amended to read
 8 as follows:
 9 If the school budget review committee certifies to
 10 the department of management that the shared classes
 11 or teachers would otherwise not be implemented without
 12 the assignment of additional weighting, pupils
 13 attending classes in another school district or a
 14 community college, including a college course taken
 15 over the Iowa communications network, attending
 16 classes taught by a teacher who is employed jointly
 17 under section 280.15, or attending classes taught by a
 18 teacher who is employed by another school district,
 19 are assigned a weighting of one plus an additional
 20 portion equal to one times the percent of the pupil's
 21 school day during which the pupil attends classes in
 22 another district or community college, attends classes
 23 taught by a teacher who is jointly employed under
 24 section 280.15, or attends classes taught by a teacher
 25 who is employed by another school district. Any
 26 additional state aid payments resulting from
 27 additional weighting under this subsection for college
 28 courses taken over the Iowa communications network
 29 shall be paid from the state appropriations made for
 30 Part III of the Iowa communications network."
 31 2. Page 20, line 11, by inserting after the
 32 figure "15," the following: "266."
 33 3. Page 20, line 13, by inserting after the word
 34 "enactment." the following: "Section 266 of this Act
 35 applies to school budget years commencing on or after
 36 July 1, 1995."

KREIMAN of Davis

H-4070

- 1 Amend House File 567 as follows:
- 2 1. Page 2, line 20, by inserting after the words
- 3 "hydro facilities" the following: "and investor-owned
- 4 utilities shall be prohibited from entering into
- 5 contracts with any other energy-producing facility for
- 6 the purchase of electricity. Contracts for the
- 7 purchase of electric energy which are in effect on the
- 8 effective date of this Act shall remain in effect."

VANDE HOEF of Osceola

H-4073

- 1 Amend the Senate amendment, H-4059, to House File
- 2 482, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 11 and
- 5 inserting the following:
- 6 " Page 4, line 6, by striking the figure
- 7 "\$3,200,000" and inserting the following:
- 8 "\$2,000,000".
- 9 Page 4, by striking lines 10 and 11 and
- 10 inserting the following: "for the subsidization of
- 11 video rates for authorized users that are public
- 12 school districts or accredited nonpublic schools."
- 13 2. Renumber as necessary.

BRUNKHORST of Bremer

H-4075

- 1 Amend the amendment, H-3985, to Senate File 481, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by inserting after line 7 the
- 5 following:
- 6 "Sec. ____ There is appropriated from the rebuild
- 7 Iowa infrastructure account of the state to the
- 8 department of corrections for the fiscal year
- 9 beginning July 1, 1995, and ending June 30, 1996, the
- 10 following amount, or so much thereof as is necessary,
- 11 to be used for the purpose designated:
- 12 For the construction of, or the remodeling or
- 13 renovation of, a building for use as a residential
- 14 facility and office in Fort Dodge by the second
- 15 judicial district department of correctional services:
- 16 \$1,900,000
- 17 It is the intent of the general assembly that the
- 18 department of corrections issue a request for
- 19 proposals for the construction of, or the remodeling
- 20 or renovation of, a building for use as a residential

21 facility and office in Fort Dodge by the second
 22 judicial district department of correctional services.
 23 If a proposal is accepted by the department, but in no
 24 event earlier than January 30, 1996, the department of
 25 corrections is authorized to construct a residential
 26 facility and office in Fort Dodge or remodel or
 27 renovate an existing building for use as a residential
 28 facility and office in Fort Dodge, for use by the
 29 second judicial district department of correctional
 30 services.

31 Notwithstanding section 8.33, unencumbered or
 32 unobligated funds remaining on June 30, 1998, from the
 33 funds appropriated in this section, shall revert to
 34 the rebuild Iowa infrastructure account of the state
 35 on August 31, 1998."

36 2. By renumbering as necessary.

MUNDIE of Webster

H-4076

1 Amend the amendment, H-3985, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 6, by inserting after line 22 the
 5 following:

6 "Sec. ____ Section 321.465, unnumbered paragraph
 7 2, Code 1995, is amended to read as follows:

8 If an officer upon weighing a vehicle and load
 9 determines that the weight is unlawful, the officer
 10 may require the driver to stop the vehicle in a
 11 suitable place until such portion of the load is
 12 removed as may be necessary to reduce the gross weight
 13 of the vehicle to the limit as permitted under this
 14 chapter. All material so unloaded shall be cared for
 15 by the owner or operator of the vehicle at the risk of
 16 the owner or operator. The owner or operator of an
 17 overweight vehicle, designed to transport solid waste
 18 and domiciled within the state, which is transporting
 19 solid waste, shall not be required to unload any
 20 portion of the load, if the load is indivisible, in a
 21 place other than a facility which is permitted to
 22 handle solid waste disposal, processing, or recycling.
 23 However, a vehicle designed to transport solid waste
 24 shall not be determined to be in violation of the
 25 weight restrictions of this chapter if the gross
 26 weight of the vehicle and load is no greater than two
 27 thousand pounds over the weight restrictions of this
 28 chapter. For purposes of this section "solid waste"
 29 means waste which is acceptable at a local sanitary
 30 landfill and the solid waste shall be considered to be
 31 an indivisible load.

32 Sec. ____ Section 321.473, unnumbered paragraph 3,
 33 Code 1995, is amended to read as follows:

34 Any person who violates the provisions of the
35 ordinance or resolution shall, upon conviction or a
36 plea of guilty, be subject to a fine determined by
37 dividing the difference between the actual weight and
38 the maximum weight established by the ordinance or
39 resolution by one hundred, and multiplying the
40 quotient by two dollars. However, a person who
41 violates the provisions of the ordinance or resolution
42 with respect to a rubbish vehicle shall not be subject
43 to a fine under this section if the rear axle weight
44 of the rubbish vehicle does not exceed the maximum
45 allowed axle weight by more than two thousand pounds."
46 2. By renumbering as necessary.

MUNDIE of Webster

H-4078

1 Amend House File 574 as follows:
2 1. Page 23, by inserting after line 35 the
3 following:
4 "Sec. ____ PROGRAM PERFORMANCE-BASED BUDGETING.
5 1. DEFINITIONS. For the purposes of this section,
6 unless the context otherwise requires:
7 a. "Agency" means a constitutional or statutory
8 office, administrative department, or independent
9 agency which is part of the executive branch of state
10 government and receives an appropriation pursuant to
11 this Act.
12 b. "New program" means an agency program,
13 function, or service, whether the program is created
14 by statute, administrative rule, or internal
15 procedure, which is first implemented during the
16 fiscal year beginning July 1, 1995.
17 c. "State funds" means the same as provided in
18 section 8.2, and includes block grants, categorical
19 grants, private trust funds, repayment receipts,
20 special funds as defined in section 8.2, and education
21 research grants.
22 2. An agency which uses state funds available to
23 the agency in the fiscal year beginning July 1, 1995,
24 for a new program shall implement the program in
25 accordance with the program performance-based budget
26 provisions required by this section.
27 3. In addition to the annual departmental estimate
28 information required to be submitted to the director
29 of the department of management pursuant to section
30 8.23, an agency shall provide all of the following
31 program performance-based budget information to the
32 director and to the legislative fiscal bureau for each
33 new program implemented during the fiscal year
34 beginning July 1, 1995, which is included in the
35 agency's budget estimates for the fiscal year
36 beginning July 1, 1996:

- 37 a. A description of the public need the new
 38 program is intended to address.
 39 b. The new program's anticipated results,
 40 including specific program objectives for both the
 41 first and succeeding fiscal year of operation.
 42 c. Plans for the new program's output, efficiency,
 43 and effectiveness during both the first and succeeding
 44 fiscal year of operation.
 45 d. The financial, staffing, and infrastructure
 46 resources committed to the new program in the first
 47 fiscal year and the resources requested for the
 48 succeeding fiscal year.
 49 e. Other information concerning the new program
 50 requested by the department of management or the

Page 2

- 1 legislative fiscal bureau.
 2 4. An agency shall consult with the department of
 3 management and the legislative fiscal bureau in
 4 developing the program performance-based budget
 5 information for a new program required by this
 6 section."
 7 2. By renumbering as necessary.

KREIMAN of Davis
 DISNEY of Polk
 ERTL of Dubuque

H-4086

- 1 Amend the amendment, H-4081, to Senate File 481, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 7, by inserting after line 25 the
 5 following:
 6 "DEPARTMENT OF ECONOMIC DEVELOPMENT
 7 Sec. ____ There is appropriated from the rebuild
 8 Iowa infrastructure account of the state to the
 9 department of economic development for the fiscal year
 10 beginning July 1, 1995, and ending June 30, 1996, the
 11 following amount, or so much thereof as is necessary,
 12 to be used for the purpose designated:
 13 For completion of the construction of the Northwood
 14 welcome center:
 15 \$ 300,000
 16 Notwithstanding section 8.33, unencumbered or unobligated
 17 funds remaining on June 30, 1997, from the funds appropriated
 18 in this section, shall revert to the rebuild Iowa
 19 infrastructure account of the state on August 31, 1997."
 20 2. By renumbering as necessary.

BRANSTAD of Winnebago
 MAY of Worth

H-4093

1 Amend the amendment, H-4081, to Senate File 481, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 13, by inserting after line 1 the
5 following:

6 "Sec. ____ Section 321.465, unnumbered paragraph
7 2, Code 1995, is amended to read as follows:

8 If an officer upon weighing a vehicle and load
9 determines that the weight is unlawful, the officer
10 may require the driver to stop the vehicle in a
11 suitable place until such portion of the load is
12 removed as may be necessary to reduce the gross weight
13 of the vehicle to the limit as permitted under this
14 chapter. All material so unloaded shall be cared for
15 by the owner or operator of the vehicle at the risk of
16 the owner or operator. The owner or operator of an
17 overweight vehicle, designed to transport solid waste
18 and domiciled within the state, which is transporting
19 solid waste, shall not be required to unload any
20 portion of the load, if the load is indivisible, in a
21 place other than a facility which is permitted to
22 handle solid waste disposal, processing, or recycling.
23 However, a vehicle designed to transport solid waste
24 shall not be determined to be in violation of the
25 weight restrictions of this chapter if the gross
26 weight of the vehicle and load is no greater than two
27 thousand pounds over the weight restrictions of this
28 chapter. For purposes of this section "solid waste"
29 means waste which is acceptable at a local sanitary
30 landfill and the solid waste shall be considered to be
31 an indivisible load.

32 Sec. ____ Section 321.473, unnumbered paragraph 3,
33 Code 1995, is amended to read as follows:

34 Any person who violates the provisions of the
35 ordinance or resolution shall, upon conviction or a
36 plea of guilty, be subject to a fine determined by
37 dividing the difference between the actual weight and
38 the maximum weight established by the ordinance or
39 resolution by one hundred, and multiplying the
40 quotient by two dollars. However, a person who
41 violates the provisions of the ordinance or resolution
42 with respect to a rubbish vehicle shall not be subject
43 to a fine under this section if the rear axle weight
44 of the rubbish vehicle does not exceed the maximum
45 allowed axle weight by more than two thousand pounds."

46 2. By renumbering as necessary.

MUNDIE of Webster

H-4106

1 Amend House File 572 as follows:

2 1. Page 5, by inserting after line 2 the

- 3 following:
 4 "_. If the surcharge is assessed for a violation
 5 other than a violation of a city ordinance, five
 6 dollars of the surcharge shall be transferred to the
 7 treasurer of the county in which the violation
 8 occurred to be deposited in the general fund of the
 9 county and used only for the expansion of the capacity
 10 of the county jail or the maintenance of county jail
 11 facilities."
 12 2. By relettering as necessary.

SHOULTZ of Black Hawk

H-4108

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 14, by inserting after line 48 the
 5 following:
 6 "Sec. 901. Notwithstanding section 8.33, funds
 7 appropriated in 1993 Iowa Acts, chapter 180, section
 8 64, remaining unencumbered or unobligated on June 30,
 9 1995, shall not revert to the general fund of the
 10 state but shall be appropriated and available to the
 11 department of education for the fiscal year beginning
 12 July 1, 1995, and ending June 30, 1996, and of those
 13 funds, \$150,000 shall be expended for purposes of
 14 contracting with the Iowa alliance for arts education
 15 to execute the local arts comprehensive educational
 16 strategies program."
 17 2. Page 20, line 11, by inserting after the
 18 figure "2," the following: "901,"
 19 3. By renumbering and correcting internal
 20 references as necessary.

GRIES of Crawford
 DAGGETT of Union
 NELSON of Pottawattamie
 MYERS of Johnson

H-4112

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 8, line 45, by striking the figure
 5 "1,841,327" and inserting the following: "1,990,327".
 6 2. Page 8, line 46, by striking the figure
 7 "166.74" and inserting the following: "180.74".

SHOULTZ of Black Hawk

H-4115

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 19, by inserting after line 6 the
5 following:

6 "Sec. ____ Section 262.2, subsection 1, Code 1995,
7 as enacted by 1995 Iowa Acts, House File 387, section
8 1, is amended to read as follows:

9 1. The members shall be appointed by the governor
10 subject to confirmation by the senate. The term of
11 each member of the board shall be for six years,
12 except the term of the ninth member shall be for four
13 years. ~~If the ninth member graduates before the end~~
14 ~~of the two year term, the ninth member may remain on~~
15 ~~the board until the term expires if the member's~~
16 ~~graduation is within one year of the date of the~~
17 ~~expiration.~~ The terms of three members of the board
18 shall begin and expire in each odd-numbered year as
19 provided in section 69.19."

20 2. By renumbering as necessary.

GRUBBS of Scott
GREIG of Emmet

H-4119

1 Amend House File 576 as follows:

2 1. Page 1, line 6, by striking the word "July"
3 and inserting the following: "January".
4 2. Page 4, line 10, by striking the word "July"
5 and inserting the following: "January".

HALVORSON of Clayton

H-4122

1 Amend House File 576 as follows:

2 1. Page 1, lines 1 and 2, by striking the words
3 "LONG DISTANCE".
4 2. Page 1, line 4, by striking the words "long
5 distance".
6 3. Page 1, by striking lines 9 through 14 and
7 inserting the following: "chapters 427, 427A, 427B,
8 428, and 441."
9 4. Title page, line 1, by striking the words
10 "certain long distance".

RENKEN of Grundy
MILLAGE of Scott
NELSON of Pottawattamie

H-4127

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 10, by striking lines 20 through 46.
- 5 2. By renumbering and correcting internal
- 6 references as necessary.

GREIG of Emmet

H-4128

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 15, by striking lines 27 through 29.
- 5 2. By renumbering as necessary.

GREIG of Emmet

H-4129

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 20, by striking lines 17 through 48.
- 5 2. By renumbering as necessary.

GREIG of Emmet

H-4130

- 1 Amend House File 578 as follows:
- 2 1. Page 1, line 33, by inserting after the word
- 3 "bids" the following: "and low merged area bids".

BRUNKHORST of Bremer

H-4132

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 8, line 27 through page 9,
- 5 line 32.
- 6 2. By striking page 9, line 38 through page 10,
- 7 line 19.
- 8 3. By renumbering as necessary.

GREIG of Emmet

H-4133

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:

- 4 1. Page 12, by striking lines 29 through 39.
- 5 2. By renumbering as necessary.

GREIG of Emmet

H-4134

- 1 Amend House File 578 as follows:
- 2 1. Page 1, line 18, by striking the words "school
- 3 corporations" and inserting the following: "public
- 4 school districts".
- 5 2. Page 1, by striking lines 20 and 21 and
- 6 inserting the following:
- 7 "(2) Area education agencies located in merged
- 8 areas II and VI."
- 9 3. Page 1, lines 22 and 23, by striking the words
- 10 "school corporations" and inserting the following:
- 11 "public school districts".
- 12 4. Page 1, line 32, by striking the words "school
- 13 corporations" and inserting the following: "public
- 14 school districts".
- 15 5. Page 4, by striking line 30.
- 16 6. By renumbering and relettering as necessary.

MEYER of Sac

H-4137

- 1 Amend House File 576 as follows:
- 2 1. Page 1, by striking lines 1 through 14.
- 3 2. Page 4, line 9, by striking the word and
- 4 figure "section 433.16." and inserting the following:
- 5 "sections 428.24 through 428.29, or chapters 433, 434,
- 6 and 436 through 438."
- 7 3. Title page, lines 1 and 2, by striking the
- 8 words "long distance telephone companies" and
- 9 inserting the following: "property by the department
- 10 of revenue and finance".
- 11 4. By renumbering as necessary.

BERNAU of Story

H-4138

- 1 Amend House File 579 as follows:
- 2 1. Page 13, by striking lines 1 through 9 and
- 3 inserting the following: "open enrollment. A member
- 4 of the general assembly may elect to receive
- 5 reimbursement for the costs of a continuation of a
- 6 group coverage (COBRA) health or medical insurance
- 7 plan. Upon submitting evidence of payments for a
- 8 COBRA health or medical insurance plan to the office
- 9 of chief clerk or secretary of the senate, as

10 applicable, the member shall be reimbursed. A
11 member”.

BODDICKER of Cedar
METCALF of Polk

H-4139

1 Amend House File 579 as follows:
2 1. Page 13, by striking lines 3 through 5 and
3 inserting the following: “plan or may elect to
4 receive reimbursement of costs paid by the member for
5 a continuation of group coverage (COBRA) health or
6 medical insurance plan. The member shall apply for
7 reimbursement by submitting evidence of premium
8 payment for a COBRA health or medical insurance plan.
9 The reimbursement to a member of the”.

RUNNING of Linn

H-4142

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 26 the
5 following:
6 “Sec. ____ The general assembly strongly
7 encourages an area education agency which received
8 funds in the fiscal year beginning July 1, 1994, and
9 ending June 30, 1995, for purposes of establishing a
10 character education pilot program, to reallocate and
11 expend, in the fiscal year beginning July 1, 1995, and
12 ending June 30, 1996, \$45,300 from the amount paid to
13 the agency for educational services under section
14 257.35, for purposes of continuing the progress made
15 under the character education pilot program.”
16 2. By renumbering and correcting internal
17 references as necessary.

HURLEY of Fayette
GRUNDBERG of Polk

H-4144

1 Amend House File 579 as follows:
2 1. Page 13, by striking lines 1 through 9 and
3 inserting the following: “open enrollment. A member
4 of the general assembly may elect to receive
5 reimbursement for the costs paid by the member for a
6 continuation of a group coverage (COBRA) health or
7 medical insurance plan. The member shall apply for
8 reimbursement by submitting evidence of payment for a

- 9 COBRA health or medical insurance plan. The maximum
10 reimbursement shall be no greater than the state's
11 contribution for health or medical insurance family
12 plan II. A member".

RUNNING of Linn
BODDICKER of Cedar
METCALF of Polk

H-4146

- 1 Amend the amendment, H-4145, to Senate amendment,
2 H-4033, to House File 519, as amended, passed, and
3 reprinted, by the House, as follows:
4 1. Page 8, by striking lines 20 through 26 and
5 inserting the following:
6 "_. A person who brings a losing cause of action
7 against a person for whom the rebuttable presumption
8 arising under this section is not rebutted shall be
9 liable to the person for all costs and expenses
10 incurred in the defense of the action. The costs
11 shall include but are not limited to reasonable
12 attorney fees, court costs, travel expenses, and other
13 reasonable expenses incurred in the defense."
14 2. By renumbering as necessary.

GREIG of Emmet

H-4147

- 1 Amend the amendment, H-4145, to the Senate
2 amendment, H-4033, to House File 519, as amended,
3 passed, and reprinted by the House, as follows:
4 1. By striking page 6, line 36, through page 8,
5 line 30, and inserting the following: "22, line 30."

KOENIGS of Mitchell

H-4150

- 1 Amend the amendment, H-4145, to the Senate
2 amendment, H-4033, to House File 519, as amended,
3 passed, and reprinted by the House, as follows:
4 1. By striking page 7, line 43, through page 8,
5 line 3, and inserting the following: "clear and
6 convincing evidence that the animal feeding operation
7 unreasonably and continuously interferes with an
8 adjoining landowner's comfortable use and enjoyment of
9 the landowner's life or property."

MORELAND of Wapello

H-4154

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 11, line 3, by inserting after the word
- 5 "operation." the following: "However, unless a waiver
- 6 is executed by the affected parties pursuant to this
- 7 section, an animal feeding operation structure which
- 8 is connected to a small animal feeding operation shall
- 9 be located at least seven hundred fifty feet from a
- 10 bed and breakfast home as defined in section 137B.2, a
- 11 religious institution, a clubhouse which is part of a
- 12 golf course, the borders of an unincorporated city, or
- 13 a rural residential subdivision."

MUNDIE of Webster

H-4161

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by striking lines 31 through 37.

RUNNING of Linn
NELSON of Marshall

H-4162

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 8, line 24, by striking the word "two"
- 5 and inserting the following: "one".
- 6 2. Page 8, line 25, by striking the word "four"
- 7 and inserting the following: "two".

WEIGEL of Chickasaw

H-4165

- 1 Amend the Senate amendment, H-4033, to House File
- 2 519, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 20, by striking lines 8 through 16.

WEIGEL of Chickasaw

H-4167

- 1 Amend Senate File 416, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 22 through 24 and
4 inserting the following: "available to the".

GRUBBS of Scott

H-4168

- 1 Amend the amendment, H-4122, to House File 576 as
2 follows:
3 1. Page 1, by inserting after line 8 the
4 following:
5 "_. Page 1, by inserting before line 15 the
6 following:
7 "Sec. . NEW SECTION. 433.17 ASSESSMENT OF
8 LOCAL EXCHANGE UTILITIES.
9 Beginning with the assessment year beginning
10 January 1, 1996, property used to provide long
11 distance telephone service of a local exchange utility
12 holding a certificate issued under section 476.29,
13 which property is first assessed for taxation in this
14 state on or after July 1, 1996, shall be assessed by
15 the director of revenue and finance in the same manner
16 as all other property assessed as commercial property
17 by the local assessor under chapters 427, 427A, 427B,
18 428, and 441. As used in this section, "property used
19 to provide long distance telephone service" means the
20 amount certified to the department by the utilities
21 board, pursuant to section 476.29, subsection 16. The
22 department shall consult with the utilities board in
23 developing rules to implement this subsection."
24 . Page 4, line 9, by striking the word and
25 figure "section 433.16" and inserting the following:
26 "sections 433.16 and 433.17".
27 . Page 4, by inserting after line 13 the
28 following:
29 "Sec. . Section 476.29, Code 1995, is amended
30 by adding the following new subsection:
31 NEW SUBSECTION. 16. A local exchange utility may
32 request the board to certify to the department of
33 revenue and finance, that proportion of the local
34 exchange utility's property which supports the
35 provision of telephone service between local
36 exchanges. The board shall consult with the
37 department of revenue and finance in developing rules
38 to implement this subsection."
39 2. By renumbering as necessary.

BRAND of Benton

H-4172

- 1 Amend Senate amendment, H-4033, to House File 519,
2 as amended, passed, and reprinted by the House, as
3 follows:

- 4 1. By striking page 10, line 50, through page 11,
 5 line 3, and inserting the following:
 6 "_. Page 12, by striking lines 1 through 4."
 7 2. By renumbering as necessary.

MUNDIE of Webster

H-4173

- 1 Amend the amendment, H-4145, to the Senate
 2 amendment, H-4033, to House File 519, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 5, by striking line 5.
 5 2. Page 5, line 6, by striking the figure "8" and
 6 inserting the following: "20".
 7 3. Page 5, line 41, by inserting after the figure
 8 "17A." the following: "A person shall not apply
 9 manure by use of spray irrigation equipment between
 10 May 15 and September 15 of each year."

WEIGEL of Chickasaw

H-4178

- 1 Amend Senate File 486, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 10 the
 4 following:
 5 "Sec. ____ Section 257.11, Code 1995, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 2A. ALTERNATIVE SCHOOL. If the
 8 school budget review committee certifies to the
 9 department of management that an alternative school
 10 serving two or more school districts would otherwise
 11 not be implemented without the assignment of
 12 additional weighting, students attending classes in
 13 the alternative school are assigned a weighting of one
 14 and forty-eight hundredths."
 15 2. By renumbering as necessary.

DAGGETT of Union

H-4183

- 1 Amend the Senate amendment, H-4176, to House File
 2 518, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 48 the
 5 following:
 6 "_. Page 12, line 14, by inserting after the
 7 words "of three percent" the following: "for
 8 residential class or classes as a group, an average of
 9 three percent for the business class or classes as a

10 group, and an average of three percent for any other
11 similar class or classes as a group”.”

HOLVECK of Polk

H-4184

1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 16, by inserting after line 31 the
5 following:

6 “Sec. NEW SECTION. 257.50 TRANSPORTATION
7 ASSISTANCE AID TO DISTRICTS.

8 1. From funds appropriated in this section, the
9 department shall pay transportation assistance aid to
10 a school district whose average transportation costs
11 per pupil exceed the state average transportation
12 costs per pupil determined under subsection 2 by one
13 hundred percent for the fiscal year beginning July 1,
14 1995, and ending June 30, 1996; by seventy-five
15 percent for the fiscal year beginning July 1, 1996,
16 and ending June 30, 1997; by fifty percent for the
17 fiscal year beginning July 1, 1997, and ending June
18 30, 1998; and by twenty-five percent for the fiscal
19 year beginning July 1, 1998, and each succeeding
20 fiscal year.

21 2. A district's average transportation costs per
22 pupil shall be determined by dividing the district's
23 actual cost for all children transported in all school
24 buses for a school year pursuant to section 285.1,
25 subsection 12, by the district's actual enrollment for
26 the school year, as defined in section 257.6. The
27 state average transportation costs per pupil shall be
28 determined by dividing the total actual costs for all
29 children transported in all districts for a school
30 year, by the total of all districts' actual
31 enrollments for the school year.

32 3. A school district shall annually certify its
33 actual cost for all children transported in all school
34 buses by July 15 after each school year on forms
35 prescribed by the department of education.

36 4. If a school district's average transportation
37 costs per pupil exceed the state average
38 transportation costs per pupil as provided in
39 subsection 1, the department of education shall pay
40 transportation assistance aid equal to the amount of
41 the difference multiplied by the district's actual
42 enrollment for the school year.

43 5. There is appropriated from the general fund of
44 the state to the department of education, for each
45 fiscal year, an amount necessary to pay transportation
46 assistance aid pursuant to this section.

- 47 Transportation assistance aid is miscellaneous income
 48 for purposes of chapter 257."
 49 2. By renumbering as necessary.

WEIGEL of Chickasaw
 MERTZ of Kossuth
 MAY of Worth
 MUNDIE of Webster
 DREES of Carroll

H-4185

- 1 Amend the Senate amendment, H-4176, to House File
 2 518, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 48 the
 5 following:
 6 "___ Page 13, by striking lines 1 through 3 and
 7 inserting the following: "reduced to achieve the
 8 negative result. After January 1, 1998, the"."

HOLVECK of Polk
 BRAND of Benton

H-4189

- 1 Amend House File 579 as follows:
 2 1. By striking page 10, line 18, through page 14,
 3 line 4.
 4 2. Page 14, by striking lines 12 through 14.

MILLAGE of Scott

H-4190

- 1 Amend House File 579 as follows:
 2 1. Page 2, line 20, by striking the figure
 3 "78,050" and inserting the following: "64,300".

BRUNKHORST of Bremer

H-4191

- 1 Amend the amendment, H-3498, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 14, by inserting after line 48 the
 5 following:
 6 "Sec. 706. Notwithstanding section 8.33, funds
 7 appropriated in 1993 Iowa Acts, chapter 180, section
 8 64, remaining unencumbered or unobligated on June 30,
 9 1995, shall not revert to the general fund of the
 10 state but are appropriated to and shall be available

- 11 for expenditure by the department of education for the
12 fiscal year beginning July 1, 1995, and ending June
13 30, 1996, and of those funds remaining, \$50,000 shall
14 be expended for purposes of the parent education pilot
15 program established under 1994 Iowa Acts, chapter
16 1199, section 58, in a county with fewer than 35,000
17 inhabitants.”
- 18 2. Page 20, line 11, by inserting after the
19 figure “2,” the following: “706.”
- 20 3. By renumbering and correcting internal
21 references as necessary.

HURLEY of Fayette

H-4192

- 1 Amend the amendment, H-3498, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 14, by inserting after line 48 the
5 following:
- 6 “Sec. 705. Notwithstanding section 8.33, funds
7 appropriated in 1993 Iowa Acts, chapter 180, section
8 64, remaining unencumbered or unobligated on June 30,
9 1995, shall not revert to the general fund of the
10 state but are appropriated to and shall be available
11 for expenditure to the department of education for the
12 fiscal year beginning July 1, 1995, and ending June
13 30, 1996, and of those funds remaining, \$50,000 shall
14 be expended for purposes of the character education
15 pilot program under section 256.18.”
- 16 2. Page 20, line 11, by inserting after the
17 figure “2,” the following: “705.”
- 18 3. By renumbering and correcting internal
19 references as necessary.

HURLEY of Fayette

H-4194

- 1 Amend Senate File 486, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 17 the
4 following:
- 5 “Sec. 100. Section 260E.3, subsection 6, as
6 enacted by 1995 Iowa Acts, House File 519, is amended
7 by striking the subsection.”
- 8 2. Page 4, by inserting after line 23 the
9 following:
- 10 “Sec. ____ Section 25.1, Code 1995, is amended to
11 read as follows:
- 12 25.1 RECEIPT, INVESTIGATION, AND REPORT.
13 When a claim is filed or made against the state, on

14 which in the judgment of the director of management
15 the state would be liable except for the fact of its
16 sovereignty or which has no appropriation available
17 for its payment, the director of management shall
18 deliver that claim to the state appeal board. The
19 state appeal board shall make a record of the receipt
20 of that claim ~~and forthwith deliver it, notify the~~
21 special assistant attorney general for claims, and
22 deliver a copy to the state official or agency against
23 whom the claim is made, if any. The official or
24 agency shall report concerning the claim to the
25 special assistant attorney general for claims who
26 shall, with a view to determining the merits and
27 legality of it ~~the claim, fully shall~~ investigate the
28 claim, ~~including the facts upon which it is based and~~
29 report in duplicate the findings and conclusions of
30 law the investigation to the state appeal board. To
31 help defray the initial costs of processing a claim
32 and the costs of investigating a claim, the department
33 of management may assess a processing fee and a fee to
34 reimburse the office of the attorney general for the
35 costs of the claim investigation against the state
36 agency which incurred the liability of the claim.

