

State of Iowa
1997

JOURNAL OF THE HOUSE

1997
REGULAR SESSION
SEVENTY-SEVENTH
GENERAL ASSEMBLY

Convened January 13, 1997
Adjourned April 29, 1997

Volume I
January 13—April 9, 1997

TERRY E. BRANSTAD, Governor
RON J. CORBETT, Speaker of the House
MARY KRAMER, President of the Senate

Published by the
STATE OF IOWA

Des Moines

SEVENTY-SEVENTH GENERAL ASSEMBLY
1997 Regular Session
OFFICERS OF THE HOUSE

RON J. CORBETT, <i>Speaker of the House</i>	Cedar Rapids
HAROLD G. VAN MAANEN, <i>Speaker Pro Tempore</i>	Pella
BRENT SIEGRIST, <i>Majority Leader</i>	Council Bluffs
CHUCK GIPP, <i>Majority Whip</i>	Decorah
DONNA BARRY, <i>Assistant Majority Leader</i>	Dunlap
GARY B. BLODGETT, <i>Assistant Majority Leader</i>	Clear Lake
DANNY CARROLL, <i>Assistant Majority Leader</i>	Grinnell
CHRISTOPHER C. RANTS, <i>Assistant Majority Leader</i>	Sioux City
DAVID SCHRADER, <i>Minority Leader</i>	Monroe
JOHN H. CONNORS, <i>Assistant Minority Leader</i>	Des Moines
PAM JOCHUM, <i>Assistant Minority Leader</i>	Dubuque
MICHAEL J. MORELAND, <i>Assistant Minority Leader</i>	Ottumwa
RICHARD E. MYERS, <i>Assistant Minority Leader</i>	Iowa City
DON SHOULTZ, <i>Assistant Minority Leader</i>	Waterloo
ELIZABETH A. ISAACSON, <i>Chief Clerk</i>	Des Moines
JEFF BEAN, <i>Assistant Chief Clerk</i>	Des Moines
GAYLE GOBLE, <i>Assistant Journal Editor</i>	Des Moines
ELAINE SCHOONOVER, <i>Desk Top Specialist</i>	Carlisle
TRINA STERLING, <i>Desk Top Specialist</i>	West Des Moines
BETTY M. SOENER, <i>Confidential Secretary</i> <i>to Chief Clerk</i>	West Des Moines
JANE FOWLER, <i>Assistant Legal Counsel</i>	Des Moines
DOREEN TERRELL, <i>Assistant to the Legal Counsel</i>	Des Moines
PEG KEPHART, <i>Engrossing/Enrolling</i> <i>Text Processor</i>	Des Moines
JUDY GRAESCH, <i>Text Processor I</i>	Des Moines
DEBRA K. REX, <i>Senior Finance Officer</i>	Earlham

TRICIA BERG, <i>Assistant Finance Officer</i>	West Des Moines
ALYCE ELMITT, <i>Recording Clerk II</i>	Des Moines
COLLEEN DILLON, <i>Secretary Supervisor</i>	Des Moines
KATHY FARRELL, <i>Clerk to Chief Clerk</i>	West Des Moines
JUANITA SWACKHAMMER, <i>Indexer II</i>	Des Moines
KRISTIN L. WENTZ, <i>Indexing Assistant</i>	Des Moines
JOHN DAVIS, <i>Administrative Assistant II</i> <i>to Speaker</i>	Des Moines
JEFF MITCHELL, <i>Administrative Assistant II</i> <i>to Speaker</i>	West Des Moines
SUSAN BRUCKSHAW, <i>Executive Secretary</i> <i>to Speaker</i>	Des Moines
SUSAN SEVERINO, <i>Administrative Assistant II</i> <i>to Majority Leader</i>	Des Moines
BECKY LORENZ, <i>Administrative Secretary</i> <i>to Majority Leader</i>	Ankeny
WARREN FYE, <i>Senior Caucus Staff Director</i>	Clive
BRUCE BRANDT, <i>Senior Caucus Staff Secretary</i>	Des Moines
LON ANDERSON, <i>Legislative Research</i> <i>Analyst I</i>	Des Moines
PAT AXMEAR, <i>Legislative Research</i> <i>Analyst</i>	Des Moines
KIM STATLER, <i>Legislative</i> <i>Research Analyst</i>	Des Moines
STACIE MAASS, <i>Legislative Research</i> <i>Analyst I</i>	West Des Moines
LEW OLSON, <i>Legislative</i> <i>Research Analyst I</i>	Des Moines
CRAIG SCHOENFELD, <i>Legislative</i> <i>Research Analyst</i>	Des Moines
BRAD TROW, <i>Legislative</i> <i>Research Analyst</i>	Des Moines
MARK W. BRANDSGARD, <i>Senior Administrative</i> <i>Assistant to Minority Leader</i>	West Des Moines

MARGARET THOMSON, <i>Senior Legislative Research Analyst</i>	Clive
CAROLYN GAUKEL, <i>Confidential Secretary to Minority Leader</i>	West Des Moines
PAULEE LIPSMAN, <i>Senior Caucus Staff Director</i>	Des Moines
ANNA HYATT, <i>Caucus Staff Secretary</i>	Des Moines
JIM ADDY, <i>Legislative Research Analyst</i>	Des Moines
MARY BRAUN, <i>Legislative Research Analyst III</i>	Des Moines
ED CONLOW, <i>Senior Legislative Research Analyst</i>	Des Moines
JENIFER PARSONS, <i>Legislative Research Analyst II</i>	Mingo
THOMAS R. PATTERSON, <i>Senior Legislative Research Analyst</i>	Des Moines
JOSEPH P. ROMANO, <i>Senior Legislative Research Analyst</i>	Des Moines
HOWARD COWLES, <i>Switchboard Operator</i>	Des Moines
MADLINE JAMES, <i>Switchboard Operator</i>	Des Moines
MILDRED STEWART, <i>Bill Clerk</i>	Des Moines
MARIE A. KIRBY, <i>Assistant Bill Clerk</i>	Des Moines
WILLIAM C. WALLING, <i>Postmaster</i>	Des Moines
MARVIN HOLLINGSHEAD, <i>Sergeant-at-Arms</i>	Des Moines
MAYNARD L. BOATWRIGHT, <i>Assistant Sergeant-at-Arms</i>	Des Moines
DWIGHT H. DUGAN, <i>Doorkeeper</i>	Des Moines
PAUL AARDSMA, <i>Doorkeeper</i>	Des Moines
JERRY ORMAN, <i>Doorkeeper</i>	Windsor Heights
RICHARD R. OVERHOLSER, <i>Doorkeeper</i>	Des Moines
KATHLEEN L. O'LEARY, <i>Doorkeeper</i>	Des Moines
WILBUR RHOADS, <i>Doorkeeper</i>	Des Moines

ELECTED OFFICERS, SUPREME COURT JUSTICES AND

IOWA COURT OF APPEALS JUDGES

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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

JUSTICES OF THE IOWA SUPREME COURT

- ARTHUR A. McGIVERIN, *Chief Justice* Ottumwa
- JAMES H. ANDREASEN, *Justice* Algona
- JAMES H. CARTER, *Justice* Cedar Rapids
- K. DAVID HARRIS, *Justice* Jefferson
- J. L. LARSON, *Justice* Harlan
- LOUIS A. LAVORATO, *Justice* Des Moines
- LINDA NEUMAN, *Justice* Davenport
- BRUCE M. SNELL, Jr., *Justice* Ida Grove
- MARSHA TERNUS, *Justice* Des Moines

IOWA COURT OF APPEALS JUDGES

- ALBERT L. HABHAB, *Chief Judge* Fort Dodge
- MARK S. CADY, *Judge* Fort Dodge
- TERRY L. HUITINK, *Judge* Orange City
- ROSEMARY S. SACKETT, *Judge* Spencer
- MICHAEL J. STREIT, *Judge* Des Moines
- GAYLE NELSON VOGEL, *Judge* Knoxville

MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY—1997 REGULAR SESSION

11

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Arnold, Richard	Russell	51	Farmer	91st—Appanoose, Clarke, Lucas, Wayne	76
Barry, Donna	Dunlap	49	Farmer/Property Manager	82nd—Harrison <i>St. Pottawattomie</i>	76
Bell, Paul	Newton	46	Police Lieutenant	57th—Jasper	76
Bernau, Wm. (Bill)	Ames	32	Legislator/Consultant	62nd—Story	74, 74X, 74XX, 75, 76
Blodgett, Gary	Clear Lake	59	Retired Orthodontist	19th—Cerro Gordo	75, 76
Boddicker, Dan	Tipton	34	Electronics Engineer	39th—Cedar, Clinton, Jones	75, 76
Bogges, Effie Lee	Villisca	68		87th—Adams, Page, Taylor	76
Bradley, Clyde	Camanche	62	Retired U.S. Navy, Dept. of Defense	37th—Clinton, Scott	76
Brand, William J.	Chelsea	37	Human Services Professional	60th—Benton, Black Hawk, Tama	73, 74, 74X, 74XX, 75 76
Brauns, Barry	Conesville	64	Manager Muscatine County Fair	47th—Johnson, Louisa, Muscatine	75, 76
Brunkhorst, Bob	Waverly	31	Programmer Analyst	22nd—Black Hawk, Bremer	75, 76
Bukta, Polly	Clinton	60	Teacher	38th—Clinton	None
Burnett, Cecelia	Ames	45	Environmental Education Coordinator	61st—Story	76
Carroll, Danny C.	Grinnell	43	Realtor/Farmer	58th—Jasper, Mahaska, Marshall, Poweshiek	76
Cataldo, Michael	Des Moines	31	Vice President-Iowa EPS Products	68th—Polk	75, 76
Chapman, Kathleen H.	Cedar Rapids	60	Lawyer	53rd—Linn	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX
Chiodo, Frank J.	Des Moines	29	Small Business Manager	67th—Polk	None
Churchill, Steven W.	Johnston	33	Fund Raising Consultant	76th—Dallas, Polk	75, 76
Cohon, Dennis M.	Burlington	43	Teacher	100th—Des Moines	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Connors, John H.	Des Moines	74	Labor Arbitrator/Retired Fire Captain	69th—Polk	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY—1997 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Corbett, Ron J.	Cedar Rapids	36	Special Project Manager	52nd— <i>Linn</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Cormack, Mike	Fort Dodge	26	Substitute Teacher	13th— <i>Webster</i>	76
Dinkla, Dwight	Guthrie Center	45	Attorney	78th— <i>Adair, Guthrie, Madison</i>	75, 76
Dix, Bill	Shellrock	35	Farmer	21st— <i>Butler, Grundy</i>	None
Doderer, Minnette	Iowa City	73	Legislator	45th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Dolecheck, Cecil	Kellerton	46	Farmer	88th— <i>Decator, Ringgold, Taylor, Union</i>	None
Dotzler, William A., Jr.	Waterloo	49	Machine Operator/ Labor Rep.	26th— <i>Black Hawk</i>	None
Drake, Jack	Lewis	62	Farmer	81st— <i>Audubon, Pottawattamie, Shelby</i>	75, 76
Drees, Jim	Manning	66	Retired	80th— <i>Carroll, Greene</i>	76
Eddie, Russell J.	Storm Lake	58	Retired Farmer	10th— <i>Buena Vista, Clay, Pocahontas</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Falck, Steven L.	Stanley	39	Real Estate Appraiser	28th— <i>Buchanan, Fayette</i>	None
Fallon, Ed	Des Moines	38	Legislator	70th— <i>Polk</i>	75, 76
Foege, Romaine H.	Mount Vernon	59	Social Worker	50th— <i>Johnson, Linn</i>	None
Ford, Wayne W.	Des Moines	46	Exec. Director Human Services	71st— <i>Polk</i>	None
Frevert, Marcella R.	Emmetsburg	60	Educator	8th— <i>Clay, Kossuth, Palo Alto</i>	None
Garman, Teresa	Ames	59	Farmer/Licensed Realtor	63rd— <i>Marshall, Story</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY—1997 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Gipp, Chuck	Decorah	48	Dairy Farmer	31st—Allamakee, Winneshiek	74, 74X, 74XX, 75, 76
Greig, John M.	Estherville	62	Farmer	7th—Dickinson, Emmet, Palo Alto	75, 76
Greiner, Sandra H.	Keota	51	Farmer	96th—Keokuk, Mahaska, Wapello, Washington	75, 76
Gries, Don	Charter Oak	67	Retired School Administrator	12th—Crawford, Monona, Woodbury	75, 76
Grundberg, Betty	Des Moines	58	Renovation & Property Mgmt.	73rd—Polk	75, 76
Hahn, James F.	Muscatine	61	Real Estate/ Property Mgmt.	48th—Muscatine, Scott	74, 74X, 74XX, 75, 76
Hansen, Brad	Council Bluffs	29	Health Administrator	83rd—Pottawattamie	None
Heaton, David E.	Mt. Pleasant	55	Restaurant Owner	97th—Des Moines, Henry, Washington	76
Holmes, Danny J.	Walcott	50	Accountant	40th—Scott	None
Holveck, Jack	Des Moines	53	Attorney	72nd—Polk	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Houser, Hubert	Carson	54	Farmer	85th—Fremont, Mills, Pottawattamie	75, 76
Huseman, Daniel A.	Aurelia	44	Farmer	9th—Buena Vista, Cherokee, O'Brien, Plymouth	76
Huser, Geri	Altoona	34	Social Worker	66th—Polk	None
Jacobs, Libby	West Des Moines	40	Asst. Director - Corporate Relations, Principal Financial Group	74th—Polk	76
Jenkins, G. Willard	Waterloo	60	Engineer	24th—Black Hawk	None
Jochum, Pam	Dubuque	42	Loras College	35th—Dubuque	75, 76
Kinzer, Ron	Davenport	64	Retired Journeyman Iron Worker	44th—Scott	None
Klemme, Ralph	LeMars	57	Farmer	4th—Plymouth, Woodbury	75, 76
Koenigs, Deo A.	St. Ansgar	61	Farmer	29th—Floyd, Mitchell	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY – 1997 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Kreiman, Keith A.	Bloomfield	42	Attorney	92nd—Appanoose, Davis, Monroe, Van Buren	75, 76
Kremer, Joseph M.	Jesup	75	Retired Farmer	27th—Black Hawk, Buchanan, Delaware	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 76
Lamberti, Jeffrey M.	Ankeny	34	Attorney	65th—Polk	76
*Larkin, Rick	Fort Madison	44	Correctional Counselor	99th—Des Moines, Lee	75, 76
Larson, Charles	Cedar Rapids	28		55th—Linn	75, 76
Lord, David G.	Perry	62	Self Employed	77th—Dallas, Madison	76
Martin, Mona	Davenport	62	Partner-Robert Martin Co.	43rd—Scott	75, 76
Mascher, Mary	Iowa City	44	Teacher	46th—Johnson	76
May, Dennis	Kensett	49	Farmer	20th—Cerro Gordo, Mitchell Worth	72, 72X, 72XX, 73, 75, 76
Mertz, Dolores M.	Ottosen	68	Self Employed- Farmer/ Legislator	15th—Humboldt, Kossuth	73, 74, 74X, 74XX, 75, 76
Metcalfe, Janet	Des Moines	60	Legislator	75th—Polk	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Meyer, Jim	Odebolt	61	Farmer/Agribusinessman	11th—Ida, Sac, Woodbury	75, 76
Millage, David A.	Bettendorf	43	Attorney	41st—Scott	74, 74X, 74XX, 75, 76
Moreland, Michael J.	Ottumwa	34	Attorney	93rd—Wapello	75, 76
Mundie, Norman	Fort Dodge	68	Retired Farmer	14th—Boone, Calhoun, Hamilton, Webster	75, 76
**Murphy, Patrick J.	Dubuque	37	Self Employed	36th—Dubuque	73 (2nd), 74, 74X, 74XX, 75, 76
***Myers, Richard E.	Iowa City	62	Business Owner	49th—Johnson	75 (2nd), 76
Nelson, Beverly J.	Marshalltown	67	Executive Vice President Iowa Valley Comm. College District	64th—Marshall	76

*Elected in Special Election February 16, 1993

**Elected in Special Election September 26, 1989

***Elected in Special Election February 22, 1994

MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY—1997 REGULAR SESSION

x

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
O'Brien, Michael J.	Boone	57	Teacher	79th—Boone, Greene	75, 76
*Osterhaus, Robert	Maquoketa	65	Pharmacist	34th—Dubuque, Jackson	76 (1st)
Rants, Christopher	Sioux City	29	Metz Baking Co. Environmental Projects	3rd—Woodbury	75, 76
Rayhons, Henry	Garner	61	Farmer	16th—Hancock, Winnebago Wright	None
Reynolds-Knight, Rebecca	Bonaparte	48	Nurse, Political Activist	94th—Jefferson, Van Buren, Wapello	None
Richardson, Steve	Indianola	42	Teacher	89th—Warren	None
Scherrman, Paul	Farley	49	Vice Pres. J.P. Scherrman, Inc.	33rd—Delaware, Dubuque	None
Schrader, David	Monroe	44	Small Business Owner/ Operator, Legislator	90th—Marion, Warren	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Shoultz, Don	Waterloo	60	Job Training Consultant	25th—Black Hawk	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Siegrist, Brent	Council Bluffs	44	Educator	84th—Pottawattamie	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Sukup, Steven E.	Dougherty	40		18th—Frank'in, Hardin	76
**Taylor, Todd	Cedar Rapids	30	Staff Representative- AFSCME	54th—Linn	76 (1st)
Teig, Russell W.	Jewell	39	Farmer	17th—Franklin, Hamilton, Hardin, Wright	76
Thomas, Roger	Elkader	45	Farmer/School Dist. Employee	32nd—Allamakee, Clayton, Fayette	None

* Elected in Special Election January 16, 1996

** Elected in Special Election June 27, 1995

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY—1997 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
*Thomson, Rosemary	Marion	60		51st— <i>Linn</i>	76
Tyrrrell, Phil	North English	64	Independent Insurance Agent	59th— <i>Benton, Iowa</i>	68, 69, 69X, 69XX, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Van Fossen, James	Davenport	36	Service Representative— Gas & Electric Utility	42nd— <i>Scott</i>	76
Van Maanen, Harold	Pella	67	Retired Farmer	95th— <i>Mahaska, Marion</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73 74, 74X, 74XX, 75, 76
Vande Hoef, Richard	Harris	71	Retired Farmer	6th— <i>Lyon, O'Brien, Osceola, Sioux</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Veenstra, Ken	Orange City	57	Insurance Agent	5th— <i>Sioux</i>	76
Warnstadt, Steve	Sioux City	29	Consultant	2nd— <i>Woodbury</i>	76
Weidman, Dick	Griswold	56	Funeral Home Employee	86th— <i>Cass, Montgomery, Pottawattamie</i>	74, 74X, 74XX, 75, 76
Weigel, Keith	New Hampton	41	Certified Financial Planner	30th— <i>Chickasaw, Howard, Winneshiek</i>	75, 76
Welter, Jerry J.	Monticello	61	Farmer	56th— <i>Jones, Linn</i>	75, 76
Whitead, Wesley E.	Sioux City	63	Heavy Equipment Repair	1st— <i>Woodbury</i>	None
Wise, Philip	Keokuk	50	Teacher	98th— <i>Henry, Lee</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
Witt, William G.	Cedar Falls	46	Photojournalist	23rd— <i>Black Hawk</i>	75, 76

* Elected in Special Election January 10, 1995

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 13, 1997

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Seventy-seventh General Assembly of Iowa 1997 Regular Session, convened at 10:00 a.m., Monday, January 13, 1997.

The House was called to order by the Honorable Phil Tyrrell, State Representative from Iowa County.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Grant Wood All City Drum Corps, Cedar Rapids. Speaker Corbett presented the Iowa Sesquicentennial Flag to the Grant Wood All City Drum Corps. The flag will be a part of the Presidential Inaugural Parade.

TEMPORARY OFFICERS

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

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

Rants of Woodbury moved that the Honorable Phil Tyrrell of Iowa County be elected Temporary Speaker.

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

Temporary Speaker Tyrrell in the chair.

SPECIAL PRESENTATION

Siegrist of Pottawattamie presented to the House, the Honorable Charles E. Grassley, United States Senator.

CREDENTIALS OF MEMBERS

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

The motion prevailed and the following committee was appointed: Jacobs of Polk, Van Fossen of Scott, Garman of Story, Shoultz of Black Hawk and Chapman of Linn.

REPORT OF COMMITTEE ON CREDENTIALS

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

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

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

I, PAUL D. PATE, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 5, 1996, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 1997:

- First Wesley Whitead
Second Steven H. Warnstadt
Third Christopher C. Rants
Fourth Ralph F. Klemme
Fifth Kenneth Veenstra
Sixth Richard P. Vande Hoef
Seventh John Greig
Eighth Marcella R. Frevert
Ninth Dan A. Huseman
Tenth Russell Eddie
Eleventh Jim Meyer
Twelfth Don Gries
Thirteenth Michael Cormack
Fourteenth Norman Mundie
Fifteenth Dolores M. Mertz
Sixteenth Henry Rayhons
Seventeenth Russell W. Teig
Eighteenth Steve Sukup
Nineteenth Gary B. Blodgett
Twentieth Dennis May
Twenty-first Bill Dix
Twenty-second Bob Brunkhorst

Twenty-third	William G. Witt
Twenty-fourth	Willard Jenkins
Twenty-fifth	Don Shoultz
Twenty-sixth	Bill Dotzler
Twenty-seventh	Joseph M. Kremer
Twenty-eighth	Steve Falck
Twenty-ninth	Deo Koenigs
Thirtieth	Keith Weigel
Thirty-first	Chuck Gipp
Thirty-second	Roger Thomas
Thirty-third	Paul Scherrman
Thirty-fourth	Robert J. Osterhaus
Thirty-fifth	Pam Jochum
Thirty-sixth	Pat Murphy
Thirty-seventh	Clyde Bradley
Thirty-eighth	Polly Bukta
Thirty-ninth	Dan Boddicker
Fortieth	Danny Holmes
Forty-first	David A. Millage
Forty-second	James Van Fossen
Forty-third	Mona Martin
Forty-fourth	Ron Kinzer
Forty-fifth	Minnette Doderer
Forty-sixth	Mary Mascher
Forty-seventh	Barry Brauns
Forty-eighth	James F. Hahn
Forty-ninth	Dick Myers
Fiftieth	Ro Foege
Fifty-first	Rosemary R. Thomson
Fifty-second	Ron J. Corbett
Fifty-third	Kay Chapman
Fifty-fourth	Todd Taylor
Fifty-fifth	Charles Larson
Fifty-sixth	Jerry J. Welter
Fifty-seventh	Paul Bell
Fifty-eighth	Danny C. Carroll
Fifty-ninth	Phil Tyrrell
Sixtieth	Bill Brand
Sixty-first	Cecelia Burnett
Sixty-second	Bill Bernau
Sixty-third	Teresa Garman
Sixty-fourth	Beverly J. Nelson
Sixty-fifth	Jeffrey M. Lamberti
Sixty-sixth	Gerl D. Huser
Sixty-seventh	Frank J. Chiodo
Sixty-eighth	Michael J. Cataldo
Sixty-ninth	John H. Connors
Seventieth	Ed Fallon
Seventy-first	Wayne Ford
Seventy-second	Jack Holveck
Seventy-third	Betty Grundberg

Seventy-fourth	Libby Jacobs
Seventy-fifth	Janet Metcalf
Seventy-sixth	Steven W. Churchill
Seventy-seventh	David G. Lord
Seventy-eighth	Dwight Dinkla
Seventy-ninth	Michael J. O'Brien
Eightieth	Jim Drees
Eighty-first	Jack Drake
Eighty-second	Donna Hammitt Barry
Eighty-third	Brad L. Hansen
Eighty-fourth	Brent Siegrist
Eighty-fifth	Hubert Houser
Eighty-sixth	Dick Weidman
Eighty-seventh	Effie Lee Boggess
Eighty-eighth	Cecil Dolecheck
Eighty-ninth	Steve Richardson
Ninetieth	David Schrader
Ninety-first	Richard Arnold
Ninety-second	Keith A. Kreiman
Ninety-third	Michael J. Moreland
Ninety-fourth	Rebecca Reynolds-Knight
Ninety-fifth	Harold Van Maanen
Ninety-sixth	Sandra H. Greiner
Ninety-seventh	David E. Heaton
Ninety-eighth	Philip Wise
Ninety-ninth	Rick Larkin
One Hundredth	Dennis M. Cohoon

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this thirtieth day of December, 1996.

PAUL D. PATE, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the thirtieth day of December, 1996.

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

LIBBY JACOBS, Chair
 JAMES VAN FOSSEN
 TERESA GARMAN
 DONALD SHOULTZ
 KAY CHAPMAN

Jacobs of Polk moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

MEMBERS' OATH OF OFFICE

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

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

Richard Arnold
 Donna Barry
 Paul Bell
 Bill Bernau
 Gary Blodgett
 Dan Boddicker
 Effie Lee Boggess
 Clyde Bradley
 William Brand
 Barry Brauns
 Bob Brunkhorst
 Polly Bukta
 Cecelia Burnett
 Danny Carroll
 Michael Cataldo
 Kay Chapman
 Frank Chiodo
 Steven Churchill
 Dennis Cohoon
 John Connors
 Ron Corbett
 Michael Cormack
 Dwight Dinkla
 Bill Dix
 Minnette Doderer
 Cecil Dolecheck
 Bill Dotzler
 Jack Drake
 James Drees
 Russell Eddie
 Steve Falck
 Ed Fallon
 Ro Foege
 Wayne Ford
 Marcella Frevert
 Teresa Garman
 Chuck Gipp
 John Greig
 Sandra Greiner
 Don Gries
 Betty Grundberg
 James Hahn
 Brad Hansen
 Dave Heaton
 Danny Holmes
 Jack Holveck
 Hubert Houser
 Dan Huseman
 Geri Huser
 Libby Jacobs

Willard Jenkins
 Pam Jochum
 Ron Kinzer
 Ralph Klemme
 Deo Koenigs
 Keith Kreiman
 Joseph Kremer
 Jeffrey Lamberti
 Richard Larkin
 Charles Larson
 David Lord
 Mona Martin
 Mary Mascher
 Dennis May
 Dolores Mertz
 Janet Metcalf
 Jim Meyer
 David Millage
 Michael Moreland
 Norman Mundie
 Pat Murphy
 Richard Myers
 Beverly Nelson
 Michael O'Brien
 Robert Osterhaus
 Christopher Rants
 Henry Rayhons
 Rebecca Reynolds-Knight
 Steve Richardson
 Paul Scherrman
 David Schrader
 Don Shoultz
 Brent Siegrist
 Steve Sukup
 Todd Taylor
 Russell Teig
 Roger Thomas
 Rosemary Thomson
 Phil Tyrrell
 Jamie Van Fossen
 Harold Van Maanen
 Richard Vande Hoef
 Ken Veenstra
 Steven Warnstadt
 Dick Weidman
 Keith Weigel
 Jerry Welter
 Wesley Whitead
 Philip Wise
 Bill Witt

ELECTION OF SPEAKER

Martin of Scott presented the name of the Honorable Ron J. Corbett of Linn County as candidate for Speaker of the House of Representatives of the Seventy-seventh General Assembly, preceding such nomination with the following remarks:

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

I will be placing in nomination the name of Representative Ron Corbett of Linn County. Ron Corbett is serving his sixth term in the Iowa House of Representatives. I first came to know Ron Corbett four years ago upon my election as a state representative from Scott County.

It was a challenging time for the Legislature — and for Iowa — the state had a \$408 million deficit. Ron Corbett was tabbed as House Appropriations Committee Chair and charged with the task of putting together a balanced budget — a blueprint to assure that the needs of Iowans were met as we worked together to eliminate the budget deficit and achieve a sound financial base.

Ron forged bipartisan support for a budget which set the wheels in motion toward the surplus we enjoy today and Iowa being rated by *Financial World* in 1996 as the sixth best managed state in the nation.

Two years ago we elected Ron as Speaker of the House. He is a consensus builder — a man of vision whose dedication to the State of Iowa and leadership has served us all well.

It is an honor for me today to place into nomination the name of the Honorable Ron J. Corbett, State Representative from Linn County, as Speaker of the Seventy-seventh General Assembly.

Heaton of Henry seconded the nomination of Ron J. Corbett for Speaker of the House, preceded by the following remarks:

Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, family members and guests.

Ron Corbett has served this body as a distinguished member for five terms, the last term as Speaker of the House. He has dedicated these past ten years of service toward the goal of making our state government more credible, more effective and fiscally responsible. He has succeeded on every count.

Ron Corbett has truly been a "man of the people." The district that he represents, the great city of Cedar Rapids and its surrounding communities, is made up of people whose roots run deep in traditional values, and who possess vision and a strong work ethic. Ron listens to their concerns and represents them well.

Ron senses society's pressure on families. He knows the importance of education, and the importance of training and retraining our workforce. He recognizes the necessity to create opportunity within our state if we are to retain our youth and our future.

The Seventy-seventh General Assembly faces many challenges — that if met and successfully dealt with, will result in making Iowa a better place in which to live, work and raise a family.

When Ron was given the opportunity to lead, he did not hesitate, but immediately took the initiative. Ron Corbett will continue to provide the leadership this body needs to pass sound, well-formed legislation that will address the challenges that stand before us.

Ladies and gentlemen, it is with great pleasure I second the nomination of Ron Corbett for the office of Speaker of the House.

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

Mr. Speaker, I wish to second the nomination of Ron Corbett of Linn County as Speaker. Two years ago Representative Corbett and I were elected as new leaders of our respective caucuses. During those two years as Speaker, Representative Corbett has demonstrated to all of us a deep respect for the legislative process and for the institution of the House. I appreciate his good judgement. It is my pleasure to second the nomination of Ron Corbett of Linn County as Speaker of the Iowa House.

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

Thomson of Linn moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was appointed: Thomson of Linn and Churchill of Polk.

PRESENTATION OF SPEAKER

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

Reverend Barrett held the Bible for the Speaker.

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

A brand new year, a brand new legislative session. What's nice about something new? It's fresh.

The 1997 legislative session is fresh, but we are not starting from scratch. We have the accomplishments from previous years to build on, and the mistakes of the previous year to avoid. Today Iowa is doing well. Just look at our report card.

We have one, if not the best, K-12 educational system in the country. We have a fiber-optic network and a new school technology program. We have one of the lowest

dropout rates and one of the highest graduation rates. We have more roads per capita and we rank second or third in the number of bike trails. Our crime rate is one of the lowest in the nation and our air and water are clean.

The recent report that rates states on several quality of life issues has a livability rating. We're number one. Iowa is the most livable state in the entire union. On top of that, our economy is strong, unemployment has been under the national average for four years and we have a record number of Iowans working. Our state finances have been rated as one of the best in America. Many economists are calling this the nirvana economy. But let's be realistic. It is easy to grow during a good economy. The challenges are to make the correct budget decisions during the good times and to maintain growth during slow or down times. We have met the first challenge. We must be prepared for the second.

I am proud of Iowa's many favorable ratings and rankings. But there is one ranking that I am not proud of. In fact, I am ashamed of it. That ranking is our position among the highest tax states in America.

This is what I see as our biggest challenge this year. Just as previous legislators made investments and decisions to help us move to the top in education and the environment, we have to make an investment into our economy and for our children.

The recent census bureau report showed that other states around us over the years will be growing at twice our rate. I've been giving a lot of thought to that report and it is extremely puzzling. Remember, we are rated as the most livable state, we have a very low crime rate, better schools, the same climate as the states around us and yet they are growing faster.

I have concluded as many of you have, that we have to reduce our high taxes. Our economy depends on it, and if we are going to reverse what I see as a dangerous growth trend, it is the only way. I hope as we work to lower taxes we do it with the goal of what's best for Iowa.

There is a growing trend in politics that both political parties have used that divides people, promotes hatred and anger, and plays on people's emotions. This trend is extremely bothersome to me. As elected leaders of this state, I hope that we would not resort to this type of tactic. It does not serve a purpose and it is destructive.

Let me be specific. When the floods hit Iowa back in 1993, I didn't see volunteers bagging sand in different lines. One line for those making \$20,000 and one for those making \$40,000. They were standing together, shoulder to shoulder, regardless of income level.

This state was built by people working side by side for the good of Iowa, it wasn't built by pitting one Iowan against another. This year we have the opportunity to make an investment into and for the people of our state. An investment for better paying jobs and for our children. Let's do it with the same spirit upon which Iowa was built. The same spirit that allowed us to celebrate 150 years of statehood.

As critical as tax cuts are, it is not the only issue this General Assembly needs to address. I am a conservative and I believe in lower taxes. But I know that the drive-by shootings in Des Moines, the methamphetamine bust in Pella, the dead baby found in a barn in Cedar County, the teenager that just had a baby in Sioux City — these incidents are not taking place because our income tax rate is 9.98. They are social problems.

And because they are social problems they are surrounded with controversy.

People in general want to shy away from controversy, but the problems are real and so are the faces. Unfortunately, most of the faces are our children. Iowans are concerned and parents are worried. Our moral standards and values have been lowered. We expect less of each other. And we tolerate behavior that none of us would think of doing ourselves. The line has not been blurred, it has been moved. It is time we start pushing back. Our children deserve schools without gangs, street corners without drugs and homes without violence. It is our responsibility to tackle Iowa's social problems. I hope we can do it with the same zest and determination with which we tackle tax cuts. Our children's future depends on it.

I want to close with a quote I came across a few months ago — "It is time we stopped tolerating irresponsible behavior and started expecting some personal responsibility."

I think it is time we stopped accepting high taxes and started giving the family budget more to spend on their kitchen tables.

PERMANENT CHIEF CLERK

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

The motion prevailed and Elizabeth A. Isaacson was declared elected permanent Chief Clerk.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Martin of Scott, Chair; Dolecheck of Ringgold and Falck of Fayette.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Heaton of Henry, Chair; Hansen of Pottawattamie and Frevert of Palo Alto.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

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

1 HOUSE CONCURRENT RESOLUTION 1
 2 By Siegrist and Schrader
 3 *Be It Resolved By The House Of Representatives, The*
 4 *Senate Concurring,* That a joint convention of the two
 5 houses of the 1997 session of the Seventy-seventh
 6 General Assembly be held on Tuesday, January 14, 1997,
 7 at 10:00 a.m.; and
 8 *Be It Further Resolved,* That Governor Terry E. Branstad
 9 be invited to deliver his condition of the state and budget
 10 message at this joint convention of the two houses of the
 11 General Assembly, and that the Speaker of the House of
 12 Representatives and the President of the Senate be designated
 13 to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

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

1 HOUSE CONCURRENT RESOLUTION 2
 2 By Siegrist and Schrader
 3 *Be It Resolved By The House Of Representatives, The*
 4 *Senate Concurring,* That a joint convention of the two
 5 houses of the 1997 session of the Seventy-seventh
 6 General Assembly be held on Wednesday, January 15, 1997,
 7 at 10:00 a.m.; and
 8 *Be It Further Resolved,* That Chief Justice McGiverin
 9 be invited to present his message of the condition of
 10 the judicial department at this convention, and recommend
 11 such matters as the Chief Justice deems expedient, pursuant
 12 to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following resolutions be immediately messaged to the Senate: **House Concurrent Resolutions 1 and 2.**

ELECTION OF SPEAKER PRO TEMPORE

Kremer of Buchanan placed in nomination the Honorable Harold G. Van Maanen as candidate for Speaker pro tempore of the House of Representatives of the Seventy-seventh General Assembly, preceding his nomination with the following remarks:

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

I rise today to nominate a respected colleague for the position of Speaker pro tempore. This gentleman is beginning his 19th year of dedicated service in the Iowa House of Representatives. During this time he has served with distinction in performing the various duties required of a legislator. His quiet, thoughtful approach to difficult issues, and his careful analysis of complex situations has earned the respect of his colleagues. His dignified and evenhanded leadership was characteristic of his service as Minority Leader, Speaker of the House, and Speaker pro tempore.

Ladies and gentlemen, it is now my privilege, and a very great honor to place in nomination for Speaker pro tempore, the name of the Honorable Harold G. Van Maanen.