37 Sec. ____ Section 25.2, Code 1995, is amended to
38 read as follows:

39 25.2 EXAMINATION OF REPORT — APPROVAL OR
40 REJECTION — PAYMENT.

41 The state appeal board with the recommendation of
42 the special assistant attorney general for claims may
43 approve or reject claims against the state of less
44 than ten years covering the following: ~~Outdated~~
45 outdated warrants; outdated sales and use tax refunds;
46 license refunds; additional agricultural land tax
47 credits; outdated invoices; fuel and gas tax refunds;
48 outdated homestead and veterans' exemptions; outdated
49 funeral service claims; tractor fees; registration
50 permits; outdated bills for merchandise; services

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1 furnished to the state; claims by any county or county
2 official relating to the personal property tax credit;
3 and refunds of fees collected by the state. Payments
4 authorized by the state appeal board shall be paid
5 from the appropriation or fund of original
6 certification of the claim. However, if that
7 appropriation or fund has since reverted under section
8 8.33 ~~then such~~ payment authorized by the state appeal
9 board shall be out of any money in the state treasury
10 not otherwise appropriated. Notwithstanding the
11 provisions of this section and section 25.1, the state
12 appeal board may promulgate rules pursuant to chapter
13 17A which delegate the authority of the board to
14 approve certain claims as defined in this section to

15 the agency against whom the claim is made or the
 16 director of revenue and finance may reissue outdated
 17 warrants."

18 3. Page 5, by inserting after line 26 the
 19 following:

20 "Sec. ____ Section 421.38, subsection 1, Code
 21 1995, is amended to read as follows:

22 1. THREE MONTHS LIMIT. A claim shall not be
 23 allowed by the department of revenue and finance if
 24 the claim is presented after the lapse of three months
 25 from its accrual or after the appropriation or fund of
 26 certification has been exhausted or proves
 27 insufficient, whichever is later. However, this time
 28 limit is subject to the following exceptions:

29 a. Claims by state employees for benefits pursuant
 30 to chapters 85, 85A, and 86 are subject to limitations
 31 provided in those chapters.

32 b. Claims for medical assistance payments
 33 authorized under chapter 249A are subject to the time
 34 limits imposed by rule adopted by the department.

35 c. Claims defined in section 25.2 as delegated by
 36 the state appeal board pursuant to rule."

37 4. Page 5, by inserting after line 29 the
 38 following:

39 "Sec. ____ EFFECTIVE DATE. Section 100, being
 40 deemed of immediate importance, takes effect upon
 41 enactment."

42 5. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

Committee on Appropriations

H-4197

1 Amend Senate File 486, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 26 the
 4 following:

5 "Sec. ____ NEW SECTION. 602.6112 HEARINGS --
 6 SECURITY.

7 Upon the request of a party to a civil action
 8 including, but not limited to, a domestic abuse
 9 proceeding, a juvenile adjudication, a dissolution of
 10 marriage, or child custody proceeding, the court shall
 11 provide enhanced security in the courtroom during any
 12 hearing or proceeding held in the action if the court
 13 finds evidence of violence, threats, or domestic abuse
 14 between the parties and finds that this enhanced
 15 security is necessary.

16 Sec. ____ 1995 Iowa Acts, Senate File 150, section
 17 21, if enacted, which amends section 598.8, is
 18 repealed."

MILLAGE of Scott

H-4198

- 1 Amend the amendment, H-3832, to Senate File 367, 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 "Sec. ____ Section 236.12, Code 1995, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 2A. A peace officer shall seize a
 9 dangerous weapon displayed or used in an assault when
 10 arresting a person under subsection 2, paragraph "d",
 11 and, at the request of the victim, any firearms owned
 12 or possessed by the person.
 13 A firearm or dangerous weapon seized under this
 14 subsection shall be returned to the person arrested or
 15 the owner if either of the following apply:
 16 a. Not later than thirty days following the arrest
 17 or following the filing of a petition by the owner of
 18 the firearm or dangerous weapon, or at the time when
 19 the firearm or dangerous weapon is no longer needed as
 20 evidence in a criminal proceeding related to the
 21 arrest, whichever is later.
 22 b. To the person arrested, not later than thirty
 23 days following the expiration of the first no-contact
 24 order issued against the person arrested following the
 25 arrest at which the firearm or dangerous weapon was
 26 seized.
 27 A dangerous weapon or firearm returned to the
 28 person arrested or owner shall not be possessed in the
 29 victim's residence without the victim's consent."

HURLEY of Fayette

H-4199

- 1 Amend House File 579 as follows:
 2 1. Page 10, line 28, by striking the word
 3 "eighty-six" and inserting the following: "seventy".
 4 2. Page 11, by striking lines 3 and 4 and
 5 inserting the following: "second session. However,
 6 members from Polk county Members residing fifty or
 7 fewer miles from the capitol building of the state
 8 shall receive ~~forty-five~~ fifty dollars per day.
 9 Each".
 10 3. Page 11, line 35, by striking the word
 11 "eighty-six" and inserting the following: "seventy".
 12 4. Page 12, line 17, by striking the word
 13 "eighty-six" and inserting the following: "seventy".
 14 5. Page 14, by inserting after line 11 the
 15 following:
 16 "Sec. ____ Section 97B.41, subsection 20,
 17 paragraph a, unnumbered paragraph 1, Code 1995, is
 18 amended to read as follows:

19 Wages for a member of the general assembly means
 20 the total compensation received by a member of the
 21 general assembly, whether paid in the form of per diem
 22 or annual salary, exclusive of expense and travel
 23 allowances paid to a member of the general assembly
 24 ~~except as otherwise provided in this paragraph.~~ Wages
 25 includes per diem payments paid to members of the
 26 general assembly during interim periods between
 27 sessions of the general assembly. ~~Wages also includes~~
 28 ~~daily allowances to members of the general assembly~~
 29 ~~for nontravel expenses of office during a session of~~
 30 ~~the general assembly, but does not include the portion~~
 31 ~~of the daily allowance which exceeds the maximum~~
 32 ~~established by law for members from Polk county."~~

BRUNKHORST of Bremer

H-4201

- 1 Amend House File 579 as follows:
 2 1. Page 11, line 4, by striking the word "sixty-
 3 five" and inserting the following: "fifty".

CHURCHILL of Polk
 JACOBS of Polk
 GRUNDBERG of Polk
 DISNEY of Polk

H-4203

- 1 Amend House File 557 as follows:
 2 1. Page 1, by striking lines 24 and 25 and
 3 inserting the following:
 4 "Sec. ____ This Act takes effect".
 5 2. Page 1, line 26, by striking the figure "1995"
 6 and inserting the following: "1996".
 7 3. Title page, line 4, by striking the word
 8 "dates" and inserting the following: "date
 9 provisions".

WEIGEL of Chickasaw
 KOENIGS of Mitchell

H-4204

- 1 Amend Senate File 478, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 24 through 27 and
 4 inserting the following:
 5 "Sec. ____ This Act applies retroactively to
 6 January 1, 1995, for tax years beginning on or after
 7 that date. However, the retroactive application of

- 8 this Act applies only to financial institutions that
 9 have an investment in an investment subsidiary on or
 10 after July 1, 1995, for the remainder of the
 11 taxpayer's current taxable year."
 12 2. Title page, line 4, by striking the words
 13 "effective and".

WEIGEL of Chickasaw
 KOENIGS of Mitchell

H-4208

- 1 Amend the amendment, H-4205, to Senate File 266, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 9, by inserting after line 10 the
 5 following:
 6 "The state university of Iowa hospitals shall not
 7 perform an abortion on a pregnant minor until
 8 notification is provided to a parent or guardian of
 9 the minor, unless a medical emergency exists. This
 10 unnumbered paragraph shall be void if the Seventy-
 11 sixth General Assembly passes Senate File 13 in the
 12 1995 session providing for notification prior to the
 13 performance of an abortion."

BRUNKHORST of Bremer

H-4211

- 1 Amend Senate File 486, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 4, by inserting after line 23 the
 4 following:
 5 "Sec. ____ Section 175.3, subsection 7, Code 1995,
 6 is amended to read as follows:
 7 7. The appointed members shall elect a chairperson
 8 and vice chairperson annually, and other officers as
 9 they determine, ~~but the~~ The executive director,
 10 appointed pursuant to section 175.7, shall serve as
 11 secretary to the authority.
 12 Sec. ____ Section 175.7, subsection 1, Code 1995,
 13 is amended to read as follows:
 14 1. ~~The secretary of agriculture authority~~ shall
 15 appoint an executive director ~~of the authority~~, who
 16 shall serve at the pleasure of the ~~secretary~~
 17 authority. The executive director shall be selected
 18 primarily for administrative ability and knowledge in
 19 the field, without regard to political affiliation.
 20 The executive director shall not, directly or
 21 indirectly, exert influence to induce any other
 22 officers or employees of the state to adopt a

- 23 political view, or to favor a political candidate for
24 office."
25 2. By renumbering as necessary.

HAHN of Muscatine

H-4220

- 1 Amend Senate File 486, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 24 the
4 following:
5 "Sec. 801. AT-RISK FUNDING FOR TUTORING SERVICES.
6 1. Notwithstanding section 8.33 and section
7 279.51, subsection 1, paragraph "b", for the fiscal
8 year ending June 30, 1995, from the funds allocated to
9 the child development coordinating council that would
10 otherwise revert to the general fund, up to \$60,000
11 shall be transferred to the department of education
12 during either the fiscal year beginning July 1, 1994,
13 or the fiscal year beginning July 1, 1995, for the
14 public purpose of contracting with a statewide
15 nonprofit organization, within the meaning of section
16 501(c)(3) of the Internal Revenue Code, pursuant to
17 subsection 3, to provide educational tutoring services
18 to at-risk students who are not meeting the academic
19 requirements of their schools.
20 2. Notwithstanding section 279.51, subsection 1,
21 paragraph "b", for the fiscal year beginning July 1,
22 1995, \$60,000 shall be transferred to the department
23 of education for the public purpose of contracting
24 with a statewide nonprofit organization, within the
25 meaning of section 501(c)(3) of the Internal Revenue
26 Code, pursuant to subsection 3, to provide educational
27 tutoring services to at-risk students who are not
28 meeting the academic requirements of their schools.
29 3. To qualify for a contract under this section, a
30 statewide nonprofit organization shall have provided
31 educational tutoring services to not less than 1,000
32 students per year since calendar year 1993, at no cost
33 to the students; shall demonstrate accountability for
34 academic progress; be characterized by partnerships
35 with other agencies that provide services to at-risk
36 youth; and provide tutoring sites in rural and urban
37 sites."
38 2. Page 2, line 15, by inserting after the word
39 "Sections" the following: "801."
40 3. By renumbering and correcting internal
41 references as necessary.

BAKER of Polk

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-sixth General Assembly, 1995 Session, not otherwise printed in the House Journal.

1 HOUSE CONCURRENT RESOLUTION 8
2 By Bell
3 (Companion by Black)
4 A Concurrent Resolution supporting the United Nations'
5 recognition of the Republic of China on Taiwan.
6 *Whereas*, the Republic of China was a founding
7 member of the United Nations in 1945, and was
8 consistently faithful to the goals and objectives of
9 the United Nations for 26 years; and
10 *Whereas*, in 1971, the United Nations General
11 Assembly excluded the Republic of China in order to
12 recognize the mainland People's Republic of China; and
13 *Whereas*, the United Nations has allowed other
14 divided countries such as East and West Germany and
15 North and South Korea to be equal members of the
16 United Nations organization; and
17 *Whereas*, on August 6, 1993, seven Central American
18 countries presented an initiative to the Secretary
19 General of the United Nations, calling for the
20 Republic of China's readmission to the United Nations;
21 and
22 *Whereas*, readmission of the Republic of China would
23 be in keeping with the primary mission of the United
24 Nations of promoting international peace and security;
25 and
26 *Whereas*, the state of Iowa and several cities in
27 Iowa have established formal sister state and sister
28 city relationships with regions and cities in the
29 Republic of China; and
30 *Whereas*, the United States and Iowa are significant

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1 trading partners as evidenced by the fact that the
2 Republic of China has purchased more than \$16 billion
3 in American products this past year; *Now Therefore*,
4 *Be It Resolved by the House of Representatives, The*
5 *Senate Concurring*, That the Iowa General Assembly
6 supports the United Nations' recognition and
7 readmission of the Republic of China.
8 *Be It Further Resolved*, That a copy of this
9 resolution be transmitted to the United Nations

10 General Assembly and the Honorable Bill Clinton,
11 President of the United States.

HCR 8 filed on January 17, 1995; House adopted March 9, 1995;
Senate adopted April 19, 1995.

1 HOUSE CONCURRENT RESOLUTION 10

2 By Committee on State Government

3 (Successor to HSB 3)

4 A Concurrent Resolution calling for the convening of a
5 Conference of the States and providing for Iowa's
6 participation in the Conference.

7 *Whereas*, the Constitution of the United States
8 established a balanced system of federal, state, and
9 local governance and through the Tenth Amendment
10 reserved all nondelegated and nonprohibited powers to
11 the States or to the people; and

12 *Whereas*, over many years, the federal government
13 has dramatically expanded the scope of its power and
14 preempted state government authority and increasingly
15 has treated the States as administrative subdivisions
16 or as special interest groups, rather than coequal
17 partners; and

18 *Whereas*, the federal government has generated
19 massive budget deficits and continues to mandate
20 programs that state and local governments must
21 administer; and

22 *Whereas*, the number of federal unfunded mandates
23 has grown exponentially during the last 30 years and
24 has profoundly distorted state budgets, including
25 Iowa's, thereby limiting the ability of state leaders
26 in Iowa and across the country to provide appropriate
27 and needed services to their constituencies; and

28 *Whereas*, since 1990, the federal government has
29 enacted numerous major statutes imposing burdensome
30 and expensive regulations and requirements on states

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1 and localities, which is nearly equal to all those
2 enacted in the prior two decades combined; and

3 *Whereas*, in recent years the States have been the
4 principal agents of government reform, including
5 updating their constitutions, modernizing and
6 restructuring governmental institutions, and, along
7 with local governments, have been the pioneers of
8 government innovation, thus responding to the needs of
9 their citizens; and

10 *Whereas*, Iowa has been a leader in governmental

11 reform by aggressively dealing with many challenges
12 confronting the State in recent years and by passing
13 measures to reform the state's budgetary practices,
14 welfare system, and governmental ethics laws, and to
15 continually improve governmental efficiency and
16 effectiveness; and
17 *Whereas*, persistent, state-led endeavors have
18 consistently failed to generate any substantial
19 reaction or remedy from the federal government; and
20 *Whereas*, the United States Supreme Court has
21 repeatedly determined that the States must look to the
22 Congress and related political remedies for protection
23 against federal encroachments on the reserved powers
24 of the States; and
25 *Whereas*, the convening of a Conference of the
26 States will communicate broad bipartisan public
27 concern on the extent to which the American political
28 system has been changed and provide a formal forum for
29 the States to collectively propose constructive
30 remedies for a more balanced state-federal governance

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1 partnership for the twenty-first century; *Now*
2 *Therefore*,
3 *Be It Resolved by the House of Representatives, The*
4 *Senate Concurring*, That the Iowa General Assembly
5 adopt the following proposal calling for the convening
6 of a Conference of the States and providing for Iowa's
7 participation in the Conference:
8 1. A delegation of no more than seven voting
9 persons from the State of Iowa shall be appointed to
10 represent the State of Iowa at a Conference of the
11 States for the purposes described in section 2 of this
12 proposal and to be convened as provided in section 3
13 of this proposal. The composition of the Iowa
14 delegation shall be as follows:
15 a. The Governor, or, if the Governor does not wish
16 to be a member of the delegation, then a
17 constitutional officer selected by the Governor.
18 b. No more than six legislators, selected by the
19 majority leader of each house, so long as an equal
20 number of legislators from each house is selected and
21 at least one member from each house is selected from
22 each major political party represented in that house.
23 The majority leader of each house shall follow the
24 recommendations of the minority leader of that house
25 regarding the appointment of members of the minority
26 party from that house.
27 Each majority leader may designate two alternate
28 legislator delegates, one from each party, who shall

29 have voting privileges in the absence of the primary
30 delegates.

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1 2. The delegates of the Conference of the States
2 will propose, debate, and vote on elements of an
3 action plan to restore checks and balances between the
4 States and the federal government. Measures agreed
5 upon will be formalized in an instrument called a
6 States' Petition and returned to the delegation's
7 state for consideration by the entire legislature.
8 3. The Conference of the States shall be convened
9 under the auspices of the Council of State
10 Governments, organized pursuant to its status as a
11 nonprofit organization under Internal Revenue Code }
12 501(c)(3), and in cooperation with the National
13 Governors' Association and the National Conference of
14 State Legislatures no later than 270 days after at
15 least 26 legislatures adopt a resolution of
16 participation in the Conference.
17 4. Prior to the official convening of the
18 Conference of the States, a steering committee for the
19 Conference of the States, composed of state-elected
20 officials, and established by the Council of State
21 Governments, in cooperation with the National
22 Governors' Association and the National Conference of
23 State Legislatures, will draft the following:
24 a. The governance structure and procedural and
25 operating rules for the Conference.
26 b. The process for receiving proposals concerning
27 the balance between the federal and state and local
28 governments.
29 c. The financial and administrative functions of
30 the Conference, including the Council of State

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1 Governments as fiscal agent.
2 5. The bylaws for the Conference of the States
3 shall:
4 a. Conform to the provisions of this resolution.
5 b. Specify that each state delegation shall have
6 one vote at the Conference.
7 c. Specify that the Conference agenda be limited
8 to fundamental, structural, long-term reforms.
9 6. Upon the official convening of the Conference
10 of the States, the state delegations will vote upon
11 and approve the Conference governing structure,
12 procedural and operating rules, and bylaws.
13 *Be It Further Resolved*, That copies of this
14 Resolution be sent to the Governor, the steering
15 committee for the Conference of the States, the

- 16 Council of State Governments, the National Governors'
 17 Association, and the National Conference of State
 18 Legislatures.

HCR 10 filed on January 18, 1995; House adopted, as amended, on January 23, 1995; further amended and adopted by the Senate on February 2, 1995, House concurred in Senate amendment and adopted on February 21, 1995.

1 HOUSE CONCURRENT RESOLUTION 13

2 By Martin, Harper, Doderer, Jochum, Metcalf,
 3 Grundberg, Nelson of Marshall, Jacobs, Mascher
 4 Thomson, Mertz, Boggess, Nelson of Pottawattamie,
 5 Hammitt, Greiner, Garman, Burnett, Bernau, Siegrist,
 6 Witt, Hanson, Branstad, Cormack, Lamberti, Cornelius,
 7 Teig, Arnold, Huseman, Vande Hoef, Dinkla, Larson,
 8 Sukup, Van Fossen, Corbett, Weidman, Disney, Blodgett,
 9 Brunkhorst, Boddicker, Houser, Gries, Welter, Main,
 10 Nutt, Klemme, Salton, Heaton, Greig, Schulte, Coon,
 11 Drake, Meyer, Renken, Kremer, Veenstra, Harrison,
 12 and Halvorson

13 A Concurrent Resolution recognizing the seventy-fifth
 14 anniversary of the founding of the League of Women
 15 Voters of Iowa.

16 *Whereas*, Iowan Carrie Chapman Catt founded the
 17 League of Women Voters on February 14, 1920, to help
 18 20 million newly enfranchised women carry out their
 19 long due voting responsibilities, and the organization
 20 has for 75 years worked to be a voice for citizens and
 21 a force for change; and

22 *Whereas*, the League of Women Voters has provided
 23 nonpartisan information on candidates and issues for
 24 elections, encouraged voter registration and informed
 25 voting, helped generations of voters understand the
 26 structure and function of government, provided
 27 balanced information on public policy issues to the
 28 citizens, and worked to achieve government policies
 29 that promote the public interest; and

30 *Whereas*, the vigorous history of the League of

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1 Women Voters of Iowa includes successfully causing the
 2 removal of the word "male" from the Iowa Constitution
 3 as a qualification for candidacy to the Iowa
 4 Legislature in 1925; working for passage of the Iowa
 5 legislation on aid to dependent children in 1943;
 6 assisting in the establishment of the Iowa Legislative
 7 Council, the Legislative Service Bureau, the Ethics

8 and Campaign Disclosure Board, and the legislative
9 Public Information Office, which is now known as the
10 Legislative Information Office; assisting in achieving
11 home rule for Iowa's cities and counties; assisting in
12 the establishment of the area education agencies; and
13 engendering the passage of many other landmark pieces
14 of legislation; and

15 *Whereas*, the League of Women Voters of Iowa, which
16 was officially organized in October 1919, remains a
17 unique political, educational, multi-issue, activist,
18 grassroots citizen action organization; *Now Therefore*,
19 *Be It Resolved by the House of Representatives, The*
20 *Senate Concurring*, That the Iowa General Assembly
21 recognize and commend the League of Women Voters of
22 Iowa for its many accomplishments and years of service
23 to the citizens of Iowa, commemorate its seventy-fifth
24 anniversary, and offer best wishes for continued
25 growth and success in the future.

26 *Be It Further Resolved*, That copies of this
27 Resolution be forwarded to Abigail P. Swanson,
28 President of the League of Women Voters of Iowa.

HCR 13 filed on January 26, 1995; House adopted on February
14, 1995.

1 HOUSE CONCURRENT RESOLUTION 14

2 By Witt

3 A Concurrent Resolution to urge the Governor and the citizens
4 of Iowa to make available to the people of Japan all
5 appropriate aid and assistance to help the people of Japan
6 recover from the disastrous earthquake of January 17, 1995.

7 *Whereas*, a disastrous earthquake in western Japan
8 in the early morning hours of January 17, 1995, caused
9 unimaginable damage, suffering, and loss of life; and

10 *Whereas*, Iowa City's Japanese Sister City,
11 Amagasaki, is located near the earthquake's epicenter
12 and suffered damage and loss in the earthquake; and

13 *Whereas*, Iowans, too, have known the horror of huge
14 natural disasters, as when the Great Floods of 1993
15 inundated our cities and farm fields and caused
16 immense damage, suffering, and loss; and

17 *Whereas*, people from around the nation and the
18 world responded to our needs by donating supplies,
19 food and water, labor, technical assistance, heavy
20 equipment, money, and other very valuable and much
21 needed forms of assistance; and

22 *Whereas*, the people of Iowa remember with deep and
23 enduring gratitude the compassion shown to us by the
24 people of Japan, especially that shown to us by the
25 citizens of Yamanashi Prefecture, our Sister State,
26 and our eight Sister Cities, when we were suffering

27 our great natural disaster; *Now Therefore,*
 28 *Be It Resolved by the House of Representatives, The*
 29 *Senate Concurring,* That the Iowa General Assembly
 30 respectfully requests the Governor of the State of

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1 Iowa and the citizens of the State of Iowa to affirm
 2 their duties as citizens of the world and offer all
 3 appropriate aid and assistance to relieve the
 4 suffering of our Japanese brothers and sisters, and to
 5 help them start the process of recovery and of
 6 rebuilding their lives and their communities.

HCR 14 filed on January 30, 1995; House adopted on February
 20, 1995.

1 HOUSE CONCURRENT RESOLUTION 17
 2 By Cormack and Mundie
 3 (Companion by Halvorson)
 4 a Concurrent Resolution urging the Federal Trade Com-
 5 mission to amend a consent agreement that would
 6 require the divestiture of the Fort Dodge Friskies
 7 PetCare Plant.
 8 *Whereas,* the Federal Trade Commission has published
 9 an agreement containing a consent order, file number
 10 941-0124, dealing with the proposed acquisition of
 11 Alpo by Nestle Food Company; and
 12 *Whereas,* Nestle Food Company owns a processing
 13 facility in Fort Dodge, Iowa, operating as Friskies
 14 PetCare Products; and
 15 *Whereas,* the consent order requires Nestle to
 16 divest the Fort Dodge Friskies PetCare plant within 12
 17 months; and
 18 *Whereas,* Friskies PetCare Products has operated in
 19 Fort Dodge for more than 19 years and has been an
 20 excellent corporate citizen, providing good jobs and
 21 benefits to 141 employees; and
 22 *Whereas,* the direct economic impact of the Friskies
 23 plant in Webster County and Fort Dodge approaches \$100
 24 million per year; and
 25 *Whereas,* the complaint filed with the Federal Trade
 26 Commission alleges that the acquisition of Alpo by the
 27 Nestle Food Company will eliminate substantial actual
 28 competition between Nestle and Alpo, increase the
 29 likelihood that Nestle will unilaterally exercise
 30 market power in the relevant market, and increase the

Page 2

1 likelihood of, or facilitate collusion or coordinated
 2 interaction among, firms in the relevant market; and
 3 *Whereas,* the relevant market in the complaint is

4 the manufacture and production of canned cat food for
5 the geographic market of the United States of America;
6 and

7 *Whereas*, the Fort Dodge facility produces
8 24,000,000 cases of canned pet food per year of which
9 66 percent is canned cat food and 33 percent is canned
10 dog food; and

11 *Whereas*, Nestle officials have stated that they
12 will increase the production at other Nestle-owned
13 plants to replace the lost production from the sale of
14 the Fort Dodge plant; and

15 *Whereas*, the Federal Trade Commission has indicated
16 that it is unlikely that it will allow the sale of the
17 Fort Dodge plant to any other major competitor in the
18 pet food industry; and

19 *Whereas*, the citizens of Fort Dodge and Webster
20 County, the Mayor and City Council of Fort Dodge, the
21 Webster County Board of Supervisors, the employees of
22 Friskies, and the Webster County Industrial
23 Development Commission all believe that the remedy
24 proposed by the Federal Trade Commission will not
25 accomplish the stated goals, and will, in fact, result
26 in the loss of 141 good jobs in Fort Dodge and have a
27 disastrous effect on the local economy, including the
28 loss of more than \$200,000 per year in Iowa sales
29 taxes; *Now Therefore*,

30 *Be It Resolved by the House of Representatives*,

Page 3

1 *the Senate Concurring*, That the Federal Trade Commis-
2 sion is urged to amend the agreement containing
3 consent order, file number 941-0124, so that Nestle is
4 not required to divest itself of the Fort Dodge
5 Friskies PetCare Plant; and

6 *Be It Further Resolved*, That the entire Iowa
7 congressional delegation, Governor Branstad, and the
8 Director of the Iowa Department of Economic
9 Development are urged to support the citizens of Fort
10 Dodge in their efforts to appeal to the Federal Trade
11 Commission to amend the consent order; and

12 *Be It Further Resolved*, That copies of this
13 resolution be sent to the Governor, the President of
14 the United States, the President of the United States
15 Senate, the Speaker of the United States House of
16 Representatives, the Chairperson of the Federal Trade
17 Commission, and members of the Iowa congressional
18 delegation.

HCR 17 filed on February 6, 1995; House adopted on February
8, 1995; Senate adopted on February 9, 1995.

1 HOUSE CONCURRENT RESOLUTION 18

2 By Klemme, Rants, Nutt, and Warnstadt

3 (Companion by Banks)

4 A Concurrent Resolution relating to border city truck-
5 ing agreements.6 *Whereas*, in the early 1970s the states of Iowa,
7 Nebraska, and South Dakota developed border city
8 agreements which allowed for the free flow of trade
9 among the states; and10 *Whereas*, these compacts allowed farmers, truckers,
11 and other business people to cross state boundaries;
12 and13 *Whereas*, federal regulations have required states
14 to prohibit divisible loads with a gross weight in
15 excess of 80,000 pounds on interstate highways; and16 *Whereas*, states were allowed grandfather rights if
17 the state had authorized heavier loads or had issued
18 overweight permits for divisible loads in effect on
19 July 1, 1956; and20 *Whereas*, Iowa did not allow heavier loads or issue
21 overweight permits as of July 1, 1956, and therefore
22 is not eligible for grandfather rights; and23 *Whereas*, the Federal Highway Administration will
24 not allow Iowa to change its laws without imposition
25 of sanctions; and26 *Whereas*, the states of Nebraska and South Dakota
27 have grandfather provisions which allow the use of
28 divisible loads in excess of 80,000 pounds; and29 *Whereas*, one example of the problem is the movement
30 of livestock into the Sioux City stockyards from

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1 Nebraska and South Dakota in trailers which exceed
2 Iowa's legal gross weight of 80,000 pounds, although
3 the vehicles are otherwise within legal requirements
4 per axle; and5 *Whereas*, because such vehicles are not legal in
6 Iowa, farmers are forced to lighten their loads or
7 truck their livestock to terminals farther away; and8 *Whereas*, this increases costs, reduces profits, and
9 adversely affects border city stockyards; and10 *Whereas*, the Secretary of the United States
11 Department of Transportation, Federico Pena, has
12 stated that he does not have the authority to grant
13 Iowa a waiver from the federal regulations; *Now*14 *Therefore*,15 *Be It Resolved by the House of Representatives, The*
16 *Senate Concurring*, That the Iowa General Assembly
17 requests that a federal waiver be authorized to allow
18 the state of Iowa to update the border city agreement

19 so that trucks may enter Iowa's western boundaries to
20 load and unload without violating Iowa's weight
21 restrictions; and
22 *Be It Further Resolved*, That copies of this
23 resolution be sent to the President of the United
24 States Senate, the Speaker of the United States House
25 of Representatives, and to members of Iowa's
26 congressional delegation.

HCR 18 filed on February 9, 1995; House adopted on April 20,
1995.

1 HOUSE CONCURRENT RESOLUTION 21

2 By Connors

3 (Companion by Rife)

4 A Concurrent Resolution honoring Ms. Sugar Macaulay upon her
5 retirement as the Capitol Tour Guide Supervisor.

6 *Whereas*, Ms. Sugar Macaulay, the Capitol Tour Guide
7 Supervisor, is retiring from that position after
8 serving for over 25 years as a Capitol Tour Guide; and

9 *Whereas*, Ms. Macaulay's distinguished career as a
10 Capitol Tour Guide has spanned four decades, with
11 administration of the capitol tour guide service in
12 both the executive and legislative branches during
13 that time period; and

14 *Whereas*, during that time period Ms. Macaulay and
15 the Capitol Tour Guides under her supervision have
16 conducted thousands of capitol building and dome tours
17 for hundreds of thousands of capitol visitors from
18 throughout the world; and

19 *Whereas*, the Capitol Tour Guides have greeted the
20 public enthusiastically in their visits to the state
21 capitol complex and in their introductions to state
22 government; and

23 *Whereas*, these tours of the capitol have educated
24 and enlightened the many visitors to the capitol for
25 decades; and

26 *Whereas*, the information imparted by the Capitol
27 Tour Guides has given Iowans and others throughout the
28 world a sense of pride in Iowa's capitol building and
29 the workings of the Iowa General Assembly and state
30 government in general; and

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1 *Whereas*, the many tours conducted over the years
2 for the school children of this state have instilled
3 in many of Iowa's citizens a sense of history and
4 pride for Iowa's capitol building and for the work of
5 the General Assembly and of state government in
6 positively affecting the lives of Iowans; and

7 *Whereas*, Ms. Macaulay has personally been an

8 extremely dedicated Capitol Tour Guide over the years,
 9 utilizing her grace, poise, and charm in shepherding
 10 the many visitors through the capitol building; and
 11 *Whereas*, Ms. Macaulay has demonstrated her great
 12 patience and hospitality in dealing with the many
 13 diverse groups of individuals who visit the capitol;
 14 and

15 *Whereas*, Ms. Macaulay has served as a goodwill
 16 ambassador for the capitol and Iowa's state
 17 government; and

18 *Whereas*, it is fitting that the General Assembly
 19 and all of state government should recognize Ms.
 20 Macaulay's outstanding accomplishments in her 25 years
 21 of service; *Now Therefore*,

22 *Be It Resolved by the House of Representatives, The*
 23 *Senate Concurring*, That the General Assembly of the
 24 State of Iowa pay tribute to Ms. Sugar Macaulay for
 25 her devoted service to the capitol tour guide service,
 26 the Legislative Service Bureau, the Iowa General
 27 Assembly, and the citizens of this state and, upon her
 28 retirement, wish her the very best in the years ahead;
 29 and

30 *Be It Further Resolved*, That an official copy of

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1 this Resolution be prepared and presented to Ms. Sugar
 2 Macaulay.

HCR 21 filed on February 15, 1995; House adopted February
 16, 1995; Senate adopted on February 23, 1995.

1 HOUSE CONCURRENT RESOLUTION 23

2 By Committee on Transportation

3 (Successor to HCR 16)

4 A Concurrent Resolution urging the Congress of the United States
 5 to quickly develop and approve the proposed national highway
 6 system.

7 *Whereas*, a modern, well-maintained, efficient, and
 8 interconnected transportation system is vital to the
 9 economic growth and health, and the global
 10 competitiveness of our state, and the entire nation;
 11 and

12 *Whereas*, the highway network is the backbone of a
 13 transportation system for the movement of people,
 14 goods, and intermodal connectivity; and

15 *Whereas*, it is critical to effectively address
 16 highway transportation needs through appropriate
 17 transportation plans and program investments; and

18 *Whereas*, the 1991 federal Intermodal Surface
 19 Transportation Efficiency Act established the concept

20 of a 155,000-mile national highway system which
21 includes the Interstate System; and
22 *Whereas*, on December 9, 1993, the United States
23 Department of Transportation transmitted to Congress a
24 proposed national highway system which identified 104
25 port facilities, 143 airports, 191 rail-truck
26 terminals, 321 Amtrak stations, and 319 transit
27 terminals; and
28 *Whereas*, the federal Intermodal Surface
29 Transportation Efficiency Act requires that the
30 national highway system be approved by September 30,

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1 1995, before national highway system and interstate
2 maintenance funds can be released to the states; and
3 *Whereas*, the uncertainty associated with the future
4 of the national highway system prevents the states
5 from effectively undertaking the necessary and
6 properly developed planning and programming activities
7 needed to meet the transportation needs of the future;
8 *Now Therefore*,
9 *Be It Resolved by the House of Representatives, The*
10 *Senate Concurring*, That the Congress of the United
11 States be urged to accelerate the process of
12 developing and approving the national highway system.
13 *Be It Further Resolved*, That Iowa's congressional
14 delegation be urged to support efforts to ensure
15 adoption of the national highway system in a timely
16 manner.
17 *Be It Further Resolved*, That copies of this
18 Resolution be sent to the Governor, the President of
19 the United States, the President of the United States
20 Senate, the Speaker of the United States House of
21 Representatives, and members of Iowa's congressional
22 delegation.

HCR 23 filed on February 22, 1995; House adopted on April 20,
1995.

1 HOUSE CONCURRENT RESOLUTION 36
2 By Weigel, Koenigs, Warnstadt, and Gipp
3 (Companion by Kibbie)
4 A Concurrent Resolution urging the release of two
5 United States citizens, including one Iowan, from
6 confinement in Iraq.
7 *Whereas*, Mr. Bill Barloon, a native of New Hampton,
8 Iowa, and Mr. David Daliberti, of Jacksonville,
9 Florida, were taken captive in Iraq on March 13, 1995,
10 after crossing from Kuwait into Iraq; and
11 *Whereas*, Bill Barloon and his colleague, David

12 Daliberti, were arrested for entry into Iraq,
 13 convicted, and sentenced to eight years in prison
 14 following a brief, one-day trial; and
 15 *Whereas*, there appears to exist no basis in law or
 16 fact for the arrest, conviction, and sentencing of
 17 Bill Barloon and David Daliberti; and
 18 *Whereas*, the families and friends of Bill Barloon
 19 and David Daliberti are suffering due to Iraq's acts
 20 in illegally confining the two United States citizens
 21 and need the support of all Americans in urging the
 22 release of Bill Barloon and David Daliberti from Iraq;
 23 *Now Therefore*,
 24 *Be It Resolved by the House of Representatives, The*
 25 *Senate Concurring*, That the Iowa General Assembly
 26 expresses its outrage at the acts of the government of
 27 Iraq concerning the illegal confinement of Bill
 28 Barloon and David Daliberti.
 29 *Be It Further Resolved*, That the Iowa General
 30 Assembly conveys its concern and support to the

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1 families of Bill Barloon and David Daliberti,
 2 especially to Bill Barloon's mother, Mary Rethamel of
 3 New Hampton.
 4 *Be It Further Resolved*, That the Iowa General
 5 Assembly urges President Clinton to consult with our
 6 allies to determine any other possible actions which
 7 can be taken to obtain the release of Bill Barloon and
 8 David Daliberti.
 9 *Be It Further Resolved*, That the Iowa General
 10 Assembly endorses President Clinton's efforts to use
 11 all diplomatic means available to pressure Iraq into
 12 releasing former Iowan Bill Barloon and his colleague,
 13 David Daliberti.

HCR 36 filed on March 29, 1995; House adopted March 30,
 1995; Senate adopted March 30, 1995.

1 HOUSE CONCURRENT RESOLUTION 40
 2 By Fallon, Siegrist, Baker and Grundberg
 3 A Concurrent Resolution designating June 17, 1995, as
 4 the day to celebrate the ending of slavery and to
 5 recognize the worth and value of all people.
 6 *Whereas*, the Emancipation Proclamation of January
 7 1, 1863, marked the beginning of the end of slavery in
 8 the United States; and
 9 *Whereas*, the process of liberation continued in
 10 many strongholds of slavery until the end of the Civil
 11 War; and
 12 *Whereas*, on June 19, 1865, General Granger led

13 Union troops into Galveston, Texas, to end one of the
 14 last vestiges of slavery; and
 15 *Whereas*, June 19 has come to symbolize the
 16 emancipation of the slaves in this country and is
 17 known as "Juneteenth"; and
 18 *Whereas*, Juneteenth has become an annual holiday
 19 where African-Americans, and all Americans, can,
 20 through an understanding of the hardships and cruelty
 21 imposed by enslaving people, celebrate the ending of
 22 slavery in this country and look with hope to the
 23 future of an American society that recognizes the
 24 worth and value of all people; *Now Therefore*,
 25 *Be It Resolved by the House of Representatives, The*
 26 *Senate Concurring*, That the Iowa General Assembly
 27 recognize June 17, 1995, as the day to celebrate
 28 Juneteenth in Iowa.
 29 *Be It Further Resolved*, That all Iowans be urged to
 30 participate in the activities planned during the

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1 Juneteenth celebration.

HCR 40 filed April 26, 1995; House adopted April 27, 1995.

1 HOUSE RESOLUTION 3
 2 By Committee on Commerce and Regulation
 3 (Successor to HSB 21)
 4 A House resolution paying tribute to the memory of
 5 Dennis J. Nagel.
 6 *Whereas*, Dennis J. Nagel was born in Edgewood,
 7 Iowa, received his bachelor's degree from the
 8 University of Iowa, his master's degree from Rutgers
 9 University, and his juris doctorate from the
 10 University of Iowa College of Law; and
 11 *Whereas*, Dennis J. Nagel served the state of Iowa
 12 and the public for many years in several different
 13 capacities including, among others, his service as
 14 Chairperson of the Iowa Utilities Board for seven
 15 years, President of the National Association of
 16 Regulatory Utility Commissioners for one year, First
 17 Vice-president of the National Association of
 18 Regulatory Utility Commissioners for one year, member
 19 of the Governor's Task Force on Uniform Administrative
 20 Rules for ten years, and as Administrative Assistant
 21 to Governor Robert D. Ray for eight years; and
 22 *Whereas*, he will be remembered for his
 23 professionalism and his straightforward approach to
 24 addressing issues and to problem solving; and
 25 *Whereas*, the House Committee on Commerce and
 26 Regulation greatly valued his advice and counsel on

- 27 many issues which came before the Committee; *Now*
28 *Therefore,*
29 *Be It Resolved by the House of Representatives,*
30 That tribute be paid to the memory of Dennis J. Nagel,

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- 1 and that he be recognized for his many contributions
2 to the citizens of the State of Iowa; and
3 *Be It Further Resolved,* That the Chief Clerk of the
4 House send copies of this Resolution to Dennis J.
5 Nagel's parents, Donald and Joyce Nagel, and family of
6 Edgewood.

HR 3 filed on January 30, 1995; House adopted on February 6, 1995.

HOUSE RESOLUTION 5

By Committee on Natural Resources
(Successor to HSB 49)

- 4 A House resolution providing special recognition and
5 support to the seventy-fifth anniversary of Iowa's
6 state parks system and urging all citizens and leaders
7 in government, academia, and business to give
8 special recognition to the many and varied services
9 our state parks have given for three-quarters of a
10 century.
11 *Whereas,* members of the Iowa House of
12 Representatives, including members serving on the
13 Committee on Natural Resources, appreciate the great
14 contribution state parks have made to the development
15 and well-being of Iowa, and appreciate the great value
16 state parks provide for citizens and visitors as
17 places of quiet beauty; and
18 *Whereas,* Backbone State Park, the first to be set
19 aside as a state park, was dedicated in 1920, making
20 1995 a special seventy-fifth anniversary year for
21 state parks and an appropriate time to reflect on the
22 fact that Iowa state parks have passed the test of
23 time and have been developed and supported to the
24 point where there are now over eighty state parks and
25 recreation areas within the system; and
26 *Whereas,* state parks represent an opportunity for
27 people to camp, fish, swim, hike, bike, picnic, and,
28 in general, enjoy pleasant family outings and peaceful
29 repose in scenic surroundings; and
30 *Whereas,* state parks include unique natural areas

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- 1 for Iowa's wildlife, places to assure perpetuation of
2 animal and plant diversity, and important sites for
3 scientific study of natural, archaeological, and

4 geological features; and

5 *Whereas*, nearly every Iowa citizen has been
6 affected in a positive manner at some point in their
7 lives by the presence and availability of state parks;
8 *Now Therefore*,

9 *Be It Resolved by the House of Representatives*,
10 That the House of Representatives, including members
11 serving on the Committee on Natural Resources, lend
12 recognition and support to the seventy-fifth
13 anniversary of Iowa's state parks system by inviting
14 Iowa citizens and leaders to visit state parks,
15 participate in celebrating seventy-five successful
16 years of public service and enjoyment, and use this
17 special year to acknowledge and reaffirm the
18 importance of state parks to Iowa's continued well-
19 being and improvement.

20 *Be It Further Resolved*, That the House of
21 Representatives, including members serving on the
22 Committee on Natural Resources, recognize this
23 anniversary year as an ideal time wherein appropriate
24 actions may be taken to assure that Iowa's state parks
25 continue accommodating Iowa citizens for another
26 seventy-five years.

27 *Be It Further Resolved*, That a copy of this
28 resolution be transmitted to the Governor of Iowa and
29 that all branches and offices of government statewide
30 be encouraged to join in the celebration of the

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1 seventy-fifth anniversary of the state parks system
2 that has served citizens and visitors for three-
3 quarters of a century and will continue to serve
4 citizens and visitors into the next century.

HR 5 filed February 7, 1995; House adopted April 6, 1995.

1 HOUSE RESOLUTION 6

2 By Committee on Ethics

3 (Successor to HSB'8)

4 A Resolution to amend the rules governing lobbyists in the
5 House of Representatives.

6 *Be It Resolved by the House of Representatives*,

7 That the HOUSE RULES GOVERNING LOBBYISTS be amended to
8 read as follows:

9 HOUSE RULES GOVERNING LOBBYISTS

10 1. DEFINITIONS OF TERMS. As used in these rules,
11 "client", "gift", "lobbyist", "person", and "immediate
12 family members" have the meanings provided in section
13 68B.2 of the Code, except that the terms "lobbyist"
14 and "client" shall only refer to persons who are

15 lobbyists or clients of lobbyists of the house of
16 representatives. Except as otherwise provided,
17 "employee of the house" means a full-time permanent
18 paid employee of the house of representatives.

19 2. REGISTRATION REQUIRED.

20 a. All lobbyists shall, on or before the day their
21 lobbying activity begins, register in the manner
22 provided under section 68B.36 of the Code. Lobbyist
23 registration forms shall be available in the office of
24 the chief clerk of the house.

25 b. In addition each registered lobbyist shall file
26 with the chief clerk of the house a statement of the
27 general subjects of legislation in which the lobbyist
28 is or may be interested, the file number of the bills
29 and resolutions and the bill number of study bills, if
30 known, which will be lobbied, whether the lobbyist

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1 intends to lobby for or against each bill, resolution,
2 or study bill, if known, and on whose behalf the
3 lobbyist is lobbying the bill, resolution, or study
4 bill.

5 Any change in or addition to the information re-
6 quired by this rule shall be registered with the chief
7 clerk of the house within ten days from the time the
8 change or addition is known to the lobbyist.

9 3. CANCELLATION OF REGISTRATION. If a lobbyist's
10 service on behalf of a particular employer, client, or
11 cause is concluded after the lobbyist registers but
12 before the first day of the next legislative session,
13 the lobbyist shall cancel the registration in the
14 manner required under section 68B.36 of the Code.

15 Upon cancellation of registration, a person is
16 prohibited from engaging in any lobbying activity on
17 behalf of that particular employer, client, or cause
18 until reregistering and complying with the
19 requirements of section 68B.36 of the Code.

20 3A. AMENDMENT OF REGISTRATION. If a registered
21 lobbyist represents more than one employer, client, or
22 cause and the lobbyist's services is concluded on
23 behalf of a particular employer, client, or cause
24 after the lobbyist registers but before the first day
25 of the next legislative session, the lobbyist shall
26 file an amendment to the lobbyist's registration
27 indicating which employer, client, or cause is no
28 longer represented by the lobbyist and the date upon
29 which the representation concluded.

30 If a lobbyist is retained by one or more additional

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1 employers, clients, or causes after the lobbyist
2 registers but before the first day of the next
3 legislative session, the lobbyist shall file an
4 amendment to the lobbyist's registration indicating
5 the employer, client, or cause to be added and the
6 date upon which the representation begins.
7 Amendments to a lobbyist's registration regarding
8 changes which occur during the time that the general
9 assembly is in session shall be filed within one
10 working day after the date upon which the change in
11 the lobbyist's representation becomes effective.
12 Amendments regarding changes which occur when the
13 general assembly is not in session shall be filed
14 within ten days after the date upon which the change
15 in the lobbyist's representation becomes effective.
16 4. PUBLIC ACCESS. All information filed by a
17 lobbyist or a client of a lobbyist under chapter 68B
18 of the Code is a public record and open to public
19 inspection at any reasonable time.
20 5. CHARGE ACCOUNTS. Lobbyists and the clients
21 they represent shall not allow members of the house to
22 charge any amounts or items to a charge account to be
23 paid for by those lobbyists or by the clients they
24 represent.
25 6. ACCESS TO HOUSE FLOOR. Lobbyists shall only be
26 permitted on the floor of the house pursuant to rule
27 20 of the rules of the house.
28 7. FEE OR BONUS PROHIBITED. A fee or bonus shall
29 not be paid to any lobbyist with reference to any
30 legislative action that is conditioned wholly or in

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1 part upon the results attained by the lobbyist.
2 8. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY.
3 A lobbyist, employer, or client of a lobbyist shall
4 not offer economic or investment opportunity or
5 promise of employment to any member of the house with
6 intent to influence conduct in the performance of
7 official duties.
8 9. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist
9 shall not do anything with the purpose of placing a
10 member of the house under personal or financial
11 obligation to a lobbyist or a lobbyist's principal or
12 agent.
13 10. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A
14 lobbyist shall not cause or influence the introduction

15 of any bill or amendment for the purpose of being

16 employed to secure its passage or defeat.

17 11. CAMPAIGN SUPPORT. A lobbyist shall not
18 influence or attempt to influence a member's actions

19 by the promise of financial support for the member's

20 candidacy or threat of financial support for an

21 opposition candidate. A lobbyist shall not make a

22 campaign contribution to a member or to a member's

23 candidate's committee during the time that the general

24 assembly is in session.

25 12. COMMUNICATION WITH MEMBER'S EMPLOYER

26 PROHIBITED. A lobbyist shall not communicate with a

27 member's employer for the purpose of influencing a

28 vote of the member.

29 13. EXCESS PAYMENTS. A lobbyist shall not pay or

30 agree to pay to a member a price, fee, compensation,

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1 or other consideration for the sale or lease of any

2 property or the furnishing of services which is

3 substantially in excess of that which other persons in

4 the same business or profession would charge in the

5 ordinary course of business.

6 14. PROHIBITION AGAINST GIFTS. A lobbyist or

7 client of a lobbyist shall not, directly or

8 indirectly, offer or make a gift or series of gifts to

9 any member or full-time permanent employee of the

10 house or the immediate family members of a member or

11 full-time permanent employee of the house except as

12 otherwise provided in section 68B.22 of the Code. A

13 lobbyist or client of a lobbyist who intends or plans

14 to give a nonmonetary item, other than food or drink

15 consumed in the presence of the donor, which does not

16 have a readily ascertainable value, to a member or

17 full-time permanent employee of the house, prior to

18 giving or sending the item to the member or employee,

19 shall seek approval of the item from the chief clerk

20 of the house. A lobbyist or client of a lobbyist who

21 seeks approval of an item from the chief clerk shall

22 submit the item and evidence of the value of the item

23 at the time that approval is requested.

24 A lobbyist shall inform each of the lobbyist's

25 clients of the requirements of section 68B.22 of the

26 Code and of the responsibility to seek approval prior

27 to giving or sending a nonmonetary item which does not

28 have a readily ascertainable value to a member or a

29 full-time permanent employee of the house.

30 15. FINANCIAL TRANSACTIONS. A lobbyist shall not,

1 directly or indirectly, make a loan to a member of the
2 house or to an employee of the house.

3 A loan prohibited under this section does not
4 include a loan made in the ordinary course of business
5 of a lobbyist if the primary business of the lobbyist
6 is something other than lobbying, if consideration of
7 equal or greater value is received by the lobbyist,
8 and if fair market value is given or received for the
9 benefit conferred.

10 16. HONORARIA — RESTRICTIONS. A lobbyist or
11 client of a lobbyist shall not pay an honorarium to a
12 member or employee of the house for a speaking
13 engagement or other formal public appearance in the
14 official capacity of the member or employee except as
15 otherwise provided in section 68B.23 of the Code.

16 17. COMPLAINTS. The procedures for complaints and
17 enforcement of these rules shall be the same as those
18 provided in the house code of ethics.

19 18. PROCEDURES AND FORMS. The chief clerk of the
20 house, subject to the approval of the house ethics
21 committee, shall prescribe procedures for compliance
22 with these rules, and shall prepare forms for the
23 filing of complaints and make them available to any
24 person.

HR 6 filed February 7, 1995; House adopted March 1, 1995.

1 HOUSE RESOLUTION 7

2 By Van Fossen, Harrison, Bradley, Martin,
3 Millage, and Grubbs
4 (Companion by Tinsman)

5 A House resolution recognizing the 100th anniversary of
6 the founding of the chiropractic profession.

7 *Whereas*, the chiropractic profession was founded on
8 September 18, 1895, by Daniel David Palmer in
9 Davenport, Iowa, and will therefore celebrate its
10 centennial on September 18, 1995; and

11 *Whereas*, the profession of chiropractic is now
12 practiced by doctors of chiropractic throughout the
13 world, including 50,000 doctors of chiropractic
14 currently practicing in the United States of America
15 alone; and

16 *Whereas*, contemporary standards of chiropractic
17 education, research, and practice have led to ever-
18 broadening acceptance of the benefits of chiropractic
19 health care by the public and the health care
20 community; and

21 *Whereas*, each year millions of Americans now choose
22 chiropractic health care for the restoration and

23 maintenance of their health by natural methods and
24 without the use of drugs or surgery; *Now Therefore,*
25 *Be It Resolved by the House of Representatives,*
26 That the House of Representatives acknowledges the
27 chiropractic profession on the occasion of its 100th
28 anniversary and commends the significant contribution
29 that chiropractic has made to the health and welfare
30 of Americans.

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1 *Be It Further Resolved,* , That the Chief Clerk of the
2 House of Representatives send a copy of this
3 Resolution to the Chiropractic Centennial Foundation
4 in the City of Davenport, Iowa.

HR 7 filed February 28, 1995; House adopted March 23, 1995.

SUPPLEMENT TO HOUSE JOURNAL

BILLS APPROVED, VETOED OR ITEM VETOED
SUSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills passed by the 1995 Regular Session of the Seventy-sixth General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 29 – Providing a presumption that kidnapping has occurred within the state. Approved 5-16-95.
- H.F. 159 – Relating to the production of ornamental, flowering, or vegetable plants for purposes of the state sales tax. Approved 5-5-95.
- H.F. 247 – 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, providing for coordination of health care benefits with state medical assistance and for continuation of health care benefits pursuant to court-ordered medical child support and for coverage for an adopted child. Approved 5-22-95.
- H.F. 303 – Relating to pipelines and underground storage of hazardous liquids, and providing penalties and effective and retroactive applicability date provisions. Approved 5-26-95.
- H.F. 340 – Providing for the operation of snowmobiles and all-terrain vehicles by defining public land. Approved 5-16-95.
- H.F. 437 – 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, changing requirements for disclaimers on published materials, 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. Approved 5-31-95.
- H.F. 471 – 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, providing for a

reduction in the amount of good and honor time that may be earned by forcible felons, by requesting an interim and a departmental study, providing for a pilot project, and making other related changes. Vetoesd 6-1-95. See Governor's Veto Message.

- H.F. 481— 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. Approved 5-16-95.
- H.F. 482— Relating to the funding for the Iowa communications network and providing an appropriation. Approved 5-19-95 with the exception of Section 2. See Governor's Item Veto Message.
- H.F. 494 — 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. Approved 5-24-95.
- H.F. 505 — Relating to payment of expenses for persons with mental retardation. Approved 5-25-95.
- H.F. 508 — 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, relating to cost recovery, 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. Approved 5-24-95 with the exception of Section 1, subsection 3, paragraph g; Section 9 unnumbered and unlettered, paragraph 1; Section 10, subsections 1 and 2. See Governor's Item Veto Message.
- H.F. 518 — Relating to authorization of price regulation for utilities providing communications services. Approved 5-31-95.
- H.F. 519 — Providing for the regulation of animal feeding operations, fees, the expenditure of moneys, penalties, and an effective date. Approved 5-31-95.
- H.F. 528 — Relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, 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 short-term secure custody as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, authorizing school districts to adopt a dress code policy, adding custody

and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, and enhancing or establishing penalties. Approved 5-25-95.

- H.F. 530 - 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. Approved 5-19-95 with the exception of Section 5, subsection 2, paragraph e and Section 8. See Governor's Item Veto Message.
- H.F. 549 - 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. Approved 5-30-95.
- H.F. 553 - Relating to agriculture and natural resources, by providing for appropriations and revenue, providing related statutory changes, and providing effective dates. Approved 5-31-95.
- H.F. 565 - Relating to a school-to-work transition system and the establishment of a career pathways program. Approved 5-31-95.
- H.F. 566 - Relating to the taxation of sales of residential service contracts under the state sales, services, and use taxes. Approved 5-24-95.
- H.F. 571 - Relating to the frequency of referendums held on excursion gambling boat proposals or gambling games proposals for licensed pari-mutuel racetracks and the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates. Approved 5-16-95.
- H.F. 573 - Relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program. Approved 5-19-95.
- H.F. 575 - Establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters. Approved 5-31-95.
- H.F. 577 - Relating to the establishment of a pilot program for the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters. Approved 5-31-95.

- H.F. 578— Relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes. Approved 5-31-95.
- H.F. 579 — Relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date. Approved 5-19-95.
- H.F. 583 — Relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date. approved 6-1-95.
- H.F. 584 — Providing for the crediting of moneys to the rebuild Iowa infrastructure fund, revising education appropriation provisions, and other properly related matters, and providing an effective date. Approved 5-24-95.
- S.F. 120 — Requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or make progress towards completion of 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. Approved 5-16-95.
- S.F. 150 — Relating to children, including child abuse involving termination of parental rights in certain abuse or neglect cases, the department of human services' adoption information exchange, and access by other states to child abuse information, case permanency plans for children in out-of-home placements, state foster care requests, and custody and visitation determinations and providing an applicability and effective date. Approved 5-19-95.
- S.F. 189 — 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. Approved 5-16-95.
- S.F. 239 — Relating to the provision of mediation in dissolution of marriage proceedings. Approved 5-19-95.
- S.F. 266 — 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. Approved 5-31-95 with the exception of Section 4, subsection 2, unnumbered and unlettered paragraph 2; Section 25 and Section 30. See Governor's Item Veto Message.
- S.F. 367— Relating to domestic abuse and providing a penalty. Approved 5-16-95.

- S.F. 400 – Providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates. Approved 5-24-95.
- S.F. 468 – Legalizing the transfer of certain property by the City of Keokuk and providing an effective date. Approved 5-16-95.
- S.F. 472 – Relating to the local option sales and services tax by authorizing political subdivisions that will receive revenues from the tax to issue bonds in anticipation of the receipt of the revenues, by authorizing the imposition of the tax in certain cities located in two counties, and by setting the procedure for changing the use of revenues from the tax, and providing an effective date and a retroactive applicability date. Approved 5-22-95.
- S.F. 475 – Relating to state financial provisions and providing applicability provisions and effective dates. Approved 5-24-95 with the exception of Section 4 and Section 5, identified as Section 8.22A, new subsection 6. See Governor's Item Veto Message.
- S.F. 478 – 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 applicability dates. Approved 5-26-95.
- S.F. 481 – Relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date. Approved 6-1-95 with the exception of Section 1, subsection 1, paragraph a; Section 6; Section 7, subsection 3; Section 8, subsections 2 through 15; Section 9, beginning with the second sentence of the first unnumbered and unlettered paragraph, through subsection 15; Section 10, subsections 5a, 5b, 5c; Section 16, subsections 7, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38 and 39; and Section 25. See Governor's Item Veto Message.
- S.F. 484 – Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date. Approved 5-31-95 with the exception of Section 3, subsection 6, paragraph c, subparagraph (1), (2), (3), and (4); Section 14 unnumbered and unlettered paragraph 3; Section 30; Section 38, 39, 40 and 41; and Section 44. See Governor's Item Veto Message.
- S.F. 486 – Relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions. Approved 5-16-95.

GOVERNOR'S VETO MESSAGE

June 1, 1995

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

House File 471, 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, providing for a reduction in the amount of good and honor time that may be earned by forcible felons, by requesting an interim and a departmental study, providing for a pilot project, and making other related changes, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Although it started out as a bill that would establish tougher sentences and abolish parole for violent offenders, in its final form House File 471 does neither. Not only does the bill fail to eliminate parole for the most violent and dangerous criminals, it actually softens the current penalties for persons who manufacture and sell illegal drugs. Although, Iowa is one of the safest places in the nation to live, we should do all that we can to make it even safer. I regret that this bill does little to strengthen our ability to protect Iowans from those who threaten their security and who commit violent acts against them.

House File 471 purports to abolish parole by lengthening the amount of time persons convicted of certain crimes would remain in prison. Unfortunately the longer sentences would apply only to repeat offenders. The bill provides that a person convicted of a second forcible felony would serve 85 percent of their sentence, while a third time forcible felon would serve 100 percent of their sentence.

I agree that persons who commit forcible felonies again and again deserve to be punished more severely. However, the bill does not do enough to protect Iowans from

the perpetrators of violent crimes. Criminals who commit acts of murder, rape, kidnapping and armed robbery should not get a second chance to inflict serious harm before a strict penalty applies. The public is demanding that we do more to protect them from these dangerous and violent offenders. Forcible felonies are the most violent and dangerous crimes. We should see to it that all forcible felons serve at least 5 percent of their time without parole.

The bill also gives new discretion to judges to waive the mandatory minimum sentences that apply to persons convicted of certain drug offenses. It goes even further by requiring the Board of Parole to review the cases of those currently in prison and to release them if the provisions of the bill would have applied had it been in effect at the time they were convicted.

The crimes that the waiver provisions apply to have been characterized by some as "nonviolent" drug offenses. The reality is these crimes include the manufacture and sale of hard drugs like heroin and cocaine, the sale of drugs to minors and the sale of drugs on school grounds. Leniency to persons involved in serious drug crimes sends the wrong message. We should not become more tolerant of crimes involving the sale and use of illegal drugs.

The reason most often offered for waiving the mandatory minimum sentence for drug offenders is that too many of them are being imprisoned and taking up space that could be better used to incarcerate persons convicted of more violent crimes. On first blush, the argument has some appeal. However, it ignores the fact there is a strong and proven correlation between drug use and crimes of all types. Nearly 80 percent of all crimes involve some form of drug use.