Klemme of Plymouth seconded the nomination of Representative Van Maanen as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:

Mr. Speaker, ladies and gentlemen of the House.

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

Representative Van Maanen is a man of integrity and serves the people of Iowa with dedication and fairness. Mr. Van Maanen is always ready to listen to the other person's viewpoint and questions. Harold is a dedicated family man with a strong religious faith which has sustained him through good times and some very tough times.

During the past four years, as I have watched and listened to Representative Van Maanen, it reminds me of a commercial that many of you may remember: When Representative Van Maanen speaks — people listen. Harold commands respect and receives it. I believe we can all learn from what Representative Van Maanen has to say.

It is with great honor and a privilege for me to second the nomination of the Honorable Harold Van Maanen as Speaker pro tempore of the Iowa House of Representatives.

Thank you Mr. Speaker.

Mertz of Kossuth seconded the nomination of Representative Van Maanen, preceding the nomination with the following remarks:

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

I have served with Harold for eight years, and I don't know of a more fair person who is always considerate of other people's feelings. I can't think of anyone who is more dedicated and deserving of the position of Speaker pro tempore.

Mr. Speaker, I move that the Chief Clerk be directed to cast the votes of all the members of the House for the Honorable Harold Van Maanen of Marion County for Speaker pro tempore.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Harold G. Van Maanen as Speaker pro tempore of the House of Representatives of the Seventy-seventh General Assembly. The Honorable Harold G. Van Maanen of Marion County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Seventy-seventh General Assembly, was declared duly elected to that office.

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

The motion prevailed and the following committee was appointed: Garman of Story and Connors of Polk.

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

Thank you for those kind remarks. You said them better than I ever could have. Thank you. I think we're off to a good start when you consider that I had two people of Irish descent escort a Dutchman to the Speaker's station.

First of all, I want to welcome back all the incumbents who won re-election. Congratulations. And I want to extend a special welcome to the new members who are joining us as this family in the Iowa legislature. And it is a family. I want to extend to you as I've done in the past, a warm welcome, welcoming you to the process, a process that we all love, and I also want to extend to you the courtesy that if I can be of any help to any of you at any time, please don't hesitate to talk to me. Because perhaps I can learn more than what I can teach you. And I really mean that sincerely. I'll also say to the new members that during your orientation, if you were not informed that if you have a special event in your life during session, you are admonished to furnish cookies to the whole body. And if by chance you should become a mother, father, or a grandparent, then you must provide a pound of chocolate for every pound they weigh. Just so you understand and get the record straight on that part of it.

I'm not going to talk about issues. In fact, the Speaker took a lot of my comments, and so I don't want to repeat myself. But I do want to let you know that as your Speaker pro tempore I'm assuming that I will be presiding occasionally. And while I am presiding I want you to know that I will continue the policy that I've had the last four years in trying to be as fair and as honest as I can with procedures, motions, amendments, etc. I hope to do that as I've done in the past regardless of party affiliation. I have a keen respect for the philosophical differences that we have in this body. That's why we are a diverse body. That's what makes the Iowa legislature so great. But by the same token, I kind of frown on debate that is strictly for political gain for one party or the other. So I just want to say that I would like to extend the olive leaf this morning, but I've been around here long enough to know that after the olive leaf is extended, before the week is over it's pretty well withered. Nevertheless, I do want to extend to the members of the minority party that we welcome their input and that we all need to work together for the good of the state of Iowa and the great people who live here. So with that, I look forward to this session. It is a privilege and an honor to be elected as your Speaker pro tempore, and I just want to say God bless each and every one of you and your families while you're here this session. Thank you so much.

COMMITTEE FROM THE SENATE

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

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

SPECIAL ORDER

Siegrist of Pottawattamie moved that the assignment of seats to the members of the House be made a special order for this afternoon at 1:35 p.m., which motion prevailed.

ADOPTION OF HOUSE RESOLUTION 1

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

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

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 2

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

1 HOUSE RESOLUTION 2
2 By Rants
3 *Be It Resolved By The House Of Representatives, That*

- 4 a committee of one be appointed to arrange for opening
- 5 the sessions with prayer.

The motion prevailed and the resolution was adopted.

The Speaker appointed as such committee Vande Hoef of Osceola.

COMMITTEE ON MILEAGE

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

The motion prevailed and the following committee was appointed: Bradley of Clinton, Chair; Tyrrell of Iowa and Bernau of Story.

ADOPTION OF TEMPORARY RULES OF THE HOUSE

Rants of Woodbury moved that the permanent rules of the House and provisions for compensation of employees adopted by the Seventy-sixth General Assembly be the temporary rules and temporary compensation provisions for the House of the Seventy-seventh General Assembly.

The motion prevailed.

COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

REMARKS BY MINORITY LEADER

Schrader of Marion offered the following remarks:

Welcome back old friends and new colleagues. During the opening ceremony of a new session I always find myself thinking of the great privilege that our constituents have given us by allowing us to serve them here in this place. Ten years ago Speaker Corbett and I spent much of opening day, like most new members, trying to figure out which desk to choose. Incredibly, only eleven of the veterans who saw us sworn in then are serving here today. The ceremony and this place stay the same while the people and the ideas constantly change. Good luck to each of the twenty-one new members and thank you in advance for the new ideas you have brought with you.

This session holds great promise for all the people of Iowa. Cutting taxes, balancing the budget and funding our priorities are all possible and likely thanks to good decisions made by previous legislatures and thanks to a solid and growing Iowa economy. Democrats are ready to build on, and add to Iowa's great success story.

Tax cuts will continue to be a top priority for Democrats, as they were in 1995 and 1996 when we fought for and won property tax cuts for Iowans. Today middle

income Iowans earn 50 percent of the income and pay 62 percent of the income taxes. That's not fair. Democratic tax cuts will give every taxpayer their fair share.

We believe that a well-educated workforce will be our greatest asset as we enter a new century. To succeed in the next century, every child must have some education beyond high school, whether in a vocational trade school, at a community college or at one of our public or private colleges or universities.

To prepare for the next century Democrats propose the "Iowa Wins Scholarship" program. "Iowa Wins" would offer every recent high school graduate a one-year, \$1,000 scholarship for tuition at an accredited post-secondary school in Iowa. Students placing in the top 25 percent of their class would be eligible for a \$2,000 scholarship. A better-educated workforce, fewer dropouts, better test scores and a future of good-paying jobs, all result when "Iowa Wins."

Democrats will continue our fight to put health care decisions back where they belong — with families and their physicians. We pay insurance companies to help us limit financial risk but we trust our doctors for our health care advice. Insurance companies must not be allowed to make decisions, such as gag rules for providers and drive-by mastectomies that are not in the best interest of our families.

We have built prisons to take violent criminals off the streets. This year we need to focus on juvenile crime and treatment for troubled youth. Democrats will work to provide appropriate punishment and treatment for youthful offenders. Today's system of waiting lists and delayed punishment isn't working — we can do better.

Our Democratic agenda addresses the problems facing Iowa and looks ahead to build future successes. We are thankful for this time of prosperity in Iowa, but we believe things can be even better. Mr. Speaker, Democrats are ready to go to work.

REMARKS BY MAJORITY LEADER

Siegrist of Pottawattamie offered the following remarks:

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

Good morning and welcome! It is always a pleasure to be in the Iowa House of Representatives on opening day. One reason is because it means I was re-elected. It also reminds me of the first day of school when we see old friends and meet new ones.

It is always rewarding to look around this chamber and see 100 members who recently stood for election. I know that each and every one of us comes into this session wanting to do what is best for the citizens of Iowa. We will have many differences of opinion over the next several months as to what is best for our state, but I believe we are all united in our efforts to move Iowa forward.

To the twenty-one new members — a very special welcome. You are embarking upon a job that will most likely be one of the most rewarding, exciting and at times frustrating experiences of your life. The new members, combined with the rest of us, make up a very diverse group of people which truly makes this a citizens' legislature.

As we begin our work here today, I stand before you with a request and a challenge. I offer this not just to the Republican members of my caucus, but to all 100 members of this body. I further extend this challenge to the Senate and the Governor. The request is very simple — we must remain committed to our respective goals and principles, but in the truest sense of legitimate legislative debate, we must seek to work together and create a new spirit of bipartisanship throughout Iowa. Let us have our honest differences, but let us also put the interests of Iowa above all else.

The challenge is somewhat more complex. Simply put, the challenge is that as we address the current problems and concerns of Iowans, that we also offer and advocate solutions that take into account the future generations of Iowans.

During the past four years, the Legislature, with the House of Representatives clearly leading the way, has turned Iowa around. Our great state is now on a course of unprecedented growth, opportunity and prosperity. We are here at a time when Iowa sits on the brink of many possibilities, especially in the areas of the quality of life, education and technology. We must be bold in advancing those possibilities for current and future generations of Iowans.

The singer, Mary Chapin Carpenter, has a line in one of her songs that describes where we are on a legislative timeline. She sings, "Every story's got a chapter/That chapter will be defined/By what's before and what comes after." This body over the past four years has defined the before chapter. Today, we begin work on the chapter about what comes after.

The agenda that will be pursued by the majority party is basic and focused.

1. We will maintain our commitment to what we do best in this state — **education**. This legislature will fund the allowable growth and school technology commitments. The allowable growth funding for our K-12 school system will be a funding increase of over 6 percent. We will also provide an additional \$30 million for technology to help prepare our students for the future.

2. As this house did last year, with bipartisan support we will pass **Learnfare** this session. Our Learnfare proposal will apply to children between the ages of 6 through 11. Now some people will spew the rhetoric that this plan is unfair to poor people or mean to children. What is mean to children is not making sure that they get an education. An education is a requirement to escape poverty. Learnfare can be one more way to help break the cycle of welfare dependency.

3. We will pass the **Restore the Outdoors** plan. This plan over the next couple of years will provide \$12 million to our park system to repair and improve our parks all across the state.

4. We will pass a resolution, this week, urging Congress to adopt the **Balanced Budget Amendment** and send it to the 50 states for ratification. Fiscal irresponsibility at the federal level by both the legislative and executive branches has resulted in a lower standard of living for all Americans. The massive federal debt is endangering opportunities for my son and for all your children and grandchildren.

5. Part of our agenda will be to take a closer look at the **juvenile justice system**. It is imperative that we look at not only punitive measures to combat youth violence, but that we find additional funding for proven preventative measures.

And finally, last night as I was sitting in my apartment, I was listening to the Beatles and a song came on that has a great deal of significance for this legislative session. It was a song called "Taxman," and one of the lyrics really hit home. "Let me tell you how it will be. There's one for you, nineteen for me, cause I'm the taxman." Well, all Iowans should know that after this legislative session, the taxman is getting less. Considerable time will be consumed this session as we work to reduce the tax burden on all Iowans. Let me repeat, all Iowans! Our taxes are too high and in order to compete regionally and globally, to maintain and create new jobs, we must reduce the tax burden on all of our citizens. To those amongst us who want to preach the politics of division and class warfare — this is not what the citizens of Iowa want from you. If it were, there would be a new majority in the U.S. Congress today.

The first tax issue before us this year is one that passed last year in the House in a bipartisan manner. We will eliminate the inheritance tax for children, grandchildren and stepchildren. A tax on a person's legacy, be it a family farm or small business, is contrary to the American dream. We will eliminate that tax.

When we have accomplished that early in the session, then we will begin the debate on significantly reducing the rest of our tax burden.

This session of the Iowa Legislature promises to be busy and productive. We have spent much time this past year looking back and celebrating 150 years of our history. Now, we look to our future.

Our challenge and our goal must be to serve not only those who live in Iowa now, but to set a course of prosperity with stability for those who will live and grow up in Iowa in the 21st century.

So let us join together today with a commitment to work in a bipartisan spirit and to make a positive difference for Iowans, well into the next century.

Thank you, Mr. Speaker.

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 administration and rules today.

INTRODUCTION OF BILLS

House Joint Resolution 1, by Garman, a joint resolution to nullify an administrative rule of the department of corrections concerning dietary requirements in jails and providing an effective date.

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

House File 1, by Van Maanen and Holveck, a bill for an act relating to a moratorium on licenses to conduct gambling games at pari-mutuel racetracks or on excursion boats and providing an effective date.

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

House File 2, by Millage, a bill for an act relating to alternate and permanent access to a highway undergoing construction or maintenance.

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

House File 3, by Jochum, a bill for an act requiring videos produced by the state to be captioned for deaf and hard-of-hearing persons.

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

House File 4, by Grundberg, Connors, Metcalf, Holveck, Churchill, Cataldo, Fallon, Jacobs, and Lamberti, a bill for an act relating to the office of city assessor in certain counties.

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

House File 5, by Kremer, a bill for an act relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function.

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

House File 6, by Brunkhorst, a bill for an act eliminating registration requirements for construction contractors.

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

House File 7, by Garman, a bill for an act relating to a deduction for payments made for health insurance and long-term health and nursing care coverage and providing a retroactive applicability date provision.

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

House File 8, by Vande Hoef and Houser, a bill for an act relating to the funding of state mandates.

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

House File 9, by Vande Hoef, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained.

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

House File 10, by Dinkla, a bill for an act repealing the statute regulating general business franchises.

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

House File 11, by Van Maanen, a bill for an act establishing a residency requirement for arbitrators concerning public employee collective bargaining.

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

House File 12, by Van Maanen, a bill for an act relating to the exemption of unassisted coin-operated motor vehicle wash, wax, and vacuum services from the state sales, services, and use taxes.

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

House File 13, by Van Maanen, a bill for an act prohibiting the use of animals as awards or prizes for winning games of skill or games of chance and subjecting violators to a penalty.

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

STANDING COMMITTEES APPOINTED

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

ADMINISTRATION AND RULES – 14 Members

Rants, Chair	Blodgett	Moreland	Shoultz
Carroll*	Corbett	Myers	Siegrist
Connors**	Gipp	Schrader	Van Maanen
Barry	Jochum		

AGRICULTURE – 21 Members

Eddie, Chair	Greiner	Koenigs	Rayhons
Meyer*	Hahn	Kreiman	Reynolds-Knight
Drees**	Heaton	May	Scherrman
Bogges	Huseman	Mertz	Teig
Frevert	Klemme	Mundie	Welter
Greig			

APPROPRIATIONS – 25 Members

Millage, Chair	Churchill	Houser	Moreland
Sukup*	Cormack	Huser	Nelson
Murphy**	Garman	Jacobs	Reynolds-Knight
Brand	Gipp	Koenigs	Taylor
Brauns	Greiner	Kreiman	Warnstadt
Brunkhorst	Grundberg	Meyer	Wise
Cataldo			

COMMERCE AND REGULATION – 21 Members

Metcalf, Chair	Chapman	Doderer	Osterhaus
Van Fossen*	Chiodo	Hansen	Rants
Koenigs**	Churchill	Holveck	Sukup
Bradley	Dinkla	Jacobs	Weigel
Brunkhorst	Dix	Larson	Wise
Cataldo			

* Vice Chair

** Ranking Member

ECONOMIC DEVELOPMENT - 22 Members

Larson, Chair	Bukta	Kinzer	Scherrman
Teig*	Dolecheck	Mascher	Thomson
Warnstadt**	Dotzler	May	Tyrrell
Barry	Drake	O'Brien	Weigel
Boggess	Heaton	Rayhons	Witt
Bradley	Jenkins		

EDUCATION - 22 Members

Gries, Chair	Bukta	Grundberg	Rants
Thomson*	Cohon	Kinzer	Thomas
Wise**	Dolecheck	Lord	Van Maanen
Boddicker	Falck	Mascher	Veenstra
Brand	Foege	Metcalf	Warnstadt
Brunkhorst	Garman		

ENVIRONMENTAL PROTECTION - 21 Members

Hahn, Chair	Fallon	Holveck	Richardson
Bradley*	Foege	Jenkins	Shoultz
Witt**	Gipp	Mascher	Teig
Boggess	Greiner	Meyer	Thomas
Burnett	Gries	Rants	Van Fossen
Drake			

HUMAN RESOURCES - 23 Members

Boddicker, Chair	Carroll	Kremer	Thomas
Veenstra*	Falck	Lamberti	Thomson
Brand**	Fallon	Lord	Van Maanen
Barry	Foege	Martin	Vande Hoef
Blodgett	Ford	Moreland	Witt
Burnett	Houser	Murphy	

JUDICIARY - 21 Members

Lamberti, Chair	Chapman	Garman	Millage
Kremer*	Churchill	Greiner	Moreland
Kreiman**	Dinkla	Grundberg	Shoultz
Bell	Doderer	Holveck	Sukup
Bernau	Ford	Larson	Veenstra
Boddicker			

LABOR AND INDUSTRIAL RELATIONS - 21 Members

Tyrrell, Chair	Dix	Klemme	Murphy
Barry*	Dotzler	Kremer	O'Brien
Taylor**	Falck	Lamberti	Sukup
Bell	Holmes	Metcalf	Veenstra
Boddicker	Kinzer	Millage	Whitead
Cconnors			

* Vice Chair

** Ranking Member

LOCAL GOVERNMENT – 21 Members

Vande Hoef, Chair	Dix	Martin	Richardson
Arnold*	Houser	Mertz	Van Maanen
Fallon**	Huseman	Mundie	Weidman
Brauns	Huser	Myers	Welter
Carroll	Klemme	Reynolds-Knight	Whitead
Connors			

NATURAL RESOURCES – 21 Members

Klemme, Chair	Cohoon	Eddie	Mundie
Huseman*	Cormack	Frevert	Osterhaus
O'Brien**	Dolecheck	Greig	Rayhons
Arnold	Dotzler	Hahn	Tyrrell
Bell	Drees	Mertz	Weidman
Brauns			

STATE GOVERNMENT – 21 Members

Martin, Chair	Cataldo	Hansen	Nelson
Drake*	Chiodo	Holmes	Taylor
Larkin**	Churchill	Houser	Tyrrell
Bernau	Connors	Jacobs	Van Fossen
Bradley	Gipp	Jochum	Whitead
Burnett			

TRANSPORTATION – 21 Members

Welter, Chair	Bukta	Drees	Nelson
Heaton*	Carroll	Eddie	Rayhons
May**	Chiodo	Ford	Scherrman
Arnold	Cohoon	Huser	Vande Hoef
Blodgett	Cormack	Larkin	Weidman
Brauns			

WAYS AND MEANS – 25 Members

Dinkla, Chair	Drake	Lamberti	Rants
Greig*	Frevert	Larkin	Richardson
Bernau**	Hansen	Larson	Shoultz
Blodgett	Holmes	Lord	Teig
Chapman	Jenkins	Myers	Van Fossen
Dix	Jochum	Osterhaus	Weigel
Doderer			

ETHICS – 6 Members

Greig, Chair	Chapman**	Moreland	Weigel
Lord*	Gries		

HOUSE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION – 9 Members

Brunkhorst, Chair	Boddicker	Klemme	Taylor
Holmes*	Chiodo	O'Brien	Tyrrell
Cataldo**			

* Vice Chair

** Ranking Member

AGRICULTURE AND NATURAL RESOURCES - 9 Members

Greiner, Chair	Drake	Hahn	May
Dolecheck*	Greig	Koenigs	Thomas
Mertz**			

ECONOMIC DEVELOPMENT - 9 Members

Churchill, Chair	Dotzler	Reynolds-Knight	Van Fossen
Bogges*	Eddie	Teig	Wise
Holveck**			

EDUCATION - 9 Members

Grundberg, Chair	Barry	Gries	Scherrman
Dix*	Frevert	Rants	Witt
Mascher**			

HEALTH AND HUMAN RIGHTS - 9 Members

Nelson, Chair	Ford	Kremer	Thomson
Lord*	Kinzer	Martin	Weigel
Mundie**			

HUMAN SERVICES - 9 Members

Houser, Chair	Blodgett	Fallon	Jochum
Hansen*	Carroll	Foege	Veenstra
Osterhaus**			

JUSTICE SYSTEM - 9 Members

Garman, Chair	Heaton	Myers	Vande Hoef
Cormack*	Larkin	Richardson	Welter
Bell**			

OVERSIGHT AND COMMUNICATIONS - 9 Members

Jacobs, Chair	Arnold	Kreiman	Sukup
Jenkins*	Falck	Meyer	Whitead
Burnett**			

TRANSPORTATION, INFRASTRUCTURE AND CAPITALS - 9 Members

Brauns, Chair	Bradley	Huseman	Warnstadt
Rayhons*	Bukta	Huser	Weidman
Cohoon**			

* Vice Chair

** Ranking Member

HOUSE COMMITTEE ASSIGNMENTS

Richard Arnold	Local Government, Vice Chair Natural Resources Transportation Oversight and Communications Appropriations Subcommittee
Donna Barry	Administration and Rules Economic Development Human Resources Labor and Industrial Relations, Vice Chair Education Appropriations Subcommittee
Paul Bell	Judiciary Labor and Industrial Relations Natural Resources Justice System Appropriations Subcommittee, Ranking Member
Bill Bernau	Judiciary State Government Ways and Means, Ranking Member
Gary Blodgett	Administration and Rules Human Resources Transportation Ways and Means Human Services Appropriations Subcommittee
Dan Boddicker	Education Human Resources, Chair Judiciary Labor and Industrial Relations Administration and Regulation Appropriations Subcommittee
Effie Lee Boggess	Agriculture Economic Development Environmental Protection Economic Development Appropriations Subcommittee, Vice Chair
Clyde Bradley	Commerce-Regulation Economic Development Environmental Protection, Vice Chair State Government Transportation Infrastructure and Capitals Appropriations Subcommittee
William Brand	Appropriations Education Human Resources, Ranking Member

Barry Brauns	Appropriations Local Government Natural Resources Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee, Chair
Bob Brunkhorst	Appropriations Commerce-Regulation Education Administration and Regulation Appropriations Subcommittee, Chair
Polly Bukta	Economic Development Education Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee
Cecelia Burnett	Environmental Protection Human Resources State Government Oversight and Communications Appropriations Subcommittee, Ranking Member
Danny Carroll	Administration and Rules, Vice Chair Human Resources Local Government Transportation Human Services Appropriations Subcommittee
Michael Cataldo	Appropriations Commerce-Regulation State Government Administration and Regulation Appropriations Subcommittee, Ranking Member
Kay Chapman	Commerce-Regulation Judiciary Ways and Means Ethics, Ranking Member
Frank Chiodo	Commerce-Regulation State Government Transportation Administration and Regulation Appropriations Subcommittee
Steven Churchill	Appropriations Commerce-Regulation Judiciary State Government Economic Development Appropriations Subcommittee, Chair

Dennis Cohoon	Education Natural Resources Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee, Ranking Member
John Connors	Administration and Rules, Ranking Member Labor and Industrial Relations Local Government State Government
Ron Corbett	Administration and Rules
Michael Cormack	Appropriations Natural Resources Transportation Justice System Appropriations Subcommittee, Vice Chair
Dwight Dinkla	Commerce-Regulation Judiciary Ways and Means, Chair
Bill Dix	Commerce-Regulation Labor and Industrial Relations Local Government Ways and Means Education Appropriations Subcommittee, Vice Chair
Minnette Doderer	Commerce-Regulation Judiciary Ways and Means
Cecil Dolecheck	Economic Development Education Natural Resources Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair
Bill Dotzler	Economic Development Labor and Industrial Relations Natural Resources Economic Development Appropriations Subcommittee
Jack Drake	Economic Development Environmental Protection State Government, Vice Chair Ways and Means Agriculture and Natural Resources Appropriations Subcommittee

Jim Drees	Agriculture, Ranking Member Natural Resources Transportation
Russell Eddie	Agriculture, Chair Natural Resources Transportation Economic Development Appropriations Subcommittee
Steve Falck	Education Human Resources Labor and Industrial Relations Oversight and Communications Appropriations Subcommittee
Ed Fallon	Environmental Protection Human Resources Local Government, Ranking Member Human Services Appropriations Subcommittee
Ro Foege	Education Environmental Protection Human Resources Human Services Appropriations Subcommittee
Wayne Ford	Human Resources Judiciary Transportation Health and Human Rights Appropriations Subcommittee
Marcie Frevert	Agriculture Natural Resources Ways and Means Education Appropriations Subcommittee
Teresa Garman	Appropriations Education Judiciary Justice System Appropriations Subcommittee, Chair
Chuck Gipp	Administration and Rules Appropriations Environmental Protection State Government
John Greig	Agriculture Natural Resources Ways and Means, Vice Chair Agriculture and Natural Resources Appropriations Subcommittee Ethics, Chair

Sandra Greiner	Agriculture Appropriations Environmental Protection Judiciary Agriculture and Natural Resources Appropriations Subcommittee, Chair
Don Gries	Education, Chair Environmental Protection Education Appropriations Subcommittee Ethics
Betty Grundberg	Appropriations Education Judiciary Education Appropriations Subcommittee, Chair
James Hahn	Agriculture Environmental Protection, Chair Natural Resources Agriculture and Natural Resources Appropriations Subcommittee
Brad Hansen	Commerce-Regulation State Government Ways and Means Human Services Appropriations Subcommittee, Vice Chair
Dave Heaton	Agriculture Economic Development Transportation, Vice Chair Justice System Appropriations Subcommittee
Danny Holmes	Labor and Industrial Relations State Government Ways and Means Administration and Regulation Appropriations Subcommittee, Vice Chair
Jack Holveck	Commerce-Regulation Environmental Protection Judiciary Economic Development Appropriations Subcommittee, Ranking Member
Hubert Houser	Appropriations Human Resources Local Government State Government Human Services Appropriations Subcommittee, Chair

Dan Huseman	Agriculture Local Government Natural Resources, Vice Chair Transportation Infrastructure and Capitals Appropriations Subcommittee
Geri Huser	Appropriations Local Government Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee
Libby Jacobs	Appropriations Commerce-Regulation State Government Oversight and Communications Appropriations Subcommittee, Chair
Willard Jenkins	Economic Development Environmental Protection Ways and Means Oversight and Communications Appropriations Subcommittee, Vice Chair
Pam Jochum	Administration and Rules State Government Ways and Means Human Services Appropriations Subcommittee
Ron Kinzer	Economic Development Education Labor and Industrial Relations Health and Human Rights Appropriations Subcommittee
Ralph Klemme	Agriculture Labor and Industrial Relations Local Government Natural Resources, Chair Administration and Regulation Appropriations Subcommittee
Deo Koenigs	Agriculture Appropriations Commerce-Regulation, Ranking Member Agriculture and Natural Resources Appropriations Subcommittee
Keith Kreiman	Agriculture Appropriations Judiciary, Ranking Member Oversight and Communications Appropriations Subcommittee

Joseph Kremer	Human Resources Judiciary, Vice Chair Labor and Industrial Relations Health and Human Rights Appropriations Subcommittee
Jeffrey Lamberti	Human Resources Judiciary, Chair Labor and Industrial Relations Ways and Means
Rick Larkin	State Government, Ranking Member Transportation Ways and Means Justice System Appropriations Subcommittee
Chuck Larson	Commerce-Regulation Economic Development, Chair Judiciary Ways and Means
David Lord	Education Human Resources Ways and Means Health and Human Rights Appropriations Subcommittee, Vice Chair Ethics, Vice Chair
Mona Martin	Human Resources Local Government State Government, Chair Health and Human Rights Appropriations Subcommittee
Mary Mascher	Economic Development Education Environmental Protection Education Appropriations Subcommittee, Ranking Member
Dennis May	Agriculture Economic Development Transportation, Ranking Member Agriculture and Natural Resources Appropriations Subcommittee
Dolores Mertz	Agriculture Local Government Natural Resources Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member

Janet Metcalf	Commerce-Regulation, Chair Education Labor and Industrial Relations
Jim Meyer	Agriculture, Vice Chair Appropriations Environmental Protection Oversight and Communications Appropriations Subcommittee
David Millage	Appropriations, Chair Judiciary Labor and Industrial Relations
Michael Moreland	Administration and Rules Appropriations Human Resources Judiciary Ethics
Norman Mundie	Agriculture Local Government Natural Resources Health and Human Rights Appropriations Subcommittee, Ranking Member
Pat Murphy	Appropriations, Ranking Member Human Resources Labor and Industrial Relations
Dick Myers	Administration and Rules Local Government Ways and Means Justice Systems Appropriations Subcommittee
Beverly Nelson	Appropriations State Government Transportation Health and Human Rights Appropriations Subcommittee, Chair
Michael O'Brien	Economic Development Labor and Industrial Relations Natural Resources, Ranking Member Administration and Regulation Appropriations Subcommittee
Robert Osterhaus	Commerce-Regulation Natural Resources Ways and Means Human Services Appropriations Subcommittee, Ranking Member

Christopher Rants	Administration and Rules, Chair Commerce-Regulation Education Environmental Protection Ways and Means Education Appropriations Subcommittee
Henry Rayhons	Agriculture Economic Development Natural Resources Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee, Vice Chair
Rebecca Reynolds-Knight	Agriculture Appropriations Local Government Economic Development Appropriations Subcommittee
Steve Richardson	Environmental Protection Local Government Ways and Means Justice System Appropriations Subcommittee
Paul Scherrman	Agriculture Economic Development Transportation Education Appropriations Subcommittee
David Schrader	Administration and Rules
Don Shoultz	Administration and Rules Environmental Protection Judiciary Ways and Means
Brent Siegrist	Administration and Rules
Steve Sukup	Appropriations, Vice Chair Commerce-Regulation Judiciary Labor and Industrial Relations Oversight and Communications Appropriations Subcommittee
Todd Taylor	Appropriations Labor and Industrial Relations, Ranking Member State Government Administration and Regulation Appropriations Subcommittee

Russell Teig	Agriculture Economic Development, Vice Chair Environmental Protection Ways and Means Economic Development Appropriations Subcommittee
Roger Thomas	Education Environmental Protection Human Resources Agriculture and Natural Resources Appropriations Subcommittee
Rosemary Thomson	Economic Development Education, Vice Chair Human Resources Health and Human Rights Appropriations Subcommittee
Phil Tyrrell	Economic Development Labor and Industrial Relations, Chair Natural Resources State Government Administration and Regulation Appropriations Subcommittee
James Van Fossen	Commerce-Regulation, Vice Chair Environmental Protection State Government Ways and Means Economic Development Appropriations Subcommittee
Harold Van Maanen	Administration and Rules Education Human Resources Local Government
Richard Vande Hoef	Human Resources Local Government, Chair Transportation Justice System Appropriations Subcommittee
Kenneth Veenstra	Education Human Resources, Vice Chair Judiciary Labor and Industrial Relations Human Services Appropriations Subcommittee
Steven Warnstadt	Appropriations Economic Development, Ranking Member Education Transportation, Infrastructure and Capitals Appropriations Subcommittee

Dick Weidman	Local Government Natural Resources Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee
Keith Weigel	Commerce-Regulation Economic Development Ways and Means Health and Human Rights Appropriations Subcommittee Ethics
Jerry Welter	Agriculture Local Government Transportation, Chair Justice System Appropriations Subcommittee
Wesley Whitead	Labor and Industrial Relations Local Government State Government Oversight and Communications Appropriations Subcommittee
Philip Wise	Appropriations Commerce-Regulation Education, Ranking Member Economic Development Appropriations Subcommittee
William Witt	Economic Development Environmental Protection, Ranking Member Human Resources Education Appropriations Subcommittee

COMMUNICATION FROM SECRETARY OF STATE

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

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

To the Honorable, the Chief Clerk of the House of Representative:

I, PAUL D. PATE, Secretary of State of the State of Iowa, do hereby certify that the following named newspapers were designated to publish HOUSE JOINT RESOLUTION #11, Acts of the Seventy-sixth General Assembly. In accordance with Chapter 49A, Code of Iowa, affidavits showing proof of those publications are on file in this Department and are recorded as follows:

<u>Congressional District</u>	<u>Newspapers</u>	<u>1996 Dates Published</u>
First	Quad City Times, Davenport Cedar Rapids Gazette, Cedar Rapids	8/14 9/11 10/9 8/12 9/9 10/7

Second	Dubuque Telegraph Herald, Dubuque Waterloo Courier, Waterloo	8/16 8/15	9/13 9/12	10/11 10/10
Third	Ames Daily Tribune, Ames Burlington Hawk Eye, Burlington	8/14 8/14	9/11 9/11	10/9 10/10
Fourth	Council Bluffs Nonpariel, Council Bluffs Des Moines Register, Des Moines	8/14 8/12	9/11 9/16	10/9 10/7
Fifth	Fort Dodge Messenger, Fort Dodge Sioux City Journal, Sioux City	8/14 8/13	9/11 9/10	10/9 10/8

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Secretary of State at the Capitol, in Des Moines, this seventh day of January, 1997.

PAUL D. PATE, Secretary of State

I hereby acknowledge that I received the original copy of this document on the seventh day of January, 1997.

ELIZABETH A. ISAACSON, Chief Clerk of the House

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

AFTERNOON SESSION

The House reconvened at 1:34 p.m., Speaker Corbett in the chair.

EMPLOYEES OF THE HOUSE

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

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

EMPLOYEES OF THE HOUSE

Jeffrey A. Bean - Assistant Chief Clerk I
 Warren L. Fye - Senior Caucus Staff Director
 Paulee Lipsman - Senior Caucus Staff Director
 A. John Davis - Administrative Assistant II to Speaker
 Jeffrey G. Mitchell - Administrative Assistant II to Speaker
 Mark W. Brandsgard - Senior Administrative Assistant to Leader
 Susan D. Severino - Administrative Assistant II to Leader
 Margaret Ann Thomson - Senior Legislative Research Analyst
 Stacie S. Maass - Legislative Research Analyst II
 Lewis E. Olson - Legislative Research Analyst II
 Lon W. Anderson - Legislative Research Analyst I
 Craig R. Schoenfeld - Legislative Research Analyst I

Patricia A. Axmear - Legislative Research Analyst
 Kimberly D. Statler - Legislative Research Analyst
 Bradley A. Trow - Legislative Research Analyst
 Bruce G. Brandt - Senior Caucus Secretary
 Edward J. Conlow - Senior Legislative Research Analyst
 Thomas R. Patterson - Senior Legislative Research Analyst
 Joseph P. Romano - Senior Legislative Research Analyst
 Mary C. Braun - Legislative Research Analyst III
 Jenifer L. Parsons - Legislative Research Analyst II
 James M. Addy - Legislative Research Analyst I
 Anna M. Hyatt - Caucus Secretary
 Susan C. Bruckshaw - Executive Secretary to Speaker
 Carolyn J. Gaukel - Confidential Secretary to Leader
 Becky L. Lorenz - Administrative Secretary to Leader
 Betty M. Soener - Confidential Secretary to Chief Clerk
 Kathryn M. Farrell - Clerk to Chief Clerk
 Colleen Dillon - Supervisor of Secretaries I
 Gayle A. Goble - Assistant Journal Editor
 C. Elaine Schoonover - Compositor/Desk Top Specialist
 Trina L. Sterling - Compositor/Desk Top Specialist
 Judy K. Graesch - Text Processor I
 Debra K. Rex - Senior Finance Officer
 Tricia S. Berg - Assistant Finance Officer
 Alyce M. Elmitt - Recording Clerk II
 E. Jane Fowler - Assistant Legal Counsel
 Pauline E. Kephart - Engrossing/Enrolling Text Processor
 Doreen R. Terrell - Assistant to the Legal Counsel
 Juanita F. Swackhammer - Indexer II
 Kristin L. Wentz - Indexer I
 Howard S. Cowles - Switchboard Operator
 Madeline E. James - Switchboard Operator
 Mildred Stewart - Bill Clerk
 Marie A. Kirby - Assistant Bill Clerk
 William C. Walling - Postmaster
 Marvin Hollingshead - Sergeant-at-Arms
 Maynard L. Boatwright - Assistant Sergeant-at-Arms
 Paul W. Aardsma - Doorkeeper
 Dwight H. Dugan - Doorkeeper
 Kathleen L. O'Leary - Doorkeeper
 Gerald V. Orman - Doorkeeper
 Richard R. Overholser - Doorkeeper
 Wilbur N. Rhoads - Doorkeeper
 William S. Sandholm - Doorkeeper

PAGES GROUP I

Kelli M. Kilgore - Speaker's Page
 Jared M. McLaren - Chief Clerk's Page
 Scott T. Knight - Chief Clerk's Page
 Sarah B. Armstrong
 Cynthia J. Boyce
 Nicole R. Buss
 Ryan A. Clark
 Heather D. Crutchfield
 Andrew T. Dorr
 Tamara A. Holdren
 Corey M. Hutchinson

Courtney J. Kramer
 Kristofer J. Lyons
 Audrey L. Mann
 Caroline A. McCard
 Matthew W. McGuire
 Elizabeth A. Mefford
 Lori K. Naig
 Heather C. O'Hara
 Maryn M. Olson
 Jennifer A. Pierce
 Christopher R. Rasmussen

Shuni T. Routh
John M. Schreurs

PAGES GROUP II

Karin S. Anderson
Kathryn J. Burford
Krista L. Burkle
Amanda L. Campbell
Christopher D. Hill
Jennifer A. Ipsen
Kristina M. Kieffer
Krista R. Kloster

Kelly N. Lang
Amy L. Lincoln
Jessica A. Miskimins
Rebecca L. Reeder
Tomson D. Seller
James J. Springhower
Jared F. Taylor

SPECIAL ORDER

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

The drawing of seats was as follows:

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

The drawing of seats proceeded with the following results:

Name	Seat No.	Name	Seat No.
Richard Arnold	39	Frank Chiodo	12
Donna Barry	68	Steven Churchill	54
Paul Bell	86	Dennis Cohoon	67
Bill Bernau	90	John Connors	84
Gary Blodgett	65	Ron Corbett	14
Dan Boddicker	44	Michael Cormack	8
Effie Lee Boggess	13	Dwight Dinkla	29
Clyde Bradley	49	Bill Dix	42
William Brand	92	Minnette Doderer	98
Barry Brauns	56	Cecil Dolecheck	15
Bob Brunkhorst	59	Bill Dotzler	9
Polly Bukta	73	Jack Drake	47
Cecelia Burnett	72	James Drees	71
Danny Carroll	25	Russell Eddie	27
Michael Cataldo	62	Steve Falck	11
Kay Chapman	88	Ed Fallon	80

Name	Seat No.	Name	Seat No.
Ro Foege	74	Jim Meyer	45
Wayne Ford	10	David Millage	87
Marcella Frevert	38	Michael Moreland	64
Teresa Garman	34	Norman Mundie	23
Chuck Gipp	66	Pat Murphy	85
John Greig	63	Richard Myers	97
Sandra Greiner	55	Beverly Nelson	52
Don Gries	43	Michael O'Brien	1
Betty Grundberg	46	Robert Osterhaus	41
James Hahn	61	Christopher Rants	16
Brad Hansen	20	Henry Rayhons	57
Dave Heaton	4	Rebecca Reynolds-Knight	78
Danny Holmes	30	Steve Richardson	76
Jack Holveck	93	Paul Scherrman	75
Hubert Houser	48	David Schrader	99
Dan Huseman	21	Don Shoultz	91
Geri Huser	36	Brent Siegrist	100
Libby Jacobs	28	Steve Sukup	50
Willard Jenkins	22	Todd Taylor	95
Pam Jochum	96	Russell Teig	37
Ron Kinzer	19	Roger Thomas	40
Ralph Klemme	26	Rosemary Thomson	77
Deo Koenigs	89	Phil Tyrrell	2
Keith Kreiman	60	Jamie Van Fossen	18
Joseph Kremer	6	Harold Van Maanen	83
Jeffrey Lamberti	35	Richard Vande Hoef	32
Richard Larkin	53	Ken Veenstra	5
Charles Larson	79	Steven Warnstadt	69
David Lord	3	Dick Weidman	33
Mona Martin	24	Keith Weigel	58
Mary Mascher	70	Jerry Welter	81
Dennis May	51	Wesley Whitead	17
Dolores Mertz	7	Philip Wise	94
Janet Metcalf	31	Bill Witt	82

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

The motion prevailed.

REPORT OF COMMITTEE ON MILEAGE

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

Name	Round Trip Miles
Richard D. Arnold	140
Donna M. Barry	272

William H. Bernau	72
Gary B. Blodgett	236
Daniel J. Boddicker	300.6
Effie Lee Boggess	236
Clyde E. Bradley	416
William J. Brand	170
Barry D. Brauns	270
Robert J. Brunkhorst	240
Mary P. Bukta	400
Cecelia A. Burnett	72
Danny C. Carroll	104
Michael J. Cataldo	NONE
Kathleen H. Chapman	260
Frank J. Chiodo	NONE
Steven W. Churchill	NONE
Dennis M. Cohoon	320
John H. Connors	NONE
Ron J. Corbett	256
Michael G. Cormack	180
Dwight L. Dinkla	120.
William C. Dix	240
Minnette F. Doderer	240
Cecil Dolecheck	180
William A. Dotzler, Jr.	226
Jack E. Drake	180
James H. Drees	200
Russell J. Eddie	320
Steven L. Falck	370
Edward S. Fallon, Jr.	NONE
Romaine H. Foege	270
Wayne W. Ford	NONE
Marcella R. Frevert	340
Teresa A. Garman	68
Charles R. Gipp	400
John M. Greig	390
Sandra H. Greiner	192
Donald L. Gries	276
Betty A. Grundberg	NONE
James F. Hahn	300
Brad L. Hansen	280
David E. Heaton	284
Danny J. Holmes	318
John K. Holveck, Jr.	NONE
Hubert M. Houser	244
Daniel A. Huseman	330
Geri D. Huser	24
Elizabeth S. Jacobs	NONE
G. Willard Jenkins	216
Mary Pamela Jochum	400
Ronald J. Kinzer	340
Ralph F. Klemme	450
Dionysius A. Koenigs	290
Keith A. Kreiman	204

Joseph M. Kremer	250
Jeffrey M. Lamberti	24
Richard L. Larkin	349
Charles W. Larson, Jr.	270
David G. Lord	80
Mona L. Martin	320
Mary J. Mascher	240
Dennis J. May	270
Dolores M. Mertz	260
Janet S. Metcalf	NONE
James A. Meyer	256
David A. Millage	350
Michael J. Moreland	176
J. Norman Mundie	190
Patrick J. Murphy	400
Richard E. Myers	224
Beverly J. Nelson	110
Michael J. O'Brien	104
Robert J. Osterhaus	362
Christopher C. Rants	416
Henry V. Rayhons	250
Rebecca Reynolds-Knight ..	360
Steven R. Richardson	34
Paul J. Scherrman	364
David F. Schrader	62
Donald L. Shoultz	220
John Brent Siegrist	256
Steven E. Sukup	218
Todd E. Taylor	242
Russell W. Teig	112
Roger D. Thomas	416
Rosemary R. Thomson	272
Phillip E. Tyrrell	200
Richard P. Vande Hoef	440
James K. Van Fossen	340
Harold G. Van Maanen	84
Kenneth J. Veenstra	470
Steven H. Warnstadt	400
Dick B. Weidman	212
Keith W. Weigel	310
John J. Welter	320
Wesley E. Whitead	402
Philip L. Wise	360
William G. Witt	216

Respectfully submitted,
 CLYDE E. BRADLEY, Chair
 PHILLIP E. TYRRELL
 WILLIAM H. BERNAU

REPORT OF ADMINISTRATION AND RULES COMMITTEE

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

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary Administrative Secretary to Leader	Roberta J. Schrader	15-2 to 21-1	P-PT	05/09/96
Legislative Research Analyst II	Pamela H. Dugdale	32-3 to 35-2	P-FT	05/17/96
Legislative Research Analyst III				
Assistant Finance Officer	Tricia S. Berg	21-1 to 21-2	P-FT	05/31/96
Compositor/Desk Top Specialist	Trina L. Sterling	17-1 to 17-2	P-FT	06/14/96
Indexing Assistant Indexer I	Kristin L. Wentz	19-4 to 22-3	P-FT	06/14/96
Text Processor I	Judy K. Graesch	19-1 to 19-2	P-FT	06/28/96
Legislative Research Analyst I	Lewis E. Olson	29-3 to 32-2	P-FT	06/28/96
Legislative Research Analyst II				
Legislative Research Analyst	Patricia A. Axmear	27-2 to 27-3	P-FT	07/12/96
Legislative Research Analyst	Craig R. Schoenfeld	27-2 to 27-3	P-FT	07/12/96
Legislative Research Analyst	Craig R. Schoenfeld	27-3 to 29-2	P-FT	07/26/96
Legislative Research Analyst I				
Sr. Finance Officer	Debra K. Rex	31-4 to 31-5	P-FT	10/18/96
Compositor/Desk Top Specialist	C. Elaine Schoonover	17-6	P-FT	11/04/96
Confidential Secretary to Leader	Carolyn J. Gaukel	27-4 to 27-5	P-FT	11/29/96
Assistant Journal Editor	Gayle A. Goble	19-1	P-FT	12/02/96
Caucus Secretary	Anna M. Hyatt	21-1	P-FT	12/02/96
Assistant Chief Clerk I	Jeffrey A. Bean	32-1 to 32-2	E-FT	12/13/96
Legislative Research Analyst	James M. Addy	27-3 to 29-2	P-FT	12/27/96
Legislative Research Analyst I				

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Doorkeeper	Maynard L. Boatwright	11-3 to	S-O	12/27/96
Assistant Sergeant-at-Arms		14-2		
Legislative Research Analyst III	Mary C. Braun	35-2 to 35-3	P-FT	12/27/96
Sr. Legislative Research Analyst	Edward J. Conlow	38-4 to 38-5	P-FT	12/27/96
Sr. Caucus Staff Director	Warren L. Fye	41-4 to 41-5	P-FT	12/27/96
Assistant Sergeant-at-Arms	Marvin Hollingshead	14-3 to	S-O	12/27/96
Sergeant-at-Arms		17-2		
Sr. Caucus Staff Director	Paulee Lipsman	41-5 to 41-6	P-FT	12/27/96
Legislative Research Analyst II	Jenifer L. Parsons	32-2 to 32-3	P-FT	12/27/96
Legislative Research Analyst III	Joseph P. Romano	35-3 to	P-FT	12/27/96
Sr. Legislative Research Analyst		38-2		
Doorkeeper	Paul W. Aardsma	11-1	S-O	01/06/97
Doorkeeper	William S. Sandholm	11-1	S-O	01/06/97
Administrative Assistant II to Speaker	A. John Davis	32-4 to 32-5	P-FT	01/10/97
Legislative Research Analyst I	Stacie S. Maass	29-4 to	P-FT	01/10/97
Legislative Research Analyst II		32-3		
Administrative Assistant II to Speaker	Jeffrey G. Mitchell	32-3 to 32-4	P-FT	01/10/97
Administrative Assistant II to Leader	Susan D. Severino	32-4 to 32-5	P-FT	01/10/97
Confidential Secretary to Chief Clerk	Betty M. Soener	27-3 to 27-4	P-FT	01/10/97
Sr. Legislative Research Analyst	Margaret Ann Thomson	38-3 to 38-4	P-FT	01/10/97
Legislative Research Analyst	Bradley A. Trow	27-1	P-FT	01/10/97

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

Caucus Secretary	Ingrid L. Johnson	09/05/96
Senior Journal Editor	Vivian M. Anders	12/26/96
Legislative Research Analyst III	Pamela H. Dugdale	01/10/97

INTERIM APPOINTMENTS

The following appointments were made during the interim:

BOARD OF TRUSTEES FOR THE STATEWIDE
FIRE AND POLICE RETIREMENT
(Chapter 411.36, Code of Iowa)

Paul Bell To a term ending April 30, 1998

CHILD SUPPORT ADVISORY COMMITTEE OF THE DHS
(Chapter 252B.18, Code of Iowa)

Cecelia Burnett Serves at pleasure of Speaker

COMMISSION OF ELDER AFFAIRS
(Chapter 231.11, Code of Iowa)

Todd Taylor To a term ending June 30, 2000

COMMISSION ON THE STATUS OF WOMEN
(Chapter 216A.52, Code of Iowa)

Jack Holveck To a term ending June 30, 2000

INNOVATION ZONE BOARD
(Chapter 8A.2, Code of Iowa)

Mary Mascher To a term ending June 30, 1998

IOWA WORKFORCE DEVELOPMENT BOARD
(Chapter 1186.9, 1996 Acts of the Seventy-sixth General Assembly)

Bill Dotzler Remainder of unexpired term

(Chapter 84A.1A, Code of Iowa)

Beverly J. Nelson Serves at pleasure of the Speaker

Linda Nelson Serves at pleasure of the Speaker

JUDICIAL COMPENSATION COMMISSION
(Chapter 602.1514, Code of Iowa)

Michael J. Lane To a term ending June 30, 2000

PERSONAL ASSISTANCE AND FAMILY SUPPORT SERVICES
(Chapter 225C.48(1), Code of Iowa)

Valerie Findley To a term ending June 30, 1998

Cristina Mathis To a term ending June 30, 1998

PRESENTATION OF VISITORS

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

Twenty-two government students from WACO High School, Wayland, accompanied by John Satre. By Heaton of Henry.

COMMUNICATIONS RECEIVED

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

AUDITOR OF STATE

The single audit of the State of Iowa covering the fiscal year ending June 30, 1995, pursuant to Chapter 99E.20(3), Code of Iowa.

The Independent Auditor's Report for the period ending June 30, 1995, pursuant to Chapter 11.25, Code of Iowa.

Lottery Division

The Audit Report for the period ending March 31, 1996, pursuant to Chapter 99E.20(3), Code of Iowa.

The Audit Report for the period ending June 30, 1996, pursuant to Chapter 99E.20(3), Code of Iowa.

COLLEGE STUDENT AID COMMISSION

A report entitled "Osteopathic Scholarship and Loan Forgiveness Programs," pursuant to Chapter 7A.11, Code of Iowa.

A report on the multi-level tuition grants and tuition grants refund study, pursuant to Chapter 7A.11, Code of Iowa.

COMMUNITY HEALTH MANAGEMENT INFORMATION SYSTEM

The 1997 business plan, pursuant to Chapter 1108.2, 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP Silos and Smoke Stacks

The Final Year-End Report, pursuant to Chapter 159.15, Code of Iowa.

Office of Renewable Fuels and Co-Products

The Semi-Annual Report, July 1, 1996, pursuant to Chapter 159.15, Code of Iowa.

The Second Annual Report, October 1, 1996, pursuant to Chapter 159.15, Code of Iowa.

The Biodiesel Demonstrations Final Report, October 1, 1996, pursuant to Chapter 7A.3(3), Code of Iowa.

DEPARTMENT OF COMMERCE Insurance Division

The final report on the physician utilization study, pursuant to Chapter 1219.52, 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF CORRECTIONS

A report on the risk assessment study, pursuant to Chapter 1151.6, 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Quarterly Report for the period July 1 - September 30, 1996, pursuant to Chapter 7A.11, Code of Iowa.

The Semi-annual report, pursuant to Chapter 15.319(3), Code of Iowa.

The Fiscal Year 1996 Training and Technology Funds Report, pursuant to Chapter 7E.5, Code of Iowa.

The New Jobs and Income Program Annual Report, pursuant to Chapter 1185.2(4), 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF GENERAL SERVICES

The Annual Report, pursuant to Chapter 18.12(6), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS
Division of Community Action Agencies

The 1996 Weatherization Final State Plan, pursuant to Chapter 216A.3(2)(d), Code of Iowa.

Commission of Persons with Disabilities

The Annual Report, pursuant to Chapter 218.48, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

The Annual Report from the Personal Assistance and Family Support Services Council, pursuant to Chapter 225C.48(2), Code of Iowa.

A report on the child abuse assesment pilot projects, pursuant to Chapter 1175.1(8), 1996 Acts of the Seventy-sixth General Assembly.

A report on the development of a course of action to meet the goals for submission of claims and completion of cost settlement, pursuant to Chapter 1183.39, 1996 Acts of the Seventy-sixth General Assembly.

A report relating to nursing facility cost reporting and other nursing facility related issues, pursuant to Chapter 1213.30, 1996 Acts of the Seventy-sixth General Assembly.

A report on the manner in which services and costs are combined for purposes of billing for medical assistance reimbursement, pursuant to Chapter 1213.28(4), 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF INSPECTIONS AND APPEALS

The Annual Report, pursuant to Chapter 7A.11, Code of Iowa.

DEPARTMENT OF MANAGEMENT

The contract compliance report for fiscal year 1996, pursuant to Chapter 19B.7, Code of Iowa.

A summary of federal policies and funding levels and their efforts on programs relating to the arts and cultural affairs, pursuant to Chapter 1210.57, 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF NATURAL RESOURCES

The Annual Report on the toxic cleanup days, pursuant to Chapter 455F.8, Code of Iowa.

A land acquisition priority plan, pursuant to Chapter 1214, 1996 Acts of the Seventy-sixth General Assembly.

Energy Fund Disbursement Council

The Annual Report, pursuant to Chapter 455A.4(1)(d), Code of Iowa.

DEPARTMENT OF PERSONNEL

A report on the study of average time to fill a vacancy, pursuant to Chapter 178, 1993 Acts of the Seventy-fifth General Assembly.

The Annual Report, pursuant to Chapter 19A.8(7), Code of Iowa.

A report on the affirmative action progress during fiscal year 1996, pursuant to Chapter 19B.5, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The Annual Report, pursuant to chapter 135.11, Code of Iowa.

The Annual Report and State Plan, "Advisory on Head Injuries", pursuant to Chapter 135.22A(6)(f), Code of Iowa.

The Annual Report, pursuant to Chapter 8D.10, Code of Iowa.

A report on the single contract project, pursuant to Chapter 1212, 1996 Acts of the Seventy-sixth General Assembly.

Division of Substance Abuse and Health Promotions

The 1996 Substance Abuse Report, pursuant to Chapter 125.21, Code of Iowa.

Home Care Aide/Chore Program

The Annual Report for fiscal year 1996, pursuant to Chapter 1212, 1996 Acts of the Seventy-sixth General Assembly.

Public Health Nursing Program

The Annual Report for fiscal year 1996, pursuant to Chapter 1212, 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF PUBLIC SAFETY

The Incident - Based Iowa Uniform Crime Report, pursuant to Chapter 749B, Code of Iowa.

A report on the Single Point of Contact for Child Abuse Registry, Dependent Adult Abuse, and Sex Offender Registry, pursuant to Chapter 1132.6, 1996 Acts of the Seventy-sixth General Assembly.

A supplemental report describing how Iowa compares to other states in the nation, pursuant to Chapter 7E.5, Code of Iowa.

The Annual Report for Fiscal Year 1996, pursuant to Chapter 7E.3, Code of Iowa.

Board of Pharmacy Examiners

A report on the study of ephedrine, pursuant to Chapter 1164.8, 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF TRANSPORTATION

The Final Report on the "East Central Iowa Commuter Rail Feasibility Study," pursuant to chapter 1189, 1994 Acts of the Seventy-fifth General Assembly.

A report on the contracts of the Department of Transportation, pursuant to Chapter 307.12(14), Code of Iowa.

A report stating the annual sufficiency rating report has been published, pursuant to Chapter 307A.2(12), Code of Iowa.

A report on the implementation of the Governor's Blue Ribbon Transportation Task Force, pursuant to Chapter 1218.4, 1996 Acts of the Seventy-sixth General Assembly.

A report on the update of the Iowa Transportation Policy, pursuant to Chapter 307.10(1), Code of Iowa.

The Annual Report, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

A report designating which portions of the commercial and industrial network of highways have been determined to be ACCESS highways, pursuant to Chapter 1218.51(3), 1996 Acts of the Seventy-sixth General Assembly.

A report on the construction area safety study, pursuant to Chapter 1191.2, 1996 Acts of the Seventy-sixth General Assembly.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

The Annual Report of the Iowa drug enforcement and abuse prevention coordinator, pursuant to Chapter 80E, Code of Iowa.

IOWA CENTRAL COMMUNITY COLLEGE FOUNDATION

The Annual Report, pursuant to Chapter 218.3, 1995 Acts of the Seventy-sixth General Assembly.

IOWA HIGHER EDUCATION LOAN AUTHORITY

The Annual Report, pursuant to Chapter 261A.21, Code of Iowa.

IOWA SEED CAPITAL CORPORATION

The 1996 Annual Report, pursuant to Chapter 15E.92, Code of Iowa.

IOWA STATE UNIVERSITY

A "Report to Iowans," pursuant to Chapter 1219.85, 1996 Acts of the General Assembly.

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

A Five Year Financial Plan, pursuant to Chapter 8D.3(f), Code of Iowa.

A report on the review of maintenance contracts, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

IOWA UTILITIES BOARD

The 1995 Annual Report, pursuant to Chapters 7A.1, 7A.10, and 476.16, Code of Iowa.

STATE OF MICHIGAN

A copy of Senate Concurrent Resolution 278, memorializing the Congress to pass and submit to the states an amendment to protect taxpayers rights from judicial taxation.

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

- 1997\1 Clarence and Clara Beyer, Prairie City – For celebrating their Sixtieth wedding anniversary.
- 1997\2 Sam and Joan Edgington, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1997\3 Don and Jeanne McCuddin, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1997\4 Arthur and Alma Coffman, Woodburn – For celebrating their Seventieth wedding anniversary.
- 1997\5 Charles and Doris Allen, Corydon – For celebrating their Fiftieth wedding anniversary.
- 1997\6 Agnes McCann, Osceola – For celebrating her One hundredth birthday.
- 1997\7 Matt Chester, Muscatine – For winning the United States Tennis Association's Christmas Classic Tennis Tournament in the eighteen year division.
- 1997\8 Riley Smith, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\9 Anthony J. Fesler, Danville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\10 Charles and Dorothy Propst, Osceola – For celebrating their Sixtieth wedding anniversary.

- 1997\11 Lee and Edna Parker, Truro – For celebrating their Fiftieth wedding anniversary.
- 1997\12 Nick Gray, Bedford – For being named to the 1996 All-American Farm Team.
- 1997\13 Matthew L. Regennitter, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\14 Dona Shum, Clarinda – For celebrating her Ninety-seventh birthday.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 1 Ways and Means

Relating to the exemption from inheritance tax of property passing to certain heirs of the decedent and providing an applicability date provision.

On motion by Siegrist of Pottawattamie, the House adjourned at 2:10 p.m., until 8:45 a.m., Tuesday, January 14, 1997.

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 14, 1997

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen in the chair.

Prayer was offered by Reverend Al Bandstra, Christian Reformed Church, Tracy.

The Journal of Monday, January 13, 1997 was approved.

INTRODUCTION OF BILLS

House File 14, by Kremer and Welter, a bill for an act relating to windshield wiper operation and lighted headlamps, and making a penalty applicable.

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

House File 15, by Kremer, a bill for an act excluding wading and fishing from the definition of criminal trespass in nonmeandered, navigable streams.

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

House File 16, by Garman, a bill for an act relating to the exemption from the inheritance tax of property passing to certain relatives and providing an applicability date provision.

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

House File 17, by Brunkhorst, a bill for an act increasing the percentage by which health insurance premium rates charged to certain small employers may vary.

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

House File 18, by Brunkhorst, a bill for an act requiring an impact study prior to approval of a general permit to discharge stormwater.

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

House File 19, by Kreiman, a bill for an act relating to the transfer or sale of a free deer hunting license by an owner or tenant of a farm unit.

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

House File 20, by Doderer, a bill for an act relating to warnings of risks associated with alcoholic beverages, and providing a penalty.

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

House File 21, by Van Maanen, a bill for an act relating to damage disclosure statements for used cars damaged by hail.

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

House File 22, by Chapman, a bill for an act allowing an individual income tax deduction for federal taxes paid under the Federal Insurance Contributions Act and the Federal Railroad Retirement Tax Act and providing a retroactive applicability date provision.

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

House File 23, by Blodgett, Greig, Lord, Boggess, Huseman, Dolecheck, Veenstra, Eddie, Meyer, Arnold, Teig, Weidman, Rayhons, Bradley, Drake, Hahn, Brunkhorst, Gries, Greiner, Metcalf, Larson, Heaton, Kremer, Klemme, Vande Hoef, Garman, Welter, Boddicker, Dix, Brauns, Sukup, Van Fossen, Houser, Cormack, Jenkins, and Nelson, a bill for an act relating to the repeal of the inheritance tax on property passing to certain relatives and the phase out of the inheritance tax on property passing to other persons and providing an applicability date.

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

House File 24, by Vande Hoef, a bill for an act relating to arrests of persons who have been placed on probation for voluntary absence from a correctional facility.

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

House File 25, by Gipp, a bill for an act relating to the repeal of the family farm tax credit and providing effective and applicability date provisions.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 13, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, a concurrent resolution for a joint convention, Tuesday, January 14, 1997, at 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget message.

Also: That the Senate has on January 13, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, a concurrent resolution for a joint convention, Wednesday, January 15, 1997, 10:00 a.m.; Chief Justice McGiverin present his message of the condition of the judicial department.

MARY PAT GUNDERSON, Secretary

The House stood at ease at 8:55 a.m., until the fall of the gavel.

The House resumed session at 9:05 a.m., Speaker Corbett in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Sukup of Franklin, Chair; Jenkins of Black Hawk and Reynolds-Knight of Van Buren.

The House stood at ease at 9:07 a.m., until the fall of the gavel.

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

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Sukup of Franklin, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

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

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

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Behn of Boone, Schuerer of Iowa, Vilsack of Henry, on the part of the Senate and Representatives Thomson of Linn, Rayhons of Hancock and Taylor of Linn on the part of the House.

The House stood at ease at 9:50 a.m., until the fall of the gavel.

The House resumed session at 9:56 a.m., President Kramer in the chair.

Congressman Greg Ganske, congressman from Iowa's fourth Congressional District was escorted into the House chamber.

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

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

Lieutenant Governor Joy Corning was escorted into the House chamber.

Mrs. Chris Branstad, wife of the Governor, their daughter Allison, and Dick and Clara Johnson, Mrs. Branstad's parents, were escorted into the House chamber.

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

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

President Kramer, Speaker Corbett, Lieutenant Governor Corning, Congressman Ganske, Chief Justice McGiverin, Justices and Judges, State Officials, Senators and Representatives, Ladies and Gentlemen.

Nineteen ninety-six was a year to remember in Iowa. Iowans young and old, in city and in town, on farm and in factory, joined in a salute to our state's 150th birthday. As Chuck Offenburger might say — "What a year!"

Never before have so many Iowans in so many ways commemorated our heritage. In statewide festivals, community celebrations, and neighborhood get-togethers we gained a new appreciation of who we are and where we came from. And always, always, we were left with the two essentials of Iowa: the land and the people.

The land. The richest and most productive on earth. Early Iowa immigrants, coming as they did from clay or rock-filled soils of the East or Europe, stood in awe of the endless acres of lush loam. They sank their roots into that good earth and it brought forth good crops and good people.

The people. What is Iowa without its people? We are a state of immigrants — hardy pioneers who braved nature's cruelest elements to build homes and farms, and raise families. Those of us who have had to do chores on the bitter cold Iowa January days can only marvel at the toughness and resilience of our parents and grandparents who faced the sting of those northwest winter winds, and never turned back.

These hardest of souls, unfettered by excessive government restrictions, built communities, schools, and churches. Education was always first with them so that their children would have a better life. Anyone willing to work hard had a chance to do well. Justice was based on personal responsibility and common sense. And life revolved around work, family, and faith.

Hard work, education, personal responsibility, common sense, family, faith in God — those are the gifts that we have been given by our forebears.

Nineteen ninety-seven is a new beginning for Iowa. Filled with all the good granted to us by our ancestors and our creator, we are faced with new challenges, and new barriers to progress. But we do so with our cupboards full and our state stronger than ever.

Consider, for a moment:

- More people are working in Iowa than ever before.
- Incomes of our families are rising faster than other American families.
- We remain a good place to live and raise a family. In 1996, we were rated the "Most Livable State," the "Healthiest State," and the "Best State for Families and Marriage."
- Landmark legislation last year makes Iowa the nation's leader in school technology.
- Iowa land values continue to climb — up 16 percent in just the last year.

- We have the soundest state budget in the country — with the biggest surplus of any state in the nation.

We have already turned the corner in Iowa. From recovery to growth; from scraping by to building reserves; this state is poised for great things to come.

Iowa is a work in progress. We can, and we must do even better. We must make this a better state. Our growth rates are still too small; too many areas are not sharing in the economic gains; too many Iowans don't make enough to adequately support their families; and too many students are not prepared to compete in a global economy; too many Iowans fear crime in their communities and neighborhoods; and Iowans pay too much to the government in taxes.

I know there are those among you who think that I've been around too long — that my first name is Governor. But I tell you what — I'm not tired, I'm not complacent and I will pour every ounce of my energy into making this state a haven for growth and opportunity if you will help me.

We have a plan to do just that. And the first step is to make Iowa the most competitive state in America.

In the past couple of years, we have taken targeted actions designed to improve our overall competitiveness. The elimination of the property tax on machinery and equipment, improving our farmer-owned cooperative law, and expansion of the New Jobs and Income Program were all designed to attract capital-intensive industries and create quality jobs, increasing income, and bringing population growth to all parts of the state.

I am pleased to report to you that those actions have paid off in a big way. In the last year alone, over one billion dollars in capital investments have been made to Iowa because of these changes.

What we have learned is that taking bold steps to improve our competitiveness works. Being competitive means having a reputation around the world as a good place to start a business, to locate a plant, to raise children, to retire. It means not penalizing growth, but rewarding it.

But being competitive requires more than bold words — it demands bold deeds.

The Governor's Task Force on Economic Competitiveness, which completed its work in December, found that our personal income tax rate is the most significant barrier to bringing new business and good paying jobs to Iowa.

If we are to grow, we must attract more high paying jobs. Yet the Task Force found that Iowa's high personal income tax has "a negative impact on employee recruitment and retention ..., particularly for technical and middle and upper management positions." Those are the jobs we want! We must change.

There is no question that our personal income tax rates are too high. They stymie economic growth and impair the unbounding determination of Iowans to build a better life for ourselves and our descendants.

Just look at how we compare with other states. Unfortunately, we are among the top ten states in personal income tax rates. And many of the states which share with us that unenviable position have lowered their tax rates in the last two years. New York, Oregon, Hawaii, Delaware, Connecticut, and even so-called Taxachusetts have lowered income tax rates.

A Cato Institute study found that between 1990 and 1995, those states that cut taxes experienced the most in growth. They had employment growth of over 10 percent; population growth of over 7 percent; and income growth of over 33 percent. States that cut taxes performed much better than those that did not.

Although Iowa's economy is growing, I know — and you know — that we can do even better.

The time is right. We can cut taxes because we are in a position of financial strength. We need to cut taxes to make our state more competitive. We must cut taxes to unleash the ingenuity of Iowans to carry this state to a future of unparalleled growth and progress.

And so today, I recommend we reduce personal income tax rates across-the-board by 15 percent over the next two years. This will keep millions of hard-earned dollars in the pockets of hard-working Iowans.

The plan I am putting forth will unquestionably improve our competitiveness. It is fair and will benefit all Iowans by reducing their taxes while maintaining the current progressivity of our tax system. And most of all, it is realistic and sustainable for the long term. We have taken into account commitments already made to education and infrastructure.

Another commitment we have made is to property tax relief. This year alone, the state will be adding another \$17 million of property tax relief for mental health — increasing our annual commitment to \$95 million.

The Competitiveness Task Force also identified residential property taxes as an impediment to growth. Iowa homeowners pay too much in property taxes. I am recommending an additional \$20 million in property tax relief directly delivered to homeowners by increasing the homestead tax credit.

Property taxes have long been a burden on our family farmers. To preserve and strengthen our family farms, we need to eliminate property taxes on agricultural buildings which are located on the family farm homestead. This is a bold move designed to give a competitive advantage to the family farmer, who embodies the true character and strength of our state.

In addition to property taxes, there is another tax which is unfair to farmers as well as small business owners, homeowners, and retirees. Our state inheritance tax punishes a family when they lose a loved one. Too many Iowa families have been forced to go into debt or sell their possessions to pay death taxes. Not only is that unfair, but it is contrary to our Iowa values. We should eliminate the inheritance tax for family members without delay.

To protect the safety of Iowa workers and improve our competitiveness, we must strengthen our workplace drug-testing law. We have the weakest law in the Midwest. From factory floor to construction site, Iowa workers are needlessly placed at risk. Employees and passengers in the trucking, railroad, and airline industries have had this protection for many years, and Iowa workers deserve the same.

Cutting income and property taxes; eliminating the inheritance tax for family members; strengthening our workplace drug-testing law. These are critical elements of our plan to make Iowa a global competitor for safe, quality jobs. They require bold action this year.

The quality of our schools has always been one of our best qualities. From the one-room schoolhouse of the 1800's to the unlimited learning possibilities of the Internet, Iowans have always put education first. Just last year, we made a \$150

million commitment to school improvement and technology. Several years ago, we had the foresight to envision what the Information Age could do for education, so we created the Iowa Communications Network.

With all that we have done, some may think we've done it all. In today's rapidly changing world, I, for one, am not satisfied. Iowa must never stop improving education.

Our challenge is to design schools that will keep Iowa at the forefront of educational excellence for the 21st century. We need to benchmark how our schools measure up to the highest levels of academic achievement in the world. To accomplish that, I will appoint a Commission on Educational Excellence for the 21st century. This bipartisan group of citizens will assist us in developing a vision for strengthening Iowa's leadership in education.

From the very beginning, Iowa's enlightened leaders had a vision to lead America in literacy by giving every Iowan access to quality education. They also recognized the importance of local control and parental involvement. Building on that tradition, I am directing the Department of Education to undertake the Iowa Community High Schools program to encourage innovation and creativity and to expand community involvement in efforts to improve local schools.

Our schools are strong because of the outstanding people who have chosen to make educating our children their life's pursuit. A decade ago, we began our efforts to increase teachers' salaries in order to attract the best and brightest. In 1997, we should increase the minimum starting salaries for Iowa teachers by 10 percent.

Along with our quality public schools, our state is blessed with outstanding nonpublic schools. Thousands of Iowa parents make a financial sacrifice to send their children to the school of their choice. This year, I am recommending we double the tuition tax credit to make nonpublic schools a more affordable option for Iowa families.

Iowa has three world-renowned state universities and 15 outstanding area community colleges. The budget I am presenting includes \$5 million a year for technology investments at our Regents institutions and community colleges. I am also recommending an 8 percent increase in the Iowa Tuition Grant for needy Iowa students attending our premier independent colleges and universities. We should also fund the National Guard Tuition Assistance Program to put higher education within reach of more Iowans and to help in recruitment for our outstanding Iowa National Guard.

Iowa is a leader in distance learning. No state in America has the resource that we have with the Iowa Communications Network. We are adding well over a hundred classrooms each year and every school district will be connected by 1999. Advanced mathematics, the latest scientific research, foreign languages, and a seemingly endless flow of information will be available to Iowa students in every school district.

Distance education must now be extended to all Iowa citizens. For our workers and professionals to be competitive in the ever-changing world economy, we must make all of the opportunities of our state's higher education institutions available to all of our people, no matter where they live.

The ACCESS Education Through Distance Learning initiative will help us chart a course for broadening the horizons of all Iowans. Our independent colleges and universities, state universities, and community colleges all have an important role to play.

Just imagine what an asset it will be when every Iowan has access to the courses and training that are today only available on college campuses. ACCESS Education will be a passport to knowledge and pathway to the future for Iowans rural and urban alike.

Just as technology is widening educational possibilities for Iowans, it is transforming the face of business, government, and homes all across America. When I became governor, state government was run with typewriters, carbon paper, and stacks and stacks of file folders. Today, we use video-conferencing, e-mail, and a homepage on the Internet.

This year, I believe we must embark on a mission to ensure that every Iowa community has access to high-speed, low-cost Internet service. Currently, about 30 percent of our communities lack adequate access to the Internet and quite frankly, universal access is a necessity if Iowa is to be a global competitor in years to come.

State government must become more technology driven. The author of our Declaration of Independence, Thomas Jefferson, said, "Information is the currency of democracy." In the 21st century, Iowans need and deserve a government that is easily accessible from their home or business.

The goal that I have set forth is for state government to have the capability by the year 2000 to complete any electronic transaction from remote locations throughout the state. That means Iowans will not have to travel to conduct business with the state. Transactions will be easier and quicker for citizens and state employees alike. Using technology more effectively will make government more efficient and save millions of tax dollars.