We should not be responding to the lack of prison space by reducing sentences and releasing criminals before they have served their time. Rather we should continue to send a strong and clear message: *if you commit the crime, you will do the time* and we will find the space to keep you behind bars.

In summary, House File 471 does not respond adequately to the violence we are experiencing in our society today. It misses the mark. It sends the wrong messages. It does not make our streets and homes safer. We can do better.

For the above reasons, I hereby respectfully disapprove House File 471.

Sincerely
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 24, 1995

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 508, 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, relating to cost recovery, 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.

House File 508 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 9, identified as section 455B.474, subsection 1, paragraph f, new subparagraph (6A). This item would require the Department of Natural Resources to use two different sets of rules to determine the corrective action needed to respond to releases at underground storage tank sites. As proposed in the bill, the rules applied at a particular site would depend on the date a release occurred. The corrective action required to cleanup a site should be based on the harm caused by the contamination at the site, not by an arbitrary date. Use of the new risk-based corrective action (RBCA) standards will provide a more cost-effective, common sense approach in dealing with contaminated sites and for that reason should be applied to all sites regardless of when they became contaminated.

I am unable to approve the item designated as Section 26, in its entirety. This item would shift the burden of proof in the state's efforts to recover the costs of cleanup from the parties responsible for the contamination caused by leaking underground tanks. The Attorney General who represents the state in such cases advises that a shift in the burden will increase the costs of litigation, reduce the state's ability to recover costs, and allow some responsible parties to avoid liability because of the difficulty involved in proving the percentage of contamination caused by them. Additionally, it is estimated that this change would reduce the amount of funds going to the underground storage tank fund by up to \$20 million, all of which would be available to assist innocent landowners.

I am unable to approve the designated portion of Section 27, identified as the third sentence of Section 455G.18, subsection 1. This item would direct the administrator of the Underground Storage Tank Fund Board to administer the groundwater professional certification program. The Department of Natural Resources has the regulatory authority over the program and should be given the administrative responsibilities as well.

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 508 are hereby approved as of this date.

Sincerely
Terry E. Branstad
Governor

May 19, 1995

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 530, 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.

House File 530 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 5, subsection 2, paragraph e, in its entirety. This item would eliminate the radon certification programs in the Department of Public Health effective July 1, 1995. Programs to certify persons qualified and trained to perform radon testing and abatement services were established in 1989. A federal survey issued at that time revealed that 70 - 75 percent of Iowan's homes had unacceptably high levels of radon, a radioactive gas that significantly increases one's risk of lung cancer. The certification programs were implemented to encourage Iowans to take action to test for and reduce radon levels in their homes and to provide protection from unscrupulous individuals who might try to bilk them out of thousands of dollars by performing shoddy or unnecessary work. The certification programs have been effective in meeting these goals and for that reason should be continued.

I am unable to approve the item designated as Section 8, in its entirety. This item directs the divisions within the Department of Human Rights to "study" options for transferring the department's responsibilities to other agencies within state government. A review of the department's responsibilities to determine if opportunities exist to eliminate duplication and to increase efficiencies is appropriate and I will be asking the department to work with the Department of Management to conduct such a study. However, the options to be recommended should be based on findings which result from the study. They should not assumed prior to the study and specifically prescribed as they are in this bill. For that reason, the item can not approved.

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 530 are hereby approved as of this date.

Sincerely
Terry E. Branstad
Governor

May 31, 1995

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 266, 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.

Senate File 266 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This item specifies how the Iowa Student College Aid Commission is to allocate funds from the vocational-technical tuition grant program. The commission should retain the flexibility to direct these funds as needed.

I am unable to approve the item designated as Section 10, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This item specifies how the Department of Public Safety should allocate personnel providing security for the Capitol complex. The department is in the best position to make decisions regarding Capitol security, including the assignment of staff to areas of greatest need.

I am unable to approve the item designated as Section 25, in its entirety. This item would require the student organizations at the state universities to submit at least biennially the names of students eligible for appointment to the Board of Regents. The Board of Regents is a unified governing board for the three state universities, the Iowa School for the Deaf, and the Iowa Braille and Sightsaving School. It is important that this board represent the people of Iowa and it is inappropriate for the student member of the board to be nominated by any organization. The student member, as well as all of the other members of the board, should view their responsibility as representing all the people of the state of Iowa and not a particular organization or interest group.

I am unable to approve the item designated as Section 30, in its entirety. This item would allow cultural grant funds which are unspent and unobligated in the fiscal year appropriated to be carried forward and expended in the following fiscal year. Currently all unspent but obligated funds are exempt from automatic reversion allowing grantees to complete programs with the funds awarded to them. Consistent with good fiscal practices, grant funds which are not spent and not obligated at the end of the fiscal year have reverted and should continue to revert to the general fund. I have asked the Department of Management to work with the Department of Cultural Affairs to review their grant process to assure that to the extent possible funds made available in one fiscal year are committed prior to the end of that fiscal year.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 266 are hereby approved as of this date.

Sincerely
Terry E. Branstad
Governor

May 24, 1995

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 475, an act relating to state financial provisions and providing applicability provisions and effective dates.

The provisions in Senate File 475 reflect our ongoing effort to continually improve Iowa's finances and financial practices. For example, Iowa's improved financial condition is clearly reflected in the provision which changes the payment dates for Merged Area Schools from four times per year, one of which occurred after the close of the fiscal year, to monthly. This will have a direct, positive impact on the cash flow position of the community colleges. Other provisions reflect similar improvement.

Senate File 475 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. This item specifies a date by which the salary bill must be submitted to the General Assembly. Because of the complexity of the collective bargaining process and the requirement for multiple agreements, the Governor should have the flexibility to determine the appropriate time to submit the salary bill.

I am unable to approve the designated portion of Section 5, identified as Section 8.22A, new subsection 6. This item would require the revenue estimating conference to develop a projection for medical assistance expenditures. It would be inappropriate to give the body responsible for estimating revenue the task of estimating expenditures. That is clearly not a revenue estimating responsibility.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 475 are hereby approved as of this date.

Sincerely
Terry E. Branstad
Governor

June 1, 1995

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 481, an act relating to and making appropriations to the State Department of Transportation including allocation and use of moneys from

the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa State Fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation related studies, making technical changes, and providing an effective date.

Senate File 481 contains several significant milestones in state finances. For the first time in many years, substantial resources are directed to the repair and rebuilding of the state's infrastructure. I am especially pleased that the State Capitol building restoration work will proceed on an aggressive schedule, enabling completion to occur by the turn of the millennium on a pay-as-you-go basis.

The bill also changes the funding for the Iowa State Patrol so that it will no longer be funded from the road use tax fund. This will immediately make available an additional \$33.5 million for the road funding formula. Finally, the 20 percent of the sales tax on vehicles that had been directed to the GAAP deficit reduction account is redirected back into the road use tax and primary road funds over the next four years where it will likewise be dedicated to transportation purposes.

These changes, coupled with action already taken to make state budget practices consistent with generally accepted accounting principles and to immediately fill the cash reserve fund to five percent, will close the chapter on many long-standing issues in state finances and will allow Iowa to attain the goal of being one of the best managed states in the country.

Despite its many accomplishments, I am disappointed that the total level of capital spending in the bill exceeded my capital budget recommendations by more than \$27 million. Therefore, I have carefully reviewed each item in this bill, and through today's action am exercising my item veto authority on nearly \$14 million worth of spending. I have used specific criteria, consistently applied in making these decisions. These criteria include whether the appropriation is truly a capital spending item and not an ongoing operational expense, whether the item is consistent with purposes that are traditionally a state responsibility and does not create a precedent for a new area of state responsibility, and whether the necessary planning for the item has been completed so that it is ready to proceed.

Senate File 481 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 1, paragraph a. This item allocates \$100,000 of the rail assistance appropriation for renovation of historical electric rail cars. This would be an inappropriate use of funds intended for rail projects that are essential to the state's economic well-being.

I am unable to approve the item designated as Section 6, in its entirety. This item provides funds to correct water seepage problems and to complete design specifications for the centennial building in Iowa City. The \$4 million appropriated in Section 10, subsection 4, of this bill to the Department of General Services for major maintenance may be used for correcting the water seepage problem.

I am unable to approve the designated portion of Section 7, subsection 3, in its entirety. This item provides funding for a welcome center that is not a part of the state's long-term welcome center plan. I am unaware of any compelling special circumstances that would warrant a change from the plan.

I am unable to approve the items designated as Section 8, subsections 2 through 15, in their entirety. These items would result in the allocation of \$1.5 million to community colleges for capital projects and equipment. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of these item vetoes, \$1.5 million of the \$2.5 million appropriated in this section will remain in the rebuild Iowa infrastructure account.

I am unable to approve the designated portion of Section 9, beginning with the second sentence of the first unnumbered and unlettered paragraph and continuing through the item designated as subsection 15. These items would result in the allocation of \$2.5 million to the community colleges for capital projects and equipment in the event that matching funds are not secured for the first item in Section 8. In the event this section becomes effective as a result of the matching funds not being secured as required in Section 8, these item vetoes will result in \$2.5 million remaining in the rebuild Iowa infrastructure account.

I am unable to approve the items designated as Section 10, subsections 5a, 5b and 5c, in their entirety. These items provide a total of \$10 million for renovation of the old historical building, construction of a tunnel under Grand Avenue and site preparation for a new parking ramp near the old historical building. I support the concept of renovating the old historical building. However, the state is not ready to proceed with this project because the necessary planning and analysis of options has not been completed. I am willing to facilitate a process to reach written agreement among the executive elected officials, the court and the legislative branch concerning which offices should be located in the old historical building.

I am unable to approve the item designated as Section 16, subsection 7, in its entirety. This item would provide \$225,000 for maintenance and improvements at the Gothic House visitors center. A project of this magnitude needs greater scrutiny as a part of the overall historic preservation planning process. As a result of this action, this \$225,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 10, in its entirety. This item would provide funds to study dredging at Crystal Lake. The Department of Natural Resources has the capability and expertise necessary to determine if dredging is appropriate at Crystal Lake. It is not necessary to spend \$25,000 to have a consultant make this determination. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 12, in its entirety. This item would provide \$20,000 for the operation of the Dows Welcome Center. The state should not be involved in funding the operating costs of welcome centers. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 13, in its entirety. This item would provide \$250,000 for repairs and replacement at Hickory Grove Lake, a county-owned lake. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of this action, this \$250,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 14, in its entirety. This item would provide \$75,000 for reconstructing and repairing dikes and levees. Last year I approved \$550,000 for dike and levee repair, of which nearly one-half remains unobligated. The need for additional funds has not been demonstrated. As a result of this action, this \$75,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 16, in its entirety. This item would provide a \$50,000 grant to establish a rural medical care center. The Department of Public Health has a program providing funds for this type of project. As a result of this action, this \$50,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 17, in its entirety. This item would provide a \$30,000 grant for a trail and park improvements. Funds for trail development and improvement are available through the Departments of Transportation and Natural Resources. As a result of this action, this \$30,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 18, in its entirety. This item would provide a \$5,000 grant for a walking trail. Funds for trail development and improvement are available through the Departments of Transportation and Natural Resources. As a result of this action, this \$5,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 19, in its entirety. This item would provide \$25,000 to Iowa State University for a public leadership institute. I support the development of the institute, however it is inappropriate to finance ongoing operating costs with a one-time source of revenue. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 20, in its entirety. This item would provide \$45,000 for printing an under the golden dome publication. This is an informative publication about our State Capitol Building. However, it would make more sense to delay its publication so that information about the completion of restoration work can be included. As a result of this action, this \$45,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 21, in its entirety. This item would provide \$25,000 to the Department of Corrections for a grant to the amer-i-can program for training. The department's budget contains funds for training, and the department should review and prioritize its own training needs. Moreover, it is inappropriate to fund ongoing expenses from a one-time source of revenue. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 22, in its entirety. This item would provide \$125,000 for the Local Arts Comprehensive Educational Strategies (LACES) program. This is not a capital expense, and is inappropriately funded from a one-time source of revenue. I have approved a \$25,000 general fund appropriation for this program in another bill. As a result of this action, this \$125,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 23, in its entirety. This item would provide a \$75,000 grant for developing a child care program for non-traditional students at a community college. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of this action, this \$75,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 24, in its entirety. This item would provide \$500,000 for the establishment of a child day care center for public employees at or near the Capitol Complex. Public employees already have access to a child day care center directly adjacent to the Capitol Complex. As a result of this action, this \$500,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 26, in its entirety. This item would provide \$100,000 for the operation of the Peace Institute. It is inappropriate to fund ongoing expenses from a one-time source of revenue. As a result of this action, this \$100,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 27, in its entirety. This item would provide \$50,000 for the purchase of cellular phones for force members in the Department of Public Safety. This is a significant ongoing expense and should not be funded from a one-time source of revenue. As a result of this action, this \$50,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 28, in its entirety. This item would provide \$50,000 for expansion of the microbusiness rural enterprise demonstration project. It is inappropriate to fund ongoing programs from a one-time funding source. As a result of this action, this \$50,000 will remain in the

lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 29, in its entirety. This item would provide \$20,000 to the Department of Public Health for a conference. The state should not fund a conference as a capitals appropriation. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 30, in its entirety. This item would provide \$20,000 to the Department of Public Health for another conference. The state should not fund a conference as a capitals appropriation. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 31, in its entirety. This item would provide \$25,000 to the Department of Corrections for a study of the use of the telecommunications network for worker training. The department can conduct a study without a specific appropriation. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 32, in its entirety. This item would provide \$39,000 to Iowa State University for a study of alternative project delivery systems for publicly funded infrastructure projects. The university can conduct the study without a specific appropriation. As a result of this action, this \$39,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 34, in its entirety. This item would provide \$20,000 for the Older Iowans Legislature. This is a valuable program that has operated for many years without an appropriation, and should continue to do so. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 35, in its entirety. This item would provide \$50,000 to the Judicial Department for strategic planning. I support the development of a strategic plan, however it should not be funded as a capitals appropriation. As a result of this action, this \$50,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 36, in its entirety. This item would provide \$150,000 to a community college to renovate a building. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of this action, this \$150,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 37, in its entirety. This item would provide \$25,000 for pilot projects for the placement of geriatric patients with mental illness. This is an important issue for the state, and the department is in the process of studying the needs of these patients. However, it is not a capital expense and is not appropriately funded from a one-time revenue source. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 38, in its entirety. This item would provide \$100,000 for the Iowa hope loan program. It is inappropriate to fund ongoing programs from a one-time funding source. As a result of this action, this \$100,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 39, in its entirety. This item would provide \$100,000 to construct a curb on a municipal street. This would create a precedent of state involvement in an area that has traditionally been a local responsibility. As a result of this action, this \$100,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 25, in its entirety. This item would require the Department of Transportation to improve the primary highway system in a way that, as nearly as possible, equalizes the service levels in all sections of the state. For example, each section of the state would be required to have the same number of freeway-expressway miles. While I strongly support the addition of more miles of four-lane highway in Northwest Iowa, this should not jeopardize the construction of other highway projects elsewhere in the state. This language could adversely affect critical upgrades that are programmed, including projects for which federal funding has been secured.

I am unable to approve the item designated as Section 35, in its entirety. This item would repeal, on July 1, 1997, the authority of the county treasurers in the six pilot counties to issue driver licenses on a permanent basis. This action presupposes the conclusion of an evaluation to be undertaken by a legislative interim committee. I have heard from many people in Southwest Iowa who feel strongly that the issuance of driver licenses by county treasurers has been a great convenience and would like to see it continue on a permanent basis.

As I complete action on this bill, I feel compelled to express my strong disapproval of what appears to be an attempt to coerce the Governor into approving items of spending which would not otherwise be approved. It has been suggested that by disapproving a number of the appropriations provided in Section 16 that those funds would then be available to expend for the purposes specified in subsection 40 of Section 16. Such a result would not only violate the principles of the separation of powers provided in Iowa's Constitution but also the separate and severable doctrine relating to items which are vetoable in appropriation bills. The people of Iowa granted the Governor item veto power to serve as a check on the legislative practice of logrolling. The numerous inappropriate items of expenditure in this bill are a classic example of why the item veto is necessary to protect taxpayers against unnecessary and excessive spending.

It has been clearly established by constitutional amendment and court decisions that the Governor cannot be denied the authority to veto separate and distinct items in an appropriation bill. To accept that the legislature could devise a way to evade the Governor's veto of individual items by reappropriating disapproved items and making them part of an expenditure of funds for another purpose in the same bill would ignore this basic principle of item veto law. Further, the legislature's attempt to construct such a device results in an unconstitutional invasion of the Governor's line item-veto authority.

I have always recognized and will continue to respect the awesome but not unlimited power of the legislature over the "purse strings" of state government. At the same time, as Governor I am obligated to protect the right of the chief executive to exercise the item veto authority on behalf of the citizens of Iowa to control excessive spending. Applying the principles of item veto law which I have enunciated above, the \$2,224,000 disapproved in Section 16 will remain in the lottery fund and will be transferred and credited to the general fund at the end of the current fiscal year pursuant to 1994 Iowa Acts, Chapter 1199, Section 12.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 481 are hereby approved as of this date.

Sincerely
Terry E. Branstad
Governor

May 31, 1995

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 484, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date.

Senate File 484 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 3, subsection 6, paragraph c, subparagraph (1), and Section 3, subsection 6, paragraph c, subparagraphs (2), (3) and (4), in their entirety. These items would create a new program within the Division of Insurance, however, no funding for the program is provided in the bill.

I am unable to approve the item designated as Section 14, unnumbered and unlettered paragraph 3, in its entirety. This item would require the Department of Management to set staffing targets for agencies in terms of full-time equivalents rather than in terms of head counts. The executive branch should maintain flexibility to use reporting formats that best meet its management needs.

I am unable to approve the item designated as Section 30, in its entirety. This item would require the Secretary of State to pay the general fund \$75,000 from the optical imaging account. The Secretary of State's office has already spent \$22,000 of this amount, and the remaining funds are needed to complete the imaging system.

I am unable to approve the items designated as Section 38, Section 39, Section 40 and Section 41, in their entirety. These items would add the Treasurer of State to the board of trustees for the statewide fire and police retirement system. This retirement system is a local government responsibility. Any interest the state may have in the board is already adequately represented by its four legislative members.

I am unable to approve the item designated as Section 44, in its entirety. This item would require the Division of Criminal Investigation to conduct background investigations of appointees to the Racing and Gaming Commission and to make the information available to a legislative committee. It would be inappropriate to require that legislators routinely receive information otherwise considered confidential.

I am unable to approve the item designated as Section 45, in its entirety. This section is technically incorrect and therefore does not fulfill the purpose for which it was intended.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 484 are hereby approved as of this date.

Sincerely
Terry E. Branstad
Governor

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 1995 Regular Session of the Seventy-sixth General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

PHILIP DAVITT	May 23, 1931 – October 21, 1994
KENNETH DE GROOT	October 16, 1929 – April 22, 1993
MILTON H. DISTLEHORST	June 24, 1924 – April 23, 1993
FRED W. HALL	November 13, 1898 – January 29, 1994
KEITH KENNEDY	June 27, 1919 – February 13, 1995
JOSEPH G. KNOCK	October 9, 1916 – August 22, 1994
JAMES I. MIDDLESWART	April 8, 1912 – August 5, 1993
ALFRED NIELSEN	December 9, 1901 – December 4, 1994
CARROLL I. REDFERN	March 25, 1905 – September 7, 1993
C. F. FRANK SHIMANEK	January 23, 1910 – July 31, 1994
VIRGIL E. SMITH	October 2, 1902 – November 13, 1993
VINCENT B. STEFFEN	April 28, 1928 – July 10, 1994
SEMOR C. TOFTE	August 30, 1911 – November 21, 1994
PERCIE ELLEN VAN ALSTINE	October 9, 1905 – February 5, 1994

PHILIP DAVITT

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Philip Davitt, begs leave to submit the following Memorial:

Philip Davitt was born May 23, 1931 in Madison County, Iowa. In 1950, he married Theo Love; they had four sons and two daughters.

Mr. Davitt was a graduate of Martensdale High School. He had been a grain and livestock farmer, a former Firestone Tire and Rubber worker, engineer for the Rock Island Railroad and an insurance agent.

Mr. Davitt was active in numerous social and civic organizations. He served on the Board of Directors of Polk-Warren County Mutual Insurance Co., was a former Warren County Township Trustee, a thirty-year member of the Warren County Democrats, and a member of the Farm Bureau, Knights of Columbus and the Catholic Church.

A Democrat, Mr. Davitt represented parts of Warren, Dallas, Madison, Adair and Clarke counties during the Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, and Seventieth General Assemblies. In his second term, Mr. Davitt was elected an Assistant Minority Leader by his Democrat colleagues and served as an Assistant Majority Leader in 1983-84. Mr. Davitt was also a candidate for the Democrat nomination for Congress in the Fifth Congressional District of Iowa in 1984.

Representative Davitt was a respected farm legislator who served as ranking Democrat member on the House Agriculture Committee in 1981-82. In that capacity, he was involved in all major agricultural-related issues during his tenure, particularly legislation to help farmers resolve fence disputes, regulating grain warehouses, and assuring adequate rail transportation for farm commodities.

Philip Davitt died October 21, 1994. He is survived by his wife, Theo, of Bella Vista, Arkansas; his four sons: Mark of Pleasant Hill, Mike of St. Marys, Joe of Johnston, and Jay of Bella Vista, Arkansas; his two daughters: Maria Robinson and Julie Haskins both of Bella Vista, Arkansas; his mother Barbara of Norwalk, his brother, Robert of West Des Moines; his five sisters: Mary Steinhauer of Parnell, Missouri, Joann Deatsch of Lake Havasu City, Arizona, Dorothy Thomas of Morton, Illinois, Jane McCurnin of Norwalk, and Helen Ripperger of Indianola; and sixteen grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Philip Davitt, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVID SCHRADER
BRIAN A. COON
ED FALLON
Committee

KENNETH R. DE GROOT

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Kenneth Roy De Groot, begs leave to submit the following Memorial:

Kenneth De Groot was born on October 16, 1929, in Sioux County. On June 1, 1950, he married Clarretta Jane Risseeuw at Hull, Iowa. To this union, three sons and one daughter were born.

After attending rural schools, Kenneth attended Hull High School, Iowa State University and Northwestern College. He was a dairy farmer and as his sons grew older they became involved in the farming operating, resulting in the forming of a partnership, DG Valley-View Farms. In addition to farming for forty-two years and serving in the Iowa House of Representatives for fourteen years, Kenneth was active in farm organizations. He served as a D.H.I.A. supervisor, secretary of the Land O'Lakes Northwest Iowa Dairy Division, a member and office holder in Farm Bureau, Lyon County Zoning Commissioner and a 4-H Leader. In addition, Kenneth was very active in his church, serving as an office holder on the church board, Sunday School teacher, Northwest Iowa Adult Bible Conference Board Member, Youth Group President, Adult Bible leader, President of the Siouxland Sunday School Association, Vice President of the Midwest Reformed Men's Brotherhood. Kenneth also served as a Lay Minister in the Reformed Church and was active in the Gideons International. He served as Co-State Chairman of the American Legislative Exchange, on the Foster Grandparents Advisory Board and was a member of the Iowa Highway Research Board.

Among the many awards he received were the Appreciation Award by the Community Mental Health Center, the National Vocational Ag. Teachers Association Outstanding Service Award, FFA Distinguished Service Award, Master Pork Producer and Milk Producer Service to Agriculture Award.

A Republican, Mr. De Groot represented Lyon, Osceola, O'Brien and Sioux Counties during the Sixty-eight, 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.

Kenneth Roy De Groot died April 22, 1993. He is survived by his wife, Clarretta; his sons, Reverend Perry of Spencer, Iowa, Wesley and Kendall of Doon; one daughter Nyla Zeilstra of Mendon, Missouri; his mother, Agnes; two brothers and two sisters plus seventeen grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Kenneth R. De Groot, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICHARD VANDE HOEF
RALPH KLEMME
CLIFFORD BRANSTAD
Committee

MILTON HAROLD DISTLEHORST

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Milton Harold Distlehorst, begs leave to submit the following Memorial:

Milton H. Distlehorst was born in Des Moines County on June 24, 1924. In 1944, he married Phyllis McLaren. They had two sons and one daughter.

Mr. Distlehorst was a graduate of Des Moines County Schools and served three years in the United States Air Force during World War II. After the war, Mr. Distlehorst became the owner and operator of a 320 acre farm in Jackson Township.

Mr. Distlehorst served six years on the Des Moines County Board of supervisors, five as Chairman. He was also a member of the Des Moines County Extension Council and a Jackson Township Trustee for seven years. Other memberships include: Iron Workers Local 577, Trinity Lutheran Church, American Legion and Disabled American Veterans.

A Democrat, Mr. Distlehorst represented Des Moines County during the Sixty-second and Sixty-third General Assemblies.

Milton H. Distlehorst died on April 23, 1993. He is survived by his wife, Phyllis, his two sons, Thomas and David; his daughter Christina, and five grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Milton H. Distlehorst, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DENNIS COHOON
RICK LARKIN
PHILIP WISE
Committee

FRED W. HALL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Fred W. Hall, begs leave to submit the following Memorial:

Fred W. Hall was born November 13, 1898, in Boxholm, Boone County, Iowa. In 1925, he married Violet Reedholm. They had two daughters. His wife Violet preceded him in death in 1966. In 1968, Fred married Esther Christensen, who had one son and one daughter.

Mr. Hall was educated in the Boxholm Public School system and Des Moines Business College.

Mr. Hall owned and operated a hardware store in Humboldt. He was in the insurance business in Humboldt for twenty years, retiring at age 90.

He was a member of Our Savior Lutheran Church, the Masonic Fraternity, Shrine, the Humboldt Rotary Club, Izaak Walton League, Pioneer Lawmakers, the Danish Brotherhood and was active in the Gideon Bible Placement Society. He also served as Acting Postmaster for three and one-half years and on the board of Trustees of I.C.A.P.

A Democrat, Mr. Hall represented Humboldt County during the Fifty-seventh and Fifty-eighth General Assemblies.

Fred W. Hall died January 29, 1994. He is survived by his wife, Esther, two daughters, Tressa Strahorn of Tempe, Arizona and Betty Tinken of Gilmore City; a step-daughter, Wanda Dorsey of Callender; a step-son Dale Christensen also of Callender; two sisters, Elin McFarland of Ogden and Mae Wenger of Clarion; eight grandchildren, four step-grandchildren, twenty-six great-grandchildren, one step-great-grandchild and six great-great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Fred W. Hall, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DOLORES MERTZ
RUSSELL EDDIE
CLIFFORD BRANSTAD
Committee

KEITH KENNEDY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Keith K. Kennedy, begs leave to submit the following Memorial:

Keith K. Kennedy was born June 27, 1919, in Center Point, Iowa. In 1940, he married Mina Wright and they had two daughters.

Mr. Kennedy attended Coe College. He later owned and operated Kennedy's Phillips 66 Station and was a former Realtor and Insurance Agent. He umpired both baseball and softball for forty years and served on the Linn County Board of Review for more

than twenty years. He was a past member of the Center Point Town Council, the Library Board and Center Point School Board and was a fifty year member of Benton City Masonic Lodge 81. He was a member of First Christian Church, where he served as an elder.

A Democrat, Mr. Kennedy represented Linn County during the Sixty-first General Assembly.

Keith K. Kennedy died February 13, 1995. He is survived by his wife, Mina; his daughters Vicki Harger of Center Point and Paula Russler of West Union and four grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Keith K. Kennedy, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CHUCK LARSON
RON J. CORBETT
RICHARD RUNNING
Committee

JOSEPH G. KNOCK

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Joseph G. Knock, begs leave to submit the following Memorial:

Joseph G. Knock was born October 9, 1916 on a farm in Grundy County, Iowa. In 1943, he married Rachael Emerson and they had two sons and one daughter.

A graduate of the Grundy Center School system, he graduated from Iowa State University; U.S. Naval Reserve Officers School, and the Wisconsin School of Banking. He was a Navy and coast Guard Veteran, having served during World War II. He lived in Creston fifty-four years, had been Chairman of the Board of Iowa State Savings Bank since 1952 and was a former President. He was also past Chairman Group 5 Iowa Bankers Association, Vice President for Iowa of American Bankers Association, Executive Councilman for Iowa of American Bankers Association 1958-61, and served two terms on the State Banking Board.

Mr. Knock was a member of numerous social and civic organizations, was a member of the Presbyterian Church, was past Union County CROP Director, former Assistant County Farm Security Administration loan officer, founding member and President of the Creston Development Corporation, a member of the Union County Farm Bureau, Masonic Fraternity, Shrine, American Legion, Veterans of Foreign Wars, Elks and Eagles.

A Republican, Mr. Knock represented Union County during the Fifty-ninth and Sixtieth General Assemblies.

Joseph G. Knock died August 22, 1994. He is survived by his wife, Rachael; one daughter, Barbara Spreter of Tucson, Arizona, two sons, Joseph of New York City and Karl of Creston; and six grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Joseph G. Knock, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

HORACE DAGGETT
EFFIE LEE BOGGESS
DWIGHT DINKLA
Committee

JAMES I. MIDDLESWART

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable James I. Middleswart, begs leave to submit the following Memorial:

James I. Middleswart was born April 8, 1912 in Indianola, Iowa. In 1936, he married Geraldine Denly; they had one son and two daughters.

A graduate of Indianola High School, he attended Simpson College majoring in business. In addition to being a legislator, Mr. Middleswart's professional life included livestock and grain farming. Also, he served many years a soil district commissioner and district secretary. He was a member of numerous social and civic organizations including the Indianola Noon Lions Club, Country Couples of Warren County, Indianola Senior Citizens, Iowa Commission of the Status of Women, National Security Forum, Iowa and International Flying Farmers, National Rehabilitation Association, Isaack Walton League and Iowa and Warren County Historical Society. Furthermore, Mr. Middleswart served in the capacity of both President and Secretary of the Warren County Farm Bureau. He was an active member of Center Chapel Methodist church.

A Democrat, Mr. Middleswart represented parts of Warren, Lucas and Marion Counties during the Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-seventh Extra General Assemblies. During the Sixty-sixth and Sixty-seventh assemblies, Representative Middleswart served as Chairman of the House Natural Resources Committee.