To achieve our technology goals, I am recommending the creation of a Department of Technology and adequate technology infrastructure funding to re-engineer state government to make information and services more accessible to all Iowans.

The marvels and wonders of technology are undeniably changing the world. At no time in our history has it been so critical for us to be on the cutting edge. Let us bring the State of Iowa fully into the Information Age and enable future generations of our people to better themselves, their communities, and our system of government by harnessing information — Jefferson's currency of democracy.

As we look at how we deliver services, we must ensure taxpayers that state government is just as efficient as private business. Where appropriate, areas of state government should be competitively bid. State employees will be provided assistance in bidding for the work along with private sector contractors.

State employees will be empowered to rethink the way we do things, working to improve efficiencies. In our first experiment — the Department of Transportation's highway paint striping — the state employees won the bid and will save the state over \$300,000 a year. That is a tribute to state employees' ingenuity as well as the power of the free market.

In Iowa, we are constitutionally required to balance our budget every year. If we are to return our nation to a position of fiscal integrity, a balanced budget amendment to the United States Constitution should be passed this year. This Legislature should adopt a resolution calling on Congress to pass the balanced budget amendment. And when it passes, we should be one of the first states to ratify.

One of the foremost responsibilities of government is to protect the safety of its citizens. We are fortunate to live in a place where the crime rate is well below the national average. But make no mistake, crime is a problem here in Iowa.

Every time we read or hear about violent crime, we should be outraged. When an innocent Iowan is struck down, stolen from, or has their life disrupted by crime, we are all victims.

Seated in the gallery today are many Iowans affected by crime. Two families among them played a key role in the program I am submitting this year. The Hallengrens of Adel lost their daughter and a good friend to a drunk driver last April and approached me with many of the components of the bold anti-drunk driving program I am offering. The Sturdys of Fontanelle had a daughter murdered in a domestic violence situation many years ago and fought for over a decade to get restitution from the murderer. My automatic restitution proposal is a result of their efforts.

These families and others have had the courage to stand up and speak out about a system which puts the rights of criminals ahead of the rights of victims. Today, I salute all victims who have the strength to stand up, speak out, and work for change.

We Iowans, known for our compassion and common sense, and being driven by disdain for violence, must act boldly. We must stand up for the rights of victims of crime. We must stand up to the criminals. Those who break our laws will pay for their actions.

The victims of crime will no longer be the forgotten ones in our criminal justice system. A thirty year era of permissiveness must end.

I am recommending we adopt a Crime Victims' Bill of Rights to our state constitution. Twenty-nine other states already provide this kind of constitutional protection for victims and it's time Iowa does as well.

We are adding 2,250 beds to our state prison system and now it's time to put the prisoners to work. Making prisoners work can increase their skills, reduce the recidivism rate, and make it possible for them to pay restitution to their victims and at least part of the cost of their imprisonment.

A vast majority of Iowans join me today in asking you to restore the death penalty. We need it to protect the innocent victims of rape and kidnapping from being murdered. It should also be available as a weapon to be used against the most violent prisoners who kill correctional officers or others.

If we are to be successful at reducing crime, one issue in particular must be addressed: juvenile crime.

One of the great mistakes that has been made in public policy over the last 30 years is that a shroud of secrecy has been created to protect juveniles from the consequences of their actions. We should allow full public access to information on juvenile crime and let them face the public scrutiny their actions deserve.

I am recommending we establish penalties for underage gambling and increase the penalties for underage drinking. The budget I am presenting also includes a 20 percent increase in funding for the successful and innovative treatment efforts already underway in Iowa communities.

Several weeks ago, I visited Lucas Elementary School, just east of the Capitol in one of Des Moines' inner city neighborhoods, to announce an ambitious prevention effort we will be undertaking this year. Iowa is blessed with thousands of retirees who regularly volunteer in their communities. There is no better way to help at-risk children than to provide for them caring, committed adult mentors who will encourage them to stay in school and succeed.

I envision a day when every at-risk child in Iowa has a senior volunteer mentor. We can truly reduce juvenile crime by helping at-risk kids at an early age. The best prevention efforts we can have are ones that channel the kindness and caring of older Iowans toward the children who need it the most. Today, I call on older Iowans to take part in making life better for children by getting involved in Iowa schools.

The strength of our state depends on the strength of our families. Last year, Lieutenant Governor Corning and I undertook a Campaign for the Family which has helped put more focus on the needs of Iowa families and has involved hundreds of people through community family forums all over the state.

Our goal is to make Iowa the most family-friendly state in America. In 1997, we will continue the Campaign for the Family and hold a Statewide Family Summit to involve Iowans even more in strengthening our families and children.

My program for this year includes several initiatives designed to help families be safe, stable, self-sufficient, and healthy. We need to implement a system of Learnfare to assure that the children of those on welfare are getting an education, which is their most valuable key to self-sufficiency. I am also recommending steps to enhance family foster care as well as services to the frail elderly and Alzheimer's patients. And we should also increase preschool opportunities for at-risk children, expand child care assistance, strengthen our parental notification law, and prevent teens from using tobacco.

Reducing the tax burden for Iowa families; improving our schools; making state government more technology-driven; protecting our citizens; and, strengthening families — these are the challenges we face as we forge a new era in Iowa history. We have been given so much by those who came before us. We are grounded in the good earth with strong values and faith in God.

Our challenge is to employ these values to build a better Iowa — to take bold steps to achieve breakthrough results.

Today, I stand before you, the people of Iowa, more excited about our prospects than at any time in my past service to you.

As we stand at the precipice of the 21st century, our place in history is not unlike that of the first settlers to this state. Before us is spread endless vistas of opportunity. It is for us to take that vista and make it our own. We have the land, we have the people. We have the resources.

It is for those in this room today to provide the bold leadership, the vision to make that future ours. As I look around this chamber, I see new faces and old friends. I know you share my enthusiasm for this state.

Let us harness that shared energy to make 1997 a year future Iowans will not forget. Let us not shrink from the daunting task before us, but rise to usher in a new era of growth and opportunity for our state.

Let us begin today.

Thank you and God bless you.

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

On motion by Siegrist of Pottawattamie the joint convention was dissolved at 10:35 a.m.

The House stood at ease at 10:36 a.m., until the fall of the gavel.

The House resumed session at 11:02 a.m., Speaker Corbett in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:03 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened session at 1:00 p.m., Speaker Corbett in the chair.

COMMITTEE APPOINTMENT

The Speaker announced the following change on committee appointments:

Osterhaus of Jackson will be removed from the Natural Resources committee, and filling his vacancy with the appointment of Jochum of Dubuque.

SPONSOR ADDED

(House File 7)

Rayhons of Hancock requested to be added as a sponsor of House File 7.

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

1997\15 Marlys and Howard Hutzal, Pisgah – For celebrating their Fiftieth wedding anniversary.

1997\16 Kathleen and Orville Mensching, Logan – For celebrating their Fiftieth wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2

Transportation: Heaton, Chair; Larkin and Vande Hoef.

House File 4

Local Government: Vande Hoef, Chair; Connors and Martin.

House File 8

Local Government: Houser, Chair; Arnold, Mertz, Mundie and Vande Hoef.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Resolution, honoring Representative John H. Connors for his years of legislative service.

Fiscal Note is not required.

Recommended **Do Pass** January 13, 1997.

Committee Resolution, honoring Representative Roger A. Halvorson for his years of legislative service.

Fiscal Note is not required.

Recommended **Do Pass** January 13, 1997.

Committee Resolution, honoring Representative Horace Daggett for his years of legislative service.

Fiscal Note is not required.

Recommended **Do Pass** January 13, 1997.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:03 p.m., until 8:45 a.m., Wednesday, January 15, 1997.

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 15, 1997

The House met pursuant to adjournment, at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Father Jim Kirby, St. Theresa's Catholic Church, Des Moines.

The Journal of Tuesday, January 14, 1997 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2, by Weigel, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing certain rights to victims of crimes.

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

House File 26, by Doderer, a bill for an act relating to the reduction in the sales, services, and use and rental and lease excise tax rates from five percent to four percent and providing applicability date provisions.

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

House File 27, by Myers and Carroll, a bill for an act relating to the election of a political subdivision not to participate as a member of the Iowa individual health benefit reinsurance association.

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

House File 28, by Jacobs, a bill for an act appropriating funding for local housing programs from real estate transfer tax revenues.

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

House File 29, by Dinkla, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

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

House File 30, by Dinkla, a bill for an act to legalize certain city and county deeds and conveyances.

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

House File 31, by Welter, Eddie, Vande Hoef, Garman, Hahn, and Nelson, a bill for an act relating to the registration fee for ex-prisoner of war motor vehicle plates and providing effective and retroactive applicability dates.

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

House File 32, by Martin, Bradley, Holmes, Van Fossen, Millage, Jenkins, Hahn, and Brauns, a bill for an act relating to the taxation of pensions, annuities, and retirement allowances received for the purposes of state individual income tax, and providing a retroactive applicability date.

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

HOUSE FILE 18 REREFERRED

The Speaker announced that **House File 18**, previously referred to committee on **natural resources**, was rereferred to committee on **environmental protection**.

The House stood at ease at 8:55 a.m., until the fall of the gavel.

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

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Representative Nelson of Marshall, Holmes of Scott, and Bukta of Clinton.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:55 a.m., President Kramer presiding.

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

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

Senator Iverson of Wright moved that a committee of six, consisting of three members of the Senate and three members of the House, be appointed to escort Lieutenant Governor Joy Corning to the House chamber for the Condition of the Judicial Department Message.

The motion prevailed and the President appointed as such committee Senators Rittmer of Clinton, Black of Kossuth, and Fink of Warren, on the part of the Senate; and Representatives Churchill of Polk, Dix of Butler, and Thomas of Clayton on the part of the House.

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

The motion prevailed and the President appointed as such committee Senators King of Crawford, McKibben of Marshall, and Neuhauser of Johnson, on the part of the Senate; and Representatives Lamberti of Polk, Dinkla of Guthrie, and Richardson of Warren, on the part of the House.

The House stood at ease at 9:56 a.m., until the fall of the gavel.

The House resumed session at 9:58 a.m., President Kramer in the chair.

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

Mrs. Jo Ann McGiverin, wife of the Chief Justice and Ed and Joe McGiverin, cousins of the Chief Justice were escorted into the House chamber.

The Justices of the Supreme Court, the Judges of the Court of Appeals and the Chief Judges of the state's judicial districts were escorted into the House chamber.

Lieutenant Governor Joy Corning was escorted into the House chamber.

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

President Kramer presented Chief Justice Arthur A. McGiverin who delivered the following Condition of the Judicial Department Message:

Madam President, Mr. Speaker, Lieutenant Governor, Members of the General Assembly, State Officials, Judicial Colleagues and my fellow Iowans:

It's an honor and a privilege to speak with you each year. On behalf of the judicial branch, I want to thank you for this opportunity to report on the condition of our court system.

I also want to extend a warm welcome to the new members of the Legislature. If you are not familiar with the operation of the judicial branch, I hope you will take some time from your busy schedules to become acquainted with it. One of the best ways to do that is to visit with your local district court officials - clerks of court, magistrates, judges, juvenile court officers and others. And please feel free to drop by our offices here in the Capitol at anytime to visit. You're always welcome.

I invite all of you to join me and the other members of the judiciary, who are with us today, for refreshments and conversation downstairs in the courtroom following these remarks.

My remarks today will focus on our past successes, our present challenges, and our high hopes for the future. I promise that I will not try to do the Macarena. I will, however, try to heed the words of one of my esteemed colleagues who said, "Never exhaust the topic or the audience."

We are especially gratified to be able to report a number of successes we've had this year. Here are some of the highlights.

By this summer, every courthouse in Iowa will be linked to our statewide computer network. The last of our clerk of court offices that have been waiting in line, dependent on the paper docket books used for over 150 years, will finally join the world of automation. Our computer network will serve as a foundation for the technological improvements that will be necessary to carry us into the twenty-first century.

The benefits of our computer system extend beyond the courts. For example, we send over 1500 notices each week to the Department of Transportation so it can initiate license suspension procedures. This year, we started sending the information

electronically rather than through the mail. In addition to speeding up the process, this means less work for the Transportation Department.

We're working with the Department of Safety to create a domestic abuse registry. The registry will provide law enforcement officials with up-to-the-minute information about protective orders in all ninety-nine counties. This will be a powerful weapon in Iowa's battle against domestic abuse.

We're excited about our new jury management computer software that will streamline the jury system and make jury service more convenient for the public. How will it work? Well, right now nearly all of the counties use two jury commissions, one composed of three citizens and the other composed of three local officials, to create their lists of prospective jurors. It's all done by hand with thousands of pieces of paper. In a county the size of Story County, the entire process takes over four days. With our new program, it will take only a few hours.

Also, following the recommendations of our Equality in the Courts Task Force, this new program will make jury pools more representative of a county's population and answer any claim there is subjectivity in the present system. How? Through the magic of technology, computers will sort the names and compile the lists.

This program will help make jury service more convenient. The 1-trial/1-day option, which has been used successfully in Scott County, means that persons called for jury service are obligated to serve on only one trial. Once they've served they won't be called again for two years. Or, if they come to the courthouse on the first day of service and are not picked to serve, they're relieved from jury service for two years. It's much easier than being on call for jury service for three months. Contrary to vicious rumor, this program was in place long before I was called to appear for jury duty at the Wapello County Courthouse later this month. However, it was at that point, I deemed the 1-trial/1-day option a good deal.

Our court improvement project for child in need of assistance cases, which is now in the implementation stage, will surely help brighten the future of hundreds of children and families living in limbo each year as they wait for the courts to sort out the wreckage of their lives. Six task forces are busy working on specific recommendations needed to implement this report. One of the groups is studying our juvenile laws for changes needed to improve our child in need of assistance process. We plan to present these recommendations to you next year.

We learned from the study phase of this program that our courts are doing a good job overall with these important cases. But, however well we have performed, we must find ways to do even better. We need to find more time for hearings. For instance, fifteen minutes for a non-contested case or one hour for a contested case is often not enough when the future of a child or the life of a family is on the line. At the same time, we need to bring closure to such cases sooner. Three to four years, from the time of filing a child in need of assistance petition to the time of entering an order finalizing an adoption, is simply too long. We also need to improve the quality of legal representation provided to children and families. These crucial cases call for careful preparation. An initial meeting between an attorney and clients in the courthouse hallway to discuss the case, just before a hearing, is not good enough.

Fine enforcement efforts are expanding. Last summer we started sending cases through our computer network to the Central Collection Unit of the Department of Revenue and Finance. It's amazing how quickly people pay their delinquent fines once they've received notice that the tax collectors are involved.

Our magistrates and judges are continuing to take a tough attitude on the payment of fines and they are doing their best to crack down on scofflaws. One example of our "new attitude" comes from Lucas County where Magistrate Jim Mefferd expects defendants to pay their fines the moment they are ordered. He says the word has gotten around and it's rare when someone asks for time to pay. Naturally, some people will try to escape paying. One person told Magistrate Mefferd that he was flat broke, had no job and no job prospects. The magistrate didn't buy the story. When he explained to the gentleman the meaning of contempt of court with possible jail consequences - a \$100 bill magically appeared and the fine was paid!

These are just a few of the many ways we're enforcing fines. The task is formidable because millions of dollars of unpaid fines are on the books and many offenders are incarcerated, or truly unable to pay. Nevertheless, we will continue to explore all avenues for improving the collection of unpaid fines.

Iowa's first computer-integrated courtroom began operating a few months ago in Polk County. During a court proceeding, a computer instantly translates a court reporter's steno strokes into English text and displays the text on computer terminals or TV monitors located around the courtroom. Another process also translates the text into Braille. These systems will allow persons who are hearing or sight impaired to actively participate in court proceedings. There's an added bonus - the equipment can be easily transported and set up in any courtroom around the state.

Our district courts in Linn County and Polk County are using local area networks to provide judges with complete and immediate information about the criminal defendants appearing before them at arraignment or sentencing. According to District Associate Judge Michael Newmeister of Cedar Rapids, many defendants are repeat offenders who have pending matters that should be made known to the court. With the new computer networks, judges can quickly check for prior records, failures to appear to answer charges, delinquent fines, and other matters while the defendant is standing before them. These systems make it much easier for busy courts to hold offenders accountable.

A full range of language interpreter services are now available to our courts thanks to a telephone interpreter program offered by one of the telephone companies. This service provides assistance in 140 languages, 7 days a week, 24 hours a day. Prior to using this service, it was almost impossible to find qualified interpreters on short notice in most parts of the state. Fred Nydle, one of our district court administrators, described the old process this way, "A person can be a defendant one day and an interpreter the next." That was not a good way to handle court business.

Our courts are dismantling language barriers in other ways. Tomorrow in Louisa County a group will "graduate" from the state's first program offered in Spanish for convicted drunk drivers. I want to commend District Associate Judge Thomas Brown of the Eighth District for recognizing the need for this program and for organizing it.

We're encouraged by all of this progress. However, it wouldn't be accurate for me to paint a picture of roses with no thorns. We continue to have our share of challenges. Two should be mentioned.

First - more cases are pouring into the courts and, once again, crime continues to take most of our attention and time. Indictable criminal cases shot up 20 percent last year, marking almost two decades of steady growth. For the first time ever, more than 100,000 indictable criminal cases were filed in our courts in one year. The tremendous burden created by our high criminal caseload cannot be ignored. It continues to drain valuable court resources.

What can be done?

First of all, I want to thank you for the help you've given us in the past. The additional judges, juvenile court staff, and other resources have taken the edge off a serious situation. We also appreciate your continued efforts to keep compensation competitive so that we can attract and retain talented people to handle the caseload. But problems remain.

Our budget request for the next fiscal year, although a modest one, has been tailored to address our most pressing problems. The details are included in the materials provided to you this morning. One request deserves your special attention — our request for more clerk of district court staff.

Our clerks' offices are important in so many ways. Litigants depend on them to get complete records of their cases to the judges. Our state and local governments depend on them to collect and distribute fines and fees. Crime victims depend on them to collect and disburse restitution payments. Custodial parents depend on them to collect and disburse child support payments. Businesses and property owners depend on them to keep track of liens. Everyone depends on them as the trusted gatekeepers for our justice system.

I ask that you give this request special consideration.

Second — there is one other problem you should know about. Most of our court-houses have run out of room for storing court records. This is a problem state government shares with the counties because the counties bear the responsibility to provide our courts with facilities. We can report some progress this year resulting from the use of CD-ROM and imaging systems to reproduce and store old court records. One compact disc can store about five or six file cabinets full of records. But even though this is an effective way to address the records storage problem, it's only a short-term solution. It's like bailing water out of a boat that has a gaping hole in the bottom. Water keeps gushing in until the hole is plugged.

The long-term solution will require electronic data management systems, commonly called EDMS. The applicability of EDMS to the courts has already been studied. Before committing scarce resources, we should study the cost of installing and operating EDMS. Our budget request includes a recommendation for such a study.

The solutions I've mentioned are not simply answers to current problems; they will help us in the future as well. This brings me to our greatest success this year.

When I addressed this assembly last year, we were eagerly awaiting the results of the first comprehensive study of our courts. The purpose of the study was to develop a long-range plan that would prepare our courts for the challenges we will face in the next century, which is fast approaching.

I'm pleased to report that our Commission on Planning for the 21st century, which conducted this study, submitted its report to us last summer. A copy of the report has been provided to you this morning. We now have an outstanding blueprint for a model system of justice. It will serve Iowans well into the future.

Who were the architects of this plan? They were more than sixty Iowans from many different walks of life including farmers, a retired newspaper executive, a county supervisor, small business owners, union representatives, former and current members of the General Assembly, judges, business executives, attorneys, and heads of state agencies. And they came from every corner of the state — from Corwith to Carroll, Marathon to Bettendorf, and Burlington to Sioux City.

We, indeed all Iowans, are indebted to every member of the commission for the commitment and talent they brought to this project. We owe special thanks to Justice Linda Neuman, who chaired the commission, and to Justices Bruce Snell and Marsha Ternus who served with Justice Neuman on the steering committee. And, of course, we are indebted to the many individuals and groups, including the Legislature, for their financial support that helped make this all possible.

The creation of a formal planning process within the judicial branch is the cornerstone of the commission's plan. With your support, we hope to add a professional planning staff this year so we can begin this important program. Because it is so obviously in the public interest, this is one of our very top budget priorities.

We have created an implementation committee to help us sift through the commission's other recommendations. We will be coming to you in the future to help us carry out the rest of our plan.

What does the future hold in store?

Start by thinking back twenty-five years – to 1971. Back then, I was a district court judge in the old Second Judicial District that included seven counties in South Central Iowa. My court reporter was a "pen-writer." He reported the testimony with a pen using Gregg shorthand symbols. The latest technology to hit the courts was the memory typewriter. And we couldn't operate without mountains of carbon paper. I must confess that I understand carbon paper easier than computers.

I usually presided over a few divorce cases each month. Domestic abuse cases rarely came to the courts and were not identified as such. Unlike most district court judges, we had time to hear juvenile cases. The juveniles who came before me were usually there for petty property crimes. I don't remember a single case involving a violent juvenile during my thirteen years as a district court judge. I handled a drug case on occasion. But not many. Meth or crank didn't exist in our world then. Most of the drug cases involved marijuana. Most of the offenders inhaled!

Who would have predicted the dramatic changes we've seen in just twenty-five years? The world is vastly different now. Yet the principles upon which our justice system is based remain the same. And those principles are the foundation upon which to build a court system that will best serve Iowans in the twenty-first century.

No one can really predict the future, but with the commission's help, we now have a clear image of what the future can be.

Imagine a court system that has multiple access points to basic services in every county, one that is comprehensible to the average person, and offers a full range of dispute resolution options to fit different needs.

Imagine going to a city library or a shopping mall and using a kiosk or the Internet to find information about the court system, pay a fine, or electronically file a small claims action.

Imagine a court system that operates without paper. It may come to that.

Imagine court proceedings taking place over interactive video, saving litigants and witnesses the time and expense of traveling long distances.

Imagine a court system in which legal services are widely available to all who need them regardless of their income.

Just imagine the possibilities!

We have just completed a year long celebration during which we looked back – with considerable pride – on 150 years of Iowa's statehood. We should seize this vantage point and use the lessons of the past, as we look to our future.

Iowa can certainly claim a demonstrated ability to adapt to an ever shifting scene, as history unfolds. In exceptional times, exceptional people from all three branches of state government have done more than simply react to changed circumstances. The brightest points in our proud history have been when leaders in state government have found the vision, the courage, and the dedication to shape the future.

Let this be such a time.

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

Lieutenant Governor Joy Corning was escorted from the House chamber by the committee previously appointed.

On motion by Siegrist of Pottawattamie, the joint convention was dissolved at 10:33 a.m.

The House reconvened session at 10:33 a.m., Speaker Corbett in the chair.

The House stood at ease at 10:34 a.m., until the fall of the gavel.

The House resumed session at 10:55 a.m., Speaker Corbett in the chair.

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Round Trip Miles
Steven L. Falck	310

Respectfully submitted,
 CLYDE E. BRADLEY, Chair
 PHIL TYRRELL
 BILL BERNAU

SUBCOMMITTEE ASSIGNMENTS

House File 6

Labor and Industrial Relations: Holmes, Chair; Kremer and Taylor.

House File 11

Labor and Industrial Relations: Dix, Chair; Boddicker and Connors.

House File 14

Transportation: Blodgett, Chair; Drees and Weidman.

House File 21

Transportation: Carroll, Chair; Ford and Rayhons.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 2 Labor and Industrial Relations**

Relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss.

H.S.B. 3 Labor and Industrial Relations

Relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

RESOLUTIONS FILED

HCR 3, by Weigel, a concurrent resolution to request that the United States Internal Revenue Service and the United States Congress act to allow farmers to use deferred payment contracts without being subject to alternative tax liability.

Referred to committee on **state government**.

HCR 4, by Siegrist, Greig, Eddie, Drake, Gipp, Nelson, Bradley, Tyrrell, Sukup, Cormack, Jenkins, Barry, Martin, Van Fossen, Dix, Jacobs, Kremer, Veenstra, Vande Hoef, Blodgett, Meyer, Hahn, Hansen, Weidman, Boggess, Huseman, Rayhons, Dinkla, Grundberg, Houser, Metcalf, O'Brien, Mertz, Van Maanen, Brauns, Arnold, Thomson, Mundie, Corbett, Greiner, Witt, Cataldo, Dolecheck, Churchill, and Klemme, a concurrent resolution requesting the Congress of the United States to submit to the States for ratification a balanced budget amendment to the United States Constitution.

Laid over under **Rule 25**.

HR 3, by committee on administration and rules, a resolution honoring Representative John H. Connors for his years of legislative service.

Laid over under **Rule 25**.

HR 4, by committee on administration and rules, a resolution honoring Representative Roger A. Halvorson for his years of legislative service.

Laid over under **Rule 25**.

HR 5, by committee on administration and rules, a resolution honoring Representative Horace Daggett for his years of legislative service.

Laid over under **Rule 25**.

On motion by Siegrist of Pottawattamie, the House adjourned at 10:49 a.m., until 8:45 a.m., Thursday, January 16, 1997.

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 16, 1997

The House met pursuant to adjournment at 8:46 a.m., Barry of Harrison in the chair.

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

The Journal of Wednesday, January 15, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kreiman of Davis on request of Weigel of Chickasaw; Larkin of Lee on request of Shultz of Black Hawk.

INTRODUCTION OF BILLS

House File 33, by Kremer, a bill for an act creating a deer population control council, providing for its membership, compensation, and duties, and providing for other properly related matters.

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

House File 34, by Teig, a bill for an act relating to the exemption from sales, services, and use taxes of adjuvants and surfactants used to enhance the application of fertilizers, limestone, herbicides, pesticides, and insecticides in agricultural production and providing effective and retroactive applicability date provisions.

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

House File 35, by Garman, a bill for an act relating to the state income tax checkoff for domestic abuse services and providing a retroactive applicability date.

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

House File 36, by Martin, a bill for an act relating to a minimum age requirement for a coaching authorization issued by the state board of educational examiners.

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

House File 37, by Gipp, a bill for an act changing the closing hour of precinct polling places.

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

House File 38, by Boggess, a bill for an act to exclude claims of unlawful forfeiture of a reduction of sentence from the grounds for postconviction relief and making related changes.

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

House File 39, by Welter, a bill for an act to prohibit the intentional tossing, throwing, or expelling of bodily fluids or material on correctional employees by inmates, and providing penalties.

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

House File 40, by Millage, a bill for an act relating to arbitrator considerations in binding arbitration of public employment collective bargaining disputes and providing effective and applicability dates.

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

House File 41, by Millage, a bill for an act relating to the public employee collective bargaining law by requiring an appropriation prior to implementing items in a collective bargaining award to state employees, and providing effective and applicability dates.

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

House File 42, by Bell, Warnstadt, Osterhaus, Koenigs, Mundie, and Frevert, a bill for an act relating to the registration fee for ex-prisoner of war motor vehicle plates.

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

House File 43, by Weigel, Mertz, Koenigs, Drees, May, Scherrman, Osterhaus, Thomas, Foege, Wise, Brand, and O'Brien, a bill for an act relating to transportation assistance aid to a school district and making an appropriation.

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

House File 44, by Sukup and Blodgett, a bill for an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

Read first time and 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 January 15, 1997, adopted the following resolution in which the concurrence of the House is asked:

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

MARY PAT GUNDERSON, Secretary

SPONSOR ADDED
(House Concurrent Resolution 4)

Heaton of Henry requested to be added as a sponsor of House Concurrent Resolution 4.

ADOPTION OF
HOUSE CONCURRENT RESOLUTION 4

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 4, a concurrent resolution requesting the Congress of the United States to submit to the States for ratification a balanced budget amendment to the United States Constitution, 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 4 be immediately messaged to the Senate.

ASSIGNMENT OF SEATS IN PRESS GALLERIES

The following named persons are accredited members of the press, TV and radio stations and are entitled to access to the press galleries:

AFSCME/Iowa Council 61 News	Larry Scarpino
Ames Daily Tribune	Marty Helle
Associated Press	Mike Glover, Mary Neubauer, John Gaps III, Charlie Niebergall, Kevin Wolfe, David Speer, Tom Seery
Cedar Rapids Gazette	Rod Boshart, Mike Ferreter, Ken Sullivan
Des Moines Register	David Yepsen, Thomas Fogarty, Jonathan Roos
Iowa Legislative News Service, Inc.	Peter Small, Jack Hunt, Pat Mooney
Lee News Papers	Kathie Obradovich, Patrick Lalley

Legis Web	Jon Neiderbach
Omaha World-Herald	Jim Smiley, Rainbow Rowell
Prairie Fire News Service	Dennis Carroll
Sioux City Journal	Kate Thompson
Telegraph Herald	Mary Rae Bragg
Waterloo Courier	Cari Noga
Des Moines Radio Group	Polly Carver-Kimm
KIOA/KKTK/KRNT/KSTZ/KAZR	
KCCI-TV	Martin Augustine, Todd Magel, Steve Karlin, Michelle Parker, Jeanette Trompeter, Geoff Greenwood
KIMT-TV	Jeff Nelson, Karl Ringel, Susan Zillmer, Michelle Oshann, Brian Mastre
KWWL-TV	Jim Talley
KTIV-TV	Joel Johnson, Bruce Scheid, Pat Mack, Donna Walker, Matt Breen
WOI-TV	Lena Vanier, Tom Cox, Julie Kraft, Don Taylor, Don Schmith, Tyler Damerville, Greg Stivers
WHO-TV	Scott Pope, Phil Scott, Terese Thompson, Cal Woods, Lisa Brones
KASI/KCCQ	Darwin Danielson
KUNI Radio	Bill Menner
Radio Iowa	O. Kay Henderson, Matt Kelley, Doug Cooper
WHO Radio	Jeneane Beck
WOI Radio	Mark Moran
KOEL Radio	Pamela Ohrt
News Radio 1330 KWLO	Shawn Harmsen

SPONSOR ADDED

(House File 35)

Mundie of Webster requested to be added as a sponsor of House File 35.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Division of Community Colleges and Workforce Preparation

A report to the General Assembly, pursuant to Chapter 260D, Code of Iowa.

Division of Financial and Information Services

The Report on Programs and Funding for Limited English Proficient Students, pursuant to Chapter 280.4(4), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

State-County Management Committee

The annual report, pursuant to Chapter 331.438(3)(c)(13), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Professional Licensing Boards

The annual report, pursuant to Chapter 272C.4(2), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The 1997-2001 Transportation Improvement Program annual report, pursuant to Chapter 307A.2(12), Code of Iowa.

IOWA COMMUNICATIONS NETWORK

The Agency Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

STATE BOARD OF REGENTS

The annual report for the Center for Health Effects of Environmental Contamination, pursuant to Chapter 263.17, (4)(b), Code of Iowa.

The Fiscal Year 1998-2002 Five-Year Building Program report, pursuant to Chapter 262A.3, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1997\17 James Johnson, Avoca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\18 Joshua Peterson, Avoca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\19 Thomas Hegna, Avoca – For attaining the rank of Eagle Scout; the highest rank in the Boy Scouts of America.
- 1997\20 Anna Ruth and Reuben Steenhoek, Prairie City – For celebrating their fiftieth wedding anniversary.
- 1997\21 Marjorie and John Shuey, Prairie City – For celebrating their fiftieth wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 5

Judiciary: Kremer, Chair; Kreiman and Veenstra.

House File 24

Judiciary: Larson, Chair; Churchill and Moreland.

House File 27

Local Government: Carroll, Chair; Dix and Myers.

House File 28

Appropriations: Millage, Chair; Sukup and Wise.

House File 29

Education: Brunkhorst, Chair; Brand and Thomson.

House File 30

Judiciary: Dinkla, Chair; Chapman and Grundberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 2**

Labor and Industrial Relations: Sukup, Chair; Barry and Kinzer.

House Study Bill 3

Labor and Industrial Relations: Kremer, Chair; Veenstra and Whitead.

RESOLUTION FILED

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

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

On motion by Siegrist of Pottawattamie, the House adjourned at 9:12 a.m., until 9:00 a.m., Friday, January 17, 1997.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 17, 1997

The House met pursuant to adjournment at 9:00 a.m., Churchill of Polk in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

The Journal of Thursday, January 16, 1997 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 3, by Wise, Cohoon, Larkin, Drees, O'Brien, Foege, Mertz, Witt, and Warnstadt, a joint resolution proposing an amendment to the Constitution of the State of Iowa establishing a state general fund expenditure limitation.

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

House Joint Resolution 4, by Cormack, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the recall, by petition and election, of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, Secretary of Agriculture, members of the General Assembly, and elective officials of political subdivisions.

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

House Joint Resolution 5, by Doderer, Connors, Van Maanen, Vande Hoef, Holveck, Koenigs, Shoultz, Tyrrell, Metcalf, Siegrist, Chapman, Cohoon, Corbett, Eddie, Garman, Kremer, Schrader, Wise, Brand, May, Mertz, Murphy, Bernau, Gipp, Hahn, Millage, Weidman, Bell, Blodgett, Boddicker, Brauns, Brunkhorst, Cataldo, Churchill, Dinkla, Drake, Fallon, Greig, Greiner, Gries, Grundberg, Houser, Jochum, Klemme, Kreiman, Larson, Martin, Meyer, Moreland, Mundie, O'Brien, Rants, Weigel, Welter, Witt, Larkin, Myers, Arnold, Barry, Boggess, Bradley, Burnett, Carroll, Cormack, Drees, Heaton, Huseman, Jacobs, Lamberti, Lord, Mascher, Nelson, Sukup, Teig, Van Fossen, Veenstra, Warnstadt, Thomson, Taylor, Osterhaus, Bukta, Chiodo, Dix, Dolecheck, Dotzler, Falck, Foege, Ford, Frevert, Hansen, Holmes, Huser, Jenkins, Kinzer, Rayhons, Reynolds-Knight, Richardson, Scherrman, Thomas, and Whitead, a joint resolution proposing an amendment to the Constitution of the State of Iowa

relating to the equality of rights of men and women under the law.

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

House File 45, by Lord, a bill for an act exempting services provided by licensed massage therapists from the state services tax.

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

House File 46, by Greig, a bill for an act relating to state reimbursements to local governments for certain property tax credits and exemptions, requiring full funding of the cost of exemptions and credits, and providing applicability date provisions.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 16, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 4, a concurrent resolution requesting the Congress of the United States to submit to the States for ratification a balanced budget amendment to the United States Constitution.

MARY PAT GUNDERSON, Secretary

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF COMMERCE Iowa Utilities Board

The annual report, pursuant to Chapter 476.66(6), Code of Iowa.

DEPARTMENT OF EDUCATION

A Study of the Measures to Assess Employability Skills, pursuant to Chapter 256.39(2)(a), Code of Iowa.

A final report on the study of the special education funding system, pursuant to Chapter 1215, 1996 Acts of the Seventy-sixth General Assembly.

Division of Elementary and Secondary Education

A report dated December 1996, pursuant to Chapter 1215, 1996 Acts of the Seventy-sixth General Assembly.

Division of Financial and Information Services

The report on Management Information System Development, pursuant to Chapter 7A.3(4), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

The annual report for state fiscal years 1994, 1995 and 1996, pursuant to Chapter 217.21, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

State Preserves Advisory Board

A report for the biennium 1995-96, pursuant to Chapter 465C.8(11), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The annual report for Healthy Iowans 2000, pursuant to Chapter 1212, 1996 Acts of the Seventy-sixth General Assembly.

Division of Substance Abuse and Health Promotion

The 1997 Fetal Alcohol Syndrome Report, pursuant to Chapter 1092, 1996 Acts of the Seventy-sixth General Assembly.

Prospective Minor Parents Advisory Committee

A report dated January 8, 1997, concerning Decision-Making Assistance Program and Parental Notification of Intent to Terminate a Pregnancy through Abortion, pursuant to Chapter 1011, 1996 Acts of the Seventy-sixth General Assembly.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

A report concerning Iowa's Drug and Violent Crime Control Strategy for 1997, pursuant to Chapter 125.9(5), Code of Iowa.

INDUSTRIAL COMMISSIONER

The Second Injury Fund Task Force Report, pursuant to Chapter 1211, 1996 Acts of the Seventy-sixth General Assembly.