James I Middleswart died August 5, 1993. He is survived by his wife, Geraldine (Geri), of Indianola; his son, La Verne of Dike; his two daughters: Phyllis Geyer of Wheaton, Illinois and Irene Case of Indianola; his brother Luther, of Indianola; his sister Elizabeth Collins of Princeton, Illinois; and two grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable James I. Middleswart, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BRIAN A. COON
JOHN H. CONNORS
MINNETTE DODERER
Committee

ALFRED NIELSEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Alfred Nielsen, begs leave to submit the following Memorial:

Alfred Nielsen was born December 9, 1901, in Defiance, Iowa. In 1929, he married Leta Morrison, they had one son and two daughters.

Mr. Nielsen was educated in Shelby County Schools. He owned and operated 520 acres in Shelby and Crawford Counties. Alfred was a member of the Defiance United Methodist Church, serving as Trustee for many years. He was a member of Sardiis Lodge #444, A.F. & A.M. of Irwin, and the Abu Bekr Shrine for many years. He was President of Irwin Community School Board of Education, a voting delegate for Shelby County Farm Bureau, and helped organize Shelby County Good Roads Association.

A Republican, Mr. Nielsen represented Shelby and Harrison Counties during the Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third and Sixty-fourth General Assemblies, and was active on many state committees.

Alfred Nielsen died December 4, 1994. He was preceded in death by his first wife, Leta. He is survived by his wife, Helen; his son Marlin; his daughters, Ruth Ann Barry of Irwin and Marie McLaughlin of Defiance; seven grandchildren and seven great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Alfred Nielsen, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JACK DRAKE
DON GRIES
JIM DREES
Committee

CARROLL I. REDFERN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Carroll I. Redfern, begs leave to submit the following Memorial:

Carroll I. Redfern was born March 25, 1905, on a farm near New London, Iowa. On July 3, 1928, he married Evea Fern Wasson, they had one son and one daughter.

A graduate of Yarmouth High School, he graduated from Iowa State University in 1927 with a degree in agronomy. Mr. Redfern's professional life included: a farm manager on a sugar cane and cotton plantation for two years, County Club Agent for Lee County; County Agricultural Agent for Madison and Lee Counties; Land Maintenance Supervisor, Iowa Ordnance Plant; Hybrid Corn District Sales Supervisor; real estate, accounting and tax service. He was a member of the Lee County Fair Board and served as Secretary, Lee County Board of Review, and Vice-President and President of the Iowa Fair Managers Association. He was a member of the Methodist Church, Farm Bureau, Lions Club, Fort Madison Chamber of Commerce, the Donnellson Town Council and the Accountants Association of Iowa.

A Democrat, Mr. Redfern represented Lee County during the Sixty-first and Sixty-second General Assemblies.

Carroll I. Redfern died September 7, 1993. He is survived by his daughter Nancy Thuma, of Mt. Pleasant, and his son Merlin of Madison, Wisconsin.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Carroll I Redfern, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

PHILIP WISE
RICK LARKIN
DAVID HEATON
Committee

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable C.F. Frank Shimanek, begs leave to submit the following Memorial:

C. F. Frank Shimanek was born January 23, 1910 in Oxford Junction, Iowa. In 1942, he married Doris Flynn, they had two sons and one daughter.

Mr. Shimanek attended Columbia College (now Loras College) in Dubuque and graduated from the University of Oregon College of Law in 1932. He was a member of both the Oregon and Iowa Bar. He was active in many civic and church activities and was a charter member of the Monticello Lions Club, and served as District Governor for the Iowa Lions. He was instrumental in initiating the Iowa Lions Eye Bank, and was an avid hunter and fisherman.

A Republican, Mr. Shimanek represented Jones County during the Forty-eighth, Forty-ninth, and Fiftieth General Assemblies.

C.F. Frank Shimanek died Sunday, July 31, 1994. He was survived by his wife, Doris and his son Robert, both of Monticello, his daughter Nancy Boyd of Des Moines; and his son James of Cedar Rapids. He is also survived by two sisters, Blanche Fifield of Dubuque and Kay Mulvihill of Oxford Junction; one granddaughter and three grandsons.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable C. F. Frank Shimanek, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JERRY J. WELTER
DAN BODDICKER
LYNN S. SCHULTE
Committee

VIRGIL E. SMITH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Virgil E. Smith, begs leave to submit the following Memorial:

Virgil E. Smith was born on October 2, 1902, in Elkhart, Iowa. On November 24, 1937, he married Laurine Peterson of Ankeny, Iowa.

A graduate of Monticello, Minnesota High School, he attended the University of

Minnesota and Mount Morris College, Mount Morris, Illinois. He spent eight years as a credit investigator on the Pacific coast, and then was engaged as an oil jobber and merchant at Winterset, Iowa. He was a member of the First United Methodist Church, Masonic Lodge, Order of the Eastern Star, I.O.O.F., Petroleum Marketeers of Iowa, Madison County Historical Society and Lions Club.

A Republican, Mr. Smith represented Madison County during the Fifty-second General Assembly.

Virgil E. Smith died on November 13, 1993. He was preceded by his parents, J.A. and Sarah Smith; his wife, Laurine; two brothers, and one sister. Survivors include nieces and nephews.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Virgil E. Smith, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DWIGHT DINKLA
DAVID G. LORD
JACK DRAKE
Committee

VINCENT B. STEFFEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Vincent B. Steffen, begs leave to submit the following Memorial:

Vincent B. Steffen was born April 28, 1928, in Dunkerton, Iowa. In 1966, he married Betty Rattay of Chicago, Illinois, they had two sons.

Mr. Steffen was a graduate of Dunkerton Public High School in Dunkerton, and served two years as a member of the United States Army Corps of Engineers. He founded and served as the President of Harvestall Industries and Pallet Industries of New Hampton. He also has thirteen patents to his name. In 1964, the United States Junior Chamber of Commerce recognized Mr. Steffen as one of the nation's outstanding young men. Mr. Steffen was a member of numerous civic and social organizations. He was also a member of the American Society of Agricultural Engineers, the Iowa Development Commission, the Center for Industrial Research & Service (CIRAS), Rotary, American Legion, Knights of Columbus, Catholic Order of Foresters and St. Joseph's Catholic Church.

A Democrat, Mr. Steffen represented Chickasaw County during the Sixtieth, Sixtieth Extra, Sixty-first and Sixty-second General Assemblies. He served as Speaker of the House during the Sixty-first General Assembly.

Vincent B. Steffen died July 10, 1994. He is survived by his wife, Betty; two sons, Mark and Peter Steffen, both of New Hampton; two sisters, Marie and Eleanor Steffen, both of Dubuque; and seven brothers, Richard and Alfred of Dunkerton, Norbert and Sylvester of New Hampton, Arnold of Papua, New Guinea, Cletus of Waterloo, and Ralph of Chicago, Illinois.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Vincent B. Steffen, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

KEITH WEIGEL
DEO KOENIGS
MINNETTE DODERER
Committee

SEMOR C. TOFTE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Semor C. Tofte, begs leave to submit the following Memorial:

Semor C. Tofte was born August 30, 1911, in Tofte, Minnesota. In 1935, he married Pearl Enga, they had two sons and two daughters.

Mr. Tofte was a graduate of Grand Marais High School in Grand Marais, Minnesota and Carleton College in Northfield Minnesota. He coached for one year at Pillsbury Academy in Owatonna, Minnesota. In 1937, he moved to Decorah, Iowa, where he was co-owner and manager of the John Deere franchise for twenty-five years and Zone Manager for Investors Diversified Services for four years. Mr. Tofte was a member of numerous social and civic organizations. He was a past President of the Decorah Chamber of Commerce, Rotary Club; and a member of First Lutheran Church, P.E.R. and Secretary of B.P.O.E. 443, Decorah.

A Republican, Mr. Tofte represented Winneshiek County during 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.

Semor C. Tofte died November 21, 1994. He is survived by his wife, Pearl; two daughters, Rosemary Hallquist of Phoenix, Arizona and Helen Mendahl of Rochester, Minnesota; two sons, David Tofte of Mankato, Minnesota and Thomas Tofte of Ridgeway, Iowa; two brothers, Hubert of Peoria, Arizona and Roy of San Antonio, Texas; fourteen grandchildren and four great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Semor C. Tofte, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of his service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CHUCK GIPP
ROGER HALVORSON
KEITH WEIGEL
Committee

PERCIE ELLEN VAN ALSTINE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Percie Ellen Van Alstine, begs leave to submit the following Memorial:

Percie Ellen Van Alstine was born October 9, 1905 in Gilmore City, Iowa.

Percie attended schools in Gilmore City. She attended Rockford College in Illinois before graduating with honors from the University of Iowa in 1928. In 1952, she entered politics, serving two terms as Mayor of Gilmore City and two terms as State Representative. She was involved in various civic activities in Gilmore City and donated a small park on Highway 3 to the town.

A Republican, Miss Van Alstine represented Humboldt County during the Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies.

Percie Ellen Van Alstine died February 5, 1994. Her survivors include one sister, Lois Van Alstine Holler of Sun City, Arizona; two nieces and three nephews. She was preceded in death by her parents and two brothers.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-sixth General Assembly of Iowa, That in the passing of the Honorable Percie Ellen Van Alstine, the State has lost an honored citizen and a faithful and useful public servant, and the House, by this Resolution, would express its appreciation of her service.

Be It Further Resolved, that a copy of the Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DOLORES MERTZ
RUSSELL EDDIE
CLIFFORD BRANSTAD
Committee

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(See **BLODGETT, GARY**—Representative **Cerro Gordo** County, Assistant Majority Leader)

Chuck Gipp—Representative **Allamakee-Winneshiek** Counties

(See **GIPP, CHUCK**—Representative **Allamakee-Winneshiek** Counties, Assistant Majority Leader)

Christopher C. Rants—Representative **Woodbury** County

(See **RANTS, CHRISTOPHER C.**—Representative **Woodbury** County, Assistant Majority Leader)

Bob Renken—Representative **Butler-Grundy** Counties

(See **RENKEN, BOB**—Representative **Butler-Grundy** Counties, Assistant Majority Leader)

Dick Weidman—Representative **Cass-Montgomery-Pottawattamie** Counties

(See **WEIDMAN, DICK**—Representative **Cass-Montgomery-Pottawattamie** Counties, Assistant Majority Leader)

ASSISTANT MINORITY LEADERS—

John H. Connors—Representative **Polk** County

(See **CONNORS, JOHN H.**—Representative **Polk** County, Assistant Minority Leader)

Pam Jochum—Representative **Dubuque** County

(See **JOCHUM, PAM**—Representative **Dubuque** County, Assistant Minority Leader)

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(See **MORELAND, MICHAEL J.**—Representative **Wapello** County, Assistant Minority Leader)

Richard V. Running—Representative **Linn** County

(See **RUNNING, RICHARD V.**—Representative **Linn** County, Assistant Minority Leader)

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Amendments withdrawn—372, 376, 1008, 2140

Appointed to the Child Support Advisory Committee—74

Bills introduced—25, 59, 79, 126, 144, 207, 226, 227, 266, 425, 463, 478, 528, 530, 698, 752, 2251

Committee appointments—47, 61, 62, 791, 1982, 2171

Leave of absence—209, 428, 528, 1111, 1123, 1491

Report—2049-2051

Resolutions offered—35, 206, 1844, 2210

Subcommittee assignments—76, 95, 96, 138, 143, 204, 284, 298, 346, 450, 473, 522,
647, 664, 688, 689, 717, 749, 764, 765, 776, 777, 778, 1003, 1034, 1081, 1191,
1292

BOGESS, EFFIE LEE—Representative Adams-Page-Taylor Counties

Amendments filed—912-925, 1084, 1616, 1942-1943, 2203-2204

Amendment offered—1378

Amendment withdrawn—1198

Bills introduced—266, 425, 530, 743

Committee appointments—37, 60, 61, 774

Presented to the House students from Bedford Community School District and
students from Puerto Rico—2209

Resolutions offered—35, 206

Subcommittee assignments—173, 254, 284, 522, 689, 736, 798, 1292

BRADLEY, CLYDE—Representative Clinton-Scott Counties

Amendments filed—750, 770, 784, 877, 930, 936, 1296, 1398, 1616, 2203-2204

Amendment offered—1300

Bills introduced—25, 59, 266, 425, 463, 478, 530, 696, 743, 2251

Committee appointments—61, 63, 2100

Explanation of vote—941, 1032, 1290, 1533, 1728, 1807

Leave of absence—226, 1019

Report—2216-2227

Resolutions offered—35, 649

Subcommittee assignments—96, 124, 262, 263, 346, 663, 672, 749, 1080, 1081, 1137

BRAMMER, PHILIP E.—Representative Linn County

Bills introduced—77, 217, 609, 700

Committee appointments—62, 63

Leave of absence—142, 399

Petitions presented—226, 301

Resolutions offered—57, 526

Subcommittee assignments—129, 143, 179, 220, 284, 346, 442, 737, 765

BRAND, WILLIAM J.—Representative Benton-Black Hawk-Tama Counties

Amendments filed—234-237, 243-244, 289, 350, 476, 477, 494-495, 508, 520, 527,
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1329, 1371, 1399, 1452-1453, 1479, 1480, 1538, 1586, 1948, 2022-2025, 2121,
2131-2132, 2135-2136, 2136

Amendments offered—494, 535, 935, 1323, 1391, 1469, 1470, 1471, 1559, 1948, 2131

Amendments withdrawn—374, 514, 1325, 1329, 1331

Appointed to the Council on Human Investment—75

Bills introduced—609, 742, 743

Committee appointments—61, 62, 63

Leave of absence—266, 458, 651, 961, 984, 1011, 1042

Resolutions offered—57, 526

Subcommittee assignments—393, 749, 766, 1034, 1191, 1366

BRANSTAD, CLIFFORD O.—Representative Hancock-Winnebago-Wright Counties
Amendments filed—784, 912-925, 1537, 1616, 1938, 2203-2204

Amendment withdrawn—1938

Appointed to the Interstate Agricultural Grain Marketing Commission—74

Appointed to the Legislative Council—223

Bills introduced—59, 140, 218, 266, 425, 463, 530, 676

Committee appointments—16, 61, 62, 63, 773, 807

Petitions presented—696, 1372

Resolutions offered—35, 206, 740, 784

Subcommittee assignments—138, 220, 346, 681, 717, 748, 766, 777, 1292

BRANSTAD, GOVERNOR TERRY E.—

(See GOVERNOR BRANSTAD, TERRY E.)

BRAUNS, BARRY—Representative Johnson-Louisa-Muscatine Counties

Amendments filed—424, 851, 912-925, 1295, 1537, 1586, 1616, 1844, 1923-1935,
1947, 2203-2204

Amendments offered—1042, 1623, 1923

Amendments withdrawn—1922

Bills introduced—25, 79, 226, 266, 425, 530, 609

Committee appointments—61, 62, 63, 2100

Explanation of vote—409, 1534, 1584, 1692, 1807, 1840

Leave of absence—376

Petitions presented—724, 1139

Presented to the House Pete Evans Sia Tuazon, a Rotary Exchange Student from
the Philippines—521

Report—2216-2227

Resolutions offered—35, 265

Subcommittee assignments—95, 172, 211, 220, 262, 393, 442, 450, 451, 522, 748,
778, 1119, 1291

BRUNKHORST, BOB—Representative Black Hawk-Bremer Counties

Amendments filed—943, 976, 1084, 1537, 1616, 1694, 1726, 1882, 2027, 2121, 2150,
2172, 2203-2204, 2204

Amendments offered—1049, 1357, 1608, 1726, 2140

Amendments withdrawn—1912, 2172, 2204

Bills introduced—25, 59, 78, 132, 140, 182, 266, 291, 352, 447, 466, 530, 610, 697

Committee appointments—18, 61, 63

Leave of absence—1170

Petition presented—805

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Resolution offered—206

Subcommittee assignments—172, 204, 421, 451, 522, 1191

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BURNETT, CECELIA—Representative Story County

Amendments filed—234-237, 243-244, 350, 476, 477, 499-501, 503, 519, 527, 548, 549, 550, 551, 751, 851, 983, 1005, 1085, 1248, 1480, 1512, 1538, 1586, 1616, 1790-1795, 1812, 1845, 1937-1938

Amendment offered—1514

Amendment withdrawn—376

Bills introduced—207, 609, 696, 697, 698, 699, 701, 710, 729, 742, 772, 790

Committee appointments—13, 60, 61, 62, 1982

Explanation of vote—1965

Report—2049-2051

Resolutions offered—57, 206, 526

Subcommittee assignments—173, 220, 254, 421, 522, 647, 705, 717, 748, 766, 778, 1191, 1292

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CARROLL, DANNY—Representative Jasper-Mahaska-Marshall-Poweshiek Counties

Amendments filed—851, 878, 912-925, 1004, 1035, 1296, 1327-1329, 1398, 1537, 1616, 2203-2204

Amendments offered—856, 1197, 1404, 1672

Amendment withdrawn—1197

Bills introduced—59, 79, 266, 425, 530, 727, 753, 787, 2251

Committee appointments—62, 63

Leave of absence—145, 650, 1360

Petitions presented—217, 290, 710

Presented to House four Public School System Administrators from Grinnell Sister City of Zheleznovodsk, Stavropol, Russia—1894

Presided at sessions of the House—403

Resolution offered—35

Subcommittee assignments—95, 172, 220, 284, 346, 392, 442, 522, 663, 681, 737, 748, 777, 798, 1034, 1119, 1366

CATALDO, MICHAEL J.—Representative Polk County

Amendments filed—460, 549, 550, 551, 751, 851, 1036, 1249, 1397, 1480, 1512, 1909

Bills introduced—196, 207, 355, 425, 426, 609, 697

Committee appointments—61, 63, 2325

Leave of absence—248, 1113, 1231

Presided at sessions of the House—1358

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Report—2357-2374

Resolutions offered—57, 526

Subcommittee assignments—219, 221, 262, 263, 421, 450, 647, 663, 672, 681, 737, 766, 1118

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Amendments offered—1377, 1406, 1452, 2138
Amendment withdrawn—2172
Bills introduced—25, 140, 266, 425, 530, 609, 702, 753, 2035
Committee appointments—13, 61, 63
Leave of absence—1505
Resolutions offered—35
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Appointed—357, 1698, 1728, 1785, 1982, 2035, 2100, 2152, 2171, 2325

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Senate File 484-2357-2374

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(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

CONNORS, JOHN H.--Representative Polk County, Assistant Minority Leader

Addressed the House--16

Amendments filed--234-237, 243-244, 300, 350, 460, 476, 499-501, 520, 527, 538-539, 548, 549, 550, 551, 552, 751, 784, 851, 860, 1015-1017, 1025, 1030, 1035, 1192, 1193, 1480, 1803, 1909

Amendments offered--367, 370, 371, 378, 501, 1015, 1025

Amendments withdrawn--368, 1017

Appointed to the Legislative Council--223

Bills introduced--59, 196, 218, 290, 458, 529, 609, 610, 698, 699, 724

Committee appointments--47, 60, 62, 63, 688, 790, 2392

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COON, BRIAN A.--Representative Warren County

Amendments filed--770, 912-925, 976, 1084, 1085, 1086, 1122, 1138, 1192, 1387, 1399, 1586, 1617, 2203-2204

Amendments offered--1385, 1387, 1389, 1632

- Amendment withdrawn—1387
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- Resolutions offered—35, 206, 790
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- CORBETT, RON J.—Representative Linn County**
(See **SPEAKER OF THE HOUSE—Ron J. Corbett, Representative Linn County**)
- CORMACK, MIKE—Representative Webster County**
- Amendments filed—245, 350, 912-925, 943, 1537, 1782, 1881
- Amendment offered—1782
- Bills introduced—77, 144, 207, 259, 266, 425, 446, 530, 650, 728
- Committee appointments—38, 61, 63
- Leave of absence—1135
- Requested his name be added as a sponsor of House File 203—974
- Resolutions offered—35, 206, 289
- Subcommittee assignments—219, 262, 765, 798, 1033
- CORNELIUS, JERRY—Representative Dubuque-Jackson Counties**
- Amendments filed—424, 549, 912-925, 1083, 1248, 1616, 2203-2204
- Amendments offered—619, 1260
- Amendment withdrawn—1677
- Appointed to the Economic Development Committee (replacing Joe Ertl)—123
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- Committee appointments—61, 62, 123, 1698
- Petition presented—696
- Report—2259-2275
- Resolutions offered—35, 206
- Subcommittee assignments—172, 220, 221, 421, 522, 546, 681, 705, 718, 764, 798, 1119, 1191
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- Appointed—2
- Report—2
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- CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL—**
- Appointments to—75
- DAGGETT, HORACE—Representative Decatur-Ringgold-Taylor-Union Counties**
- Amendments filed—912-925, 1398, 1616, 1694, 1942-1943, 1971, 2150, 2203-2204
- Amendment withdrawn—2277

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 Resolutions offered—35, 224, 773, 1844, 1971
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DINKLA, DWIGHT—Representative Adair-Guthrie-Madison Counties

Amendments filed—396, 424, 429, 433, 675, 878, 930, 936, 976, 1035, 1249, 1296, 1327-1329, 1504, 1616, 2022-2025, 2203-2204
 Amendments offered—427, 433, 930, 936, 1073, 1231, 1264, 1327, 1504, 1556, 1666
 Amendments withdrawn—429, 1264, 1326
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DISNEY, LARRY—Representative Polk County

Amendments filed—350, 1193, 1398, 1537, 1560-1561, 1909, 1949, 1972, 1988, 2172, 2203-2204
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 Committee appointments—62, 63
 Leave of absence—1090
 Presided at sessions of the House—2092
 Resolutions offered—35, 206
 Subcommittee assignments—95, 143, 172, 179, 254, 262, 346, 450, 472, 522, 681, 704, 736, 749, 778, 983, 1118, 1586, 1693

DODERER, MINNETTE—Representative Johnson County

Amendments filed—143, 243-244, 350, 424, 427-428, 429, 448, 460, 468, 499-501, 502-503, 519, 527, 548, 549, 550, 551, 694, 695, 770, 943, 1004, 1138, 1397, 1480, 1537, 1802, 1803-1804, 1812, 1937-1938, 2121
 Amendments offered—377, 427, 428, 468, 469, 499, 502, 519, 533, 594, 886, 994, 1027, 1112, 1129, 1131, 1141, 1803
 Amendments withdrawn—519, 1028, 1135, 1156, 1323
 Bills introduced—291, 295, 609, 650, 676, 697, 698, 729, 741, 752, 756
 Committee appointments—61, 62, 63, 688, 790, 806, 1728, 2035, 2171
 Petition presented—397
 Presented to the House the Honorable George Swearingen, former member of the House—1808
 Presented to the joint convention Michael G. Gartner, Editor and co-owner of the Ames Daily Tribune, Ames, Iowa—1020

Report-1875-1879

Resolutions offered-57, 206, 526, 740, 2120

Subcommittee assignments-57, 172, 211, 262, 297, 421, 473, 647, 689, 776, 777, 778, 1003, 1033, 1034, 1081, 1292

Withdrawn from committee, SCR 24-2063

DRAKE, JACK-Representative Audubon-Pottawattamie-Shelby Counties

Amendments filed-507, 527, 851, 912-925, 943, 1398, 1942-1943, 2203-2204

Amendment offered-1285

Bills introduced-25, 218, 266, 355, 425, 530, 727, 752, 2251

Committee appointments-61, 63, 100, 791, 792

Explanation of vote-1614

Petitions presented-710, 1400

Report-100

Requested his name be added as a sponsor on House File 203-545

Resolutions offered-35, 206, 224, 790

Subcommittee assignments-119, 124, 143, 220, 297, 298, 421, 647, 663, 672, 705, 737, 748, 765, 766, 777, 1080, 1694

DREES, JIM-Representative Carroll-Greene Counties

Amendments filed-460, 549, 551, 552, 751, 851, 943, 1083, 1085, 1192, 1480, 1538, 1731, 1845, 2150

Amendments offered-1222, 1224

Bills introduced-217, 609, 743, 788

Committee appointments-38, 60, 61, 62, 791

Leave of absence-1126

Petitions presented-676, 724

Resolutions offered-57, 526, 740, 784, 804

Subcommittee assignments-172, 221, 254, 284, 523, 663, 705, 718, 777, 778, 798, 1118, 1119, 1292, 1366

ECONOMIC DEVELOPMENT, COMMITTEE ON-

Amendments filed-784, 1122

Amendment offered-1049

Appointed-61, 123

Bills introduced-727, 743, 792

Recommendations-720-721, 781-782, 801, 1119-1120

Subcommittee assignments-179, 220, 393, 681, 765, 766, 798

EDDIE, RUSSELL J.-Representative Buena Vista-Clay-Pocahontas Counties

Amendments filed-912-925, 976, 1086, 1193, 1248, 1537, 1616, 2084-2091, 2203-2204

Amendments offered-1171, 1266, 2084

Bills introduced-59, 266, 425, 530, 2251

Committee appointments-37, 60, 62, 63, 773, 807

Explanation of vote-1965

Leave of absence-1113, 1846

Petitions presented-399, 458

Presented to the House the Honorable Dan Quayle, former Vice President of the United States—283
 Presented to the House Alexander Muravsky, member of the Parliament of Moldova—1496
 Presented to the House the Honorable Vic Stueland, former member of the House—2325
 Presented to the House Dr. Peter T. Sabluk, First Deputy Prime Minister for Agriculture and member of the Ukraine Agribusiness Trade Delegation—1583
 Presided at sessions of the House—1303
 Resolutions offered—35, 224, 740, 784
 Subcommittee assignments—172, 450, 748, 942

EDUCATION, COMMITTEE ON—

Amendments filed—216, 694, 818
 Amendment offered—231
 Appointed—61
 Bills introduced—230, 553, 698, 728, 756, 757, 944, 945, 972
 Recommendations—205, 215, 257, 547, 693, 721, 760, 769, 815-816, 849, 972, 1367
 Subcommittee assignments—129, 143, 172, 173, 179, 204-206, 421, 450, 451, 459, 522, 672, 705, 717, 764, 765, 766, 777, 798, 799, 1137, 1191

ELDER AFFAIRS, DEPARTMENT OF—

Communication from—450

EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

ENROLLED BILLS—

(See BILLS, subheading, Sent to Governor; CHIEF CLERK OF THE HOUSE, Elizabeth A. Isaacson, Reports; and/or Speaker of the House, Ron Corbett, subheading, Bills signed by)

ENVIRONMENTAL PROTECTION, COMMITTEE ON—

Appointed—61, 123
 Bills introduced—698, 743, 754, 755, 787, 793, 820, 853
 Recommendations—693, 721, 738, 769, 782, 801
 Subcommittee assignments—284, 298, 442, 546, 672, 689, 717, 718, 798

ERTL, JOE—Representative Delaware-Dubuque Counties

Amendments filed—683, 976, 1035, 1249, 1397, 1537, 1616, 1949, 2203-2204
 Amendments offered—1261, 1577
 Amendment withdrawn—2100
 Appointed to the Technology Committee (replacing Teresa Garman)—171
 Appointed to the Human Resources Committee (replacing Jerry Cornelius)—123
 Bills introduced—59, 266, 463, 530, 676, 686, 2035, 2251
 Committee appointments—61, 63, 123, 171
 Explanation of vote—1477
 Leave of absence—609, 1374, 1587, 1911
 Presided at sessions of the House—2132

Subcommittee assignments—124, 220, 221, 393, 522, 681, 736, 737, 765, 1033, 1118, 1137, 1292, 1366, 1881

ETHICS, COMMITTEE ON—

Appointed—62

Recommendations—215, 257

Resolutions offered—215, 300

Resolutions relating to:

House Resolution 4—(code of ethics) 215, 268-281 adopted

House Resolution 6—(lobbyists) 300, 654 adopted

Subcommittee assignments—211

EXPLANATIONS OF VOTE—

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House File 3—Representative Ollie—171

House File 15—Representatives Heaton & Shoultz—253

House File 15—Representative Daggett—283

House File 29—Representatives Heaton & Shoultz—253

House File 29—Representative Ollie—261

House File 29—Representative Daggett—283

House File 36—Representatives Larson & Van Fossen—848

House File 36—Representatives Meyer & Moreland—873

House File 41—Representative Larson—296

House File 87—Representative Bell—1002

House File 103—Representative Bell—1002

House File 113—Representatives Larson & Van Fossen—848

House File 113—Representative Moreland—873

House File 120—Representative Meyer—261

House File 120—Representative Daggett—283

House File 125—Representative Bell—1002

House File 126—Representative Koenigs—449

House File 135—Representative Moreland—1079

House File 139—Representative Larson—848

House File 149—Representative Moreland—681

House File 154—Representative Larson—848

House File 154—Representative Moreland—873

House File 161—Representative Moreland—681

House File 170—Representative Bell—1002

House File 177—Representative Baker—1364

House File 177—Representative Ollie—1394

House File 179—Representative Moreland—681

House File 186—Representative Larson—848

House File 189—Representative Moreland—681

House File 203—Representative Bell—1002

House File 217—Representative Bell—1002

House File 238—Representative Bell—1002

House File 246—Representative Houser—1364

House File 247—Representative Bell—1002

House File 252—Representatives Larson & Van Fossen—848

- House File 252-Representative Moreland-873
House File 257-Representatives Larson & Van Fossen-848
House File 257-Representative Moreland-873
House File 258-Representative Larson-873.
House File 258, H-3347E to H-3322-Representative Larson-873
House File 258, H-3323-Representative Larson-873
House File 277-Representative Bell-1002
House File 288-Representative Bell-1002
House File 289-Representative Bell-1002
House File 303-Representative Bell-1002
House File 336-Representative Bell-1002
House File 336, H-3405-Representative Meyer-941
House File 336-Representative Meyer-941
House File 337-Representative Bradley-1290
House File 362, H-3399 & H-3402-Representative Meyer-941
House File 362-Representative Bell-1002
House File 363-Representative Bell-1002
House File 394-Representative Fallon-1003
House File 394-Representative Thomson-1079
House File 406-Representative Bradley-1032
House File 419-Representative Baker-1364
House File 420-Representative Bell-1002
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House File 437-Representative Bell-1002
House File 438-Representative Garman-776
House File 438-Representative Larson-797
House File 438, H-3301-Representative Larson-797
House File 460-Representative Bell-1002
House File 460-Representative Moreland-1807
House File 471-Representative Bradley-941
House File 471-Representative Bell-1002
House File 475-Representative Bell-1002
House File 476-Representative Bell-1002
House File 477-Representative Bell-1002
House File 478-Representative Bell-1002
House File 481-Representative Brauns-1840
House File 482-Representative Larson-1692
House File 486-Representative Brauns-1840
House File 489-Representative Bell-1002
House File 490-Representative Bell-1002
House File 492-Representative Moreland-1807
House File 494-Representative Baker-1364
House File 508-Representative Daggett-2144
House File 511, H-3658B & H-3658C-Representative Blodgett-1728
House File 512-Representatives Blodgett, Daggett & Renken-1477
House File 515-Representative Meyer-1117
House File 519, H-3597, H-3568, H-3596 & H-3582-Representative Wise-1246
House File 519, H-3563-Representative Larson-1290