IOWA COMMISSION OF VETERANS AFFAIRS

A report concerning the Central Iowa State Veterans Cemetery, pursuant to House Resolution 111.

IOWA COMMUNICATIONS NETWORK

The Fiscal Year 1996 Annual Report, pursuant to Chapter 8D, Code of Iowa.

PSEUDORABIES ADVISORY COMMITTEE

The 1997 Report on Calendar Year 1996 Activities, pursuant to Chapter 166D.3, Code of Iowa.

STATE BOARD OF DENTAL EXAMINERS

The 1996 Annual Report of Activities, pursuant to Chapter 272C.4(2), Code of Iowa.

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

The Fiscal Year 1998 Full Motion Interactive Video Rate Per Hour Calculation Summary, pursuant to Chapter 1209.4(1), 1996 Acts of the Seventy-sixth General Assembly.

On motion by Kremer of Buchanan, the House adjourned at 9:04 a.m., until 10:00 a.m., Tuesday, January 21, 1997.

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 21, 1997

The House met pursuant to adjournment at 10:00 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend John Epperson, pastor of Grinnell Christian Church, Grinnell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Danny Carroll, state representative from Poweshiek County.

The House stood for a moment of silence in memory of Billie Walling, Senior Finance Officer for the House of Representatives for many years.

The Journal of Friday, January 17, 1997 was approved.

APPOINTMENTS

The Speaker announced the following appointments:

ADMINISTRATIVE RULES REVIEW COMMITTEE (Chapter 17A.8, Code of Iowa)

Christopher Rants, Chairman To a term ending April 30, 1999
Danny Carroll To a term ending April 30, 1999

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 5

State Government: Martin, Chair; Drake and Jochum.

House File 15

Natural Resources: Greig, Chair; Bell and Dolecheck.

House File 16

Ways and Means: Blodgett, Chair; Bernau, Dix, Teig and Weigel.

House File 19

Natural Resources: Huseman, Chair; Mundie and Weidman.

House File 23

Ways and Means: Blodgett, Chair; Bernau, Dix, Teig and Weigel.

House File 33

Natural Resources: Tyrrell, Chair; Hahn and O'Brien.

House File 43

Appropriations: Grundberg, Chair; Koenigs and Meyer.

House File 46

Appropriations: Millage, Chair; Murphy and Sukup.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 1**

Ways and Means: Blodgett, Chair; Bernau, Dix, Teig and Weigel.

On motion by Siegrist of Pottawattamie, the House adjourned at 10:08 a.m., until 8:45 a.m., Wednesday, January 22, 1997.

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 22, 1997

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

Prayer was offered by Imam Ako Abdul-Samad, of the Organization of Islamic Ummah, Des Moines.

The Journal of Tuesday, January 21, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Koenigs of Mitchell, from fifty constituents of the 29th District favoring increasing the regulations for confinement livestock facilities.

By Weidman of Cass, from fifty-seven constituents favoring the repeal of the pre-exemption language in the Iowa Code and return to cities and towns in Iowa the power to enact and enforce tobacco related ordinances.

SPECIAL PRESENTATION

Eight students from Edmunds Academy in Des Moines gave a violin performance in the House chamber as part of Iowa Citizens for the Arts at the Capitol. They were led by Kathy Hykes.

INTRODUCTION OF BILLS

House File 47, by Millage, Van Fossen, Martin, Holmes, Kinzer, Bradley, Weidman, Blodgett, Heaton, Welter, and Mundie, a bill for an act relating to information centers in rest areas on interstate or primary highways.

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

House File 48, by Grundberg, a bill for an act prohibiting the use of small or young animals as awards or prizes for winning games of skill or games of chance and providing a penalty.

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

House File 49, by Grundberg, a bill for an act providing a property tax exemption for property leased under the federal elder cottage housing opportunity program and providing a retroactive effective date.

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

House File 50, by Arnold, Dolecheck, Boddicker, Houser, Tyrrell, Heaton, Weidman, Klemme, and Boggess, a bill for an act relating to school finance by providing for additional enrollment for school district transportation costs based upon a school district enrollment sparsity factor.

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

House File 51, by Bradley, a bill for an act relating to professional engineers and engineering standards involved in the approval of permits for confinement swine feeding operations.

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

House File 52, by Grundberg and Lamberti, a bill for an act to prohibit sex acts when one participant was prevented from resisting by a schedule I controlled substance and providing penalties.

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

House File 53, by Huser, a bill for an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

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

House File 54, by Rants, a bill for an act relating to the time and method of distribution of local option sales and services tax receipts.

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

House File 55, by Rants, a bill for an act relating to tinted windows and making a penalty applicable.

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

House File 56, by Rants, a bill for an act relating to the elimination of the sales, services, and use taxes on job placement services.

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

House File 57, by Rants, a bill for an act exempting fees for temporary employment services from the state sales, services, and use taxes.

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

House File 58, by Rants, a bill for an act relating to fees charged by an employer for copies of items in an employee's personnel file.

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

House File 59, by Rants, a bill for an act relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

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

House File 60, by Rants, a bill for an act providing for the automatic, periodic repeal of administrative rules.

Read first time and referred to committee on **administration and rules**.

House File 61, by Kreiman, a bill for an act relating to free deer hunting licenses issued to owners of farm units.

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

House File 62, by Kreiman, a bill for an act establishing physical injury indicators of child abuse and physical abuse and neglect as used in the juvenile justice code.

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

House File 63, by Reynolds-Knight, Kreiman, and Schrader, a bill for an act relating to the issuance of free deer hunting licenses to landowners.

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

House File 64, by Kreiman and Bell, a bill for an act providing for the radio-based communications system transmission of communicable disease information relative to persons being sought or assisted by certain persons in an emergency situation and providing a penalty.

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

House File 65, by Kreiman, a bill for an act prohibiting the operation of a motorboat while intoxicated, providing for chemical testing of suspected violators, and subjecting violators to penalties.

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

House File 66, by Cormack, a bill for an act relating to an income tax checkoff for juvenile programs and domestic abuse services and including retroactive applicability date provisions.

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

House File 67, by Van Fossen, a bill for an act relating to the state sales and use tax exemption on certain items related to the manufacturing process.

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

REPORT OF THE COMMITTEE ON MILEAGE

Bradley of Clinton called up for consideration the Report of the Committee on Mileage found on pages 37 through 39 of the House Journal, and moved its adoption.

The motion prevailed and the report was adopted.

ADOPTION OF SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

Bradley of Clinton called up for consideration the Supplemental Report of the Committee on Mileage, found on page 70 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

The House stood at ease at 8:55 a.m., until the fall of the gavel.

The House resumed session at 9:05 a.m., Speaker Corbett in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:06 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:06 p.m., Speaker Corbett in the chair.

ADOPTION OF HOUSE RESOLUTION 3

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Resolution 3, a

resolution honoring Representative John H. Connors for his years of legislative service, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 4

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Resolution 4, a resolution honoring Representative Roger A. Halvorson for his years of legislative service, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 5

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Resolution 5, a resolution honoring Representative Horace Daggett for his years of legislative service, and moved its adoption.

The motion prevailed and the resolution was adopted.

Representative John H. Connors, Representative Roger A. Halvorson and Representative Horace Daggett approached the well and were presented with their chairs. Each briefly addressed the Chamber.

The House rose and expressed its appreciation.

COMMUNICATIONS RECEIVED

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

CENTER FOR AGRICULTURAL SAFETY AND HEALTH

The 1996 Annual Report, pursuant to Chapter 262.78(6), Code of Iowa.

DEPARTMENT OF COMMERCE Professional Licensing and Regulation Division

A report on the duties of the board, pursuant to Chapter 272C.4(2), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report, pursuant to Chapter 1183.39, 1996 Acts of the Seventy-sixth General Assembly.

Bureau of Collections

The Interim Report on the Current Process Used to Establish Foster Care Parental Liability, pursuant to Chapter 1213.8(10), 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF NATURAL RESOURCES

The 1996 Annual Report on Registry of Hazardous Waste or Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund, pursuant to Chapters 455B.425 and 455B.427, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The annual report concerning the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

A copy of the 1996 annual report of the Iowa Railway Finance Authority, pursuant to Chapter 327I.8(6), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1997\22 Cade Edward Iverson, Vail – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\23 Paul Robert Meyer, Westside – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\24 Steven Peter Boe, Sloan – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\25 Lucas James McCollough, Vail – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\26 Hazel and Everette Hornaday, Centerville – For celebrating their 50th wedding anniversary.
- 1997\27 Charles Hemphill, Corydon – For celebrating his 100th birthday.
- 1997\28 Herman Weber, Dunlap – For celebrating his 100th birthday.
- 1997\29 Evelyn and Paul Sherer, Pisgah – For celebrating their 50th wedding anniversary.
- 1997\30 Chad Harris, Shenandoah – For being selected as a finalist in the Iowa State Bar Association's Young Lawyer's Division "Know Your Constitution" project.
- 1997\31 Jessie Casperson, Woodbine – For celebrating her 92nd birthday.
- 1997\32 Alicia Walker, Essex – For being named to the All-American Farm Team.

- 1997\33 Eva Hughes, Clarinda – For celebrating her 99th birthday.
- 1997\34 John P. Cadogan, Clinton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\35 Andy Rea, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\36 Brian Nabb, Maquoketa – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 9

Ways and Means: Hansen, Chair; Chapman and Dinkla.

House File 12

Ways and Means: Larson, Chair; Chapman and Drake.

House File 13

State Government: Houser, Chair; Burnett and Holmes.

House File 22

Ways and Means: Greig, Chair; Chapman and Jenkins.

House File 25

Ways and Means: Greig, Chair; Dinkla, Drake, Frevert and Osterhaus.

House File 26

Ways and Means: Holmes, Chair; Doderer and Lord.

House File 31

Transportation: Vande Hoef, Chair; Cohoon and Cormack.

House File 32

Ways and Means: Jenkins, Chair; Doderer and Lamberti.

House File 34

Ways and Means: Teig, Chair; Chapman and Drake.

House File 35

Ways and Means: Jenkins, Chair; Jochum and Lamberti.

House File 36

Education: Dolecheck, Chair; Falck and Veenstra.

House File 39

Judiciary: Sukup, Chair; Churchill and Kreiman.

House File 40

Labor and Industrial Relations: Millage, Chair; Connors and Sukup.

House File 41

Labor and Industrial Relations: Millage, Chair; Connors and Sukup.

House File 42

Transportation: Vande Hoef, Chair; Bukta and Cormack.

House File 44

Ways and Means: Blodgett, Chair; Rants and Richardson.

House File 45

Ways and Means: Lord, Chair; Jenkins and Shultz.

House Concurrent Resolution 3

State Government: Drake, Chair; Bernau and Gipp.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Resolution, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Seventy-seventh General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 21, 1997.

Committee Resolution, a resolution relating to permanent rules of the House for the Seventy-seventh General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 21, 1997.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 4 Ways and Means

Establishing a separate excise tax for the use of alternative fuels.

H.S.B. 5 State Government

Relating to the effective date of a merger or consolidation of cooperative associations.

H.S.B. 6 Appropriations

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.

H.S.B. 7 Appropriations

Making and relating to appropriations to the Iowa communications network and the department of technology, and making and relating to appropriations to and from the technology investment account of the department of technology.

H.S.B. 8 Appropriations

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and providing an effective date.

RESOLUTIONS FILED

HCR 5, by committee on administration and rules, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Seventy-seventh General Assembly.

Placed on the **calendar**.

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 23, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Bishop Steve Ullestad, Northeastern Iowa Synod of the Evangelical Lutheran Church of America, Waverly.

The Journal of Wednesday, January 22, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Boddicker of Cedar, from Mark and Marie Scherbaum and four hundred twenty-eight constituents favoring reform of our child abuse laws and the child abuse registry.

INTRODUCTION OF BILLS

House File 68, by Blodgett, a bill for an act adopting the uniform transfer on death security registration Act.

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

House File 69, by Larson, Thomson, Welter, Tyrrell, Foege, Chapman, Taylor, and Holveck, a bill for an act authorizing counties to levy taxes and issue bonds to finance and operate zoos and zoological gardens.

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

House File 70, by Doderer and Grundberg, a bill for an act relating to refunds of unexpired vehicle registration fees.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 22, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 35, a bill for an act eliminating the inheritance tax on property passing to parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit

under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants of the decedent and providing an applicability date provision.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGE CONSIDERED

Senate File 35, by committee on ways and means, a bill for an act eliminating the inheritance tax on property passing to parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants of the decedent and providing an applicability date provision.

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

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

AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Corbett in the chair.

ADOPTION OF HOUSE RESOLUTION 6

Rants of Woodbury asked and received unanimous consent for the immediate consideration of House Resolution 6, as follows, and moved its adoption:

HOUSE RESOLUTION 6

BY COMMITTEE ON ADMINISTRATION AND RULES

A resolution relating to permanent rules of the House for the seventy-seventh general assembly.

Be It Resolved By The House Of Representatives,

That the permanent rules of the House for the ~~seventy-~~
sixth ~~seventy-seventh~~ general assembly be as follows:

DIVISION I - GENERAL RULES

Rule 1

Call to Order and Order of Business

The speaker shall take the chair at the hour to which the house has adjourned, and shall immediately call the members to order, correct the journal of the previous day's proceedings, and proceed to other business, including, but not limited to, introduction of bills, reports, messages, communications, business pending at adjournment, resolutions and bills on their passage.

Rule 2

Quorum Call and Time of Convening

The house shall convene each Monday at 1:00 p.m.

22 and at 8:45 a.m. on all other legislative days, unless
23 otherwise ordered. The time of convening shall be
24 recorded in the journal. The house shall not convene
25 on Sunday during a regular or special session.

26 The speaker or a member may request a roll call to
27 determine if a quorum is present.

28

Rule 3

29 Absences from the House

30 No member shall be absent without leave while the

Page 2

1 house is in session unless the member is sick or
2 unable to attend.

3

Rule 4

4

Preservation of Order

5 The speaker shall preserve order and decorum and
6 speak to points of order in preference to other
7 members. Subject to an appeal to the house by any
8 member, the speaker shall decide questions of order
9 which shall not be debated.

10 The speaker may have the chamber of the house
11 cleared in case of any disturbance or disorderly
12 conduct.

13 Only past legislators, state officials, persons
14 whose presence is deemed by the speaker to be of
15 special significance to the house, and school classes
16 accompanied by teachers and seated in the galleries
17 shall be introduced in the house.

18 The public may take photographs from the galleries
19 at any time. However, the use of flash bulbs or any
20 other artificial lighting is prohibited. The press
21 may photograph from the press section, but may not use
22 artificial lighting except for live television crews
23 who receive permission in advance from the chief clerk
24 of the house or the sergeant-at-arms. Photographic
25 instruments shall not be used on the house floor at
26 any time when the members are voting on a question put
27 before the house. Photographic instruments may be
28 used on the house floor at other times with the
29 consent of the subject or subjects of the photography.

30

Rule 5

Page 3

1

Rules of Parliamentary Practice

2

3 The rules of parliamentary practice in Mason's
4 Manual of Legislative Procedure shall govern the house
5 in all cases where they are not inconsistent with the
6 standing rules of the house or the joint rules of the
7 senate and house.

7

Rule 5A

8

House Budget

9

The speaker of the house shall annually prepare a

10 proposed budget for the house of representatives for
 11 the payment of expenses, salaries, per diems, and
 12 other items. The proposed budget shall be submitted
 13 on the fourteenth day of each legislative session to
 14 the house committee in charge of administration, which
 15 shall approve a proposed budget in house resolution
 16 form within thirty days of receiving the proposed
 17 budget from the speaker. The house shall adopt a
 18 budget within thirty days of the introduction of the
 19 house resolution.

20 Rule 6

21 The Speaker Pro Tempore

22 The house shall, at its pleasure, elect a speaker
 23 pro tempore. When the speaker shall for any cause be
 24 absent, the speaker pro tempore shall preside, except
 25 when the chair is filled by appointment by either the
 26 speaker or the speaker pro tempore. If a vacancy
 27 occurs in the office of speaker, the speaker pro
 28 tempore shall assume the duties and responsibilities
 29 of the speaker until such time as the house shall
 30 elect a new speaker. The speaker or the speaker pro

Page 4

1 tempore shall have the right to name any member to
 2 perform the duties of speaker, but such substitution
 3 shall not extend beyond the adjournment. The acts of
 4 the speaker pro tempore shall have the same validity
 5 as those of the speaker. In the absence of both the
 6 speaker and the speaker pro tempore, the house shall
 7 name a speaker who shall preside over it and perform
 8 all the duties of the speaker with the exception of
 9 signing bills, until such time as the speaker or
 10 speaker pro tempore shall be present, and the person's
 11 acts shall have the same force and validity as those
 12 of the regularly elected speaker.

13 Rule 7

14 Amendment and Suspension of Rules

15 A motion to change or rescind a standing rule or
 16 order of the house requires one day's notice. A
 17 motion to suspend a rule, or to table or take from the
 18 table a matter, requires an affirmative vote of a
 19 constitutional majority. Postponing or changing the
 20 order of business requires an affirmative vote of a
 21 constitutional majority.

22 Rule 8

23 Violation of House Rules

24 The speaker shall, or any member may, call to order
 25 a member who transgresses the rules of the house.
 26 With leave of the house, the member called to order
 27 may be permitted to explain. If the case requires it,
 28 the member shall be subject to censure of the house

29 Rule 9

30 Referral of Rule Violations

Page 5

1 The speaker shall, upon complaint of a member, or
2 upon the speaker's own motion, refer any alleged
3 violation of house or joint rules by house members,
4 employees or staff to the house ethics committee upon
5 an initial finding that an investigation is warranted.
6 The ethics committee shall investigate such
7 allegations and report them back to the house with a
8 recommendation.

9 Rule 10

10 Recognition and Decorum in Debate

11 A member who wishes to speak in debate or deliver
12 any matter to the house shall be appropriately
13 attired, with male members wearing coat or tie, shall
14 raise the microphone and, after recognition by the
15 chair, shall respectfully address the presiding
16 officer by saying "Mr. or Madam Speaker", shall
17 confine all remarks to the question under debate, and
18 shall avoid personalities.

19 Rule 11

20 Limit on Debate

21 No member shall speak more than once on the same
22 question, without leave of the speaker, nor more than
23 twice until every member choosing to speak has spoken,
24 except as provided in Rule 81. A member shall be
25 limited to ten minutes debate on a bill being
26 considered prior to its last reading, but may be
27 granted an extension of time by consent of the house.

28 Rule 12

29 Decorum During Debate

30 No member shall leave the house while the speaker

Page 6

1 is putting a question. No one shall pass between the
2 speaker and a member who is speaking or two members
3 who have been recognized by the speaker.

4 Rule 13

5 Stating the Question

6 When a motion is made, it shall be stated by the
7 speaker. A motion made in writing shall be passed to
8 the desk before it is debated.

9 Rule 14

10 Putting the Question

11 Questions shall be distinctly put in this form:
12 "All those in favor of (the question) shall say
13 'aye';" and after the affirmative voice is expressed,
14 "All those opposed to (the question) shall say 'no.'"
15 If the speaker is in doubt or a member of the house
16 requests, a nonrecord roll call vote shall be taken.

17 DIVISION II - EMPLOYEES OF THE HOUSE

18 Rule 15

19 Chief Clerk of the House

20 The chief clerk of the house shall serve as
 21 parliamentarian and chief administrative officer of
 22 the house under the direction of the speaker of the
 23 house. The chief clerk shall supervise the chief
 24 clerk's office; be responsible for the custody and
 25 safekeeping of all bills, resolutions, and amendments
 26 filed, except when they are in the custody of a
 27 committee; have charge of the daily journal; have
 28 control of all rooms assigned for the use of the
 29 house; attest to the accuracy and correctness of text
 30 and action on bills and resolutions; process the

Page 7

1 handling of amendments when filed and during the floor
 2 consideration of bills; insert adopted amendments into
 3 bills before transmittal to the senate and prior to
 4 final enrollment; supervise legislative printing and
 5 the distribution of printed material; and perform all
 6 other duties pertaining to the office of the chief
 7 clerk.

8 Rule 16

9 Reserved

10 Rule 17

11 Sergeant-At-Arms

12 The sergeant-at-arms shall execute all orders of
 13 the house and the presiding officer; perform all
 14 assigned duties related to the policing and good order
 15 of the house; supervise the entrance and exit of all
 16 persons to and from the chamber; promptly execute all
 17 messages, etc.; provide that the chamber is properly
 18 ventilated and open for the use of the members; and
 19 perform all other services pertaining to the office of
 20 sergeant-at-arms.

21 Rule 18

22 Secretaries

23 All secretaries of the house shall be under the
 24 general direction of the speaker and the chief clerk.
 25 Secretaries shall be on duty at the house from 8:30
 26 a.m. to 4:30 p.m. except when excused by the member to
 27 whom the secretary is assigned. Secretaries shall
 28 perform such additional duties as may be assigned to
 29 them by the chief clerk.

30 Rule 19

Page 8

1 Extra Compensation of Employees

2 No employee shall receive any extra compensation,
 3 except as provided by the house, or tips for services
 4 performed while on duty. Any violation of this rule
 5 shall be grounds for removal.

6 DIVISION III - VISITORS AND LOBBYISTS

7

Rule 20

8 Admission to the House; Lobbying

9 The chamber of the house shall include the
10 vestibule, restrooms, cloak room, lounge, visitors'
11 galleries, and floor of the house.

12 The floor of the house shall consist of that area
13 between the press box, speaker's station, and the
14 south wall behind the last row of desks occupied by
15 representatives, excluding the visitors' galleries.

16 During a legislative day while the house is in
17 session, and one-half hour before the house convenes
18 and one-half hour after the house recesses or
19 adjourns, no person shall be admitted to the floor of
20 the house except:

21 1. Members of the general assembly and authorized
22 house employees in the performance of their duties.

23 2. Former members of the general assembly who are
24 not registered lobbyists.

25 3. A general assembly member's family.

26 4. Representatives of the press, radio, and
27 television who shall go directly to and from the press
28 box.

29 5. Legislative interns approved by the chief clerk
30 who shall go directly to and from the seat of their

Page 9

1 assigned representative or to be seated in the
2 perimeter seating area.

3 6. Chair, co-chair, and the executive secretary of
4 a political party having members serving in the
5 general assembly.

6 7. Personnel of the code Code editor's office,
7 legislative service bureau, legislative fiscal bureau,
8 citizens' aide/ombudsman's office, computer support
9 bureau and administrative rules review committee
10 staff.

11 8. The governor's executive assistants and
12 administrative assistants, members of the state
13 executive council, the lieutenant governor, the
14 attorney general, and the administrative rules
15 coordinator, all of whom shall be confined to the
16 perimeter area.

17 The current status of former members of the general
18 assembly shall govern their access to the floor under
19 these rules.

20 No other persons shall be allowed on the house
21 floor without permission of the presiding officer of
22 the house.

23 No person admitted to the floor of the house,
24 except members of the general assembly, shall, while
25 the house is in session, lobby or attempt to exercise
26 any influence with any member for or against any

27 matter then pending or that may thereafter be
28 considered by the house.
29 Notwithstanding the provisions of this rule
30 regarding admission to the floor of the house, a

Page 10

1 registered lobbyist shall not be admitted to the floor
2 of the house on any day when the house is in session
3 or committees are scheduled to meet from one-half hour
4 before the house convenes or 8:45 a.m., whichever is
5 earlier, until one-half hour after the house adjourns
6 or until 4:30 p.m., whichever is later. A registered
7 lobbyist or other person may be admitted to the house
8 when the house is not in session to gain access to a
9 committee room.

10 Each lobbyist shall be given a copy of this rule
11 when the lobbyist registers.

12 Each member, employee of the house, and registered
13 lobbyist shall report violations of this rule
14 immediately to the sergeant-at-arms.

15 Any person for cause may be summarily dismissed
16 from the chamber of the house, by action of the house,
17 and shall forfeit that person's right to admission
18 thereafter.

19 Rule 20A

20 Legislative Interns

21 Only one legislative intern per member of the house
22 is allowed on the floor of the house at any one time.

23 Rule 21

24 Distribution of Literature

25 No person except a member or employee of the house
26 of representatives shall generally distribute or cause
27 to be distributed any pamphlets, material, or other
28 printed literature to the members' desks in the house.
29 An employee of the house shall generally distribute or
30 cause to be distributed such literature only on behalf

Page 11

1 of the employee's office or staff.
2 All copies of pamphlets, material, or printed
3 literature distributed by a member or employee of the
4 house of representatives shall bear the name of the
5 member or employee's office or staff.
6 Other distributions of pamphlets, material, or
7 other printed literature shall bear their source of
8 origin and be distributed through the legislative post
9 office by completing a form containing a member's or
10 the chief clerk's authorization, with the
11 authorization form attached to one copy of the
12 distribution. The copy with the attached
13 authorization form shall be retained for a reasonable

14 time period by the legislative post office.

15 Rule 22

16 Distribution of Materials

17 Printed by the State

18 A member of the house shall not distribute maps,
19 books, and pamphlets such as, but not limited to, How
20 a Bill Becomes Law, which have been printed by the
21 state of Iowa and upon which the name of the member of
22 the house has been affixed unless the member has
23 purchased the materials or unless the member has
24 affixed the words "Paid for by the citizens of Iowa
25 and distributed by representative (member's name)."

26 DIVISION IV - FORMS AND PROCEDURES

27 FOR BILLS AND OTHER DOCUMENTS

28 Rule 23

29 Documents Signed by the Speaker

30 All acts and joint resolutions shall be signed by

Page 12

1 the speaker, and all writs, warrants, and subpoenas
2 issued by order of the house, shall be signed by the
3 speaker and attested by the chief clerk. The speaker
4 shall cause certificates of recognition or condolence
5 to be issued by the house which shall be signed by the
6 speaker and the chief clerk.

7 Rule 24

8 Presentation of Petitions

9 All petitions, memorials and other papers addressed
10 to the house shall be signed by the member and filed
11 with the chief clerk or the chief clerk's staff.

12 Rule 25

13 Consideration of Resolutions

14 Action on a resolution, except a memorial
15 resolution, or a proposition requesting information
16 from a state official shall not be taken until one day
17 after the resolution has been placed on the members'
18 desks. After the resolution is adopted, the chief
19 clerk shall transmit certified copies and have the
20 resolution printed in the bound journal. A resolution
21 may be printed in the daily journal upon the approval
22 of the speaker after consultation with the minority
23 leader.

24 Rule 26

25 Unanimous Consent Calendar

26 The speaker may, upon the request of three members,
27 place on a unanimous consent calendar any house
28 resolution or concurrent resolution which does not
29 contain an appropriation and which has been laid over
30 under Rule 25.

Page 13

1 If such resolution is placed on the unanimous
2 consent calendar, it may be removed only upon a

3 written request submitted to the speaker by a member
4 of the house.

5 If not removed after five legislative days, the
6 chief clerk shall call up the resolution and without
7 debate the speaker shall pronounce that it has passed
8 by unanimous consent.

9 If the resolution is removed from the unanimous
10 consent calendar, the speaker may again lay the
11 resolution over under Rule 25, place it on a different
12 calendar, or refer the resolution to any of the
13 standing committees of the house.

14 Rule 27

15 Forms of Bills and Joint Resolutions

16 Every house bill shall be introduced by one or more
17 members or by any standing or specially authorized
18 committee of the house, the administrative rules
19 review committee or interim study committee. All
20 bills and joint resolutions introduced shall be
21 prepared by the legislative service bureau with title,
22 enacting clause, text and explanation as directed by
23 the chief clerk of the house. One copy of each bill
24 shall be presented in a bill cover with the number of
25 copies of the bill and the title as directed by the
26 chief clerk.

27 Rule 28

28 Joint and Nullification Resolutions

29 Joint resolutions shall be framed and treated as
30 bills.

Page 14

1 A "nullification resolution" is a joint resolution
2 which nullifies all of an administrative rule, or a
3 severable item of an administrative rule adopted
4 pursuant to chapter 17A of the Code. A nullification
5 resolution shall not amend an administrative rule by
6 adding language or by inserting new language in lieu
7 of existing language.

8 A nullification resolution may be introduced by an
9 individual, a standing committee or the administrative
10 rules review committee, and may be referred to a
11 standing committee.

12 A nullification resolution is debatable, but cannot
13 be amended on the floor of the house.

14 Rule 29

15 Time of Introduction of Bills

16 No bill or joint resolution under individual
17 sponsorship, other than a nullification resolution,
18 shall be read for the first time after 4:30 p.m. on
19 Friday of the 7th 6th week of the first regular
20 session of the general assembly unless a written
21 request for drafting the bill has been filed with the
22 legislative service bureau before that time.

23 After adjournment of the first regular session,
24 bills may be prefled at any time before the convening
25 of the second regular session. No bill or joint
26 resolution under individual sponsorship, other than a
27 nullification resolution, shall be read for the first
28 time after 4:30 p.m. on Friday of the 2nd week of the
29 second regular session of the general assembly unless
30 a written request for drafting the bill has been filed

Page 15

1 with the legislative service bureau before that time.
2 However, bills or joint resolutions sponsored by
3 standing committees or the administrative rules review
4 committee, co-sponsored by the majority and minority
5 floor leaders, or companion bills sponsored by the
6 house majority leader and the senate majority leader
7 may be drafted and introduced at any time permissible
8 under Joint Rule 29A 20. House, concurrent, and
9 nullification resolutions may be introduced at any
10 time.

Rule 29A

Time of Committee Passage and
Consideration of Bills

14 1. This rule does not apply to concurrent or
15 simple resolutions, joint resolutions nullifying
16 administrative rules, bills passed by both houses in
17 different forms, or bills or appropriation items on
18 the veto calendar. Subsection 2 of this rule does not
19 apply to appropriations bills, ways and means bills,
20 legalizing acts, administrative rules review committee
21 bills, bills cosponsored by the majority and minority
22 floor leaders of the house, bills in conference
23 committee, and companion bills sponsored by the
24 majority floor leaders of both houses after
25 consultation with the respective minority floor
26 leaders. For the purposes of this rule, a joint
27 resolution is considered as a bill. To be considered
28 an appropriations or ways and means bill for the
29 purposes of this rule, the committee on appropriations
30 or the committee on ways and means must either be the

Page 16

1 sponsor of the bill or the committee of first referral
2 in the house.
3 -2. To be placed on the calendar in the house, a
4 house bill must be first reported out of the committee
5 of first referral by Friday of the 10th week of the
6 first session and the 8th week of the second session.
7 A senate bill must be first reported out of the
8 committee of first referral in the house by Friday of
9 the 13th week of the first session and the 11th week

10 of the second session to be placed on the house
 11 calendar.
 12 — 3. During the 11th week of the first session and
 13 the 9th week of the second session, the house shall
 14 consider only bills originating in the house and
 15 unfinished business. During the 14th week of the
 16 first session and the 12th week of the second session,
 17 the house shall consider only bills originating in the
 18 senate and unfinished business. Beginning with the
 19 15th week of the first session and the 13th week of
 20 the second session, the house shall consider only
 21 bills passed by both houses, bills exempt from
 22 subsection 2 and unfinished business.
 23 — 4. A motion to reconsider filed and not disposed
 24 of on an action taken on a bill or resolution which is
 25 subject to a deadline under this rule may be called up
 26 at any time before or after the day of the deadline by
 27 the person filing the motion or after the deadline by
 28 the majority floor leader, notwithstanding any other
 29 rule to the contrary.
 30 Rule 30

Page 17

1 Introduction and Reading of Bills
 2 All bills and resolutions to be introduced in the
 3 house shall be typed in proper form and filed with the
 4 chief clerk no later than 4:30 p.m. on the legislative
 5 day preceding its introduction.
 6 Every bill shall receive two readings but no bill
 7 shall receive its first and last readings on the same
 8 day.
 9 A "reading of a bill" as required by these rules
 10 shall consist of a reading of the title and enacting
 11 clause unless otherwise demanded by a house member.
 12 Rule 31
 13 First Reading, Commitment, and Amendment
 14 31.1. A bill is introduced into the house by an
 15 initial or "first reading of the bill".
 16 31.2. When the house is in session the first
 17 reading shall consist of a "reading" as provided in
 18 Rule 30.
 19 31.3. Upon a first reading of the bill, the
 20 speaker shall state that it is ready for commitment or
 21 amendment; and the speaker shall commit it to the
 22 standing or select committee, or to a committee of the
 23 whole house. If to a committee of the whole house,
 24 the house shall determine on what day.
 25 31.4. On a day when the house is not in session,
 26 the speaker shall cause a statement, which shall
 27 consist of the title, enacting clause, bill number and
 28 committee to which the bill is referred to be
 29 published in the house journal. This publication
 30 shall constitute a first reading and commitment and

Page 18

1 shall contain the notation "read and committed under
2 Rule 31.4".

3 31.5. All amendments offered to bills on file or
4 on the regular calendar shall be accompanied by such
5 copies as the chief clerk shall direct.

6 31.6. Such amendments shall give the number of the
7 bill sought to amend and the chief clerk shall
8 designate each such amendment thus: Amendment to
9 House File _____, or Senate File _____, by
10 _____.

11 31.7. A bill reported out by committee shall go to
12 the speaker who shall direct that the bill be placed
13 on the regular calendar unless it covers subject
14 matter more properly within the jurisdiction of some
15 other standing committee, in which case the speaker
16 shall refer the bill to the proper standing committee.
17 In order to expedite important business and set a
18 definite time for the bill's consideration, the
19 speaker may direct the bill to be placed on the
20 special order calendar.

21 31.8. No amendment to the rules of the house, to
22 any resolution or bill, except technical amendments
23 and amendments to bills substituted for by senate
24 files containing substantially identical title,
25 language, subject matter, purpose and intrasectional
26 arrangement, shall be considered by the membership of
27 the house without a copy of the amendment having been
28 filed with the chief clerk by 4:00 p.m. or within one-
29 half hour of adjournment, whichever is later, on the
30 day preceding floor debate on the amendment. If the

Page 19

1 ~~House~~ house adjourns prior to 2:00 p.m. on Friday, the
2 final deadline is two hours after adjournment.
3 However, committee amendments filed pursuant to the
4 submission of the committee report may be accepted
5 after this deadline. This provision shall not apply
6 to any proposal debated on the floor of the house
7 after the ~~fourteenth~~ thirteenth week of the first
8 session and the ~~twelfth~~ eleventh week of the second
9 session. No amendment or amendment to an amendment to
10 a bill, rule of the house, or resolution shall be
11 considered by the membership of the house without a
12 copy of the amendment being on the desks of the entire
13 membership of the house prior to consideration.

Rule 32

15 Commitment of Appropriation and Revenue Bills
16 All bills to appropriate money shall be referred to
17 the appropriations committee, and all bills pertaining
18 to the levy, assessment, or collection of taxes shall

19 be referred to the committee on ways and means.

20 Rule 33

21 Regular Calendar

22 Bills, nullification resolutions, and joint
 23 resolutions reported out for passage, or amendment and
 24 passage, or without recommendation, by a committee,
 25 shall be arranged on a regular calendar by the chief
 26 clerk each day at 4:30 p.m. in the order of the file
 27 number of the bills and following the preceding
 28 legislative day's regular calendar. Priority shall be
 29 given to house over senate file numbers and to joint
 30 resolutions over bills in the arrangement of the

Page 20

1 regular calendar.

2 Rule 34

3 Debate and Special Order Calendars

4 The majority floor leadership shall cause to be
 5 prepared and distributed to the members at the opening
 6 of each session day when floor action is scheduled, a
 7 daily debate calendar consisting of bills,
 8 nullification resolutions, and joint resolutions from
 9 the regular calendar setting forth the number and
 10 title of bills, nullification resolutions, and joint
 11 resolutions for the next session day that floor action
 12 is scheduled.

13 The majority floor leadership shall cause to be
 14 prepared and distributed to the members at the opening
 15 of each session day when floor action is scheduled, a
 16 special order calendar setting forth the number and
 17 title of bills, nullification resolutions, and joint
 18 resolutions and the date upon which debate is
 19 scheduled to begin on each of them, which can be no
 20 sooner than five session days from the first date of
 21 publication on the regular calendar.

22 This rule does not apply to bills which have passed
 23 both houses in different forms, reconsiderations, or
 24 veto reconsiderations.

25 Rule 35

26 Noncontroversial Calendar

27 The majority floor leadership may cause to be
 28 prepared a noncontroversial calendar consisting of
 29 bills and joint resolutions from the regular calendar.
 30 The noncontroversial calendar shall appear under

Page 21

1 separate heading on the regular calendar.

2 Notwithstanding Rule 34, a bill or joint resolution
 3 on the noncontroversial calendar may be called up for
 4 debate at any time by the majority leader beginning
 5 the third legislative day after it appears on the

6 noncontroversial calendar. A bill or joint resolution
7 shall be stricken from the noncontroversial calendar
8 if a written objection to the bill or joint resolution
9 is filed with the chief clerk prior to the time the
10 bill or joint resolution is called up by the majority
11 leader.

12 Debate on a bill or joint resolution from the
13 noncontroversial calendar shall be limited to ten
14 minutes. If debate exceeds ten minutes, the bill or
15 joint resolution shall be stricken from the
16 noncontroversial calendar.

17 Rule 36

18 Consideration of Committee Amendments

19 After a bill has been referred and reported back,
20 it shall be considered on its first reading after the
21 amendments of the committee have been read.

22 Rule 37

23 Amendments to Special Order Bills

24 All amendments to bills on the special order
25 calendar shall be filed at least three session days
26 prior to the date set for debate. Amendments to an
27 amendment shall be filed at least two session days
28 prior to the date set for debate. However, corrective
29 amendments and amendments sponsored by either the
30 majority floor leader or the minority floor leader may

Page 22

1 be filed at any time. Rule 31.8 shall not apply to
2 these amendments.

3 A corrective amendment is an amendment which does
4 not substantively change the amendment or the bill.

5 Rule 38

6 Irrelevant Amendments

7 No motion or proposition on a subject different
8 from that under consideration shall be admitted under
9 color of an amendment.

10 Rule 39

11 Consideration of Bills

12 Bills, including committee bills, and nullification
13 resolutions, reported out for passage, for indefinite
14 postponement, for amendment and passage, or without
15 recommendation by the committee, shall not be acted
16 upon until after the second legislative day following
17 the day the report was printed in the journal.

18 Prior to noon or adjournment, whichever is later,
19 on the last legislative day of the week, the majority
20 leader shall prepare a list of bills reported out of
21 committee that week which have not yet appeared on the
22 regular calendar.

23 The reports of the committees shall not be read
24 while the house is in session except as herein
25 provided. The reports shall be printed in the journal

26 immediately after they are filed with the chief clerk.
 27 Reports recommending bills for passage, for amendment
 28 and passage, or without recommendation shall stand
 29 approved unless written objections are filed during
 30 the first legislative day following their printing in

Page 23

1 the journal. If objections are filed, they shall be
 2 disposed of as soon as possible. Reports recommending
 3 indefinite postponement shall be governed by Rule 44.
 4 Upon an affirmative vote of at least a
 5 constitutional majority of the members, a report may
 6 be read before it is printed in the journal and while
 7 the house is in session, and acted upon at once.

8 **Rule 39A**

9 ~~Consideration of Conference Committee Reports~~
 10 ~~A conference committee report shall not be acted~~
 11 ~~upon by the house of representatives unless the report~~
 12 ~~contains only issues related to provisions of the bill~~
 13 ~~and amendments to the bill which were adopted by~~
 14 ~~either the senate or the house of representatives and~~
 15 ~~on which the senate and house of representatives~~
 16 ~~differed. If a conference committee report is not~~
 17 ~~acted upon because such action would violate this~~
 18 ~~rule, the inaction on the report shall constitute~~
 19 ~~refusal of the house of representatives to adopt the~~
 20 ~~conference committee report and shall have the same~~
 21 ~~effect as if the conference committee had disagreed.~~

22 **Rule 40**

23 **Consideration of Bills Upon Last Reading**
 24 No amendment, unless by way of correcting an error
 25 or omission, shall be received to any bill on its last
 26 reading, and no debate shall be allowed on it.

27 **Rule 41**

28 **Printing of Bills and Joint Resolutions**
 29 Bills and joint resolutions shall be printed in
 30 form as provided by law and by rule. Each house may

Page 24

1 direct the printing of an additional number of its own
 2 bills.
 3 Legalizing bills of a local or private nature shall
 4 be printed in bill form and placed in the files of the
 5 members, the same as other bills, in the order of
 6 their introduction. The cost of printing shall be
 7 deposited with the treasurer of state in advance at a
 8 rate to be fixed, and the newspaper publication of the
 9 bill shall be without cost to the state. No
 10 legalizing act may be introduced until all provisions
 11 of law have been complied with.

12 **Rule 42**

- 13 Certification of Bills
 14 The chief clerk shall certify the passage of each
 15 bill and note the date of its passage.
 16 Rule 43
 17 Rereferral
 18 A bill may be rereferred at any time before its
 19 passage and after the report of its referral to
 20 committee.
 21 Rule 44
 22 Effect of Indefinite Postponement
 23 When a question is indefinitely postponed, it shall
 24 not be acted upon again during that session. Any bill
 25 which receives a committee recommendation of
 26 indefinite postponement shall be disposed of within
 27 three legislative days after the printed journal
 28 containing the report has been placed upon the desks
 29 of the members of the house, or the committee
 30 recommendation will be considered adopted.

Page 25

- 1 Rule 45
 2 Status of Bills Following
 3 First Regular Session
 4 Except for those bills which have been adopted by
 5 both houses in different forms, all bills which have
 6 not been withdrawn, defeated or indefinitely
 7 postponed, shall be rereferred to committee upon
 8 adjournment of the first regular session. Within
 9 seven days after the first committee meeting following
 10 convening of the second regular session, the committee
 11 chair shall submit the bill to the full committee for
 12 action or the chair shall reassign the bill to a
 13 subcommittee.
 14 DIVISION V - COMMITTEE PROCEDURES
 15 Rule 46
 16 Appointment of Committees
 17 All committees shall be appointed by the speaker,
 18 unless otherwise especially directed by the house.
 19 Rule 47
 20 Order on Question of Commitment
 21 When a resolution is offered or a motion made to
 22 refer any subject, and different committees are
 23 proposed, the question shall be taken in the following
 24 order: The committee of the whole house; a standing
 25 committee; a select committee.
 26 Rule 48
 27 Study Bills
 28 A study bill is any matter which a member of the
 29 house wishes to have considered by a standing
 30 committee, other than appropriations, and which has

Page 26

- 1 not been included in a previously introduced bill.

2 Upon taking possession of a study bill, the committee
3 chair shall notify the speaker and then submit fifteen
4 copies of the bill to the legal counsel's office for
5 numbering.

6 A study bill shall bear the name of the member who
7 wishes to have the bill considered. A study bill
8 submitted by a state agency or board for consideration
9 shall bear the name of the state agency or board. A
10 committee chair may submit a study bill in the name of
11 that committee.

12 Final committee action on a study bill shall not be
13 taken until one day following the notation of the
14 study bill assignment in the house journal.

15 A study bill not prepared by the legislative
16 service bureau may be submitted to a standing
17 committee, but shall not be considered by the full
18 committee unless reviewed and typed in proper form by
19 the legislative service bureau.

20 Rule 49

21 Committee Meetings

22 No committee, except a conference committee or the
23 administrative rules review committee, shall meet
24 while the house is in session without special leave.

25 Rule 50

26 Smoking Prohibited

27 Smoking shall not be permitted in the house or in
28 any area of the capitol building controlled by the
29 house or controlled jointly by the house and senate.

30 Rule 50A

Page 27

1 Nondegradable Polystyrene Cups

2 The use of nondegradable polystyrene cups shall not
3 be permitted on the floor of the house, at the
4 speaker's station, or in the press boxes.

5 Rule 51

6 Assignments to Subcommittee

7 The chair of the committee shall report to the
8 house the bill number of each bill assigned to
9 subcommittee and the names of the subcommittee
10 members. The report shall be printed in the journal.

11 All bills, prior to consideration by the committee,
12 shall be referred by the chair to a subcommittee,
13 unless acted upon by a committee of the whole.

14 The chair may assign bills to subcommittees without
15 a meeting of the committee, but the membership of the
16 subcommittee so appointed shall be reported at the
17 next meeting of the committee.

18 Rule 52

19 Open Meetings

20 Standing committee meetings shall be open, and
21 voting by secret ballot is prohibited. The committee

22 on administration and rules may close its meetings to
23 evaluate the professional competency of an individual
24 whose appointment, hiring, performance, or discharge
25 is being considered when necessary to prevent needless
26 and irreparable injury to that individual's reputation
27 on the request of the affected individual.

28 Rule 53

29 Quorum and Vote Requirements

30 The committee roll shall be taken at the convening

Page 28

1 of each meeting to determine the presence of a quorum.
2 A majority of the committee membership shall
3 constitute a quorum.

4 An affirmative vote of a majority of the committee
5 membership is required to report a bill out of
6 committee or to suspend a committee rule.

7 A motion to reconsider may be made only by a
8 committee member who voted on the prevailing side of
9 the question sought to be reconsidered. A motion to
10 reconsider may only be made provided the bill is still
11 in possession of the committee.

12 If a member, who is in the committee room when a
13 question to report a bill out of committee is put, has
14 not asked to be excused prior to commencing to take
15 the vote on the question, the member shall vote aye or
16 nay unless the committee has excused the member for
17 special reasons. However, a member may pass on the
18 first taking of the roll call on the question but
19 shall vote aye or nay when the member's name is called
20 for a second time.

21 Rule 54

22 Committee Attendance Record and Report
23 of Committee Form

24 A committee attendance record shall be filed with
25 the chief clerk no later than 10:00 a.m. or two hours
26 after the house convenes, whichever is later, of the
27 legislative day immediately following the day of the
28 committee meeting. The committee attendance record is
29 a public record and may be published in the journal.
30 The committee attendance record shall include the

Page 29

1 following information:

- 2 a. The time the meeting convened.
- 3 b. The members present at the meeting.
- 4 c. The time the meeting adjourned.
- 5 d. A list of bills receiving final committee
6 disposition.

7 A report of committee form shall be filed with the
8 chief clerk no later than 10:00 a.m. or two hours

9 after the house convenes, whichever is later, of the
 10 legislative day immediately following the day of the
 11 committee meeting for each study bill, numbered bill
 12 or resolution receiving final committee disposition.
 13 The report of committee form is a public record and a
 14 report of committee action shall be printed in the
 15 journal. The report of committee form shall include
 16 the following information:

17 a. The committee action taken.
 18 b. The committee amendment number, if any.
 19 c. The roll call vote of the committee on final
 20 disposition.
 21 d. The minority recommendation, if any.

22 Upon final adjournment of the first session and
 23 final adjournment of the second session of the general
 24 assembly, the chair of each committee shall have
 25 placed the committee's book of record containing
 26 minutes, roll calls, rules, etc., with the chief clerk
 27 for access of any interested person.

28 Rule 55
 29 Minority Recommendation
 30 The minority of the members of a committee may

Page 30

1 present its recommendations on the final disposition
 2 of a bill to the house by attaching its recommendation
 3 to the committee report and the same shall be printed
 4 in the journal with the committee report.

5 Rule 56
 6 Committee Amendment

7 Whenever a committee amendment is proposed which
 8 would amend another committee amendment, the amendment
 9 shall be drafted in the form of a substitute amendment
 10 and shall be considered as such.

11 Rule 57
 12 Committee Notice and Agenda

13 Each committee shall prepare and publish a notice
 14 and agenda of each committee meeting at least one
 15 legislative day prior to the meeting.

16 The notice shall contain the committee name, the
 17 date, time, and location of the meeting.

18 The agenda shall contain the matters to be
 19 discussed, including a list of bills, joint
 20 resolutions, nullification resolutions, and study
 21 bills by number. The agenda should contain the names
 22 of individuals who are scheduled to appear before the
 23 committee and the organization which they represent.

24 A bill, joint resolution, nullification resolution,
 25 or study bill shall not be reported out of committee
 26 if the bill was not included in the published notice
 27 and agenda unless this rule is suspended by a majority
 28 of the total membership of the committee.

- 29 A committee chair may call a meeting without
30 providing the required notice and agenda upon leave of

Page 31

- 1 the house if a notice is placed on the desks of
2 committee members and on the bulletin board.

3 Rule 58

4 Clearing of Committee Room

- 5 The chair of a committee may clear the committee
6 room in case of any disturbance or disorderly conduct.

7 Rule 59

8 Committee Amendments

- 9 All amendments to a bill or resolution adopted in
10 committee shall be incorporated in a single committee
11 amendment or incorporated in a new committee bill.

12 Rule 60

13 Withdrawal of Bills

14 or Nullification Resolutions

15 From Committee

- 16 A bill or nullification resolution which has been
17 in committee for eighteen legislative days following
18 notation of such referral in the journal may be
19 withdrawn from the committee and placed on the
20 calendar by an affirmative vote of not less than
21 fifty-one members of the house.

22 Rule 61

23 Committee Public Hearings

- 24 The chair of a committee may call a public hearing
25 for the purpose of receiving public comment on any
26 matter within the purview of the committee.

- 27 The chair shall call a public hearing upon the
28 written request of committee members according to
29 committee rules, but no more than one-third of the
30 committee members shall be required.

Page 32

- 1 A public hearing shall not be called or requested
2 after final action on the bill has been taken by the
3 committee. However, a public hearing called or
4 requested before final action has been taken by the
5 committee may be held after final action on the bill
6 has been taken by the committee.

- 7 The chair shall designate a time and place for a
8 public hearing and provide public notice at least five
9 days prior to a public hearing.

- 10 A bill for which a public hearing has been called
11 can be voted to the calendar but cannot be debated
12 until after the public hearing has been held.

- 13 However, public hearings which have been requested
14 during or after the 10th week of the first session and
15 during or after the 8th week of the second session

16 must be held within four legislative days of the date
17 of the request.

18 Rule 62

19 Limitation on Filing of Claims

20 A claim or claim bill, the subject matter of which
21 has been considered or filed for consideration in the
22 house or any of its committees, in two or more prior
23 sessions of the general assembly, shall not be
24 considered by any committee or by the house unless it
25 has been specifically referred to this session by a
26 prior general assembly. The committee on
27 appropriations is authorized to set a definite date
28 after which it will not receive claims or claim bills
29 for consideration.

30 DIVISION VI - COMMITTEE OF THE WHOLE

Page 33

1 Rule 63

2 Organization of Committee of the Whole

3 In forming the committee of the whole house, the
4 speaker shall appoint a member to preside in committee
5 and then leave the chair.

6 Rule 64

7 Rules in Committee of the Whole

8 The rules of the house shall be observed in
9 committee of the whole house, so far as they are
10 applicable.

11 Rule 65

12 Bills in Committee of the Whole

13 Bills committed to the committee of the whole house
14 shall first be read in their entirety by the chief
15 clerk or chair and then read again or debated by
16 section, leaving the preamble to be considered last.
17 After report, the bill shall again be subject to
18 debate and amendment before a vote is had on its last
19 reading and passage.

20 Rule 66

21 Amendments by Committee of the Whole

22 All amendments made to a report committed to a
23 committee of the whole house shall be noted and
24 reported as in the case of bills.

25 DIVISION VII - MOTIONS

26 Rule 67

27 Order and Precedence of Motions

28 The following order and precedence of motions shall
29 govern when a question is under debate:

30 11. Adjourn.

Page 34

1 10. Recess.

2 9. Questions of privilege.

- 3 8. Lay on the table.
- 4 7. Previous question.
- 5 6. Postpone definitely or to a certain time.
- 6 5. Refer or commit.
- 7 4. Defer.
- 8 3. Amend an amendment.
- 9 2. Amend.
- 10 1. Postpone indefinitely.
- 11 These motions are listed in descending order of
- 12 precedence.
- 13 A motion to postpone definitely or to a certain time, to
- 14 refer or commit, or to postpone indefinitely a particular
- 15 question shall not be considered more than once on the same day.
- 16 Adoption of a motion to strike the enacting words is equivalent
- 17 to rejection of the question.
- 18 Rule 68
- 19 Order of Consideration of Amendments
- 20 Amendments shall be considered by earliest position
- 21 in the bill. Amendments to the same place in the bill
- 22 shall be considered by the lowest amendment number.
- 23 An amendment which inserts language after a line and
- 24 an amendment which inserts language before the
- 25 succeeding line shall be considered amendments to the
- 26 same place in the bill.
- 27 However, an amendment to strike the enacting clause
- 28 shall always be considered first. An amendment filed
- 29 by a committee shall have the next highest order of
- 30 priority, followed by an amendment to strike

Page 35

- 1 everything after the enacting clause and insert new
- 2 language. An amendment to strike language or to
- 3 strike and insert new language, except an amendment to
- 4 strike everything after the enacting clause and insert
- 5 new language, shall not be considered before
- 6 amendments to perfect all or part of the same portion
- 7 of the bill.

Rule 69

- 9 Motions Not Debatable
- 10 The motions to lay on the table, to adjourn, to
- 11 adjourn to a time certain, for the previous question,
- 12 to defer, to rerefer, and appeals of a ruling of the
- 13 presiding officer shall be decided without debate.

Rule 70

- 15 Motion to Adjourn
- 16 A motion to adjourn shall always be in order,
- 17 except when a member is speaking or the house is
- 18 voting.

Rule 71

- 20 Withdrawal of Motions
- 21 After a motion is stated by the speaker, or read by
- 22 the chief clerk, it shall be deemed to be in

23 possession of the house, but may be withdrawn by leave
24 of the house.

25 Rule 72

26 Referral and Rereferral

27 Motions and reports may be referred and rereferred
28 at the pleasure of the house.

29 Rule 73

30 Reconsideration

Page 36

1 a. A motion to reconsider may be made only by a
2 member who voted on the prevailing side of the
3 question sought to be reconsidered.

4 b. A motion to reconsider may be made not later
5 than adjournment on the day following the day of the
6 action sought to be reconsidered. Where the floor
7 manager voted on the prevailing side, the floor
8 manager has the prior right to make the motion, until
9 adjournment on the day of the action sought to be
10 reconsidered. A motion to reconsider a nullification
11 resolution shall be acted upon not later than
12 adjournment on the legislative day following the day
13 of the action sought to be reconsidered.

14 c. A motion to reconsider made following the ~~one~~
15 ~~hundred fourth~~ ninety-seventh calendar day of the
16 first regular session, or the ~~ninety-fourth~~ eighty-
17 seventh calendar day of the second regular session,
18 ~~shall~~ may be taken up when made. A motion made at any
19 other time may be taken up prior to the third day
20 succeeding the day of the action sought to be
21 reconsidered only if called up by the mover, and after
22 the second day succeeding the day of the action sought
23 to be reconsidered if called up by any member.

24 d. The making of a motion to reconsider takes
25 precedence over all other questions.

26 e. No motion to reconsider passage, adoption or
27 failure of any bill, nullification resolution or joint
28 resolution shall prevail unless it obtains a
29 constitutional majority. When passage, adoption or
30 failure is reconsidered, questions on amendments may

Page 37

1 also be reconsidered and shall be disposed of
2 immediately.

3 f. A motion that the motion to reconsider be laid
4 on the table is in order. The effect of laying the
5 motion to reconsider on the table is to cause the bill
6 or joint resolution to proceed on its regular course
7 immediately.

8 g. In the event that a motion to reconsider is
9 pending at the end of the first session or any

10 extraordinary session of any general assembly, or the
11 general assembly adjourns sine die, and the motion to
12 reconsider has not been voted upon by the house, the
13 motion shall be determined to have failed.

14 DIVISION VIII - VOTING

15 Rule 74

16 Manner of Voting

17 Members present may cast their votes, either by
18 operating the voting mechanism located at their
19 assigned desk or by signaling the speaker from the
20 floor of the house or from the south visitors' gallery
21 if they are unable to vote at their assigned desk.
22 The speaker shall enter the votes of members signaling
23 their votes. Upon direction of the speaker or upon
24 request of two members during the taking of the vote
25 of the house on any question, only those members at
26 their desks and voting shall be counted. Members who
27 are not present shall not cast their votes except:
28 a. Members who have not voted may record their
29 votes on any record roll call vote except quorum calls
30 within ten minutes after the vote has been announced,

Page 38

1 providing the vote does not change the outcome of the
2 vote on that question. A member may request
3 announcement of the names of members so recorded after
4 the ten-minute period.

5 b. Members meeting in a conference committee or in
6 administrative rules review committee at the time a
7 vote is taken on a question may have their vote
8 recorded within thirty minutes or adjournment,
9 whichever is first of that same legislative day,
10 providing the vote does not change the outcome of the
11 vote on that question.

12 Rule 75

13 Duty of Voting

14 Except as limited in Rule 74, every member who is
15 in the house when a question is put shall vote unless
16 the house has excused that member for special reasons;
17 however, such member must have asked to be excused
18 prior to commencing to take the vote on the main
19 question.

20 Rule 76

21 Limitation on Right to Vote

22 No member shall vote on any question in which that
23 person is financially interested.

24 Rule 77

25 Call of the House

26 Upon written request of five members, the presiding
27 officer shall compel attendance of absent and
28 unexcused members for the consideration of specified
29 bills or resolutions.

30 A call of the house shall specify the propositions

Page 39

1 to which it is to apply, and must be put into effect
2 before roll call is taken on the proposition. The
3 request may be filed at any time before final action
4 upon the propositions with the chief clerk, who shall
5 notify the house immediately.

6 Rule 78

7 Method of Calling the House

8 Upon a call of the house, the names of the members
9 shall be called by the chief clerk and the absentees
10 noted, after which the names of the absentees shall
11 again be called. The sergeant-at-arms shall be
12 directed by the speaker to compel the attendance of
13 absent members, unless they are previously excused.
14 Any member occupying the member's seat during a call
15 of the house shall be counted by the speaker and that
16 person's name entered in the journal as being present
17 for the purpose of making a quorum.

18 Rule 79

19 Method of Calling the Roll

20 The electrical voting machine shall be used for a
21 call of the house, a quorum call or a roll call vote
22 on any question. If the electrical voting machine is
23 not in operating order when it is necessary to take a
24 record roll call vote, the presiding officer shall
25 order the vote to be taken by calling the roll in
26 alphabetical order, except the name of the presiding
27 officer shall be called last.

28 During the casting of the vote with the voting
29 machine, the individual votes and the vote totals
30 shall be shown on the display boards. Before the

Page 40

1 voting machine is closed, the presiding officer shall
2 inquire of the house, "Have you all voted?"

3 Rule 80

4 Quorum and Record Roll Call Votes

5 A majority of the members shall constitute a
6 quorum.

7 A record roll call vote shall be ordered upon
8 request of any two members. The names of the members
9 requesting the record roll call shall be entered in
10 the journal.

11 Rule 81

12 Previous Question

13 When a member moves for a previous question, that
14 member shall state whether the motion will apply to
15 the main question, to all the amendments, or to
16 particular amendments. The motion requires an

17 affirmative vote of at least a constitutional majority
 18 of the members. If the motion for a previous question
 19 is not adopted, the house shall proceed in the same
 20 manner as before the motion was made.

21 If the motion is adopted, all debate must end and
 22 the house will vote upon the question except:

23 1. If the motion applies to the main question, the
 24 member in charge of the measure will have ten minutes
 25 to speak for the purpose of closing discussion before
 26 the vote on the measure is taken.

27 2. If the motion applies to an amendment, the
 28 member proposing the amendment will have five minutes
 29 to speak for the purpose of closing discussion before
 30 the vote on the amendment is taken.

Page 41

1 3. If a member has filed a written request with
 2 the chief clerk of the house indicating the member's
 3 desire to speak on a particular question. The request
 4 must be filed before the motion is made by the movant.
 5 The request allows a member to speak on a particular
 6 question before the closing discussion by the member
 7 who is in charge of the measure or who is proposing
 8 the amendment.

9 Rule 82

10 Division of the Question

11 Any member may call for a division of the question,
 12 which shall be divided if it comprehends questions so
 13 distinct that one being taken away, the remainder may
 14 stand separately for discussion by the house. A
 15 motion to strike out being lost shall not preclude
 16 either an amendment or a motion to strike out and
 17 insert. A motion to strike out and insert shall be
 18 deemed indivisible.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 5

Rants of Woodbury called up for consideration House Concur-
 rent Resolution 5 as follows, and moved its adoption:

1 HOUSE CONCURRENT RESOLUTION 5
 2 BY COMMITTEE ON ADMINISTRATION AND RULES
 3 A concurrent resolution relating to joint rules of
 4 the Senate and House of Representatives for the
 5 Seventy-seventh General Assembly.
 6 *Be It Resolved By The House Of Representatives, The*
 7 *Senate Concurring, That the joint rules of the Senate*
 8 *and House of Representatives for the ~~Seventy-fourth~~*
 9 *Seventy-seventh General Assembly shall be:*
 10 JOINT RULES OF THE
 11 SENATE AND HOUSE

12

Rule 1

13

Suspension of Joint Rules

14

The joint rules of the general assembly may be suspended by concurrent resolution, duly adopted by a constitutional majority of the senate and the house.

17

Rule 2

18

Designation of Sessions

19

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

22

Rule 3

23

Sessions of a General Assembly

24

The election of officers, organization, hiring and compensation of employees, and standing committees in each house of the general assembly and action taken by each house shall carry over from the first to the second regular session and to any extraordinary session of the same general assembly. The status of each bill and resolution shall be the same at the

Page 2

1 beginning of each second session as it was immediately
2 before adjournment of the previous regular or
3 extraordinary session; however the rules of either
4 house may provide for re-referral of some or all bills
5 and resolutions to standing committees upon
6 adjournment of each session or at the beginning of a
7 subsequent regular or extraordinary session, except
8 those which have been adopted by both houses in
9 different forms.

10

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

22

Rule 4

23

Presentation of Messages

24

All messages between the two houses shall be sent by the secretary of the senate or the chief clerk of the house of representatives, shall be ~~announced and~~ communicated to the ~~chair~~ presiding officer.

28

Rule 5

29

Printing and Form of Bills

30

and Other Documents

Page 3

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

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

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

17 Rule 6

18 Companion Bills

19 Identical bills introduced in each house shall be
20 called companion bills. Each house shall designate
21 the sponsor in the usual way followed in parentheses
22 by the sponsor of the companion bill in the other
23 house. The house where the bill is first introduced
24 shall print the complete text.

25 Rule 7

26 Reprinting of Bills

27 Whenever any bill has been substantially amended by
28 either house, the secretary of the senate or the chief
29 clerk of the house shall order the bill reprinted on
30 paper of a different color. All adopted amendments

Page 4

1 shall be distinguishable.

2 The secretary of the senate or the chief clerk of
3 the house may order the printing of a reasonable
4 number of additional copies of any bill, resolution,
5 amendment, or journal.

6 Rule 8

7 Daily Clip Sheet

8 The secretary of the senate and the chief clerk of
9 the house shall prepare a daily clip sheet covering
10 all amendments filed.

11 Rule 9

12 Reintroduction of Bills and Other Measures

13 A bill or resolution which has passed one house and
14 is rejected in the other shall not be introduced again
15 during that general assembly.

16 Rule 10

17 Certification of Bills and Other Enrollments

18 When any bill or resolution which has passed one

19 house is rejected or adopted in the other, notice of
 20 such action and the date thereof shall be given to the
 21 house of origin in writing signed by the secretary of
 22 the senate or the chief clerk of the house.

23 Rule 11

24 Code Editor's Correction Bill

25 A bill recommended by the code Code editor which is
 26 introduced passed out of committee to the floor for
 27 debate by a committee of the house or senate within
 28 the first four weeks of convening of a legislative
 29 session and which contains code Code corrections of a
 30 nonsubstantive nature shall not be amended on the

Page 5

1 floor of either house except pursuant to corrective or
 2 nonsubstantive amendments filed by the judiciary
 3 committee of the senate or the judiciary and law
 4 enforcement committee of the house. Such committee
 5 amendments, whether filed at the time of initial
 6 committee passage of the bill to the floor for debate
 7 or after rereferral to the committee, shall not be
 8 incorporated into the bill in the originating house
 9 but shall be filed separately. Amendments filed from
 10 the floor to strike sections of the bill or the
 11 committee amendments shall be in order. Following
 12 amendment and passage by the second house, only
 13 amendments filed from the floor which strike sections
 14 of the amendment of the second house shall be in
 15 order.

16 A bill recommended by the code Code editor which is
 17 introduced passed out of committee to the floor for
 18 debate by a committee of the house or senate within
 19 the first four weeks of convening of a legislative
 20 session and which contains code Code corrections
 21 beyond those of a nonsubstantive nature shall not be
 22 amended on the floor of either house except pursuant
 23 to amendments filed by the judiciary committee of the
 24 senate or the judiciary and law enforcement committee
 25 of the house. Such committee amendments, whether
 26 filed at the time of initial committee passage of the
 27 bill to the floor for debate or after rereferral to
 28 the committee, shall not be incorporated into the bill
 29 in the originating house but shall be filed
 30 separately. Such a bill shall be limited to

Page 6

1 corrections which: Adjust language to reflect current
 2 practices, insert earlier omissions, delete
 3 redundancies and inaccuracies, delete temporary
 4 language, resolve inconsistencies and conflicts,
 5 update ongoing provisions, and remove ambiguities.

6 Amendments filed from the floor to strike sections of
7 the bill or the committee amendments shall be in
8 order. Following amendment and passage by the second
9 house, only amendments filed from the floor which
10 strike sections of the amendment of the second house
11 shall be in order.

12 Rule 12

13 Amendments by Other House

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

22 A. If the house originating the bill concurs in
23 the amendment, the bill shall then be immediately
24 placed upon its final passage.

25 B. If the house originating the bill refuses to
26 concur in the amendment, the bill shall be returned to
27 the amending house which shall either:

28 1. Recede, after which the bill shall be read for
29 the last time and immediately placed upon its final
30 passage; or

Page 7

1 2. Insist, which will send the bill to a
2 conference committee.

3 C. If the house originating the bill amends the
4 amendment, that house shall concur in the amendment as
5 amended and the bill shall be immediately placed on
6 final passage, and shall be returned to the other
7 house. The other house cannot further amend the bill.

8 1. If the amending house which gave second
9 consideration to the bill concurs in the amendment to
10 the amendment, the bill shall then be immediately
11 placed upon its final passage.

12 2. If the amending house refuses to concur in the
13 amendment to the amendment, the bill shall be returned
14 to the house originating the bill which shall either:

15 a. Recede, after which the bill shall be read for
16 the last time as amended and immediately placed upon
17 its final passage; or

18 b. Insist, which will send the bill to a
19 conference committee.

20 II. A motion to recede has precedence over a
21 motion to insist. Failure to recede means to insist;
22 and failure to insist means to recede.

23 III. A motion to lay on the table or to
24 indefinitely postpone shall be out of order with
25 respect to motions to recede from or insist upon and

13 including all papers, shall be immediately referred by
14 the secretary of the senate or the chief clerk of the
15 house of representatives to the other house.

16 5. The report of agreement is debatable, but
17 cannot be amended. If the report contains recommended
18 amendments to the bill, adoption of the report shall
19 automatically adopt all amendments contained therein.
20 After the report is adopted, there shall be no more
21 debate, and the bill shall immediately be placed upon
22 its final passage.

23 6. Refusal of either house to adopt the conference
24 committee report has the same effect as if the
25 committee had disagreed.

26 7. If the conference committee fails to reach
27 agreement, a report of such failure signed by at least
28 three members of each house shall be given promptly to
29 each house. The bill shall be returned to the house
30 that originated the bill, the members of the committee

Page 10

1 shall be immediately discharged, and a new conference
2 committee appointed in the same manner as the first
3 conference committee.

4 8. The authority of a second or subsequent
5 conference committee shall cover free conference
6 during which the committee has authority to propose
7 amendments to any portion of a bill provided the
8 amendment is within the subject matter content of the
9 bill as passed by the house of origin or as amended by
10 the second house.

Rule 14

Enrollment and Authentication of Bills

13 A bill or resolution which has passed both houses
14 shall be enrolled in the house of origin under the
15 direction of either the secretary or the chief clerk
16 and its house of origin shall be certified by the
17 endorsement of the secretary of the senate or the
18 chief clerk of the house.

19 After enrollment, each bill shall be signed by the
20 president of the senate and by the speaker of the
21 house.

Rule 15

Concerning other Enrollments

24 All resolutions and other matters which are to be
25 presented to the governor for approval shall be
26 enrolled, signed, and presented in the same manner as
27 bills.

28 All resolutions and other matters which are not to
29 be presented to the governor or the secretary of state
30 shall be enrolled, signed, and retained permanently by

Page 11

1 the secretary of the senate or chief clerk of the
2 house.

3 Rule 16

4 Transmission of Bills to the Governor

5 After a bill has been signed in each house, it
6 shall be presented by the house of origin to the
7 governor by either the secretary of the senate or the
8 chief clerk of the house of origin. The secretary or
9 the chief clerk shall report the date of the
10 presentation, which shall be entered upon the journal
11 of the house of origin.

12 Rule 17

13 Fiscal Notes

14 A fiscal note shall be attached to any bill or
15 joint resolution which reasonably could have an annual
16 effect of at least one hundred thousand dollars or a
17 combined total effect within five years after
18 enactment of five hundred thousand dollars or more on
19 the aggregate revenues, expenditures, or fiscal
20 liability of the state or its subdivisions. This rule
21 does not apply to appropriation and ways and means
22 measures where the total effect is stated in dollar
23 amounts.

24 Each fiscal note shall state in dollars the
25 estimated effect of the bill on the revenues,
26 expenditures, and fiscal liability of the state or its
27 subdivisions during the first five years after
28 enactment. The information shall specifically note
29 the fiscal impact for the first two years following
30 enactment and the anticipated impact for the

Page 12

1 succeeding three years. The fiscal note shall specify
2 the source of the information. Sources of funds for
3 expenditures under the bill shall be stated, including
4 federal funds. If the fiscal director cannot make an
5 accurate estimate, the director shall state the best
6 available estimate or shall state that no dollar
7 estimate can be made and state concisely the reason.

8 The preliminary determination of whether the bill
9 appears to require a fiscal note shall be made by the
10 legislative service bureau which shall send a copy of
11 the request to the legislative fiscal bureau unless
12 the requestor specifies the request is to be

13 confidential. Upon completion of the bill draft, the
14 legislative service bureau shall immediately send a
15 copy to the legislative fiscal director for review.

16 When a committee reports a bill to the floor, the
17 committee shall state in the report whether a fiscal
18 note is or is not required.

19 The legislative fiscal director shall review all
20 bills placed on the senate or house calendars to
21 determine whether the bills are subject to this rule.
22 Additionally, a legislator may request the
23 preparation of a fiscal note by the legislative fiscal
24 bureau for any bill or joint resolution introduced
25 which reasonably could be subject to this rule.
26 The legislative fiscal director shall cause to be
27 prepared and shall approve a fiscal note within a
28 reasonable time after receiving a request or
29 determining that a bill is subject to this rule. All
30 fiscal notes approved by the legislative fiscal bureau

Page 13

1 director shall be transmitted immediately to the
2 secretary of the senate or the chief clerk of the
3 house, after notifying the sponsor of the bill that a
4 fiscal note has been prepared, for publication in the
5 daily clip sheet. The secretary of the senate or
6 chief clerk of the house shall attach the fiscal note
7 to the bill as soon as it is available.

8 The legislative fiscal director may request the
9 cooperation of any state department or agency in
10 preparing a fiscal note.

11 A revised fiscal note may be requested by a
12 legislator if the fiscal effect of the bill has been
13 changed by adoption of an amendment. However, a
14 request for a revised fiscal note shall not delay
15 action on a bill unless so ordered by the presiding
16 officer of the house in which the bill is under
17 consideration.

18 If a date for adjournment has been set, then a
19 constitutional majority of the house in which the bill
20 is under consideration may waive the fiscal note
21 requirement during the three days prior to the date
22 set for adjournment.

Rule 18

Legislative Interns

25 Legislators may arrange student internships during
26 the legislative session with Iowa college, university,
27 or law school students, for which the students may
28 receive college credit at the discretion of their
29 schools. Each legislator is allowed only one intern
30 at a time per legislative session, and all interns

Page 14

1 must be registered with the offices of the secretary
2 of the senate and the chief clerk of the house.