- House File 519—Representative Moreland—1290
House File 519—Representative Veenstra—2144
House File 528, H-3475—Representative Bradley—1032
House File 528—Representatives Bradley & Thomson—1079
House File 528—Representative Moreland—2117
House File 530—Representatives Bernau, Burnett & Eddie—1965
House File 548—Representative Houser—1692
House File 553—Representative O'Brien—1534
House File 555—Representative Bell—1807
House File 555, H-3994—Representative Harrison—1807
House File 555, H-3994—Representative Larson—1840
House File 555—Representative Brauns—1840
House File 562—Representative Mertz—1584
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House File 567, H-4023—Representatives Bernau & Burnett—1965
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House File 573—Representative Moreland—2117
House File 573—Representative Houser—2206
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House Joint Resolution 14, H-3265—Representative Harrison—1136
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House Joint Resolution 14, H-3257 & H-3268—Representative Mascher—1245
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Senate File 13—Representatives Brauns & Houser—409
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H-3009—Representative Moreland—419
Senate File 13—Representative Moreland—419
Senate File 17—Representative Meyer—261
Senate File 17—Representative Daggett—283
Senate File 17, Rule 39A suspension—Representative Moreland—419
Senate File 17—Representative Larson—797
Senate File 32—Representative Mascher—397
Senate File 32—Representative Moreland—419
Senate File 84—Representative McCoy—471
Senate File 93—Representatives Bernau, Burnett & Eddie—1965
Senate File 93—Representative Ertl—1477
Senate File 94—Representative Ertl—1477
Senate File 114—Representative Thomson—671
Senate File 114—Representative Moreland—681
Senate File 117—Representative Hammitt—1394
Senate File 117—Representative Ertl—1477
Senate File 118—Representative Ertl—1477
Senate File 120—Representative Houser—2206
Senate File 150—Representative Brauns—1840
Senate File 157—Representative Ertl—1477
Senate File 158—Representative Larson—848
Senate File 164—Representatives Brauns & Mertz—1584

Senate File 164—Representative Veenstra—1614
Senate File 174—Representative Larson—1534
Senate File 178—Representative Ertl—1477
Senate File 189—Representative Mertz—1584
Senate File 197—Representative Brauns—1692
Senate File 206—Representative Mertz—1584
Senate File 207—Representative Ertl—1477
Senate File 215—Representative Bradley—1533
Senate File 226—Representative Mertz—1584
Senate File 229—Representatives Brauns & Mertz—1584
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Senate File 278—Representative Ertl—1477
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Senate File 290—Representative Moreland—1807
Senate File 293—Representative Moreland—1807
Senate File 298—Representative Bradley—1533
Senate File 346—Representative Brauns—1692
Senate File 347—Representative Teig—1728
Senate File 351—Representative Brauns—1692
Senate File 352—Representative Ertl—1477
Senate File 386—Representative Mertz—1584
Senate File 386—Representative Moreland—1728
Senate File 394—Representative Moreland—1807
Senate File 398—Representatives Brauns & Harrison—1692
Senate File 398—Representative Houser—1880
Senate File 400—Representative Mertz—1584
Senate File 400—Representative Drake—1614
Senate File 402—Representative Mertz—1584
Senate File 406—Representative Larson—1728
Senate File 409—Representative Mertz—1584
Senate File 409—Representative Veenstra—1614
Senate File 422—Representative Brauns—1807
Senate File 423—Representative Mertz—1584
Senate File 427—Representative Moreland—1807
Senate File 428—Representatives Brauns & Harrison—1692
Senate File 432—Representative Houser—1880
Senate File 433—Representative Mertz—1584
Senate File 437—Representative Mertz—1584
Senate File 438—Representatives Brauns & Harrison—1692
Senate File 439—Representative Mertz—1584
Senate File 439—Representative Drake—1614
Senate File 440—Representative Ertl—1477
Senate File 443—Representative Mertz—1584
Senate File 443—Representative Veenstra—1614
Senate File 457—Representatives Brauns & Harrison—1692
Senate File 457—Representative Bradley—1728

Senate File 458—Representative Brauns—1534
 Senate File 459—Representative O'Brien—1534
 Senate File 459—Representatives Bernau, Burnett & Eddie—1965
 Senate File 460—Representative Bell—1002
 Senate File 462—Representatives Brauns & Harrison—1692
 Senate File 472—Representative Moreland—2117
 Senate File 475—Representatives Bernau, Burnett & Eddie—1965
 Senate File 475—Representative Houser—2206
 Senate File 481, H-4088—Representative Larson—2028
 Senate File 484, H-4225—Representative Heaton—2325
 Senate Joint Resolution 6—Representative Moreland—681
 Senate Joint Resolution 12—Representative Kreiman—763

FALLON, ED—Representative Polk County

Amendments filed—234-237, 243-244, 248, 252, 265, 289, 476, 477, 503, 510, 518, 519, 520, 527, 548, 550, 551, 770, 804, 943, 976, 977, 1005, 1036, 1083, 1084, 1085, 1086, 1122, 1138, 1193, 1295, 1371, 1389, 1397, 1398, 1399, 1449-1450, 1451, 1467, 1479, 1480, 1512, 1694, 1799, 1868-1869, 1881, 1882, 1909, 1945-1946, 2139-2140
 Amendments offered—248, 252, 303, 362, 510, 514, 541, 828, 829, 1167, 1172, 1184, 1185, 1220, 1226, 1230, 1235, 1358, 1388, 1449, 1466, 1467, 1507, 1572, 1573, 1798, 1799, 1945, 2139
 Amendments withdrawn—364, 511, 543, 843, 1167, 1273, 1331, 1389, 1390, 1391, 1451, 1545, 1800
 Bills introduced—181, 260, 266, 352, 609, 650, 651
 Committee appointments—60, 61, 62, 772
 Explanation of vote—1003
 Leave of absence—417, 426, 1139
 Presented to the House Sumitra Gandhi Kulkarni of India, granddaughter of Mahatma Gandhi, renown former leader of India—145
 Presented to the House K.R. Sinha, Consul General of India—296
 Presented to the House a delegation of twelve Russian legislators—1818
 Resolutions offered—57, 526, 804, 1971, 2210
 Subcommittee assignments—254, 473, 689, 737, 749, 764, 798, 1034, 1191, 1293

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FINAL DISPOSITION OF MOTIONS TO RECONSIDER—2387

GARMAN, TERESA—Representative Marshall-Story Counties

Amendments filed—245, 912-925, 943, 1084, 1085, 1122, 1398, 1479, 1616, 2203-2204
 Amendments offered—245, 1170, 1173, 1218, 1228, 1498, 1508
 Amendments withdrawn—1217, 1495
 Bills introduced—27, 59, 77, 126, 132, 226, 266, 267, 463, 466, 530, 742, 2251
 Committee appointments—47, 61, 62, 63, 97, 1785, 2152
 Explanation of vote—776

Leave of absence-762
 Petition presented-397
 Report-1870-1873
 Requested her name be added as a sponsor on House Joint Resolution 7-449
 Resolutions offered-35, 206, 770
 Subcommittee assignments-129, 143, 173, 421, 450, 764, 765, 1119, 1137, 2209

GENERAL ASSEMBLY-HOUSE-

(See also RULES AND/OR ADMINISTRATION COMMITTEES in the GENERAL INDEX and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Resolutions relating to:

- House Concurrent Resolution 1, canvass of votes, condition of the state and budget messages-13, 14 adopted, 15, 27 - S. J. 16, 17 adopted, 22
- House Concurrent Resolution 2, condition of judicial department-14 adopted, 15, 27 - S. J. 17, 17-18 adopted, 22
- House Concurrent Resolution 7, joint rules-81-95 adopted & msgd. - S. J. 91, 95, 111
- House Concurrent Resolution 20, pioneer lawmakers-424, 447-448 as amended, adopted & msgd. - S. J. 383, 403, 412, 430, 434 adopted, 435 msgd. - H. J. 545
- House Concurrent Resolution 32, establish cmte., further legislative quality enhancement-770, 778
- House Resolution 1, appointment of clerks, secretaries & pages- 18 adopted
- House Resolution 2, permanent rules- 139, 145-171 adopted
- House Resolution 4, code of ethics- 215, 268-281 adopted
- House Resolution 6, rules governing lobbyists- 300, 654 adopted
- House Resolution 8, expenses for daily operations- 740, 1306-1307 adopted
- Senate Concurrent Resolution 3, compensation of chaplains, officers & employees-S. J. 42, 43, 45 adopted & msgd. - H. J. 46, 57, 129, 138, 139, 183-195 as amended, adopted - S. J. 216 msgd, with House amendment, as amended adopted, 1550 msgd. - H. J. 2152, 2170 as amended, adopted & msgd. - S. J. 1575
- Senate Concurrent Resolution 14, biennial memorial session-S. J. 309, 317-318, 321 adopted, 327 msgd. - H. J. 391, 411, 661 adopted - S. J. 511
- Senate Concurrent Resolution 28, joint session, address by President Bill Clinton-S. J. 1330, 1334 adopted, 1344 msgd., 1404 - H. J. 1814, 1844, 1860 adopted & msgd.
- Senate Concurrent Resolution 34, final adjournment-S. J. 1621, 1628-1629, 1629 adopted & msgd. - H. J. 2382, 2389 adopted - S. J. 1636, 1641

GIFTS-

(See AWARDS AND GIFTS)

GIPP, CHUCK-Representative Allamakee-Winneshiek County, Assistant Majority Leader
 Addressed the House-15-16

- Amendments filed—912-925, 1122, 1881, 1882, 1979-1980, 2100-2103, 2128
 - Amendments offered—1575, 2100, 2128
 - Amendment withdrawn—2100
 - Announcement as Speaker—890
 - Appointed to the Legislative Council—223
 - Bills introduced—176, 290, 609, 610
 - Committee appointments—60, 61, 63, 357, 807, 2325
 - Elected Temporary Speaker—2
 - Leave of absence—1113, 1512
 - Petition presented—680
 - Presided at sessions of the House—1, 2, 888, 890, 1048, 1078, 1227, 1231, 1353, 2098, 2111
 - Reports—747, 758, 2357-2374
 - Resolutions offered—35, 130, 806, 1083
 - Senate Files placed on unfinished business calendar—1583
 - Subcommittee assignments—124, 143, 172, 220, 254, 262, 298, 346, 421, 451, 455, 473, 672, 705, 736, 748, 764, 765, 766, 875, 1003, 1081, 1291, 1292, 1536, 1586, 1730, 1881, 2209
 - Took oath of office—2
- GOVERNOR BRANSTAD, TERRY E.—
- Addressed joint convention—39-46
 - Bills signed by—409, 459, 673, 747, 763, 814, 848-849, 982, 1003, 1032, 1188, 1365, 1477, 1614-1615, 1729, 1807-1808, 1840-1841, 1966-1968, 2029-2030, 2144-2146, 2207, 2325, 2387-2389
 - Certificate of election—99
 - Closing Message—2392-2393
 - Committee to notify and escort—13, 38, 39, 46, 49, 54, 100, 106, 1883, 2391
 - Communication from—2392-2393
 - Delivered the condition of the State and Budget Message—39-46
 - Inaugural address—103-106
 - Item veto messages—1188-1189, 1842, 2118, 2207-2208
 - Item veto messages after session—2737-2749
 - Resolution relating to the Inauguration, HCR 3-14 adopted, 15, 28—S. J. 18 adopted, 22
 - Resolution relating to the condition of the State Message and Budget Message, HCR 1- 13, 14 adopted, 15, 27 - S. J. 16, 17 adopted, 22
 - Resolutions relating to:
 - House Concurrent Resolution 6—57, 96
 - House Concurrent Resolution 14—215, 221, 349, 459 adopted - S. J. 432, 449, 465
 - House Concurrent Resolution 27—722-723
 - Veto messages—2146-2147
 - Veto message after session—2736-2737
- GREIG, JOHN M.—Representative Dickinson-Emmet-Palo Alto Counties
- Amendments filed—943, 977, 1538, 1603-1604, 1616, 1972, 2032, 2093-2096, 2096-2097, 2114, 2115, 2203-2204
 - Amendments offered—281, 949, 1043, 1603, 2093, 2096, 2115
 - Amendments withdrawn—1599, 1603, 2114, 2115

Bills introduced—25, 59, 182, 207, 218, 266, 355, 425, 463, 466, 529, 530, 609
 Committee appointments—60, 62, 63
 Leave of absence—259, 685, 1747
 Resolutions offered—35, 206, 224, 740, 784
 Subcommittee assignments—119, 173, 205, 211, 254, 263, 298, 522, 672, 766, 777,
 798, 1191, 1292, 1730

**GREINER, SANDRA—Representative Keokuk-Mahaska-Wapello-Washington
 Counties**

Amendments filed—784, 912-925, 1616, 1756, 1757, 2203-2204
 Amendments offered—1051, 1557, 1756, 1757
 Bills introduced—25, 59, 208, 266, 425, 530
 Committee appointments—28, 60, 61, 62, 1698
 Leave of absence—555, 644, 650
 Presided at sessions of the House—676
 Report—2259-2275
 Resolutions offered—35, 206, 709
 Subcommittee assignments—57, 298, 347, 450, 522, 689, 717, 766, 776, 777, 778,
 798, 1034, 1080, 1081, 1293

GRIES, DON—Representative Crawford-Monona-Woodbury Counties

Amendments filed—475, 912-925, 1370, 1479, 1616, 1762-1764, 1971, 2155-2158,
 2203, 2203-2204
 Amendment offered—820
 Bills introduced—59, 79, 133, 140, 266, 355, 463, 466, 530, 609, 650, 659
 Committee appointments—38, 61, 63, 357, 791, 2035
 Leave of absence—1696
 Petitions presented—37, 175
 Presided at sessions of the House—612
 Reports—747, 758, 2173-2177
 Resolutions offered—35, 206, 224, 1971
 Subcommittee assignments—143, 172, 179, 421, 442, 522, 672, 717, 764, 765, 777,
 798, 983, 1137, 1191, 1730

GRUBBS, STEVE—Representative Scott County

Amendments filed—476, 510, 518-519, 526, 527, 770, 912-925, 1005, 1035, 1193,
 1248, 1370, 1371, 1537, 1616, 1617, 1845, 1882, 1917-1920, 1972, 2121,
 2203-2204
 Amendments offered—231, 479, 510, 518, 1094, 1099, 1199, 1599, 1713, 1714, 1905
 Amendment withdrawn—616
 Bills introduced—59, 77, 78, 79, 140, 217, 259, 266, 425, 530, 610, 659, 667, 697,
 701, 741, 755, 2251
 Committee appointments—8-9, 61, 62, 63, 357, 2035
 Leave of absence—301, 1042, 1272
 Reports—747, 758, 2173-2177
 Resolutions offered—649, 1971
 Subcommittee assignments—57, 129, 143, 211, 284, 451, 522, 672, 689, 764, 765,
 777, 798, 799, 1081, 1137, 1191, 1969

GRUNDBERG, BETTY—Representative **Polk** County

Amendments filed—350, 364-365, 379, 527, 804, 878, 998, 1036, 1083, 1248, 1296, 1370, 1398, 1586, 1616, 1694, 1803, 1803-1804, 1804, 1805, 1822-1824, 1909, 1972, 2121, 2172, 2182-2202, 2203

Amendments offered—364, 386, 532, 868, 1673, 1803, 1804, 1822, 1976, 2182, 2203

Amendments withdrawn—379, 532, 1437, 1803, 1822, 2180

Appointed to the Commission on the Status of Women—75

Bills introduced—425, 455, 530, 609, 712, 713, 742, 744, 753, 756, 1006

Committee appointments—61, 63

Leave of absence—226, 1505

Petition presented—478

Presented to the House winners of the "Write Women Back Into History" essay contest—660-661

Resolutions offered—206, 649, 1811, 1971, 2120

Subcommittee assignments—204, 421, 450, 459, 681, 749, 765, 766, 777, 1291

HAHN, JAMES F.—Representative **Muscatine**—Scott County

Amendments filed—350, 1480, 1528-1531, 1537, 1616, 2203-2204, 2277

Amendments offered—303, 1512, 1528

Amendment withdrawn—2277

Bills introduced—25, 59, 266, 355, 530

Committee appointments—60, 61, 1019, 1698

Leave of absence—1668

Report—2259-2275

Requested his name be added as a sponsor of House File 203-974

Resolutions offered—35, 709

Subcommittee assignments—421, 450, 689, 718, 798

HALVORSON, ROGER A.—Representative **Allamakee**—**Clayton**—**Fayette** Counties

Amendments filed—300, 548, 723, 770, 878, 912-925, 1035, 1370, 1479, 1537, 1845, 1981, 2032, 2179, 2203-2204

Amendments offered—556, 598, 601, 602, 611, 612, 613, 912, 953, 1298, 1591, 1602, 1980, 1981, 2179

Bills introduced—25, 266, 609, 724, 725, 726, 752, 2251

Committee appointments—61, 62, 63, 807

Leave of absence—1491

Presented to the House the Honorable Bill Harbor, Bill Royer and Bill Scherle former members of the House—1477

Resolutions offered—35, 206

Subcommittee assignments—35, 119, 211, 220, 262, 263, 298, 421, 672, 681, 1730

HAMMITT, DONNA M.—Representative **Harrison** County

Amendments filed—300, 818, 912-925, 1248, 1296, 1694, 1822-1824, 1942-1943, 2203-2204

Amendments offered—353, 891

Bills introduced—25, 59, 218, 266, 355, 530, 609, 712, 743, 788

Committee appointments—28, 61, 62, 63, 2171

Explanation of vote—1394

Presided at sessions of the House—1310

Resolutions offered—35, 206, 770, 2326
 Subcommittee assignments—220, 473, 681, 737, 748, 766, 778, 1034, 1191

HANSON, DONALD E.—Representative Black Hawk County

Amendments filed—912-925, 1694, 1762-1764, 1811, 1826-1827, 1828, 1948-1949, 2155-2158, 2203-2204
 Amendments offered—1826, 1828, 1948
 Bills introduced—59, 79, 176, 208, 266, 355, 425, 463, 609, 676, 742
 Committee appointments—48, 61, 62, 2325
 Presented to the House the Honorable Charles Grassley, United States Senator—1783
 Report—2357-2374
 Resolutions offered—35, 206
 Subcommittee assignments—129, 143, 173, 211, 254, 392, 393, 765, 777, 799, 1291, 1366

HARPER, PATRICIA M.—Representative Black Hawk County

Amendments filed—234-237, 243-244, 249-251, 289, 300, 350, 527, 548, 550, 551, 608, 695, 723, 751, 784, 785, 851, 976, 1004, 1084, 1193, 1479, 1480, 1586, 1802, 1803-1804
 Amendments offered—369, 372, 988, 1310, 1390, 1445, 1509, 1674
 Amendments withdrawn—1141, 1268
 Bills introduced—27, 208, 218, 609, 686, 699, 742, 755, 881
 Committee appointments—61, 62, 2171
 Petition presented—528
 Resolutions offered—57, 206, 526
 Subcommittee assignments—95, 138, 220, 297, 421, 473, 522, 647, 765, 777, 1033, 1081, 1292

HARRISON, NEIL—Representative Scott County

Amendments filed—424, 526, 675, 858, 859-860, 912-925, 1005, 1035, 1085, 1249, 1398, 1868-1869, 1882, 2022-2025, 2026, 2203-2204
 Amendments offered—857, 858, 859, 1096, 1100, 1710, 1902, 2022, 2026
 Amendment withdrawn—1097
 Appointed to the Council On Human Investment (replacing Ron Corbett)—671
 Bills introduced—25, 59, 266, 530, 609, 680, 743, 752, 753, 754, 771, 787, 788, 789, 978
 Committee appointments—13, 62, 63
 Explanation of vote—735, 1136, 1692, 1807
 Leave of absence—1123
 Requested his name be added as a sponsor of House File 38—134
 Requested his name be added as a sponsor of House File 108—283
 Requested his name be added as a sponsor of House File 208—605
 Requested his name be added as a sponsor of House Files 359 and 377—747
 Resolutions offered—206, 649, 2210
 Subcommittee assignments—284, 393, 442, 473, 647, 688, 689, 737, 749, 766, 776, 777, 1003, 1033, 1034, 1081, 1191

HEALTH DATA COMMISSION-

- Appointment to-75
- Communication from-109

HEATON, DAVID E.-Representative Des Moines-Henry-Washington Counties

- Amendments filed-411, 412, 424, 433, 912-925, 943, 977, 998, 1035, 1296, 2203-2204
- Amendments offered-998, 1164, 1758
- Bills introduced-266, 425, 463, 609, 610, 696, 753, 789
- Committee appointments-13, 60, 61, 63, 791
- Explanation of votes-253, 2325
- Leave of absence-229
- Presided at sessions of the House-1469
- Presentation of visitors-1477-1478
- Resolutions offered-35, 206, 265
- Subcommittee assignments-179, 204, 254, 346, 347, 393, 663, 681, 718, 748, 778, 942, 1292

HOLVECK, JACK-Representative Polk County

- Amendments filed-424, 439, 460, 476, 505, 507, 517, 518, 520, 527, 538-539, 548, 549, 550, 551, 695, 845, 878, 879, 983, 1004, 1005, 1035, 1085, 1122, 1138, 1248, 1249, 1295, 1329-1330, 1480, 1562, 1811, 1812, 1909, 2135-2136, 2136
- Amendments offered-439, 505, 515, 517, 518, 531, 542, 935, 1011, 1092, 1252, 1253, 1273, 1329, 1487, 1704, 1857, 2135
- Amendments withdrawn-507, 517, 541, 1092, 1271, 1272, 1323, 1325, 1330, 1707, 2136
- Appointed to the Medical Assistance Advisory Council-75
- Bills introduced-609, 787, 790
- Committee appointments-2, 61, 62, 63
- Leave of absence-121, 961, 1813, 1856, 1923, 2022
- Reports-2-5, 121-122
- Resolutions offered-57, 526
- Subcommittee assignments-57, 204, 211, 262, 284, 421, 442, 647, 688, 704, 718, 749, 776, 777, 983, 1033, 1080, 1292

HOUSE COMMITTEE ASSIGNMENTS-65-74

HOUSE CONCURRED-

- House File 29, H-4221-2284
- House File 41, H-3863, as amended-1624
- House File 94, H-4058-1900
- House File 113, H-3606-1700
- House File 126, H-4140-2062
- House File 128, H-3835-1619
- House File 132, H-3603, as amended-1109
- House File 185, H-4123-2021
- House File 197, H-3991-1836
- House File 203, H-4056-1896
- House File 215, H-3428, as amended-1904

House File 246, H-3990-1766
House File 247, H-4102-1964
House File 289, H-3833-1627
House File 303, H-4216-2253
House File 346, H-3902-1626
House File 387, H-3836, as amended-1599
House File 393, H-4068-1897
House File 437, H-4217-2258
House File 460, H-3971-1743
House File 461, H-3976, as amended-1726
House File 471, H-3928, as amended-1839
House File 481, H-3997, as amended-1782
House File 482, H-4059-1912
House File 483, H-3837-1621
House File 485, H-3977-1747
House File 486, H-3989, as amended-1787
House File 490, H-3899-1760
House File 492, H-3981-1736
House File 494, H-4222-2280
House File 504, H-3834-1698
House File 505, H-4218-2255
House File 507, H-4069-1899
House File 508, H-4177, as amended-2128
House File 518, H-4176-2136
House File 519, H-4033, as amended-2116
House File 528, H-4057, as amended-1920
House File 530, H-3944, as amended-1869
House File 552, H-3980-1755
House File 565, H-4116, as amended-2158
House File 573, H-4158-2107
House File 575, H-4223-2281
House File 577, H-4227-2379
House File 583, H-4228-2381
House Concurrent Resolution 10, H-3027-465
Senate File 69, H-4121-2017
Senate File 208, H-4082-1962
Senate File 239, H-4186-2142
Senate File 266, H-4224-2352
Senate File 290, H-3978-1740
Senate File 358, H-4055-1907
Senate File 398, H-3988-1819
Senate File 432, H-3987-1821
Senate File 433, H-3958-1749
Senate File 462, H-3910-1687
Senate File 475, H-4159-2106
Senate File 478, H-4219-2252
Senate Concurrent Resolution 3, H-4193-2170

HOUSE INSISTS—

House File 528-2034
 Senate File 17-355
 Senate File 93-1727
 Senate File 459-1765

HOUSE RECEDES—

Senate File 189-2213

HOUSE REFUSED TO CONCUR—

House File 553, H-3945-1665
 House File 572, H-4169-2123-2126
 Senate File 13, H-4195-2159-2164
 Senate File 150, H-4072-1913-1914
 Senate File 481, H-4143-2035-2049
 Senate File 484, H-4225-2324

HOUSER, HUBERT—Representative Fremont-Mills-Pottawattamie Counties

Amendments filed—548, 552, 770, 878, 912-925, 943, 1085, 1296, 1371, 1398,
 1460-1462, 1462-1463, 1464, 1537, 1616, 1942-1943, 2203-2204
 Amendments offered—621, 927, 1227, 1455, 1460, 1462, 1464, 1466
 Amendment withdrawn—618
 Appointed to the Agricultural Energy Management Advisory Council—74
 Appointed to the State-County Management Committee—75
 Bills introduced—25, 59, 78, 79, 123, 196, 208, 266, 463, 530, 609, 650, 686, 755,
 2035
 Committee appointments—61, 62, 63
 Explanation of vote—409, 1364, 1692, 2206
 Leave of absence—373
 Petitions presented—1297, 1481
 Resolutions offered—35, 206, 224, 2326
 Subcommittee assignments—124, 125, 211, 220, 254, 522, 546, 647, 705, 736, 764,
 765, 778, 1080, 1118, 1119

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—258, 666, 675, 694, 1248, 1398
 Amendments offered—358, 1372, 1401, 1543, 1571, 1672, 1720, 1789
 Appointed—62, 123
 Bills introduced—728, 744, 805, 820, 852, 853, 880
 Recommendations—257, 444-445, 525, 665-666, 674-675, 693, 721, 738-739,
 801-802, 816, 1082-1083, 1247, 1395-1396
 Subcommittee assignments—95, 138, 220, 297, 393, 421, 473, 522, 647, 681, 705,
 736, 737, 748, 749, 764, 765, 766, 777, 778, 1033, 1034, 1191, 1292, 1366

HURLEY, CHARLES D.—Representative Buchanan-Fayette Counties

Amendments filed—507, 527, 851, 871, 912-925, 998, 1004, 1036, 1085, 1122, 1398,
 1537, 1586, 1616, 1811, 1834-1835, 2121, 2150, 2169, 2203-2204, 2204-2205
 Amendments offered—507, 543, 871, 996, 998, 1834, 2203, 2204
 Amendments withdrawn—872, 1000, 1833, 2169

Bills introduced—59, 140, 266, 267, 425, 447, 463, 530, 555, 698, 728, 752, 2251
 Committee appointments—49, 62, 2171
 Leave of absence—266, 2033
 Requested his name be added as a sponsor of House Concurrent Resolution 4—95
 Resolution offered—770
 Subcommittee assignments—57, 95, 129, 211, 298, 421, 442, 473, 647, 717, 749,
 1034, 1080, 1081, 1191, 1881

**HUSEMAN, DANIEL A.—Representative Buena Vista-Cherokee-O'Brien-Plymouth
 Counties**

Amendments filed—912-925, 1248, 1370, 1398, 1616, 2203-2204
 Bills introduced—25, 59, 79, 266, 530, 743
 Committee appointments—60, 62
 Resolutions offered—35, 206, 224, 784
 Subcommittee assignments—95, 172, 173, 211, 393, 450, 522, 663, 689, 704, 705,
 736, 777, 798, 1119, 1366

INAUGURATION—

Committee appointed—47
 Resolution empowering joint resolution to arrange for, HCR 3—14-15 adopted - S. J.
 18 adopted, 22 - H. J. 28

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Appointments to—74-76

Resolutions relating to:

House Concurrent Resolution 32, legislative quality enhancement—770, 778
 House Concurrent Resolution 38, review the "one call" statewide underground
 facility notification system. (Comp. to SCR 27)—1811
 House Concurrent Resolution 39, re the management of child abuse
 reports—1844
 House Concurrent Resolution 42—child visitation and custody issues—2210
 House Resolution 10—state school mandates & funding of school aid formula—
 1971

JACOBS, LIBBY—Representative Polk County

Amendments filed—289, 350, 770, 878, 1036, 1085, 1296, 1351, 1694, 1804,
 1822-1824, 1909, 2022-2025, 2172
 Amendments offered—1211, 1333, 1351, 1909
 Amendment withdrawn—1305
 Appointed to the Legislative Council—223
 Bills introduced—79, 291, 530, 609, 743, 753, 755
 Committee appointments—2, 61, 62, 63
 Petition presented—478
 Reports—2-5, 121-122
 Resolution offered—206
 Subcommittee assignments—124, 125, 211, 219, 220, 254, 262, 346, 421, 473, 663,
 672, 705, 736, 737, 748, 764, 765, 777, 1003, 1033, 1080, 1081, 1118, 1137

JOCHUM, PAM—Representative **Dubuque** County, Assistant Minority Leader
 Amendments filed—234-237, 243-244, 460, 476, 499-501, 508, 519, 548, 549, 550,
 551, 608, 695, 751, 784, 785, 851, 977, 1005, 1296, 1397, 1398, 1459-1460,
 1475-1476, 1480, 1537, 1586, 1616, 1732, 1790-1795, 1812, 2022-2025
 Amendments offered—619, 830, 992, 1459, 1472, 1475, 1790, 1796
 Amendments withdrawn—1141, 1800
 Appointed to the Legislative Council—223
 Bills introduced—175, 176, 181, 553, 609, 610, 741, 752, 772, 792
 Committee appointments—60, 62, 63, 97, 1982, 2392
 Leave of absence—984, 1111
 Report—2049-2051
 Resolutions offered—57, 206, 526
 Subcommittee assignments—96, 119, 124, 129, 219, 220, 262, 297, 298, 672, 704,
 705, 718, 736, 748, 749, 765, 777, 1003, 1081, 1191, 1693, 1694, 1730

JOINT CONVENTIONS—

Canvass of votes—29, 98
 Condition of the Judicial Department Message—49-54
 Condition of the State Message and Budget Message—39, 46
 Inaugural address—103-106
 Joint Memorial Services—1037-1039
 Michael G. Gartner addressed joint convention of Pioneer Lawmakers—1020
 Remarks by Lieutenant Governor Joy Corning—102-103
 Resolutions relating to:

House Concurrent Resolution 1, condition of the state and budget message—
 13-14 adopted, 15 - S. J. 16, 17 adopted, 22 - H. J. 27
 House Concurrent Resolution 2, message of the condition of the judicial
 department—14 adopted, 15 - S. J. 17, 17-18 adopted, 22 - H. J. 28
 House Concurrent Resolution 3, appointment of joint inaugural committee—
 14-15 adopted - S. J. 18 adopted, 22 - H. J. 28
 House Concurrent Resolution 20, pioneer lawmakers—424, 447-448, as
 amended, adopted & msgd. - S. J. 383, 403, 412, 430, 434 adopted, 435
 msgd. - H. J. 545

To honor Pioneer Lawmakers—1019-1024

JOINT RULES—

Resolution relating to:
 House Concurrent Resolution 7—81-95 adopted & msgd. - S. J. 91, 95, 111

JOINT SESSION—

Address by the President of the United States, Bill Clinton—1883-1893
 Resolution relating to:
 Senate Concurrent Resolution 28—S. J. 1330, 1334 adopted, 1344 msgd., 1404 -
 H. J. 1814, 1844, 1860 adopted & msgd.