3 The purpose of the legislative intern program shall
4 be: 1) to provide useful staff services to
5 legislators not otherwise provided by the general

6 assembly; 2) to give interested college, graduate, and
 7 law school students practical experience in the
 8 legislative process as well as providing a meaningful
 9 educational experience; and 3) to enrich the
 10 curriculum of participating colleges and universities.
 11 The secretary of the senate and the chief clerk of
 12 the house or their designees shall have the following
 13 responsibilities as regards the legislative intern
 14 program:

15 1. Identify a supervising faculty member at each
 16 participating institution who shall be responsible for
 17 authorizing students to participate in the intern
 18 program.

19 2. Provide legislators with a list of
 20 participating institutions and the names of
 21 supervising professors to contact if interested in
 22 arranging for an intern.

23 3. Provide interns with name badges which will
 24 allow them access to the floor of either house when
 25 required to be present by the legislators for whom
 26 they work.

27 4. Provide orientation materials to interns prior
 28 to the convening of each session.

29 Rule 19

30 Administrative Rules Review Committee Bills

Page 15

1 A bill which relates to departmental rules and
 2 which is approved by the administrative rules review
 3 committee by a majority of the committee's members of
 4 each house is eligible for introduction in either
 5 house at any time and must be referred to a standing
 6 committee, which must take action on the bill within
 7 three weeks of referral, except bills referred to
 8 appropriations and ways and means committees.

9 Rule 20

10 Time of Committee Passage and Consideration of Bills

11 1. This rule does not apply to concurrent or
 12 simple resolutions, joint resolutions nullifying
 13 administrative rules, senate confirmations, bills
 14 embodying redistricting plans prepared by the
 15 legislative service bureau pursuant to chapter 42, or
 16 bills passed by both houses in different forms.

17 Subsection 2 of this rule does not apply to
 18 appropriations bills, ways and means bills, legalizing
 19 acts, administrative rules review committee bills,
 20 bills cosponsored by majority and minority floor
 21 leaders of one house, bills in conference committee,
 22 and companion bills sponsored by the majority floor
 23 leaders of both houses after consultation with the
 24 respective minority floor leaders. For the purposes
 25 of this rule, a joint resolution is considered as a

26 bill. To be considered an appropriations or ways and
27 means bill for the purposes of this rule, the
28 appropriations committee or the ways and means
29 committee must either be the sponsor of the bill or
30 the committee of first referral in the originating

Page 16

1 house.

2 2. To be placed on the calendar in the house of
3 origin, a bill must be first reported out of the
4 committee of first referral by Friday of the 10th 9th
5 week of the first session and the 8th 7th week of the
6 second session. To be placed on the calendar in the
7 other house, a bill must be first reported out of the
8 committee of first referral by Friday of the 13th 12th
9 week of the first session and the 11th 10th week of
10 the second session.

11 3. During the 11th 10th week of the first session
12 and the 9th 8th week of the second session, each house
13 shall consider only bills originating in that house
14 and unfinished business. During the 14th 13th week of
15 the first session and the 12th 11th week of the second
16 session, each house shall consider only bills
17 originating in the other house and unfinished
18 business. Beginning with the 15th 14th week of the
19 first session and the 13th 12th week of the second
20 session, each house shall consider only bills passed
21 by both houses, bills exempt from subsection 2, and
22 unfinished business.

23 4. A motion to reconsider filed and not disposed
24 of on an action taken on a bill or resolution which is
25 subject to a deadline under this rule may be called up
26 at any time before or after the day of the deadline by
27 the person filing the motion or after the deadline by
28 the majority floor leader, notwithstanding any other
29 rule to the contrary.

30 Rule 21

Page 17

1 Resolutions

2 1. A "concurrent resolution" is a resolution to be
3 adopted by both houses of the general assembly which
4 expresses the sentiment of the general assembly or
5 deals with temporary legislative matters. It may
6 authorize the expenditure, for any legislative
7 purpose, of funds appropriated to the general
8 assembly. a concurrent resolution is not limited to,
9 but may provide for a joint convention of the general
10 assembly, adjournment or recess of the general
11 assembly, or requests to a state agency or to the
12 general assembly or a committee. A concurrent

13 resolution requires the affirmative vote of a majority
14 of the senators or representatives present and voting
15 unless otherwise specified by statute. A concurrent
16 resolution does not require the governor's approval
17 unless otherwise specified by statute. A concurrent
18 resolution shall be filed with the secretary of the
19 senate or the chief clerk of the house. A concurrent
20 resolution shall be printed in the bound journal after
21 its adoption.

22 2. A "joint resolution" is a resolution which
23 requires for approval the affirmative vote of a
24 constitutional majority of each house of the general
25 assembly. a joint resolution which appropriates funds
26 or enacts temporary laws must contain the clause "Be
27 It Enacted by the General Assembly of the State of
28 Iowa:", is equivalent to a bill, and must be
29 transmitted to the governor for his approval. A joint
30 resolution which proposes amendments to the

Page 18

1 Constitution of the State of Iowa, ratifies amendments
2 to the Constitution of the United States, proposes a
3 request to Congress or an agency of the government of
4 the United States of America, proposes to Congress an
5 amendment to the Constitution of the United States of
6 America, nullifies an administrative rule, or creates
7 a special commission or committee must contain the
8 clause "Be It Resolved by the General Assembly of the
9 State of Iowa:" and shall not be transmitted to the
10 governor. a joint resolution shall not amend a
11 statute in the Code of Iowa.

12 Rule 22

13 Nullification Resolutions

14 A "nullification resolution" is a joint resolution
15 which nullifies all of an administrative rule, or a
16 severable item of an administrative rule adopted
17 pursuant to chapter 17A of the Code. A nullification
18 resolution shall not amend an administrative rule by
19 adding language or by inserting new language in lieu
20 of existing language.

21 A nullification resolution is debatable, but cannot
22 be amended on the floor of the house or senate. The
23 effective date of a nullification resolution shall be
24 stated in the resolution. Any motions filed to
25 reconsider adoption of a nullification resolution must
26 be disposed of within one legislative day of the
27 filing.

28 Rule 23

29 Consideration of Vetoes

30 1. The senate and house calendar shall include a

Page 19

- 1 list known as the "Veto Calendar." The veto calendar
- 2 shall consist of:
- 3 a. Bills returned to that house by the governor in
- 4 accordance with Article III, section 16 of the
- 5 Constitution of the State of Iowa.
- 6 b. Appropriations items returned to that house by
- 7 the governor in accordance with Article III, section
- 8 16 of the Constitution of the State of Iowa.
- 9 c. Bills and appropriations items received from
- 10 the other house after that house has voted to override
- 11 a veto of them by the governor.
- 12 2. Vetoes bills and appropriations items shall
- 13 automatically be placed on the veto calendar upon
- 14 receipt. Vetoes bills and appropriations items shall
- 15 not be referred to committee.
- 16 3. Upon first publication in the veto calendar,
- 17 the senate majority leader or the house majority
- 18 leader may call up a vetoed bill or appropriations
- 19 item at any time.
- 20 4. The affirmative vote of two-thirds of the
- 21 members of the body by record roll call is required on
- 22 a motion to override an executive veto or item veto.
- 23 5. A motion to override an executive veto or item
- 24 veto is debatable. A vetoed bill or appropriation
- 25 item cannot be amended in this case.
- 26 6. The vote by which a motion to override an
- 27 executive veto or item veto passes or fails to pass
- 28 either house is not subject to reconsideration under
- 29 senate rule 24 or house rule 73.
- 30 7. The secretary of the senate or the chief clerk

Page 20

- 1 of the house shall immediately notify the other house
- 2 of the adoption or rejection of a motion to override
- 3 an executive veto or item veto.
- 4 8. All bills and appropriations items on the veto
- 5 calendar shall be disposed of before adjournment sine
- 6 die, unless the house having a bill or appropriation
- 7 item before it declines to do so by unanimous consent.
- 8 9. Bills and appropriations items on the veto
- 9 calendar are exempt from deadlines imposed by joint
- 10 rule 20.

Rule 24

- 11 Special Rules Regarding Redistricting for 1991
- 12 ~~1- If, pursuant to chapter 42, either the senate~~
- 13 ~~or the house rejects a redistricting plan submitted by~~
- 14 ~~the legislative service bureau, the house rejecting~~
- 15 ~~the plan shall convey the reasons for the rejection of~~
- 16 ~~the plan to the legislative service bureau by~~
- 17 ~~resolution.~~
- 18

19 —2— If, pursuant to chapter 42, the legislative
 20 service bureau submits a third redistricting plan as
 21 provided by law, the senate and house, when
 22 considering a bill embodying plan III, shall be
 23 allowed to accept for filing as amendments only such
 24 amendments which constitute the total text of a
 25 congressional plan without striking a legislative
 26 redistricting plan, the total text of a legislative
 27 redistricting plan without striking a congressional
 28 plan, or the combined total text of a congressional
 29 plan and a legislative redistricting plan, and
 30 nonsubstantive, technical corrections to the text of

Page 21

1 any such bills or amendments.

Fallon of Polk offered the following amendment H-1002 filed by Fallon et al., and moved its adoption:

H-1002

- 1 Amend House Concurrent Resolution 5 as follows :
 2 1. Page 8, line 20, by striking the word "first".
 3 2. Page 10, by striking lines 4 through 10.

A non-record roll call was requested.

The ayes were 37, nays 49.

Amendment H-1002 lost.

Carroll of Poweshiek in the chair at 1:55 p.m.

Myers of Johnson offered the following amendment H-1001 filed by Myers et al., and moved its adoption:

H-1001

- 1 Amend House Concurrent Resolution 5 as follows:
 2 1. Page 21, by inserting after line 1 the
 3 following:
 4 "Rule 24
 5 Smoking
 6 1. Smoking is not permitted in the senate or house
 7 chamber at any time.
 8 2. Smoking is not permitted in any other meeting
 9 rooms, office areas, or other space under senate or
 10 house control."

A non-record roll call was requested.

The ayes were 40, nays 48.

Amendment H-1001 lost.

Rants of Woodbury moved the adoption of House Concurrent Resolution 5.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 5** be immediately messaged to the Senate.

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

- 1997\37 Trelley A. Crosman, Ogden - For having celebrated his 100th birthday.
- 1997\38 Mr. and Mrs. Henry Comer, Mingo - For celebrating their 60th wedding anniversary.
- 1997\39 Jean and Wilbur Halter, Newton - For celebrating their 50th wedding anniversary.
- 1997\40 Bertha and Glen Overturf, Moravia - For celebrating their 70th wedding anniversary.
- 1997\41 Fred Jaminet, Cherokee - For being named a 1996 Master Pork Producer.

SUBCOMMITTEE ASSIGNMENTS

House File 7

Commerce-Regulation: Jacobs, Chair; Metcalf and Weigel.

House File 17

Commerce-Regulation: Brunkhorst, Chair; Holveck and Van Fossen.

House File 20

Commerce-Regulation: Bradley, Chair; Doderer and Metcalf.

House File 48

State Government: Houser, Chair; Burnett and Holmes.

House File 49

Ways and Means: Drake, Chair; Dix, Frevert, Hansen and Larkin.

House File 50

Appropriations: Grundberg, Chair; Meyer and Wise.

House File 52

Judiciary: Grundberg, Chair; Chapman and Veenstra.

House File 53

Ways and Means: Blodgett, Chair; Hansen, Myers, Rants and Richardson.

House File 54

Ways and Means: Van Fossen, Chair; Larkin, Lord, Rants and Richardson.

House File 56

Ways and Means: Greig, Chair; Chapman, Doderer, Rants and Van Fossen.

House File 57

Ways and Means: Greig, Chair; Chapman, Doderer, Rants and Van Fossen.

House File 61

Natural Resources: Huseman, Chair; Mundie and Weidman.

House File 63

Natural Resources: Huseman, Chair; Mundie and Weidman.

House File 64

Judiciary: Kremer, Chair; Bell and Sukup.

House File 66

Ways and Means: Jenkins, Chair; Jochum and Lamberti.

House File 67

Ways and Means: Van Fossen, Chair; Chapman and Larson.

Senate File 35

Ways and Means: Blodgett, Chair; Dix, Doderer, Teig and Weigel.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 5

State Government: Holmes, Chair; Chiodo and Tyrrell.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 9 Local Government

Relating to displacement of private waste collection services by a city, county, or public agency.

H.S.B. 10 Labor and Industrial Relations

Prohibiting state agencies and political subdivisions from using public funds to lobby state government and making related revisions.

H.S.B. 11 Labor and Industrial Relations

Establishing a self-employment assistance program and providing an effective date and a termination date.

H.S.B. 12 Labor and Industrial Relations

Relating to state employee pay and benefits by providing for public employee collective bargaining and state employee health benefits and providing an effective date.

H.S.B. 13 Labor and Industrial Relations

Relating to the deduction of labor organization dues from pay, including deductions for political causes, and making a penalty applicable.

H.S.B. 14 Labor and Industrial Relations

Relating to the deduction of labor organization dues from pay and making a penalty applicable.

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 STATE GOVERNMENT

House Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 1997.

RESOLUTION FILED

HCR 6, by Millage, Martin, Bradley, Van Fossen, and Holmes, a concurrent resolution requesting that the Iowa State Fair Board establish a policy ensuring that Iowa businesses, associations, and organizations are provided with ample opportunities to showcase Iowa products and services during the Iowa State Fair.

Laid over under **Rule 25**.

On motion by Siegrist of Pottawattamie, the House adjourned at 2:20 p.m., until 9:00 a.m., Friday, January 24, 1997.

JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 24, 1997

The House met pursuant to adjournment at 9:00 a.m., Heaton of Henry in the chair.

Prayer was offered by Craig Schoenfeld, Legislative Research Analyst for the House of Representatives.

The Journal of Thursday, January 23, 1997 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 6, by Kremer, a joint resolution designating the traditional American square dance the state folk dance of Iowa.

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

House Joint Resolution 7, by Garman, Vande Hoef, Welter, Dix, Brunkhorst, Thomson, Houser, Tyrrell, Van Fossen, Meyer, Lord, Gries, Heaton, Van Maanen, Churchill, Barry, Rayhons, Dolecheck, Sukup, Lamberti, Teig, Millage, Boddicker, Holmes, Weidman, Arnold, Jacobs, Hahn, Greig, Nelson, Martin, Klemme, Drake, and Boggess, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the passage of certain state tax laws.

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

House File 71, by Klemme, a bill for an act relating to the notification requirements imposed on an excavator under the one-call program.

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

House File 72, by Gries, a bill for an act relating to excluding property held in an annuity from the probate estate and from inclusion in the calculation of compensation for personal representatives.

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

House File 73, by Martin, Brunkhorst, Bradley, Kremer, Dinkla, Millage, Larson, Siegrist, Van Fossen, Weidman, and Holmes, a bill for an act providing immunity from civil liability for an employer

who acts reasonably in providing information about a current or former employee of the employer.

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

House File 74, by Cormack, a bill for an act prohibiting the commercial harvest of timber in state parks and subjecting violators to a penalty.

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

House File 75, by Cormack and Teig, a bill for an act relating to marketing, educational, and informational expenses of the lottery.

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

House File 76, by Rants, a bill for an act relating to the human immunodeficiency virus, establishing penalties, and making penalties applicable.

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

House File 77, by Nelson, a bill for an act relating to postsecondary education costs under a child support order.

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

House File 78, by Richardson and Veenstra, a bill for an act to increase the penalties for vehicular homicide.

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

House File 79, by Eddie, a bill for an act relating to the voting powers of certain persons whose children participate in school district open enrollment.

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

House File 80, by Eddie, a bill for an act relating to the sale of school textbooks and supplies by school officers and employees.

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

House File 81, by Eddie, a bill for an act relating to the qualifications for the successful completion of an approved hunter safety and ethics education course.

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

House File 82, by Grundberg, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien.

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

House File 83, by Bradley and Grundberg, a bill for an act providing for the establishment of a lien by licensed professionals against damages collected by an injured patient.

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

House File 84, by Richardson, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing applicability and effective date provisions.

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

House File 85, by Warnstadt, a bill for an act requiring the operator of a motor vehicle who caused a traffic accident in which a fatality occurred to take an operator's examination to maintain an operator's license.

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

House File 86, by Dolecheck, a bill for an act appropriating additional state aid to school districts for at-risk pupils and providing effective and applicability date provisions.

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

SUBCOMMITTEE ASSIGNMENT

House File 69

Ways and Means: Larson, Chair; Chapman and Dix.

On motion by Gipp of Winneshiek, the House adjourned at 9:08 a.m., until 1:00 p.m., Monday, January 27, 1997.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 27, 1997

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 Reverend Ken Meissner, pastor of Rowley Presbyterian Church, Rowley.

The Journal of Friday, January 24, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joseph Kremer, state representative from Buchanan County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brauns of Muscatine, for January 27 and 28, 1997, on request of Hahn of Muscatine.

HOUSE FILE 68 REREFERRED

The Speaker announced that House File 68, previously referred to committee on **commerce-regulation** was rereferred to committee on **judiciary**.

HOUSE FILE 71 REREFERRED

The Speaker announced that House File 71, previously referred to committee on **commerce-regulation** was rereferred to committee on **local government**.

PRESENTATION OF VISITORS

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

Twenty-two sixth, seventh and eighth grade students from the Mesquakie Settlement School, Tama, accompanied by Mr. Meeker and Mr. Karr. By Brand of Tama.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF CORRECTIONS

A report concerning the vocational offerings at each correctional facility, pursuant to Chapter 1216.14(2), 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF ELDER AFFAIRS

The Annual Report, pursuant to Chapter 231.42, Code of Iowa.

DEPARTMENT OF MANAGEMENT

The Statement of Standing Appropriations report, pursuant to Chapter 8.6(2), Code of Iowa.

DEPARTMENT OF PERSONNEL

The semi-annual report of average time to fill vacancies by department, pursuant to Chapter 178, 1993 Acts of the Seventy-third General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1997\42 Jamie Mensen, Earlville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\43 Andrew Wood, Earlville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\44 Sara Mullen, Corning – For being selected to attend the National Girls Conference.
- 1997\45 Nellie Brennaman, Clarinda – For celebrating her 100th birthday.
- 1997\46 Maynard Dunham, Clinton – For celebrating his 102nd birthday.
- 1997\47 Jeanette Bailey, Camanche – For celebrating her 80th birthday.
- 1997\48 Nick Leach, Mid-Prairie High School – For being one of three students to heroically help an individual motorist out of an automobile wreckage and to safety.
- 1997\49 Joel Yoder, Mid-Prairie High School – For being one of three students to heroically help an individual motorist out of an automobile wreckage and to safety.
- 1997\50 Clint Slabaugh, Mid-Prairie High School – For being one of three students to heroically help an individual motorist out of an automobile wreckage and to safety.
- 1997\51 Kathryn Prohaska, Adair – For celebrating her 100th birthday.
- 1997\52 Tom Johnson, Essex – For being named an Iowa Master Pork Producer.

1997\53 Grace Kuiper, Sheldon – For celebrating her 100th birthday.

1997\54 David Rater, Casey – For being named to the Iowa Football Coaches Association Academic All-State Football Team in Class A for 1997.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 3

State Government: Drake, Chair; Larkin and Van Fossen.

House Joint Resolution 6

State Government: Nelson, Chair; Bradley and Cataldo.

House Joint Resolution 7

State Government: Drake, Chair; Bernau and Van Fossen.

House File 1

State Government: Tyrrell, Chair; Chiodo and Gipp.

House File 18

Environmental Protection: Meyer, Chair; Burnett and Gries.

House File 47

Transportation: Brauns, Chair; Huser and Nelson.

House File 55

Transportation: Arnold, Chair; Chiodo and Eddie.

House File 70

Transportation: Nelson, Chair; Blodgett and Drees.

House File 79

Education: Rants, Chair; Metcalf and Warnstadt.

House File 80

Education: Thomson, Chair; Kinzer and Veenstra.

House File 86

Appropriations: Grundberg, Chair; Meyer and Wise.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 15 Judiciary**

Relating to expert witness qualifications in medical liability cases.

H.S.B. 16 Judiciary

Relating to the establishment of surrogacy procedures and providing for the Act's applicability.

H.S.B. 17 Labor and Industrial Relations

Relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

H.S.B. 18 Natural Resources

Relating to extending the boundaries of a sanitary district.

H.S.B. 19 Local Government

Relating to exemptions from property taxation for improvements to residential property located in an urban revitalization area, and providing an applicability date.

H.S.B. 20 Local Government

Relating to the compensation of the sheriff and compensation commissioners in eminent domain proceedings.

H.S.B. 21 Local Government

Relating to transfers of funds from the county debt service fund.

H.S.B. 22 Local Government

Authorizing counties access to the Iowa communications network and providing an effective date.

H.S.B. 23 Judiciary

Relating to nonsubstantive Code corrections.

H.S.B. 24 Environmental Protection

Relating to permits issued to licensed automobile tire recycling dealers to own or operate a waste tire site.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:23 p.m., until 8:45 a.m., Tuesday, January 28, 1997.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 28, 1997

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

Prayer was offered by Reverend Dwayne Madsen, Norwalk United Methodist Church, Norwalk.

The Journal of Monday, January 27, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Murphy of Dubuque on request of Jochum of Dubuque.

INTRODUCTION OF BILLS

House File 87, by Doderer and Boddicker, a bill for an act relating to the issuing of temporary orders for support, custody, or visitation of a child born outside of marriage.

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

House File 88, by Garman, a bill for an act relating to passage of state tax legislation.

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

House File 89, by Tyrrell, a bill for an act authorizing persons other than veterinarians to implant microchips beneath the skin of animals.

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

House File 90, by Garman, a bill for an act relating to the offense of operating a watercraft while intoxicated and providing penalties and other related matters.

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

House File 91, by Grundberg, a bill for an act relating to a sales tax exemption for certain aircraft and providing an effective date.

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

House File 92, by Brunkhorst, Kremer, and Falck, a bill for an act relating to eligibility for receipt of moneys under the school improvement technology program.

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

House File 93, by Moreland, a bill for an act providing for the issuance of free deer hunting licenses to owners and tenants of farmland.

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

House File 94, by Hahn, a bill for an act including sexual offenses committed by a member of a child's immediate family under the child abuse reporting and disposition law.

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

House File 95, by Millage, Holmes, Martin, Bradley, and Van Fossen, a bill for an act relating to aircraft registration fees.

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

House File 96, by Moreland and Dotzler, a bill for an act repealing the state inheritance tax and providing for the Act's applicability.

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

House File 97, by Huser, a bill for an act relating to state reimbursement to local units of government and renters to fund credits granted under the homestead tax credit, military service tax exemption and credit, and the extraordinary low-income elderly and disabled homestead tax credit and reimbursement program and providing an applicability date provision.

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

On motion by Gipp of Winneshiek, the House was recessed at 8:54 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

CONSIDERATION OF BILLS

Regular Calendar

House Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law, with report of committee recommending passage, was taken up for consideration.

Martin of Scott moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

House Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Be It Resolved By The General Assembly Of The State Of Iowa:

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

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

RIGHTS OF PERSONS. Section 1. All men and women are, by nature, free and equal, and have certain inalienable rights – among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Seventy-sixth General Assembly, 1995 Session, thereafter duly published, and now adopted and agreed to by the Seventy-seventh General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year nineteen hundred ninety-eight in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 5)

The yeas were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla

Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Brauns Cataldo Murphy

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 5** be immediately messaged to the Senate.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ELDER AFFAIRS

Five copies of the Medicare Partners Annual Report for Fiscal Year 1996, pursuant to Chapter 231.24(3), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The Annual Report, pursuant to Chapter 135.77, Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE

The Annual Report, pursuant to Chapter 421.1(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

- 1997\55 Don Shelton, Otho – For being named an Iowa Master Pork Producer.
- 1997\56 Clara and Harold Petersen, Norwalk – For celebrating their 50th wedding anniversary.
- 1997\57 Micki and Ross Trusler, South English – For their 25 years as licensed foster parents.
- 1997\58 Tammy Halbur, Manning – For being named the 1997 Iowa Pork Queen.
- 1997\59 Florence Tank, Davenport – For celebrating her 100th birthday.
- 1997\60 Ruth Baker, Davenport – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 3

Human Resources: Lord, Chair; Foege and Vande Hoef.

House File 58

Labor and Industrial Relations: Barry, Chair; Dotzler and Metcalf.

House File 59

Labor and Industrial Relations: Sukup, Chair; Boddicker and O'Brien.

House File 71

Local Government: Klemme, Chair; Arnold and Richardson.

House File 72

Commerce-Regulation: Dinkla, Chair; Chiodo and Hansen.

House File 73

Labor and Industrial Relations: Kremer, Chair; Dix and Murphy.

House File 74

Natural Resources: Cormack, Chair; Bell and Rayhons.

House File 77

Judiciary: Boddicker, Chair; Larson and Shoultz.

House File 78

Judiciary: Veenstra, Chair; Bernau and Greiner.

House File 81

Natural Resources: Eddie, Chair; Hahn and O'Brien.

House File 82

Commerce-Regulation: Dinkla, Chair; Cataldo and Van Fossen.

House File 83

Judiciary: Larson, Chair; Bell and Garman.

House File 84

Ways and Means: Jenkins, Chair; Lamberti and Larkin.

House File 88

Ways and Means: Blodgett, Chair; Jochum and Rants.

House File 91

Ways and Means: Jenkins, Chair; Doderer and Van Fossen.

House File 92

Education: Brunkhorst, Chair; Falck and Thomson.

House File 93

Natural Resources: Huseman, Chair; Mundie and Weidman.

House File 95

Ways and Means: Van Fossen, Chair; Doderer and Jenkins.

House File 96

Ways and Means: Blodgett, Chair; Dix and Doderer.

House File 97

Ways and Means: Greig, Chair; Myers and Teig.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 9

Local Government: Klemme, Chair; Huser and Weidman.

House Study Bill 10

Labor and Industrial Relations: Boddicker, Chair; Dix and Falck.

House Study Bill 11

Labor and Industrial Relations: Metcalf, Chair; Barry and O'Brien.

House Study Bill 12

Labor and Industrial Relations: Millage, Chair; Sukup and Taylor.

House Study Bill 14

Labor and Industrial Relations: Boddicker, Chair; Dotzler and Sukup.

House Study Bill 15

Judiciary: Churchill, Chair; Millage and Moreland.

House Study Bill 17

Labor and Industrial Relations: Veenstra, Chair; Bell and Holmes.

House Study Bill 18

Natural Resources: Arnold, Chair; Brauns and Frevert.

House Study Bill 19

Local Government: Carroll, Chair; Fallon and Huseman.

House Study Bill 20

Local Government: Welter, Chair; Brauns and Whitead.

House Study Bill 21

Local Government: Dix, Chair; Huseman and Myers.

House Study Bill 22

Local Government: Arnold, Chair; Reynolds-Knight and Van Maanen.

House Study Bill 23

Judiciary: Kreiman, Chair; Holveck and Sukup.

House Study Bill 24

Environmental Protection: Van Fossen, Chair; Shoultz and Teig.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 25 Appropriations**

Appropriating federal block grant funds and amending appropriations from the general fund of the state to the department of human services for the state fiscal year beginning July 1, 1996, and providing an effective date.

H.S.B. 26 Ways and Means

Updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

H.S.B. 27 Appropriations

Relating to the establishment of the drinking water facilities financing program, the drinking water treatment revolving loan fund, and the drinking water facilities administration fund.

H.S.B. 28 Ways and Means

Relating to the administration of state individual income, corporate, franchise, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision.

H.S.B. 29 State Government

Relating to formation, fundraising, and expenditure activities by political committees, and providing sanctions.

H.S.B. 30 State Government

Amending campaign finance disclosure laws, including to allow expressly for donations from collections at social functions, to specify who must sign reports filed with the ethics and campaign disclosure board,

to make yard sign regulations apply to special elections, to permit transfers of funds to nonparty political organizations, to allow the ethics and campaign disclosure board to establish fees for use of a computerized database, and to make other technical and editorial revisions.

H.S.B. 31 State Government

Relating to gambling, by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats, and by imposing a scheduled fine for gambling by persons under twenty-one years of age.

H.S.B. 32 Transportation

Relating to department of transportation operations, including eliminating requirements that the department adopt administrative rules in certain instances, establishing or increasing certain fees, making technical corrections to adjust language, and establishing, reducing, or enhancing penalties.

H.S.B. 33 Economic Development

Relating to the establishment of the entrepreneurial ventures assistance program and allocating funds from the Iowa strategic investment fund for the administration and operation of the program.

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 TRANSPORTATION

House File 31, a bill for an act relating to the registration fee for ex-prisoner of war motor vehicle plates and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended Do Pass January 28, 1997.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:28 p.m., until 8:45 a.m., Wednesday, January 29, 1997.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 29, 1997

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

Prayer was offered by Chaplin Colson of Mt. Pleasant Correctional Facility and the Iowa Medical Classification Center of Mt. Pleasant and Oakdale.

The Journal of Tuesday, January 28, 1997 was approved.

INTRODUCTION OF BILLS

House File 98, by Jacobs, a bill for an act relating to the relationship between a real estate broker or salesperson and parties to residential property real estate transactions.

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

House File 99, by Blodgett, a bill for an act relating to establishing medical savings accounts and associated tax incentives and a state pilot project and including applicability and effective date provisions.

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

House File 100, by Heaton, a bill for an act relating to the use of blaze orange apparel by hunters and fur harvesters and subjecting violators to a penalty.

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

House File 101, by Heaton, a bill for an act providing for repayment of the costs chargeable to a county for services provided under the juvenile code.

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

House File 102, by Lamberti and Arnold, a bill for an act relating to special minors' licenses and transportation to and from school and providing an effective date.

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

House File 103, by Dinkla, a bill for an act providing for city zoning of unincorporated areas located beyond the limits of the city.

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

House File 104, by Carroll, a bill for an act relating to the calculation of the contribution rate for the statewide fire and police retirement system.

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

House File 105, by Vande Hoef, Cormack, Tyrrell, Garman, Larson, Bell, Welter, Weidman, Larkin, Klemme, Myers, Richardson, and Heaton, a bill for an act relating to the publication of the names of persons with delinquent fines owed to the court.

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

House File 106, by Dinkla, a bill for an act relating to recruiting by the United States armed forces at the university of Iowa college of law.

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

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on January 27 and 28, 1997. Had I been present, I would have voted "yea" on House Joint Resolution 5.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on Tuesday, January 28, 1997. Had I been present, I would have voted "yea" on House Joint Resolution 5.

CATALDO of Polk

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

CAPITOL PLANNING COMMISSION

The Annual Report, pursuant to Chapter 18A.3, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 85

Transportation: Eddie, Chair; Ford and Weidman.

House File 106

Education: Brunkhorst, Chair; Boddicker and Warnstadt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 27**

Appropriations: Greiner, Chair; Churchill and Huser.

House Study Bill 29

State Government: Gipp, Chair; Chiodo, Churchill, Holmes and Jochum.

House Study Bill 30

State Government: Gipp, Chair; Chiodo, Churchill, Holmes and Jochum.

House Study Bill 31

State Government: Tyrrell, Chair; Chiodo and Gipp.

House Study Bill 32

Transportation: Welter, Chair; Heaton and May.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 34 Human Resources**

Relating to fraudulent practices involving family investment and medical assistance program benefits and making penalties applicable.

H.S.B. 35 Human Resources

Relating to the statistical reporting of terminations of pregnancy and establishing penalties.

H.S.B. 36 Human Resources

Relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, the certificate of need program, and providing a contingent effective date.

H.S.B. 37 Judiciary

Relating to the validity of certain marriages.

H.S.B. 38 Human Resources

Relating to the statistical reporting of terminations of pregnancy and establishing penalties.

H.S.B. 39 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

H.S.B. 40 Judiciary

Relating to the affirmation and reenactment of certain provisions affecting the criminal and juvenile laws, and providing an effective date.

H.S.B. 41 Judiciary

Relating to the definition of an owner of a mercantile establishment for purposes of recovery of merchandise or damages.

H.S.B. 42 Labor and Industrial Relations

Relating to fitness standards of law enforcement officers of the department of public safety.

H.S.B. 43 Education

Authorizing the state board of educational examiners to establish the term of a school administrator's license.

H.S.B. 44 Education

Increasing the exceptions to the registration requirements for postsecondary schools.

H.S.B. 45 Education

Relating to programs administered by the college student aid commission, establishing an osteopathic physician recruitment program, and authorizing licensing sanctions against individuals who default on obligations owed to or collected by the commission.

H.S.B. 46 Appropriations

To establish separate recycling funds for each prison institution within the state treasury and making related changes.

H.S.B. 47 Appropriations

Relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making an appropriation, and providing an effective date.

H.S.B. 48 Appropriations

Relating to state budgeting and appropriations procedures, making fund transfers, and providing effective dates.

H.S.B. 49 Economic Development

Relating to the transfer of job training withholding payments to the workforce development fund account and providing effective and retro-active applicability date provisions.

H.S.B. 50 Commerce-Regulation

Relating to trademarks and service marks registered with the secretary of state.

H.S.B. 51 Commerce-Regulation

Relating to the appointment and resignation of registered agents of corporations and partnerships and their registered offices.

H.S.B. 52 Economic Development

Relating to continued eligibility under the new jobs and income program concerning the ownership of land by nonresident aliens and certain capital investment and job creation provisions.

H.S.B. 53 Economic Development

Relating to the implementation of certain assistance programs of the department of economic development.

H.S.B. 54 Economic Development

Relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

H.S.B. 55 Economic Development

Relating to subject matter under the regulatory authority of the labor commissioner, including the construction contractors law, and making nonsubstantive Code corrections relating to the child labor law.

H.S.B. 56 Economic Development

Relating to the department of workforce development and the enforcement of employment laws concerning emergency and hazardous materials inventories, occupational safety and health, construction contractors, amusement rides, asbestos and employment agency licenses, wage assignments, and boxing and wrestling.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 5), relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1997.

Committee Bill (Formerly House File 30), to legalize certain city and county deeds and conveyances.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 2), relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1997.

COMMITTEE ON LOCAL GOVERNMENT

House File 8, a bill for an act relating to the funding of state mandates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—1003** January 28, 1997.

AMENDMENT FILED

H—1003

H.F.

8

Committee on Local Government

On motion by Siegrist of Pottawattamie, the House adjourned at 9:10 a.m., until 8:45 a.m., Thursday, January 30, 1997.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 30, 1997

The House met pursuant to adjournment at 8:54 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Dr. David Ruhe, Plymouth Congregational Church, Des Moines.

The Journal of Wednesday, January 29, 1997 was approved.

INTRODUCTION OF BILLS

House File 107, by Osterhaus, a bill for an act allowing an individual income tax deduction for certain federal taxes paid under the Federal Insurance Contributions Act and the Federal Railroad Retirement Tax Act and providing a retroactive applicability date provision.

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

House File 108, by committee on labor and industrial relations, a bill for an act relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss.

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

House File 109, by Larson and Van Fossen, a bill for an act relating to registration fees for aircraft.

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

House File 110, by Larson, a bill for an act relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service and providing an effective date.

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

House File 111, by Larson and Welter, a bill for an act relating to eligibility for unemployment compensation benefits concerning suitable work offered by the individual's employer.

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

House File 112, by Rants and Van Maanen, a bill for an act relating to the procedures for disposition of the contents of a decedent's safe deposit box.

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

House File 113, by committee on judiciary, a bill for an act relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function.

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

House File 114, by committee on judiciary, a bill for an act to legalize certain city and county deeds and conveyances.

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

House File 115, by Doderer, a bill for an act relating to the disclosure of certain information relating to tobacco products and cigarettes sold in the state and providing a penalty.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 29, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, a concurrent resolution to request that the United States Internal Revenue Service and the United States Congress act to allow farmers to use deferred payment contracts without being subject to alternative tax liability.

Also: That the Senate has on January 29, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, a concurrent resolution encouraging the federal government to investigate the pricing of liquid propane gas and other heating fuels.