JUDICIARY, COMMITTEE ON—

Amendments filed—454, 548, 740, 818, 878, 1138, 1370, 1398
 Amendments offered—479, 857, 996, 1059, 1385, 1556, 1557, 1563, 1579, 1632,
 1685, 1689, 1710, 1737, 1977, 2165

Amendment withdrawn-1008

Appointed-62

Bills introduced-196, 528, 725, 792, 805, 806, 862, 881, 1488

Recommendations-96, 180, 206, 453, 525, 547, 666, 708, 721-722, 739, 782,
816-817, 849-850, 876-877, 1137, 1138, 1367-1369, 1396-1397, 1478-1479, 2120

Subcommittee assignments-57, 129, 172, 211, 284, 298, 346, 347, 421, 442, 473,
647, 688, 689, 717, 748, 766, 776, 777, 778, 1003, 1033, 1034, 1080, 1081, 1292,
1881, 1969

KLEMME, RALPH-Representative **Plymouth-Woodbury Counties**

Amendments filed-526, 943, 976, 1248, 1537, 1616, 2203-2204

Amendment offered-1196

Appointed to the Rural Health Advisory Committee-75

Bills introduced-25, 59, 79, 123, 126, 266, 425, 463, 530, 609, 659, 699, 727, 742,
2251

Committee appointments-60, 62, 773

Petition presented-676

Resolutions offered-35, 206, 224, 396, 784, 1811

Subcommittee assignments-125, 172, 173, 211, 254, 284, 392, 663, 689, 777, 778,
798, 1118, 1119

KOENIGS, DEO A.-Representative **Floyd-Mitchell Counties**

Amendments filed-234-237, 300, 412, 460, 476, 508, 520, 538-539, 549, 550, 551,
552, 694, 740, 878, 1004, 1084, 1085, 1122, 1371, 1451, 1479, 1480, 1512, 1527,
1538, 1845, 1944, 1944-1945, 2098, 2099, 2179, 2210

Amendments offered-415, 1074, 1076, 1173, 1179, 1218, 1231, 1233, 1236, 1237,
1241, 1242, 1451, 1527, 1944, 2098, 2099

Amendments withdrawn-1140, 1234, 1527, 2099

Bills introduced-413, 609, 659, 726, 755, 788

Committee appointments-60, 61, 62, 63, 806, 1698

Explanation of vote-449

Leave of absence-434, 700, 1139

Petitions presented-462, 2033

Presented to the House the Honorable Dan Fogarty, former member of the
House-1808

Report-2259-2275

Resolutions offered-57, 265, 526, 804, 1083, 1192

Subcommittee assignments-172, 204, 220, 254, 346, 450, 451, 522, 681, 705, 736,
777, 1118, 1291, 1292

KREIMAN, KEITH A.-Representative **Appanoose-Davis-Monroe-Van Buren Counties**

Amendments filed-249, 258, 300, 350, 460, 495-496, 503, 503-504, 504, 505, 506,
507, 509, 511-512, 518, 527, 548, 550, 551, 649, 740, 851, 866, 872, 878, 879, 976,
995, 1004, 1005, 1025, 1026-1027, 1028-1029, 1122, 1138, 1192, 1193, 1371,
1387, 1397, 1398, 1480, 1538, 1586, 1694, 1881, 1882, 1949, 2112

Amendments offered-293, 389, 495, 503, 504, 506, 507, 511, 518, 530, 534, 866,
869, 929, 994, 995, 1017, 1026, 1028, 1029, 1201, 1203, 1204, 1205, 1206, 1507,
1713, 1949, 2112

Amendments withdrawn—249, 505, 542, 868, 869, 870, 1025, 1026, 1029, 1030, 1202, 1206, 1949
 Bills introduced—217, 463, 609, 686, 697, 711, 712, 978, 1123
 Committee appointments—37, 61, 62, 63, 2035, 2152
 Explanation of vote—763
 Leave of absence—59
 Report—2173-2177
 Resolutions offered—526, 722
 Subcommittee assignments—129, 204, 211, 284, 298, 421, 522, 647, 689, 717, 765, 766, 776, 1003, 1034, 1081, 1292, 1881, 1969, 2209

KREMER, JOSEPH M.—Representative Black Hawk-Buchanan-Delaware Counties
 Amendments filed—411, 412, 424, 427-428, 429, 432, 433, 439, 867-868, 868, 976, 1005, 1083, 1084, 1397, 1398, 1537, 2109, 2203-2204
 Amendments offered—429, 430, 431, 432, 433, 434, 437, 438, 867, 1059, 1356, 1357, 1563, 1977, 2109
 Amendments withdrawn—429, 430, 438, 1759
 Bills introduced—59, 126, 140, 266, 425, 478, 676, 724, 726, 752, 788, 820, 2251
 Committee appointments—61, 62, 97
 Petitions presented—462, 771
 Resolutions offered—35, 206
 Subcommittee assignments—129, 172, 473, 647, 689, 718, 764, 776, 777, 1033, 1080, 1081, 1291, 1292

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Amendment filed—445
 Appointed—62
 Bills introduced—446, 462, 676
 Recommendations—173-174, 224, 445, 460, 675, 802, 1293
 Subcommittee assignments—76, 96, 138, 172, 204, 473, 664, 718, 764, 765, 1081

LAMBERTI, JEFFREY M.

—Representative Polk County

Amendments filed—878, 912-925, 976, 1004, 1025, 1035, 1036, 1122, 1249, 1296, 1327-1329, 1371, 1537, 1616, 1694, 1726, 1822-1824, 1909, 1917-1920, 1979-1980, 2203-2204
 Amendments offered—1012, 1251, 1323, 1685, 1917
 Bills introduced—59, 266, 530, 609, 697, 742, 743
 Committee appointments—47, 49, 61, 62, 63, 1728, 2035, 2152
 Petitions presented—175, 978
 Presided at sessions of the House—553
 Reports—1875-1879, 2173-2177
 Resolution offered—206
 Subcommittee assignments—57, 129, 204, 211, 220, 284, 346, 421, 442, 473, 647, 688, 689, 766, 777, 982, 983, 1003, 1033, 1034, 1081, 1292, 1881, 1969

LARKIN, RICK

—Representative Des Moines-Lee Counties

Amendments filed—142, 234-237, 243-244, 289, 349, 548, 550, 740, 751, 851, 859, 1479, 1479-1480, 1480, 1538, 1845
 Amendments offered—365, 859, 1287

Amendment withdrawn—859
 Bills introduced—208, 217, 530, 609, 726, 727, 743, 978
 Committee appointments—62, 63, 773, 791, 1785
 Leave of absence—685, 1139
 Report—1870-1873
 Resolutions offered—57, 265, 526
 Subcommittee assignments—95, 125, 204, 211, 254, 262, 346, 393, 663, 672, 748,
 777, 942, 1003, 1081, 1118, 1119, 1246, 1291

LARSON, CHUCK—Representative Linn County

Amendments filed—912-925, 936, 1035, 2203-2204
 Bills introduced—25, 59, 140, 196, 266, 355, 425, 463, 530, 609, 685, 728, 741, 2035,
 2251
 Committee appointments—2, 47, 61, 63, 122, 946
 Explanation of vote—296, 797, 848, 873, 1290, 1534, 1692, 1728, 1840, 1965, 2028
 Leave of absence—786, 820
 Presided at sessions of the House—555
 Reports—2-5, 121-122
 Resolutions offered—35, 206, 946
 Subcommittee assignments—262, 297, 749, 1693, 1730

LEAVE OF ABSENCE—

59, 121, 142, 145, 209, 226, 229, 231, 248, 259, 266, 290, 301, 353, 373, 376, 397,
 399, 413, 417, 426, 428, 430, 434, 446, 458, 469, 478, 479, 528, 544, 555, 609,
 644, 650, 651, 685, 700, 730, 745, 762, 786, 792, 820, 880, 961, 984, 989, 1011,
 1019, 1042, 1090, 1093, 1111, 1113, 1123, 1126, 1129, 1135, 1139, 1170, 1171,
 1204, 1231, 1253, 1272, 1353, 1359, 1360, 1374, 1405, 1471, 1481, 1491, 1492,
 1505, 1507, 1512, 1539, 1563, 1587, 1668, 1683, 1696, 1733, 1738, 1747, 1754,
 1813, 1846, 1856, 1911, 1923, 1987, 2022, 2033, 2099, 2111, 2113, 2123, 2139,
 2151, 2275

LEGISLATIVE COUNCIL—

Appointments to—223
 Resolutions relating to:
 House Concurrent Resolution 32—770, 778
 House Concurrent Resolution 38—1811
 House Concurrent Resolution 39—1844
 House Concurrent Resolution 42—2210
 House Resolution 10—1971

LEGISLATIVE COUNCIL COMMITTEES—

Appointments to—223, 224

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LOBBYISTS—

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LOCAL GOVERNMENT, COMMITTEE ON-

Appointed-62

Bills introduced-260, 463, 529, 659, 725, 744, 789, 792, 793, 806, 819

Recommendations-257-258, 299-300, 453, 525, 666, 708, 722, 739, 782-783,
802-803, 817-818, 1120-1121, 1369-1370Subcommittee assignments-125, 172, 211, 254, 284, 392, 393, 450, 522, 663, 704,
705, 736, 777, 778, 1118, 1119, 1366

LORD, DAVID G.-Representative Dallas-Madison Counties

Amendments filed-1398, 1537, 1616, 1817, 2203-2204

Amendment offered-1817

Bills introduced-25, 59, 266, 463, 530, 2251

Committee appointments-61, 62, 792, 1019

Explanation of vote-2387

Leave of absence-984, 1139

Resolution offered-35

Subcommittee assignments-172, 179, 204, 220, 393, 647, 672, 681, 705, 717, 737,
748, 764, 765, 766, 778, 1034, 1081, 1137, 1292

MAIN, JERRY D.-Representative Jefferson-Van Buren-Wapello Counties

Amendments filed-912-925, 1537, 1616, 2203-2204

Bills introduced-25, 59, 266, 425, 696, 742, 2251

Committee appointments-60, 61, 63

Resolutions offered-35, 206, 265, 2210

Subcommittee assignments-95, 179, 523, 681, 748, 749, 798, 942, 1191, 1246, 1292,
1730, 1843

MAJORITY LEADER, Brent Siegrist-Representative Pottawattamie County

(See Siegrist, Brent-Representative Pottawattamie County, Majority Leader)

MANAGEMENT, DEPARTMENT OF-

Claims filed & approved-312-346

Communications from-108, 127, 210, 311-312

MARTIN, MONA-Representative Scott County

Amendments filed-350, 526, 867-868, 868, 912-925, 1035, 1586, 1804

Amendments offered-374, 2247

Appointed to the Criminal and Juvenile Justice Planning Advisory Council-75

Bill referred to committee-716

Bills introduced-79, 266, 463, 529, 530, 609, 659, 680, 686, 727

Committee appointments-13, 62, 63

Presented to the House Jane Cox, Professor of Theatre, Iowa State University-414

Resolutions offered-206, 649

Subcommittee assignments-211, 392, 393, 473, 522, 704, 705, 736, 765, 766, 776,
1003, 1033, 1081, 1118, 1292, 1366

MASCHER, MARY-Representative Johnson County

Amendments filed-234-237, 243-244, 349, 379, 460, 476, 494-495, 499-500, 508,
520, 527, 538-539, 548, 549, 550, 551, 608, 751, 851, 983, 1035, 1036, 1083, 1084,
1248, 1479, 1480, 1512, 1537, 1538, 1586, 1812, 1868-1869, 1937-1938,
2022-2025

Amendments offered—1512, 1937
 Amendments withdrawn—379, 1288, 1353, 1361, 1516, 1677
 Bills introduced—609, 696, 698, 699, 710, 742, 771, 772, 790
 Committee appointments—13, 61
 Explanation of vote—397, 1245
 Leave of absence—1129
 Requested her name be added as a sponsor of House File 130—296
 Requested her name be withdrawn as a sponsor of House File 130—974
 Resolutions offered—57, 206, 526
 Subcommittee assignments—172, 450, 459, 764, 765, 798, 1137

MAY, DENNIS—Representative Cerro Gordo-Mitchell-Worth Counties

Amendments filed—234-237, 477, 503, 527, 549, 550, 551, 552, 1192, 1248, 1479,
 1480, 1512, 1538, 1731, 1811, 1845, 1935, 1938, 2150, 2203-2204
 Amendment offered—1308
 Bills introduced—208, 530, 609, 726, 743, 788
 Committee appointments—47, 60, 62, 63
 Resolutions offered—57, 526, 740
 Subcommittee assignments—205, 220, 262, 663, 705, 718, 778, 942

McCOY, MATT—Representative Polk County

Amendments filed—300, 460, 549, 550, 551, 977, 1192, 1193, 1215-1216, 1249, 1371,
 1397, 1398, 1480, 1512, 1537, 1617, 1694, 1796-1797, 1798, 1909
 Amendments offered—987, 993, 1213, 1215, 1594, 1796, 1798, 1978
 Amendment withdrawn—1704
 Bills introduced—59, 217, 609, 728
 Committee appointments—61, 63
 Explanation of vote—471
 Leave of absence—430, 469, 730, 1231, 2111
 Resolutions offered—57, 265, 526, 1811, 1971, 2210
 Subcommittee assignments—220, 346, 421, 748, 778, 942

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Committees appointed—772, 773, 774, 790, 791, 792, 806, 807, 946
 In Memoriam List—2750
 Joint Memorial Service—1037-1038
 Memorial Services Committee appointed—688
 Memorials—2751-2762
 Resolution relating to, SCR 14—S. J. 309, 317-318, 321 adopted, 327 msgd. - H. J.
 391, 411, 661 adopted - S. J. 511
 Resolutions relating to—772, 773, 774, 790, 791, 792, 806, 807, 946

MERTZ, DOLORES M.—Representative Humboldt-Kossuth Counties

Amendments filed—234-237, 424, 476, 549, 550, 551, 552, 740, 1084, 1085, 1192,
 1248, 1371, 1398, 1480, 1512, 1538, 1731, 1812, 1845, 2150, 2203-2204
 Amendments offered—616, 1069, 1217, 1220, 1226, 1517
 Amendment withdrawn—618
 Bills introduced—59, 208, 266, 355, 413, 530, 609, 610, 788, 2251
 Committee appointments—16, 47, 60, 62, 63, 122, 773, 807, 1698

Explanation of vote—1584

Leave of absence—430, 651, 1253, 1492, 1563, 1846

Report—2259-2275

Requested her name be added as a sponsor of Senate File 266, H-3809—1477

Resolutions offered—57, 206, 526, 740, 773, 804, 807

Subcommittee assignments—172, 211, 284, 450, 522, 546, 704, 705, 766, 777, 1118,
1366

MESSAGES—

(See also COMMUNICATIONS)

From Senate—27-28, 46, 122, 127, 133, 140-141, 208, 230-231, 267-268, 296,
357-358, 390-391, 397, 401, 441, 448-449, 463-464, 545, 605, 646, 658, 670,
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960-961, 972-973, 982, 1001-1002, 1018, 1041-1042, 1053-1054, 1078-1079, 1103,
1116-1117, 1165-1167, 1207, 1245, 1264, 1392-1394, 1454-1455, 1496-1497,
1533, 1583, 1587, 1613-1614, 1691-1692, 1696-1698, 1733, 1745-1747, 1752,
1806, 1813-1814, 1846-1847, 1860-1863, 1914, 1952-1953, 1965, 1982,
1989-1990, 1991, 2018, 2028, 2033-2034, 2092-2093, 2110, 2111, 2117, 2122,
2137, 2151-2152, 2171, 2178-2179, 2180, 2206, 2215-2216, 2250-2251,
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1207, 1210, 1245, 1256, 1258, 1260, 1263, 1266, 1271, 1281, 1283, 1284, 1287,
1288, 1289, 1302, 1303, 1306, 1332, 1362, 1363, 1374, 1377, 1381, 1385, 1390,
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1567, 1570, 1574, 1579, 1581, 1582, 1590, 1593, 1595, 1597, 1598, 1600, 1602,
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1898, 1901, 1905, 1907, 1908, 1910, 1911, 1913, 1914, 1921, 1948, 1952, 1963,
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2104, 2107, 2108, 2110, 2117, 2127, 2129, 2137, 2143, 2159, 2164, 2170, 2173,
2178, 2206, 2212, 2214, 2215, 2228, 2249, 2253, 2254, 2256, 2259, 2276, 2278,
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Item veto message after session—2737-2749

Senate messages considered—123, 126, 133, 134, 141, 145, 208, 260, 291, 301, 400,
401, 447, 455, 466, 553, 610, 651, 677, 699, 713, 744, 757, 863, 882, 945, 973,
978, 984, 1006, 1040, 1087, 1123, 1194, 1250, 1281, 1455, 1614, 1708, 1733,
1754, 1848, 2019, 2117, 2152, 2251

Veto messages—2146-2147

Veto message after session—2736-2737

METCALF, JANET—Representative Polk County

Addressed the House—7

Amendments filed—289, 350, 351, 396, 1084, 1085, 1193, 1248, 1249, 1296, 1480,
1537, 1694, 1802, 1803, 1822-1824, 1909, 1971, 2032, 2121, 2171

Amendments offered—1311, 1325, 1351, 1548, 1554, 1570, 1802, 1974, 2171

Bills introduced—132, 530, 609, 728, 753, 944, 2035

Committee appointments—61, 62

Remarks by—7

Resolution offered—206

Subcommittee assignments—204, 219, 421, 451, 718, 1292, 1536

MEYER, JIM—Representative Ida-Sac-Woodbury CountiesAmendments filed—784, 912-925, 1005, 1035, 1537, 1611, 1616, 2025, 2027,
2203-2204

Amendments offered—889, 1226, 1611, 2025

Bills introduced—25, 266, 400, 529, 610, 713, 727, 728

Committee appointments—60, 61

Explanation of vote—261, 873, 941, 1117

Leave of absence—231

Petitions presented—724, 1139

Presided at sessions of the House—455

Resolutions offered—206, 784

Subcommittee assignments—284, 421, 689, 736, 1292

MILEAGE, COMMITTEE ON—

Appointments to—18

Report—19

Report adopted—78

Supplemental report—171

Supplemental report adopted—182

MILLAGE, DAVID A.—Representative Scott CountyAmendments filed—225, 300, 350, 403, 475, 476, 504-505, 526, 872, 912-925, 1036,
1085, 1463-1464, 1479, 1480, 1510, 1845, 1942, 2032, 2121, 2150, 2210,
2246-2247, 2247, 2353-2355Amendments offered—227, 402, 504, 516, 668, 872, 1108, 1463, 1502, 1509, 1510,
1737, 1822, 1848, 1865, 1942, 2137, 2138, 2229, 2246, 2247, 2353

Amendments withdrawn—402, 516, 1109, 2172, 2277

Announcement (acting Speaker)—296

Appointed to the Legislative Council—223

Bills introduced—27, 80, 126, 181, 217, 218, 266, 530, 609, 686, 727

Committee appointments—18, 61, 62, 2100, 2325, 2392

Presided at sessions of the House—295, 1111, 1128

Presentation of visitors (acting Speaker)—297

Reports—19-21, 171, 2216-2227, 2357-2374

Resolutions offered—649, 740, 2210

Subcommittee assignments—57, 76, 129, 138, 172, 211, 254, 284, 346, 442, 473, 688,
689, 717, 764, 765, 766, 776, 777, 778, 875, 1003, 1034, 1291, 1292, 1730, 2209

MINORITY LEADER, David Schrader—Representative Marion-Warren Counties
(See SCHRADER, DAVID—Representative Marion-Warren Counties, Minority
Leader)

MORELAND, MICHAEL J.—Representative Wapello County, Assistant Minority
Leader

Amendments filed—234-237, 289, 497-498, 504, 505, 508, 511-512, 514, 548, 549,
550, 551, 695, 785, 878, 879, 936, 943, 976, 977, 1005, 1249, 1480, 1537, 2098,
2099, 2115

Amendments offered—497, 508, 514, 930, 934, 935, 990, 991, 992, 1134, 1210, 1564,
2099, 2115

Amendments withdrawn—542, 2098

Appointed to the Child Support Advisory Committee—74

Bills introduced—553, 609, 743

Committee appointments—49, 60, 61, 62, 1728, 2152

Explanation of vote—419, 681, 873, 1079, 1290, 1728, 1807, 2117

Leave of absence—353, 458, 820, 1113, 1231, 1738

Report—1875-1879

Resolutions offered—57, 526

Subcommittee assignments—57, 95, 129, 211, 284, 298, 393, 421, 442, 473, 522, 647,
688, 689, 736, 748, 764, 766, 776, 777, 778, 1003, 1033, 1080, 1081, 1191, 1292

MOTION TO REFER—

House File 394-939

Lost:

House File 394-940

MOTION TO RESCIND AND PREVAILED—

House Joint Resolution 14-1115

MOTIONS TO RECONSIDER—

Filed:

House File 2, H-3148 to H-3109-521

House File 54-296

House File 185-716

House File 519, H-3637-1188

Senate File 204-1807

Lost:

House File 185-966

House File 519, H-3637-1243

Prevailed:

House File 2, H-3148 to H-3109-543

House File 54-416-417

Ruled out of order:

House File 54-417

House File 185-966

Motions to reconsider (filed from the floor):

House File 362, H-3412 to H-3396-938

House File 519, H-3597-1243

House File 528, H-3522B-1030
 House File 579-2143
 Senate File 462, H-3765-1475
 Senate File 462, H-3858 to H-3765-1475

Prevailed:

House File 362, H-3412 to H-3396-938
 House File 519, H-3597-1243
 House File 528, H-3522B-1030
 House File 579-2144
 Senate File 462, H-3765-1475
 Senate File 462, H-3858 to H-3765-1475

Final disposition of motions to reconsider-2387

MUNDIE, NORMAN-Representative Boone-Calhoun-Hamilton-Webster Counties
 Amendments filed-379, 460, 476, 548, 549, 550, 551, 552, 608, 751, 851, 943, 1035,
 1084, 1085, 1122, 1192, 1248, 1371, 1398, 1399, 1480, 1731, 1845, 1881, 1922,
 1938, 1945, 1946, 2097, 2115, 2150, 2203-2204
 Amendments offered-379, 1061, 1186, 1187, 1227, 1230, 1232, 1471, 1938, 1945,
 2097
 Amendments withdrawn-1444, 1946, 2115
 Bills introduced-59, 207, 266, 355, 466, 530, 609, 650, 699, 752, 755, 788
 Committee appointments-60, 62, 63
 Petitions presented-132, 696
 Resolutions offered-265, 289, 526, 784
 Subcommittee assignments-125, 138, 173, 211, 392, 393, 442, 450, 689, 777, 798,
 1118, 1119, 1292, 1366

MURPHY, PATRICK J.-Representative Dubuque County
 Amendments filed-246-247, 403, 460, 527, 537, 548, 549, 550, 551, 751, 784, 785,
 851, 878, 927, 976, 1035, 1036, 1083, 1084, 1085, 1249, 1397, 1399, 1479, 1480,
 1517, 1537, 1616, 1812, 1939-1940, 1941, 1949-1950, 1951, 2121
 Amendments offered-246, 537, 1469, 1472, 1474, 1504, 1516, 1517, 1702, 1722,
 1939, 1941, 1949, 1951
 Amendments withdrawn-537, 927, 1361, 1472, 1489, 1528, 1704, 1722
 Appointed to the Legislative Council-223
 Bills introduced-26, 140, 208, 218, 553, 609, 659, 742, 752, 788, 819
 Committee appointments-61, 62, 2325, 2392
 Report-2357-2374
 Resolutions offered-57, 526
 Subcommittee assignments-76, 172, 220, 647, 705, 748, 764, 765, 766, 778, 875,
 1291, 1536, 1730, 2209

MYERS, RICHARD E.-Representative Johnson County
 Amendments filed-350, 412, 460, 548, 549, 550, 551, 694, 695, 770, 878, 1004,
 1036, 1192, 1249, 1296, 1351, 1479, 1480, 1537, 1937-1938, 1971, 2022-2025
 Amendments offered-731, 1127, 1128
 Amendment withdrawn-621
 Bills introduced-181, 609, 712, 742
 Committee appointments-62, 63

Leave of absence-961

Resolutions offered-57, 526

Subcommittee assignments-95, 119, 125, 138, 211, 220, 263, 297, 298, 421, 473,
522, 663, 672, 681, 737, 748, 765, 777, 1033, 1034, 1119, 1292, 1693, 1730, 1843

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Amendment filed-750

Amendment offered-949

Appointed-62, 123

Bills introduced-744, 756

Recommendations-174, 265, 445, 722, 750, 769, 803, 1247-1248

Resolution offered-300

Subcommittee assignments-95, 205, 221, 546, 663, 689, 705, 718, 766, 777, 778,
1119, 1191

NELSON, BEVERLY J.-Representative Marshall County

Amendments filed-289, 350, 851, 878, 1296, 1694, 1762-1764, 1822-1824,
2022-2025, 2115, 2155-2158

Bills introduced-59, 266, 425, 426, 530, 609, 710, 729, 753

Committee appointments-2, 47, 61, 63

Leave of absence-1359

Presented to the House the Honorable Emil Pavich, former member of the
House-1968

Report-2-5

Resolutions offered-35, 206, 265

Subcommittee assignments-138, 173, 346, 347, 681, 705, 764, 765, 778, 798

NELSON, LINDA-Representative Pottawattamie County

Amendments filed-234-237, 243-244, 289, 350, 412, 549, 550, 551, 552, 784, 785,
851, 869, 1296, 1479, 1479-1480, 1480, 1537, 1845, 1941, 1946, 1971, 2032

Amendments offered-826, 868, 869, 1941

Amendment withdrawn-869

Bills introduced-77, 217, 426, 609, 788

Committee appointments-2, 61, 62, 100

Leave of absence-458, 479

Petition presented-1372

Presented to the House Joseph Reid a representative of the fourth grade class of
Gunn Elementary School, Council Bluffs-961

Reports-100, 121-122

Resolutions offered-57, 206, 224, 526, 2326

Subcommittee assignments-173, 179, 204, 219, 262, 393, 681, 764, 766, 1191

NOMINATIONS-

For Acting Chief Clerk-2

For Permanent Chief Clerk-12

For Speaker of the House-7

For Speaker Pro Tempore-15

For Temporary Speaker-2

NUTT, RONALD W.—Representative Woodbury County

Amendments filed—878, 912-925, 1122, 1248, 1537, 1845

Amendments offered—1212, 1254, 1304, 1579, 1689, 1857

Bills introduced—25, 123, 266, 530, 609, 728, 742

Committee appointments—61, 62, 63

Resolutions offered—35, 206, 224, 396

Subcommittee assignments—57, 129, 211, 219, 297, 421, 442, 647, 689, 704, 749,
776, 1033, 1081, 1291, 1292**OATH OF OFFICE—**

By Acting Chief Clerk, Elizabeth A. Isaacson—2

By members—5-6

By Speaker of the House, Ron Corbett—9

By Speaker Pro Tempore, Harold Van Maanen—16

By Temporary Speaker, Chuck Gipp—2

By Lieutenant Governor Joy Corning—101

By Governor Terry E. Branstad—103

By Representative-elect Rosemary Thomson—122

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O'BRIEN, MICHAEL J.—Representative Boone-Greene CountiesAmendments filed—411, 460, 549, 550, 551, 552, 683, 740, 751, 784, 785, 851, 943,
1371, 1397, 1398, 1480, 1845

Amendments offered—597, 988, 1058

Bills introduced—59, 207, 466, 609, 724

Committee appointments—28, 61, 62, 1019

Explanation of vote—1534

Leave of absence—226, 434, 1507

Presented to the House Chandra Herrstrom, 1995 Iowa Pork Queen—533

Resolutions offered—57, 526

Subcommittee assignments—95, 138, 220, 681, 764

OFFICERS AND EMPLOYEES—

Elected Elizabeth A. Isaacson, Acting Chief Clerk—2

Elected Elizabeth A. Isaacson, Permanent Chief Clerk—12

Elected Chuck Gipp, Temporary Speaker—2

Elected Harold Van Maanen, Speaker Pro Tempore—15

Elected Ron Corbett, Speaker of the House—7

Employees of the House—30-32

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Resignations—1-2, 56, 203

Resolutions relating to:

House Resolution 1—18 adopted

Senate Concurrent Resolution 3—S. J. 42, 43, 45 adopted & msgd. - H. J. 46, 57,
129, 138, 139, 183-195 as amended, adopted - S. J. 216 msgd. with
amendment 226, 235, 1450, 1451 deferred, 1549, 1550 Senate concurred in

House amendment, as amended, adopted, 1550 msgd. - H. J. 2152, 2170 as amended, adopted & msgd. - S. J. 1575

Special presentation to House Pages-669, 2249-2250

Took oath of office-2, 5-6, 9, 16, 101, 103, 122

OLLIE, C. ARTHUR-Representative Clinton County

Amendments filed-234-237, 243-244, 244, 300, 460, 548, 549, 550, 551, 649, 694, 740, 751, 760-761, 770, 851, 943, 1004, 1005, 1035, 1084, 1086, 1296, 1479, 1480, 1694, 1845, 1882, 1935-1936, 1944, 1944-1945

Amendments offered-234, 243, 244, 760, 1056, 1093, 1097, 1111

Amendments withdrawn-957, 1093

Bills introduced-60, 77, 122, 140, 182, 413, 425, 426, 609, 726, 853

Committee appointments-61, 63, 357, 2100

Explanation of vote-171, 261, 1394

Leave of absence-226

Reports-747, 758, 2216-2227

Resolutions offered-57, 526

Subcommittee assignments-129, 143, 172, 173, 179, 204, 347, 681, 749, 777, 1003

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Resolutions relating to:

House Resolution 1-18 adopted

Senate Concurrent Resolution 3-S. J. 42, 43, 45 adopted & msgd. - H. J. 46, 57, 129, 138, 139, 183-185 as amended, adopted - S. J. 216 msgd. with amendment 226, 235, 1450, 1451 deferred, 1549, 1550 Senate concurred in House amendment, as amended, adopted, 1550 msgd. - H. J. 2152, 2170 as amended, adopted & msgd. - S. J. 1575

Special presentation to-669, 2249-2250

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House Resolution 2-139, 145-171 adopted

PERSONNEL COMMITTEE

(See ADMINISTRATION AND RULES, COMMITTEE ON)

PETITIONS-

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Filed-1, 37, 132, 175, 217, 226, 290, 301, 397, 399, 458, 462, 478, 528, 553, 650, 667, 676, 680, 696, 710, 724, 741, 771, 786, 805, 852, 880, 978, 984, 1006, 1040, 1123, 1139, 1194, 1297, 1372, 1400, 1481, 1846, 2033

PIONEER LAWMAKERS ASSOCIATION OF IOWA-

Address by Michael G. Gartner, Editor and co-owner of the Ames Daily Tribune-1020

Resolution relating to, HCR 20-447, 448 amended & adopted & msgd. - S. J. 383, 403, 412, 430, 434 adopted, 435 msgd. - H. J. 545

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1, 121, 140, 207, 266, 399, 458, 555, 680, 741, 819, 984, 1139, 1372, 1587, 1813, 2122

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 House File 120, H-3022—Representative Rants—247
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 House File 394, H-3449—Representative Bradley—993
 House File 394, H-3452—Representative Bradley—994
 House File 486, H-3533—Representative Van Fossen—1300
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 House File 518, H-4182B to H-4176—Representative Metcalf—2136
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 House File 571, H-4044, as amended—Representative Nelson of Pottawattamie—1828
 House File 571, H-4046—Representative Rants—1830
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 Senate File 433, H-3849, as amended—Representative Boddicker—1573

Senate File 459, H-3878—Representative Garman—1509

Senate File 481, H-4092—Representative Millage—1945

Senate File 481, H-4095—Representative Millage—1946

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

House Concurrent Resolution 4, prohibit physical desecration, American flag—35, 95, 96, 183 w/d

House Concurrent Resolution 5, Iowa congressional delegation address joint session of G. A., unfunded federal mandates—35

House Concurrent Resolution 8, support United Nations' recognition, Republic of China on Taiwan—125, 713 adopted - S. J. 604, 623, 633, 1146, 1307 adopted, 1314 msgd. - H. J. 1746

House Concurrent Resolution 9—balanced federal budget—130 (See HCR 12)

House Concurrent Resolution 11, physical desecration, American flag—130, 176-177, 178 w/d (SCR 5 substituted)

House Concurrent Resolution 12, balanced federal budget (successor to HCR 9)—180

House Concurrent Resolution 15, objection of altering operation of Missouri River by Corps of Engineers—224-225, 304 w/d

House Concurrent Resolution 16, national highway system—265, 346 (See HCR 23)

House Concurrent Resolution 17, urge Federal Trade Commission, amend agreement, required at Fort Dodge Friskies Petcare Plant—289, 304-305 adopted, 353 - S. J. 299, subst. for SCR 12, 303 adopted, 311 msgd. - H. J. 391

House Concurrent Resolution 19, establish national policy, medicare reimbursement, telemedicine services—396, 684, 703 w/d (SCR 15 substituted)

House Concurrent Resolution 22, urge passage by Congress, increase in federal minimum wage—526, 664

House Concurrent Resolution 23, develop and improve proposed national highway system (successor to HCR 16)—526, 1754 adopted, 1806 msgd. - S. J. 1345, 1352, 1384

House Concurrent Resolution 26, support maintaining the Mississippi River, major transportation route—709

House Concurrent Resolution 28, Congress repeal decriminalization of status offenses mandate contained in federal Juvenile Justice Delinquency Prevention Act of 1974—723, 778

House Concurrent Resolution 29, armed forces retirees, service connected disability received retired pay and disability compensation—739-740, 1291, 1293 (Comp. to SCR 22)

House Concurrent Resolution 31, support improvements, wetland delineation process & end moratorium, until 1995 farm bill, passed, signed and becomes law—740, 766 (Comp. to SCR 20)

House Concurrent Resolution 34, reject proposal to sell power marketing administrations or their assets—784

- House Concurrent Resolution 35, funds to increase reimbursement levels to Iowa hospitals and health care providers—804
- House Concurrent Resolution 36, release of two United States citizens from confinement in Iraq (comp. to SCR 25)—1083, 1091 adopted & msgd. - S. J. 973, 989 adopted, 933 msgd. (Substituted for SCR 25)
- House Concurrent Resolution 37, oppose plans, ag. producers proposed, commodity organizations, 1995 federal farm bill—1192, 1292
- House Concurrent Resolution 41, commemorate the fiftieth anniversary, founding of United Nations—2120
- Senate Concurrent Resolution 5, prohibit desecration of the American flag (Substituted for HCR 11)—S. J. 85, 89, 119-120 adopted, 121 msgd. - H. J. 127, 177-178 adopted
- Senate Concurrent Resolution 6, object plan to alter operation of the Missouri River— S. J. 89, 94, 133 adopted, 135 msgd. - H. J. 302-304 as amended, adopted - S. J. 331, 444 as amended, adopted, 447 msgd. - H. J. 265, 545
- Senate Concurrent Resolution 15, medicare reimbursement of telemedicine services (substituted for HCR 19)—S. J. 309, 317, 379 adopted & msgd. - H. J. 449, 457, 458, 684, 703-704 as amended, adopted - S. J. 576, 732-733
Senate concurred in House amendment
- Senate Concurrent Resolution 28, call joint session, address by the President of the United States—S. J. 1330, 1334 adopted, 1344 msgd. - H. J. 1814, 1844, 1860 adopted & msgd. - S. J. 1404

PRESS, MEMBERS OF—

Assignment of seats in press gallery—218-219

PROOF OF PUBLICATION

House File 562—1534
Senate File 140—763
Senate File 468—2119

QUORUM CALLS—

375, 555, 660, 668, 733, 792, 891, 960, 1024, 1054, 1061, 1104, 1111, 1128, 1145, 1207, 1234, 1264, 1289, 1497, 1683, 1718, 1908, 1991, 2022, 2092, 2259, 2286

RANTS, CHRISTOPHER—Representative Woodbury County, Assistant Majority Leader

Addressed the House—7-8

Amendments filed—244-245, 476, 740, 912-925, 1248, 1296, 1479, 1538, 1979-1980, 2203-2204

Amendments offered—195, 244, 600, 869, 1330, 1718, 1719, 1750, 1979

Announcement as Speaker—479, 521

Bills introduced—25, 59, 123, 144, 196, 259, 530, 609, 712, 728, 742

Committee appointments—60, 61, 63

Motion to close debate on House Joint Resolution 14—1114

Petition presented—553

Presentation of visitors—1190

Presided at sessions of the House—34, 478, 494, 499, 507, 530, 533, 733, 891, 1052, 1111, 1129, 1141, 1167, 1171, 1449, 2099, 2204, 2356

Remarks by—7-8

Reports—134-136, 197-203, 1136

Resolutions offered—18, 224, 396

Ruling made—1451

Subcommittee assignments—129, 284, 442, 672, 689, 705, 717, 764, 765, 1137, 1191, 1693, 1694, 1844

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Communications from—107, 136, 171, 178, 210

RENKEN, BOB—Representative Butler-Grundy Counties, Assistant Majority Leader

Amendments filed—424, 912-925, 1248, 1296, 1327-1329, 2032, 2203-2204

Announcement as Speaker—936

Bills introduced—25, 59, 60, 78, 207, 208, 266, 399, 425, 455, 463, 530, 2035

Committee appointments—60, 61, 62, 63

Explanation of vote—1477

Presided at sessions of the House—377, 928

Resolutions offered—35, 206

Ruling made—935

Subcommittee assignments—76, 95, 96, 179, 204, 219, 220, 262, 346, 450, 451, 473, 522, 546, 647, 664, 705, 737, 765, 1291, 1844

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RESIGNATIONS—

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Employees—56, 203

The Honorable Mary A. Lundby—1-2

RESOLUTIONS—

(See also LEGSLATIVE INDEX VOLUME)

Filed:

House Concurrent Resolution 4—35

House Concurrent Resolution 5—35

House Concurrent Resolution 6—57

House Concurrent Resolution 8—125

House Concurrent Resolution 9—130

House Concurrent Resolution 10—130

House Concurrent Resolution 11—130

House Concurrent Resolution 12—180

House Concurrent Resolution 13—206

House Concurrent Resolution 14—215

House Concurrent Resolution 15—224

House Concurrent Resolution 16—265

House Concurrent Resolution 17—289

House Concurrent Resolution 18—396

House Concurrent Resolution 19—396

House Concurrent Resolution 20-424
House Concurrent Resolution 21-445
House Concurrent Resolution 22-526
House Concurrent Resolution 23-526
House Concurrent Resolution 24-526
House Concurrent Resolution 25-649
House Concurrent Resolution 26-709
House Concurrent Resolution 27-722
House Concurrent Resolution 28-723
House Concurrent Resolution 29-739
House Concurrent Resolution 30-740
House Concurrent Resolution 31-740
House Concurrent Resolution 32-770
House Concurrent Resolution 33-770
House Concurrent Resolution 34-784
House Concurrent Resolution 35-804
House Concurrent Resolution 36-1083
House Concurrent Resolution 37-1192
House Concurrent Resolution 38-1811
House Concurrent Resolution 39-1844
House Concurrent Resolution 40-1971
House Concurrent Resolution 41-2120
House Concurrent Resolution 42-2210
House Concurrent Resolution 43-2326
House Resolution 2-139
House Resolution 3-215
House Resolution 4-215
House Resolution 5-300
House Resolution 6-300
House Resolution 7-649
House Resolution 8-740
House Resolution 9-1811
House Resolution 10-1971
House Resolution 11-1971
Senate Concurrent Resolution 3-57
Senate Concurrent Resolution 4-57
Senate Concurrent Resolution 5-131
Senate Concurrent Resolution 6-139
Senate Concurrent Resolution 8-457
Senate Concurrent Resolution 10-1881
Senate Concurrent Resolution 11-300
Senate Concurrent Resolution 13-454
Senate Concurrent Resolution 14-411

Adopted:

House Concurrent Resolution 8-713
House Concurrent Resolution 10-142, 465
House Concurrent Resolution 13-414
House Concurrent Resolution 14-459
House Concurrent Resolution 17-304-305

House Concurrent Resolution 18-1754
House Concurrent Resolution 20-448
House Concurrent Resolution 21-448
House Concurrent Resolution 23-1754
House Concurrent Resolution 36-1091
House Concurrent Resolution 40-1991
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House Resolution 6-654
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Senate Concurrent Resolution 6-302-304
Senate Concurrent Resolution 10-2214
Senate Concurrent Resolution 11-1758-1759
Senate Concurrent Resolution 14-661
Senate Concurrent Resolution 15-704
Senate Concurrent Resolution 19-660
Senate Concurrent Resolution 24-2063
Senate Concurrent Resolution 28-1860
Senate Concurrent Resolution 34-2389

Laid over under Rule 25:

House Concurrent Resolution 8-125
House Concurrent Resolution 9-130
House Concurrent Resolution 10-130
House Concurrent Resolution 11-130
House Concurrent Resolution 13-206
House Concurrent Resolution 14-349
House Concurrent Resolution 17-289
House Concurrent Resolution 18-675
House Concurrent Resolution 19-396
House Concurrent Resolution 20-424
House Concurrent Resolution 21-445
House Concurrent Resolution 23-526
House Concurrent Resolution 25-649
House Concurrent Resolution 26-709
House Concurrent Resolution 29-1293
House Concurrent Resolution 31-803
House Concurrent Resolution 34-784
House Concurrent Resolution 36-1083
House Concurrent Resolution 38-1811
House Concurrent Resolution 39-1844
House Concurrent Resolution 40-1971
House Concurrent Resolution 41-2120
House Concurrent Resolution 42-2210
House Concurrent Resolution 43-2326
House Resolution 3-215

House Resolution 5-300
House Resolution 7-649
House Resolution 10-1971
House Resolution 11-1971
Senate Concurrent Resolution 5-131
Senate Concurrent Resolution 11-526
Senate Concurrent Resolution 14-411
Senate Concurrent Resolution 20-1367
Senate Concurrent Resolution 23-1294
Senate Concurrent Resolution 26-1479
Senate Concurrent Resolution 28-1844

Placed on calendar:

House Concurrent Resolution 12-180
House Resolution 2-139
House Resolution 6-300
House Resolution 8-740
Senate Concurrent Resolution 3-138

Referred to committee:

House Concurrent Resolution 4-35
House Concurrent Resolution 5-35
House Concurrent Resolution 6-57
House Concurrent Resolution 14-215
House Concurrent Resolution 15-224-225
House Concurrent Resolution 16-265
House Concurrent Resolution 18-396
House Concurrent Resolution 22-526
House Concurrent Resolution 24-526
House Concurrent Resolution 27-723
House Concurrent Resolution 28-723
House Concurrent Resolution 29-740
House Concurrent Resolution 30-740
House Concurrent Resolution 31-740
House Concurrent Resolution 32-770
House Concurrent Resolution 33-770
House Concurrent Resolution 35-804
House Concurrent Resolution 37-1192
House Resolution 9-1811
Senate Concurrent Resolution 3-57
Senate Concurrent Resolution 4-57
Senate Concurrent Resolution 6-139
Senate Concurrent Resolution 8-457
Senate Concurrent Resolution 10-1881
Senate Concurrent Resolution 11-300
Senate Concurrent Resolution 13-454
Senate Concurrent Resolution 15-457
Senate Concurrent Resolution 20-1122
Senate Concurrent Resolution 23-976
Senate Concurrent Resolution 24-943
Senate Concurrent Resolution 31-2121

Rereferred to committee:

House Concurrent Resolution 9-133

Withdrawn:

House Concurrent Resolution 4-183

House Concurrent Resolution 11-178

House Concurrent Resolution 15-304

House Concurrent Resolution 19-704

House Concurrent Resolution 25-660

Senate Concurrent Resolution 15-457

Senate Concurrent Resolution 20-1121

Senate Concurrent Resolution 23-976

Senate Concurrent Resolution 24-942

Senate Concurrent Resolution 26-1479

Senate Concurrent Resolution 28-1844

Senate Concurrent Resolution 31-2121

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House File 120, H-3017-237

House File 120, H-3019-243

House File 120, H-3021-245

House File 120, H-3022-247

House File 120, H-3024-248

House File 135, H-3337-999

House File 394, H-3451-987

House File 394, H-3449-993

House File 394, H-3452-994

House File 438-760

House File 512, H-3856-1451

House File 519, H-3583-1220

House File 553, H-3916-1528, 1532

House File 571, H-4044, as amended-1828

House File 571, H-4046-1830

Senate File 150, H-4004-1797

Senate File 431, H-3905-1594

Senate File 481, H-4095-1946

Rule 31.8 (first reading, commitment and amendment):

House File 438-760

Rule 32 (commitment of appropriations and revenue bills):

Senate File 69-645

Lost:

House File 120, H-3017-238

House File 120, H-3019-243

House File 120, H-3021-246

House File 120, H-3022-248

House File 120, H-3024-249

House File 394, H-3451-988

House File 394, H-3449-993
House File 394, H-3452-994
House File 512, H-3856-1452
House File 519, H-3583-1220
House File 571, H-4046-1830
Senate File 150, H-4004-1797
Senate File 431, H-3905-1595
Senate File 481, H-4095-1946

Prevailed:

House File 120-234
House File 135, H-3337-999
House File 438-760
House File 553, H-3916-1528
House File 553, H-3916-1532
House File 571, H-4044, as amended-1829

Rule 31.8 (first reading, commitment, and amendment):

House File 438-760

Rule 32 (commitment of appropriation and revenue bills):

Senate File 69-645

Pursuant to Rule 31.7 (first reading, commitment and amendment):

Senate File 84-444

Pursuant to Rule 34 (debate and special order calendars):

Senate File 69-288

Pursuant to Rule 73.g (reconsideration):

Senate File 204-2387

Rules invoked:

Rule 32 (commitment of appropriation and revenue bills):

House File 222-1351

House File 370-1216

Senate File 69-645

Senate File 83-1727

Rule 48.3 (study bills):

House Study Bill 295-760

Rule 60 (withdrawal of bills or nullification resolutions from committee):

Senate Concurrent Resolution 10-2214

Rule 75 (duty of voting):

House Joint Resolution 14, H-3284-734

House Joint Resolution 14-1114

House Joint Resolution 14, H-3265-1126

House Joint Resolution 14, H-3240-1127

House Joint Resolution 14, H-3270-1144

House File 120, H-3022-247

House File 135, H-3460 to H-3337-998

House File 362, H-3399-929

House File 394-995

House File 511, H-3658C-1706

House File 511-1707

House File 512, H-3855 to H-3851-1450

House File 512, H-3856-1451

House File 519, H-3563-1224
House File 519, H-3585-1232
House File 519-1243
House File 519, H-4151 to H-4145-2096
House File 519, H-4166-2113
House File 522, H-3462-1310
House File 530, H-3538-1360
House File 553, H-3906-1512
House File 553, H-3887-1514
House File 555, H-3995-1802
House File 555, H-4016-1804
House File 574, H-4109-1950
House File 579, H-4141-2138
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Senate File 69, H-3207-597
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Senate File 459, H-3811D-1505
Senate File 459, H-3811F-1507

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House File 563-1767
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Senate File 473-1973
Senate File 475-1848

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Rule 25 (consideration of resolution):

House Concurrent Resolution 36-1091

Rule 31.8 (first reading, commitment and amendment):

House File 120-234

House File 528-972

House Concurrent Resolution 10-142

House Resolution 2, H-3005-170

Rule 34 (debate and special order calendars):

Daily debate calendar-1806

Rule 39A (consideration of conference committee reports):

Senate File 17-356-357

Rule 57 (committee notice and agenda):

Appropriation meeting-2144, 2212

Judicial meeting-1454

Justice System Budget Subcommittee-715

Study bills out of committees and committee meetings-971-972

Ways and means meeting-2022

Under provisions of:

Rule 45 (status of bills following first regular session):

Senate and House File rereferred to committees-2390-2391

Rule 76 (limitations on right to vote):

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House File 132-404, 1110

House File 508-2104

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House File 574, H-4109-1950

House File 574-1952

House File 579-2173

Senate File 69, H-3208-600

Senate File 157-1377

RUNNING, RICHARD V.-Representative Linn County, Assistant Minority Leader
 Amendments filed-234-237, 243-244, 396, 460, 520, 548, 550, 694, 695, 723, 751,
 760-761, 784, 851, 976, 1035, 1084, 1138, 1248, 1296, 1370, 1397, 1398, 1399,
 1479, 1480, 1586, 1868-1869, 2032, 2115, 2121, 2140
 Amendments offered-402, 520, 595, 1146, 1358, 1359, 1464, 1468, 1473, 1602,
 1868, 2140.
 Amendments withdrawn-1141, 1155, 1469, 2115, 2140
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 Trustees-76
 Bills introduced-26, 59, 176, 208, 295, 609, 712, 756, 772, 790, 852
 Committee appointments-60, 61, 62, 63, 946
 Explanation of vote-546
 Leave of absence-544, 1405
 Presented to the House Lisa Switzer, 1995 American Heart Association
 Ambassador-353
 Presented to the House the Honorable Jim Wells, former member of the
 House-1729

Presented with plaque in honor of years of service to the House of Representatives and Senate—2276

Presided at sessions of the House—2356

Resolutions offered—57, 526, 770

Subcommittee assignments—76, 124, 143, 204, 346, 473, 522, 705, 736, 764, 778, 1080, 1118, 1137

SALTON, BILL—Representative Clay-Kossuth-Palo Alto Counties

Amendments filed—912-925, 1398, 1537, 2203-2204

Amendments offered—1634, 1789

Amendment withdrawn—1635

Bills introduced—25, 59, 266, 425, 529, 530, 2251

Committee appointments—48, 60, 62, 63, 1982

Presented to the House Tracey Nelson, 1995 Miss Shamrock of the St. Patrick's Day Celebration in Emmetsburg—786

Presented to the House Ned O'Keeffe, T.D., County Cork, Ireland—786

Presented to the House the Honorable Lee Holt, former member of the House—1729

Report—2049-2051

Resolutions offered—35, 206, 265, 784, 1844

Subcommittee assignments—172, 211, 220, 254, 450, 522, 647, 681, 689, 705, 748, 749, 764, 766, 778, 798, 942, 1003, 1191, 1292, 1293, 1366

SCHRADER, DAVID—Representative Marion-Warren Counties, Minority Leader

Addressed the House—8, 21-23, 2382-2384

Amendments filed—234-237, 243-244, 460, 548, 549, 550, 551, 552, 723, 751, 762, 843, 844, 851, 1036, 1078, 1138, 1192, 1193, 1243, 1480, 1512, 1538

Amendments offered—734, 843, 844, 1077, 1078, 1227, 1228

Appointed to the Legislative Council—223

Bills introduced—609, 743, 1040, 1372, 1489, 2282, 2283

Committee appointments—47, 60, 772, 1883

Presented to the House Brooke Barnett, Iowa's Miss Teen—79

Remarks by—8, 21-23, 2382-2384

Resolutions offered—13, 14, 14-15, 57, 424, 447, 526, 772

Special presentation to House pages—669, 2249-2250

SCHULTE, LYNN S.—Representative Johnson-Linn Counties

Amendments filed—684, 878, 1004, 1371, 1398, 1616, 2203-2204

Amendments offered—703, 704, 1668

Bills introduced—25, 59, 126, 140, 266, 425, 463, 530, 699, 2251

Committee appointments—62, 63, 100, 791, 1785

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Resolutions offered—35, 206

Subcommittee assignments—95, 138, 172, 220, 297, 298, 421, 473, 522, 689, 748, 765, 776, 777, 778, 1033, 1081, 1292

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Assignment of seats in press gallery—218-219

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SECRETARY OF STATE, Paul D. Pate

Certificate of election—99

Communication from—419-420

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SHOULTZ, DON—Representative Black Hawk County

Amendments filed—234-237, 243-244, 249-251, 252, 350, 476, 477, 494-495, 527, 549, 550, 551, 552, 694, 695, 709, 740, 762, 878, 879, 943, 983, 1004, 1005, 1051, 1052, 1083, 1084, 1192, 1193, 1248, 1295, 1479, 1480, 1586, 1802, 1811, 1812, 1827-1828, 1829-1830, 1844, 1845, 1881, 1963-1964, 1971, 1972

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Amendments withdrawn—252, 1051, 1134, 1140, 1976, 2103

Bills introduced—208, 259, 290, 413, 426, 478, 609, 685, 686, 726, 754, 790

Committee appointments—61, 62, 63

Explanation of vote—253

Leave of absence—226, 458

Petition presented—528

Presented to the House the Honorable Joan Hester, former member of the House—1692

Resolutions offered—57, 526

Subcommittee assignments—57, 297, 298, 346, 473, 689, 717, 776, 982, 983, 1033, 1081, 1730

SIEGRIST, BRENT—Representative Pottawattamie County, Majority Leader

Addressed the House—23-25, 2384-2386

Amendments filed—844-845, 912-925, 1083, 1228, 1231, 1296, 1946

Amendments offered—844, 1135, 1228, 1946

Announcement as Speaker (bills referred to committees)—1583-1584

Appointed to the Legislative Council—223

Bills introduced—609, 1040, 1372, 1489, 2282, 2283

Bills referred and rereferred to committees—1216, 1381-1382, 1860

Committee appointments—60, 1883

Leave of absence—413, 426, 446, 528, 1696

Memorial committees appointed—806, 807

Presentation of visitors—1584-1585

Presided at sessions of the House—805, 978, 1290, 1580, 1908

Remarks by—23-25, 2384-2386

Resolutions offered—13, 14, 14-15, 206, 424, 447, 1971, 2326

Senate Files substituted for House Files and placed on the unfinished business calendar—1364

Special presentation to House pages—669, 2249-2250

- SPEAKER OF THE HOUSE—Ron J. Corbett, Representative Linn County**
 Addressed the House—9-12, 2386-2387
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 Appointed to the Council on Human Investment—75
 Appointed to the Legislative Council—223
 Bills referred and rereferred to committees—210, 530, 754, 763, 1115-1116, 1400, 1846
 Bills signed by—392, 735, 797, 1117, 1136, 1246, 1364-1365, 1584, 1807, 1840, 2029, 2117, 2144, 2206, 2207, 2387, 2390
 Committees appointed by—28, 37, 47, 97, 122, 171, 946, 1982, 2391, 2392
 Committee appointments—60, 946
 Communication from governor—2392-2393
 Conference committees appointed—1698, 2035, 2100, 2152, 2171, 2325
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 Final adjournment, 1995 Regular Session of the Seventy-sixth General Assembly,
 Senate Concurrent Resolution 34—S. J. 1621, 1628-1629, 1629 adopted & msgd. -
 H. J. 2382, 2389 adopted - S. J. 1636, 1641
 Interim appointments—74-76
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 Presented to the House the Honorable Paul Tsongas, former United States Senator—471
 Presented Representative Running with plaque in honor of his years of service in both the House of Representatives and the Senate—2276
 Presided at sessions of the House—28, 30, 37, 46, 47, 54, 59, 97, 106, 121, 126, 127, 132, 134, 140, 144, 175, 207, 226, 230, 259, 260, 266, 283, 290, 301, 392, 397, 401, 413, 414, 425, 426, 446, 462, 478, 528, 544, 555, 609, 650, 667, 669, 680, 685, 731, 733, 741, 752, 755, 758, 771, 786, 792, 852, 880, 890, 938, 944, 960, 967, 972, 996, 999, 1008, 1042, 1049, 1052, 1054, 1090, 1108, 1113, 1115, 1123, 1126, 1129, 1139, 1140, 1156, 1250, 1254, 1285, 1289, 1290, 1297, 1298, 1306, 1400, 1439, 1455, 1481, 1497, 1508, 1618, 1696, 1733, 1819, 1825, 1846, 1858, 1865, 1894, 1922, 1982, 2022, 2033, 2034, 2099, 2110, 2123, 2132, 2151, 2152, 2164, 2180, 2182, 2204, 2211, 2213, 2216, 2249, 2259, 2276, 2283, 2286, 2324, 2327, 2356, 2376, 2390
 Remarks by—9-12, 2386-2387
 Resolution offered—206
 Resolutions rereferred to committees—133
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 House Concurrent Resolution 3—14 adopted - S. J. 18 adopted, 22 - H. J. 28
 House Concurrent Resolution 20—424, 447-448 as amended adopted & msgd. - S. J. 383, 404, 412, 430, 434 adopted & msgd. - H. J. 545
 House Resolution 8—740, 1306-1307 adopted

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Marion Counties
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 Representative Salton presented to the House Tracey Nelson, Miss Shamrock of
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- Emmetsburg Irish Dancers-786
- Representative Salton presented to the House Ned O'Keeffe, T.D. from County Cork, Ireland-786
- Representative Nelson of Pottawattamie presented to the House Joseph Reid a representative of the fourth grade class of Gunn Elementray School, Council Bluffs-961
- Representative Van Maanen presented to the House Shanon Gutierrez, Queen of the 1995 Pella Tulip Festival-1198
- Representative Baker presented to the House the Reverend Jesse Jackson-1298
- Representative Connors presented to the House Dr. Li and Nurse Yan Yeng, Hehei, People's Republic of China-1374
- Representative Eddie presented to the House Alexander Muravsky member of the Parliament of Moldova-1496
- Representative Eddie presented to the House Dr. Peter T. Sabluk, First Deputy Prime Minister for Agriculture and members of Ukraine Agribusiness Trade Delegation-1583
- Representative Hanson presented to the House the Honorable Charles Grassley, United States Senator-1783
- String ensemble from Grinnell High School-1813
- Representative Fallon presented to the House a delegation of twelve Russian legislators-1818
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- House File 359-Representative Harrison-747
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- Amendments filed—804, 912-925, 976, 1035, 1083, 1084, 1537, 1616, 2203-2204
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- Bills introduced—25, 59, 80, 266, 425, 530, 609, 651, 755
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- Amendments filed-1084, 1371, 1537, 2203-2204
- Amendments offered-1167, 1230, 1983
- Bills introduced-25, 59, 78, 266, 355, 478, 609, 727, 728, 742
- Committee appointments-61, 63
- Explanation of vote-1728
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- Resolutions offered-35, 206
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- Amendments offered-1284, 1438, 1441, 1758
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- Recommendations-453, 525, 526, 675, 694, 722, 739, 783, 804, 850, 1121, 1294-1295
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TYRRELL, PHIL—Representative Benton-Iowa Counties

Amendments filed—912-925, 1138, 1537, 2203-2204

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Committee appointments—60, 61, 62, 688, 773

Petition presented—1297

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Subcommittee assignments—125, 442, 523, 546, 663, 689, 704, 705, 718, 777, 778, 1366

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Amendments filed—912-925, 1398, 1537, 1616, 2203-2204

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Leave of absence—2111

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