MARY PAT GUNDERSON, Secretary

HOUSE FILE 43 REREFERRED

The Speaker announced that House File 43, previously referred to the committee on **appropriations** was rereferred to committee on **education**.

HOUSE FILE 50 REREFERRED

The Speaker announced that House File 50, previously referred to the committee on **appropriations** was rereferred to committee on **education**.

HOUSE FILE 86 REREFERRED

The Speaker announced that House File 86, previously referred to the committee on **appropriations** was rereferred to committee on **education**.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 14, 1997, and is on file in the office of the Chief Clerk:

January 14, 1997

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

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

These include 201 claims of general nature that were denied by the State Appeal Board during April 1996 through December 1996.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Gretchen Tegeler
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD SUBMITTED TO THE 77TH GENERAL ASSEMBLY April Through December 1996

Claim	Full Name	City	Type	Amount
G900199	Randy Watnem DBA Watnem Farms	Humboldt, IA	Fuel Refund	\$258.58

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G910072	Stratford Mutual Telephone Company	Stratford, IA	Outdated Invoice	\$87.95
G911764	Terry Fuller	Bettendorf, IA	Outdated Expense	\$67.40
G921000	Cathy Rottinghaus	Cedar Falls, IA	Outdated Expense	\$92.40
G921905	Convaire International, Inc.	Bridgewater, NJ	Fuel Tax Refund	\$802.58
G930912	AT & T Communication	Phoenix, Az	Outdated Invoice	\$9.88
G931215	Olsten of Des Moines	Westbury, NY	Temp Services	\$120.00
G940520	Terrace Hill Society	Des Moines, IA	Reimbursement	\$116.25
G951577	Peoples Natural Gas	Spirit Lake, IA	Gas	\$264.64
G952498	Jim Hoegh	Iowa City, IA	License Refund	\$17.00
G952499	Jim Hoegh	Iowa City, IA	License Refund	\$17.00
G952501	Jim Hoegh	Iowa City, IA	License Refund	\$11.00
G952571	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$793.02
G952572	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$1,354.24
G952573	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$1,177.60
G952574	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$1,286.64
G952804	Jenny Marie Benedict	Cedar Falls, IA	License Refund	Unspecified
G953112	Pat Ingram	Iowa City, IA	Atty Fees	\$414.00
G960039	Professional House Doctors, Inc.	Des Moines, IA	Professional Services	\$1,042.57
G960097	Brewer & Sinclair	West Des Moines, IA	Atty Fees	\$58.50
G960098	Brewer & Sinclair	West Des Moines, IA	Atty Fees	\$299.00
G960132	Clarinda Youth, Corp.	Clarinda, IA	Maintenance	\$100.00
G960172	Clarinda Youth, Corp.	Clarinda, IA	Provider Service	\$32.00
G960183	Michael E. Chase	La Porte City, IA	IFTA Credit	\$258.98
G960226	Brewer & Sinclair	West Des Moines, IA	Atty Fees	\$193.50
G960250	Charles McBride	Muscatine, IA	Tax Refund	\$814.00
G960315	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Servcies	\$22,243.09
G960316	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Servcies	\$31,364.16

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G960318	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Services	\$25,820.11
G960319	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Services	\$4,365.59
G960351	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Services	\$14,707.14
G960410	William Lane	Sioux City, IA	Atty Fees	\$2,298.50
G960500	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Services	\$24,794.01
G960503	Glass & Sons Electric, Inc.	Des Moines, IA	Outdated Invoice	\$5,498.06
G960599	Families of NE Iowa	Maquoketa, IA	Provider Services	\$392.48
G960690	Juliana Jones	New Hampton, IA	Child Care	\$27.00
G960698	Geraldine Kleespies	Breda, IA	Income Tax Refund	\$141.00
G960699	Donald & Sumae Herker	Clear Lake, IA	Income Tax Refund	\$849.00
G960738	Crossroads, Inc.	Muscataine, IA	Outdated Invoice	\$274.44
G960763	Amana Refrigeration, Inc.	Amana, IA	Fuel Tax Refund	\$1,915.20
G960770	Family Resources, Inc.	Davenport, IA	Purchase of Services	\$48.72
G961202	Scott Campbell	Oskaloosa, IA	Atty Fees	\$60.00
G961281	WCDC, Inc.	Washington, IA	Training	\$87.50
G961292	Stacy R. Wendt	Minnetonka, Mn	License Refund	\$73.50
G961295	Family Drug #5	Ida Grove, IA	Outdated Invoice	\$27.99
G961343	Philip G. Skelley	Sunrise Beach, MO	License Refund	\$93.00
G961344	Philip G. Skelley	Sunrise Beach, MO	License Refund	\$85.00
G961456	Families, Inc.	West Branch, IA	Provider Services	\$71.26
G961458	Families, Inc.	West Branch, IA	Provider Services	\$69.18
G961497	Ann M. Troge	Charles City, IA	Atty Fees	\$140.00
G961679	Marlee Walton	Ottumwa, IA	Dependent Care	\$403.45
G961699	Hillcrest Family Services	Dubuque, IA	Supported Living Prgm	\$1,069.81
G961706	Merna Walz	Boise, ID	Day Care	\$32.76

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G961708	Kent Lewis - Beckman Hirsch Ell & Lewis	Burlington, IA	Atty Fees	\$246.20
G961711	David Lohann DBA D&D Trucking	Wheatland, IA	Fuel Tax Credit	\$1,564.43
G961743	Philip DeMoss	Sheffield, IA	Atty Fees	\$475.00
G961748	Families of Northeast Iowa	Maquoketa, IA	Provider Services	\$644.85
G961750	Families of Northeast Iowa	Maquoketa, IA	Wrap Around Program	\$1,143.30
G961752	Families of Northeast Iowa	Maquoketa, IA	Wrap Around Program	\$57.54
G961753	Families of Northeast Iowa	Maquoketa, IA	Wrap Around Program	\$164.50
G961754	Families of Northeast Iowa	Maquoketa, IA	Wrap Around Program	\$187.17
G961755	Families of Northeast Iowa	Maquoketa, IA	Wrap Around Program	\$58.80
G961756	Families of Northeast Iowa	Maquoketa, IA	Wrap Around Program	\$1,577.55
G961757	Families of Northeast Iowa	Maquoketa, IA	Wrap Around Program	\$151.05
G961758	Boys & Girls Home Residential Treatment Centers	Sioux City, IA	Treatment	\$249.48
G961760	Boys & Girls Home Residential Treatment Centers	Sioux City, IA	Treatment	\$2,568.75
G961762	Boys & Girls Home Residential Treatment Centers	Sioux City, IA	Treatment	\$120.42
G961772	Gomez May Cartee & Schutte	Davenport, IA	Atty Fees	\$206.25
G961774	Hawkeye Community College	Waterloo, IA	Outdated Invoice	\$35.00
G961784	Mary Hoefler	Iowa City, IA	Atty Fees	\$2,183.61
G961789	Kent Simmons	Davenport, IA	Atty Fees	\$121.00
G961892	Families, Inc.	West Branch, IA	Provider Services	\$35.63
G961894	Families, Inc.	West Branch, IA	Provider Services	\$356.30
G961896	Families, Inc.	West Branch, IA	Provider Services	\$103.77
G961939	Betty Jane Christensen	Griswold, IA	Reinstate State Disability	\$649.52
G961948	Robert W. Floy c/o Matthew Berry	Clear Lake, IA	Income Tax Refund	\$4,024.24

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G961973	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Services	\$2,071.45
G961975	Simone Dardar	Council Bluffs, IA	Services	\$515.85
G961983	Betty Jane Christensen c/o Dennis Marks Legal Services Corp. of Iowa	Council Bluffs, IA	Disability Reinstatement	\$649.52
G961986	McCarney, Inc.	Des Moines, IA	Outdated Invoice	\$22.99
G962005	Families, Ing.	West Branch, IA	Provider Services	\$172.95
G962025	Earl Woods	Las Vegas, NV	License Refund	\$52.05
G962109	Ahrens Agricultural Industries	Grinnell, IA	License Refund	\$134.95
G962135	Verle Meggers c/o Theodore Meggers	Cedar Falls, IA	Income Tax Refund	\$1,120.11
G962146	Families, Inc.	West Branch, IA	Provider Services	\$1,761.23
G962150	Families, Inc.	West Branch, IA	Provider Services	\$172.95
G962162	Families, Inc.	West Branch, IA	Provider Services	\$60.10
G962163	Families, Inc.	West Branch, IA	Provider Services	\$276.72
G962164	Families, Inc.	West Branch, IA	Provider Services	\$276.72
G962165	Families, Inc.	West Branch, IA	Provider Services	\$106.89
G962168	Families, Inc.	West Branch, IA	Provider Services	\$106.89
G962172	Families, Inc.	West Branch, IA	Provider Services	\$137.92
G962184	Air Care, Inc.	Mason City, IA	Outdated Invoice	\$32.00
G962197	Boys & Girls Home Residential Treatment Centers, Inc.	Sioux City, IA	Living Maintenance	\$748.02
G962198	Boys & Girls Home Residential Treatment Centers, Inc.	Sioux City, IA	Living Maintenance	\$687.60
G962200	Boys & Girls Home Residential Treatment Centers, Inc.	Sioux City, IA	Living Maintenance	\$2,408.45

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G962204	Family Resources, Inc.	Davenport, IA	Provider Services	\$75.82
G962221	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$2,902.66
G962222	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$3,752.50
G962223	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$261.00
G962224	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$713.50
G962225	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$2,529.50
G962226	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$3,800.80
G962228	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$3,500.10
G962230	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$162.00
G962233	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Services	\$2,258.43
G962236	Steve Schwiesow	Council Bluffs, IA	Wrap Around Program	\$340.00
G962240	Skogman Realty Co.	Cedar Rapids, IA	Revenue Stamps	\$327.20
G962258	Charles W. Mathis	Des Moines, IA	Income tax Refund	\$3,498.00
G962260	Washington Community School District	Washington, IA	Contract	\$17,282.80
G962268	Shepard's McGraw-Hill	Chicago, IL	Outdated Invoice	\$23.40
G962303	Craig Rypma, Ph.D.	Des Moines, IA	Medical Fees	\$391.61
G962307	Denison Job Corps Center	Denison, IA	Outdated Invoice	\$23.94
G962308	Families of Northeast Iowa	Maquoketa, IA	Purchase of Service	\$465.00
G962347	Broadlawns Medical Center	Des Moines, IA	Medical Fees	\$3,303.52
G962364	Computer Emporium, Inc.	Ames, IA	Training	\$50.00
G962402	Patricia Tucker Lough	Vinton, IA	Atty Fees	\$27.00
G962409	Sally Thoensen	Davenport, IA	Homestead Tax Credit	\$351.92
G962427	Harrison County Case Management	Logan, IA	Reimbursement	\$244.32
G962428	Harrison County Case Management	Logan, IA	Reimbursement	\$122.16

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G962429	Harrison County Case Management	Logan, IA	Reimbursement	\$366.49
G962430	Harrison County Case Management	Logan, IA	Reimbursement	\$366.48
G962431	Harrison County Case Management	Logan, IA	Reimbursement	\$366.48
G962432	Harrison County Case Management	Logan, IA	Reimbursement	\$1,207.44
G962433	Harrison County Case Management	Logan, IA	Reimbursement	\$754.65
G962434	Harrison County Case Management	Logan, IA	Reimbursement	\$754.65
G962435	Harrison County Case Management	Logan, IA	Reimbursement	\$301.86
G962436	Harrison County Case Management	Logan, IA	Reimbursement	\$603.72
G962437	Harrison County Case Management	Logan, IA	Reimbursement	\$150.93
G962449	Jill Nelson	Olathe, KS	License Refund	\$75.00
G962450	Steele Memorial Clinic	Belmond, IA	Unclear	Unspecified
G962496	J. David Zimmerman - Pillers, Pillers & Zimmerman	Clinton, IA	Atty Fees	\$55.00
G962510	Families, Inc.	West Branch, IA	Outdated Invoice	\$103.77
G962511	Families, Inc.	West Branch, IA	Outdated Invoice	\$142.52
G962513	Families, Inc.	West Branch, IA	Outdated Invoice	\$498.82
G962515	Families, Inc.	West Branch, IA	Outdated Invoice	\$518.85
G962519	Families, Inc.	West Branch, IA	Outdated Invoice	\$142.52
G962520	Families, Inc.	West Branch, IA	Outdated Invoice	\$213.78
G962533	Time For Tots, Inc.	Harlan, IA	Outdated Invoice	\$354.24
G962536	St. Luke's Corporate Health Services	Cedar Rapids, IA	Outdated Invoice	\$180.75
G962550	Zimmerman Rent-A-Car, Inc.	Cedar Rapids, IA	License Refund	\$156.00
G962582	Lutheran Social Service of Iowa	Des Moines, IA	Outdated Invoice	\$105.66
G962583	Lutheran Social Service of Iowa	Des Moines, IA	Outdated Invoice	\$70.14

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G962609	Boys & Girls Home Residential Treatment Centers	Sioux City, IA	Professional Services	\$4,170.20
G962646	Youth & Shelter Services, Inc.	Ames, IA	Purchase of Services	\$459.66
G962661	John Tomasek Trucking	Cedar Rapids, IA	IFTA Credit	\$259.66
G962672	Harvest Acres, Inc.	Rockwell City, IA	Outdated Invoice	\$622.02
G962673	5B Judicial District Juvenile Group Home	Lamoni, IA	Provider Services	\$295.00
G962695	Ron Stark Trucking	Grand River, IA	IFTA Credit	\$54.99
G962696	Poweshiek County Mental Health Center	Grinnell, IA	Professional Services	\$304.00
G962716	Casey's General Stores, Inc.	Ankeny, IA	Aircraft Lic Refund	\$1,361.00
G962742	Cedarloo Psychiatric Clinic	Waterloo, IA	Provider Services	\$383.00
G962765	Tegeler Dairy, Inc.	Dyersville, IA	IRP Refund	Unspecified
G962783	Tara Jean Stout	Oskaloosa, IA	Day Care	\$65.52
G962863	James W. McCarthy	Fort Dodge, IA	Atty Fees	\$1,946.50
G962871	Hamilton Law Firm	Storm Lake, IA	Atty Fees	\$385.00
G962899	Robert Kerr Trucking	Postville, IA	IFTA Credit	\$329.86
G962906	O. Keith Woltz	Des Moines, IA	Motor Vehicle Use-Tax	\$788.55
G962917	Mark Buchheit, Attorney at Law	West Union, IA	Atty Fees	\$326.05
G962939	Hanson & Sulhoff	Avoca, IA	Atty Fees	\$60.00
G962961	Chickasaw, Floyd, Mitchell (CFM)	Charles City, IA	Grant	\$3,924.21
G962962	Goodwill Industries of Central Iowa	Des Moines, IA	Outdated Invoice	\$650.00
G962966	Clarinda Youth Corp.	Clarinda, IA	Professional Fees	\$100.00
G962976	C & L Farms, Inc.	Primghar, IA	License Refund	\$360.00
G963003	Father Flanagan's Boys Home	Boys Town, NE	Residential Services	\$2,690.70
G963004	Software AG of North America, Inc.	Reston, VA	Outdated Invoice	\$1,040.00
G963008	Communications Engineering Company	Cedar Rapids, IA	Outdated Invoice	\$425.50

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G963022	Robert Gene Roush	York, NE	License Fee Refund	\$335.68
G963029	Families, Inc.	West Branch, IA	Maintenance	\$69.78
G963030	Families, Inc.	West Branch, IA	Maintenance	\$106.89
G963031	Families, Inc.	West Branch, IA	Maintenance	\$492.82
G963032	Families, Inc.	West Branch, IA	Maintenance	\$106.89
G963035	Ervin Lewis Brockman	Saint Joseph, MO	Refund	\$54.00
G963050	US West Communications	Des Moines, IA	Telephone Expense	\$61.41
G963056	Diane Bauer	Lincoln, NE	Lic Refund	\$13.33
G963057	Jason Bauer	Lincoln, NE	Lic Refund	\$149.17
G963084	Midwest Clinical Associations	West Des Moines, IA	Professional Fees	\$3,407.00
G963086	Grinnell Regional Medical Center	Grinnell, IA	Medical Fees	\$283.70
G963111	Northwest Iowa Mental Health	Spencer, IA	Medical Fees	\$140.00
G963135	Frank Cosgrove	Sioux City, IA	Atty Fees	\$500.00
G963144	Jeanne Strand	Cedar Rapids, IA	Outdated Expense	\$283.20
G970014	Ted Engel	Des Moines, IA	Atty Fees	\$198.00
G970045	Families of Northeast Iowa	Maquoketa, IA	Provider Services	\$131.69
G970047	Families of Northeast Iowa	Maquoketa, IA	Provider Services	\$32.16
G970055	University of Iowa Hospitals & Clinics	Iowa City, IA	Court Ordered Services	Undetermined
G970061	Michael Williams	Sioux City, IA	2462	\$423.00
G970070	Tricia Fogue	Des Moines, IA	2464	Unspecified
G970078	Brewer & Sinclair	West Des Moines, IA	2462	\$193.50
G970091	Lakes Tree Service	Spirit Lake, IA	Outdated Invoice	\$300.00
G970095	World of OZ Day Care	Davenport, IA	License Day Care	\$3,070.00
G970097	Easter Seal Society of Iowa, Inc.	Des Moines, IA	Outdated Invoice	\$720.00
G970101	Karen Reinders	Arlington, TX	Lic Refund	\$75.00
G970133	Robert Wright, Jr.	Des Moines, IA	Attorney Fees	\$3,102.50
G970143	Sharon Gleason	Omaha, NE	Outdated Claim	\$260.60
G970155	Iowa Methodist Medical Center	Des Moines, IA	Court Ordered	\$380.10

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G970163	Siddique M. Malik	Louisville, KY	Lic Refund	\$51.00
G970177	Lutheran Social Service of Iowa	Des Moines, IA	Outdated Claims	\$887.50
G970214	Julie Leo	Des Moines, IA	Outdated Expense	\$133.10
G970219	Chileda Institute	LaCrosse, WI	Outdated Invoice	\$675.22
G970247	Edwin M. Mulholland	Dubuque, IA	License Refund	\$108.00
G970536	Mary Dixon	Waterloo, IA	Reimbursement	\$312.70

COMMUNICATION FROM THE DEPARTMENT OF MANAGEMENT

The following communication was received from the Department of Management on January 15, 1997, and is on file in the office of the Chief Clerk:

January 15, 1997

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

In accordance with Section 669.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims and Settlements & Judgments (general torts and highway) paid during 1996 under Chapter 669.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved. /

Sincerely,
Gretchen Tegeler
Director
Department of Management

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

CHAPTER 669 TORT CLAIMS APPROVED BY THE STATE APPEAL BOARD — 1996

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930168	Thomas J. Callaghan	Slip and fall in the University of Iowa parking lot.	\$162.00	\$390.75

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950241	Laura Maitland Russ	Medical malpractice at UIHC.	\$3,000,000.00	\$00.00
T950242	Yoachim Chaim Russ	Medical malpractice at UIHC	\$250,000.00	\$00.00
T950255	Cynthia Jeanne Lohmeier	DCI unmarked car rearended claimant's vehicle.	\$1,200.00	\$2,200.00
T950256	Cynthia Jeanne Lohmeier	DCI unmarked car rearended claimant's vehicle.	\$500,000.00	See T950255
T950257	Cynthia Jeanne Lohmeier	DCI unmarked car rearended claimant's vehicle.	\$500,000.00	See T950255
T950258	Cynthia Jeanne Lohmeier	DCI unmarked car rearended claimant's vehicle.	\$1,200.00	See T950255
T950575	Rick Gries	Clerical error of Clerk of District Court resulted in false arrest of Claimant	\$35,000.00	\$500.00
T950703	Vicky Ann Preston	State driver rearended claimant's vehicle.	\$5,750.00	\$2,000.00
T950704	Cathy Presswood	State driver rearended claimant's vehicle.	\$5,750.00	\$2,000.00
T950708	James Cleveland Fullbright	Misplaced Nike basketball Shoes at Mt. Pleasant Correctional Facility	\$89.00	\$89.00
T950729	Molly Paige	DOT rearended claimant's vehicle	\$205.32	\$607.32
T950770	William E. Curler, Sr.	Employee of General Services sprayed with fuel oil.	\$85.00	\$85.60
T950802	Robert Gearhart, Jr. A Minor by his Father Robert Gearhart, Sr.	Claimant injured knee during wrestling camp (SUD).	\$1,200.00	\$1,166.48
T950807	Mary E. Steele	UNI vehicle failed to yield right of way and struck claimant's vehicle.	\$1,372.25	\$12,500.00
T950830	David Hohbach	DOT vehicle turned into path of Claimant's vehicle causing Property Damage and Personal Injury.	\$835.40	\$22,000.00
T950859	Roy E. Zabel	Claimant suffered 2nd and 3rd degree burns when transported by UIHC.	\$25,000.00	\$9,750.00
T950876	Sara Ann Marie DeVos	Claimant injured when she struck a large sand pile which being supervised by Dept. of Natural Resources.	\$10,000.00	\$500.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950904	American Family Insurance as Subrogee of Matthew Garriett Vos	State owned vehicle collided with claimant's vehicle.	\$2,364.52	\$2,830.07
T950905	State Farm Insurance as Subrogee of Zakarian C. Bell	State driver sideswiped claimant's vehicle.	\$614.94	\$614.94
T950910	Central Iowa Juvenile Detention Center	State driver damaged claimant's sign.	\$606.00	\$636.00
T950918	Ben Rubin	Property damage - art work damaged (SUI).	\$2,250.00	\$200.00
T950926	Richard K. Larson	Claimant injured when claimant ran into glass panel at the ISU Recreation Center.	\$8,090.30	\$590.30
T950934	Brooke Thayne Ireland	State driver sideswiped claimant's vehicle.	Undetermined	\$593.50
T960013	Jennifer Lynn Bell	State driver rearended claimant's vehicle.	\$1,700.36	\$1,200.36
T960016	Jeff & Julie Petersen	DOT mower threw rock damaging vehicle's window.	\$268.50	\$268.50
T960020	Jody A. Karns	Object fell off DOT truck - damaged claimant's vehicle.	Unspecified	\$356.30
T960025	Cheryl Lynn Stevenson	State driver sideswiped claimant's vehicle.	Unspecified	\$599.16
T960026	Ann Kewatt	Claimant injured at rest stop.	Unspecified	\$600.00
T960036	Stacey Brewer-Dally	Claimant was forced because of intolerable working conditions to discharge her employment.	\$119,617.47	See T960039
T960037	Stacey Brewer-Dally	Claimant was forced of intolerable working conditions to discharge her employment.	\$119,617.47	See T960039
T960038	Stacey Brewer-Dally	Claimant was forced because of intolerable working conditions to discharge her employment.	\$119,617.47	See T960039
T960039	Stacey Brewer-Dally	Claimant was forced because of intolerable working conditions to discharge her employment.	\$119,617.47	\$20,000.00
T960050	Julie P. Olsen	State driver backed into claimant's vehicle.	\$730.00	\$729.48
T960054	Alfred Delay	State Vehicle hit door of Claimant's vehicle.	\$112.00	\$104.96
T960058	Marie A. Soehl	DOT snowplow pulled from a stop sign and struck the rear of claimant's vehicle.	Unspecified	See T960249

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960063	Jim G. Nespor	Paint spots on vehicle (ISU).	Unspecified	\$304.56
T960081	D. L. Schraad	DOT mower sprayed rock and chipped paint on claimant's vehicle.	\$806.00	\$806.44
T960082	James R. Leech	Foal died under anesthesia at ISU Veterinary Clinic.	\$22,186.69	\$9,100.00
T960084	Helen L. Newhard	DOT mower threw rock - dented claimant's vehicle.	\$236.00	\$236.00
T960089	William George Prickett	Slowing crack/DOT EE threw rock off road into claimant's vehicle.	Unspecified	\$428.16
T960106	Sara Ann Milberger	DOT mower threw rock and damaged vehicle and injured passenger.	\$137.50	\$137.50
T960107	USAA as Subrogee of Michelle A. Doner	DOT rearended claimant's vehicle causing PI and PD.	\$5,080.46	See T960128
T960110	Renee Cleo Nordyke	Claimant fell on slick floor at Ottumwa Workforce Center.	\$470.99	\$200.00
T960121	Cedar County	Claimant injured while passenger in state vehicle.	\$477.95	\$477.95
T960127	Michelle A. Doner	DOT rearended claimant's vehicle causing PI and PD.	\$100,000.00	See T960128
T960128	Michelle A. Doner	DOT rearended claimant's vehicle causing PI and PD.	\$2,147.19	\$22,500.00
T960134	Celia Suzanne Stahr	State driver backed up into claimant's vehicle.	Unspecified	\$711.42
T960137	Randy Gadiant	DOT mower cut two of claimant's arbor vitae trees.	\$42.40	\$42.40
T960140	United Parcel Service	U of I vehicle was backing up and struck claimant's vehicle.	\$42.50	\$42.50
T960145	Dorothy May Pettit	Claimant's parked vehicle damaged by maintenance worker at Independence Mental Health Institute	\$527.00	\$527.00
T960146	Debra K. Bell	Claimant's parked vehicle damaged by maintenance worker at Independence Mental Health Institute	\$125.10	\$125.10
T960150	Brian Robbins	DOT mower threw debris and damaged claimant's vehicle.	\$645.00	\$494.44
T960153	Pamela K. Lieser	State driver backing up hit claimant's vehicle.	\$443.80	\$310.10

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960154	Phillip A. Otte	Claimant's motor home damaged because of excess tar on road.	\$255.46	\$255.46
T960159	Sandra Gould Ford	Skirt torn on Auditorium Chair (SUD).	\$40.00	\$40.00
T960169	N. William Hines	State driver sideswiped claimant's vehicle.	\$386.51	\$386.51
T960171	David L. Willet	State driver sideswiped claimant's vehicle.	\$319.00	\$319.99
T960176	Leslie Veldhuizen	Claimant lost bred heifer when it fell down an eroded bank which was the responsibility of DOT.	\$5,082.50	\$2,750.00
T960178	Allstate Insurance Co. as Subrogee of Jerry L. Kelley	Claimant's vehicle was struck by DOT vehicle.	\$924.10	\$924.10
T960183	Tammie Kay Wendel	Claimant was injured while visiting Dept. of Human Services in Sioux City.	\$207.27	\$207.27
T960185	Renda S. Jurgens	State driver failed to yield right-of-way.	\$2,000.00	\$1,290.00
T960200	Sherri Kathleen Shilling	State driver backed into claimant's vehicle.	\$1,670.23	\$1,764.70
T960203	Michele Louise Morice	State driver rearended claimant's vehicle.	\$902.13	\$902.13
T960214	Terry Ann Owens	State driver failed to yield to claimant's vehicle.	\$6,000.00	\$1,395.00
T960220	Merlin Barrett	DOT mower threw rock/shattered claimant's window in his van.	\$307.08	\$307.08
T960221	Kurt Alan Johnson	State driver backed into claimant's vehicle.	Unspecified	\$887.91
T960223	Diane Gere	State driver backed into claimant's vehicle.	\$1,421.74	\$1,421.74
T960224	Paul Douglas Krueger	Claimant's vehicle damaged by lawn mower (ISU).	\$518.16	\$518.16
T960226	David E. Dohlman	Unattended state vehicle rolled into claimant's vehicle.	\$1,364.58	\$1,364.58
T960232	Frederick Hunter Fuerste	DOT mower threw rocks and damaged claimant's vehicle.	\$1,890.00	\$1,890.00
T960233	Gloria J. Klinefelter on behalf of Minor Child, Travis M. Klinefelter	Claimant was allergic to latex which was used which caused an allergic reaction (UIHC).	\$8,276.69	\$6,750.00
T960234	Lorna Ann Lueders	Claimant's parked vehicle damaged by maintenance people employed by Woodward State Hospital.	\$250.26	\$250.26

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960235	Robert Cervetti	Claimant's parked vehicle damaged by maintenance people employed by Woodward State Hospital.	\$420.00	\$420.00
T960238	US WEST Communications, Inc.	DOT tractor mower struck junction box/pedestrian.	\$231.71	\$231.71
T960239	Joyce's Food Store, Inc.	State driver damaged claimant's flagpole.	\$500.00	\$475.00
T960243	Beatrice Lucille Johnson	Claimant slipped and fell exiting tunnel at Hilton Coliseum.	\$25,000.00	\$7,213.01
T960245	Lois Elaine McCullough	Slipped and fell at rest area.	\$150.95	\$75.95
T960247	Rob M. Talbot	Claimant's parked vehicle damaged by a limb at Iowa State Fairgrounds.	\$469.56	\$469.56
T960248	Donald Francis Besler	State driver sideswiped claimant's vehicle.	\$335.93	\$335.93
T960249	State Farm Insurance Companies as Subrogee of Marie A. Soehl	DOT snowplow struck claimant's vehicle.	\$3,765.24	\$3,765.24
T960250	Cindy Oberbroeckling	State driver backed into Claimant's vehicle.	\$759.53	\$622.78
T960260	Craig Voss	DOT vehicle backed up and damaged building.	\$100.00	\$184.80
T960261	William Joseph Jaeggi	DOT hand trimmer threw rock and damaged claimant's vehicle's hood.	Unspecified	\$236.28
T960262	Anne Marlys Plagge	Claimant's vehicle damaged from ISU lawnmower.	\$305.76	\$305.76
T960263	Yvonna Marie Allen	Claimant's vehicle damaged by a basketball pole/hoop that blew over.	\$517.28	\$330.60
T960264	Beach & Enke Trucking, Inc.	DOT mower threw rocks and damaged claimant's windshield.	\$250.00	\$162.52
T960267	John Richard Hamilton	DOT mower threw rocks and damaged claimant's vehicle.	\$698.39	\$698.39
T960270	Everett Albers	Clothing lost while resident at Iowa Veterans Home.	\$115.25	\$114.48
T960271	Larry Gene Richard	DOT mower threw rocks and damaged claimant's vehicle.	\$208.62	\$208.62
T960273	Jamie Joseph Kobylasz	DOT truck lost rocks from truck and damaged claimant's windshield.	\$195.61	\$205.39

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960274	James R. Perdue	Incorrect information by ISU Veterinary Diagnostic Center.	\$2,000.00	\$1,500.00
T960276	Amy Lea Lambert	DOT truck threw rocks and damaged claimant's vehicle.	Unspecified	\$992.24
T960277	Walter Brown	Clothing damaged while resident at Iowa Veterans Home.	\$15.00	\$15.00
T960280	David Alan Krumrey	DOT mower threw rocks and damaged claimant's hood/windshield.	Unspecified	\$556.80
T960281	Gary L. Lazear	State driver sideswiped claimant's vehicle.	\$1,020.11	\$1,020.11
T960282	Hubert Myers	Lost razor while resident at Iowa Veterans Home.	\$44.59	\$44.59
T960283	Nathan Robert Mattson	DOT used real Social Security number of claimant for poster.	\$3,500.00	\$1,750.00
T960284	State Farm Insurance Co. as Subrogee of Keith and Nancy Peterson.	State Driver rearended claimant's vehicle.	\$651.78	\$807.11
T960285	Atlanta Casualty Co. as Subrogee of Susan Morton	DOT snowplow scraped claimant's parked vehicle.	\$3,934.28	\$2,360.57
T960292	Glenda S. Monaghan	Claimant's vehicle sprayed with white paint specks from Dept. of Public Safety's employees painting airline markings.	\$189.00	\$189.00
T960298	Moore Company d/b/a Gas N Goods	DOT vehicle pulled gas nozzle fuel pump.	\$181.34	\$181.34
T960305	Kim M. Clark	State driver rearended claimant's vehicle.	\$666.07	\$666.07
T960308	Burlage, Inc.	Crops damaged by Archaeological excavation (SUI).	\$150.00	\$150.00
T960311	Kathleen Suzanne Thornton	DOT caseloader rearended claimant's parked vehicle.	Unspecified	\$7,873.57
T960314	Thomas Michael Hinders	State driver backed into claimant's vehicle.	\$1,058.56	\$1,058.56
T960315	Siaka Ken Kroma	DOT vehicle backed into claimant's stopped vehicle.	\$1,052.47	\$902.49
T960316	Gail Petersen	Claimant's TV damaged while resident at Iowa Veterans Home.	Unspecified	\$15.00
T960317	Beverly B. Rinker	DOT mower threw rocks and cracked mirror on claimant's vehicle.	\$122.92	\$122.92

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960318	Allstate Insurance Co. as Subrogee of Deborah Edmiston	DOT vehicle collided with claimant's vehicle.	\$2,081.36	\$2,037.11
T960327	Sisters of Charity, BVM	DOT vehicle stopped in front of stop sign/struck claimant's vehicle.	\$1,349.90	\$1,349.90
T960328	George L. Rush	DOT vehicle lost rocks and damaged claimant's windshield.	\$295.54	\$295.54
T960330	Casey's General Stores, Inc.	DOT vehicle pulled nozzle from gas pump.	\$31.40	\$31.40
T960337	Loraine Conley	State driver backed into claimant's vehicle.	\$168.00	\$117.79
T960338	Clarence John Kruse	Claimant's vehicle damaged by metal hatch (SUI).	\$1,209.84	\$1,209.84
T960339	Farmland Industries, Inc.	DOT vehicle backed into and damaged side of claimant's stopped vehicle.	\$836.64	\$836.64
T960342	Craig D. O'Connor	State driver sideswiped claimant's vehicle.	\$981.00	\$872.53
T960343	Blue Cross and Blue Shield of Iowa as Subrogee of Beatrice Johnson	Claimant injured when she fell at the north end of tunnel from south parking lot to Hilton Coliseum.	\$2,786.99	\$2,786.99
T960345	Michael W. Belknap	DOT mower threw rocks and cracked claimant's tractor windshield.	\$154.60	\$154.60
T960348	AGVISION	Claimant's vehicle received yellow paint on vehicle at rest area.	\$339.30	\$339.30
T960353	State Farm Insurance as Subrogee of Christian Bennett	DOT vehicle struck claimant's vehicle causing PI and PD.	\$13,362.00	\$12,666.36
T960357	Samuel Buckley	Claimant's stereo damaged while resident at Iowa Veterans Home.	\$350.00	\$350.00
T960360	Jennifer Ann Pettitt	DOT's maintenance operation crew damaged claimant's windshield.	\$528.86	\$325.55
T960361	Belva Van Gorp, Individually, and as Executor of the Estate of Elwin Van Gorp	Medical malpractice against UIHC.	\$100,000.00	\$7,500.00
T960362	Penny Lou Taylor	Passenger injured when struck by state vehicle.	\$20,971.83	\$7,000.00
T960363	Rachel Doyle, a Minor, by Penny Lou Taylor, Mother	Passenger injured when struck by state vehicle.	\$10,510.00	\$2,000.00
T960364	Jon M. Nielsen	DNR vehicle failed to yield right of way and struck claimant's vehicle.	\$55,054.24	\$16,000.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960365	J. A. Jones Management Services, Inc.	Cash stolen from safe that Dept. of Commerce provided security for.	\$1,260.00	\$1,260.00
T960366	Jacquelyn Kay Oujiri	State driver rearended claimant's vehicle.	\$446.00	See T960563
T960368	Kevin L. Baldwin	DOT vehicle hit guide wire - elec. surge and damaged appliances.	\$179.27	\$179.27
T960370	Mark L. Davis	State driver backed into claimant's vehicle.	\$458.42	\$458.42
T960371	Phyllis A. Duncan	Claimant's vehicle damaged when it struck a sign post at Iowa State Fairgrounds.	\$56.85	\$56.85
T960375	Douglas Peterson	State driver rearended claimant's vehicle.	\$421.80	\$421.80
T960376	Jerry P. Kunesch, D.V.M.	Claimant's vehicle damaged by debris thrown from ISU vehicle.	\$996.16	\$996.16
T960378	Philip Burian	State driver rearended claimant's vehicle.	\$1,700.00+	\$1,500.00
T960379	Karl Kurt	Crops damaged by archaeological excavation (SUI).	\$94.98	\$94.98
T960400	Gaylord L. Swanson	Tractor damaged by ISU field fire.	\$542.49	\$542.49
T960401	Nick Christians	Claimant's vehicle damaged by ISU gate arm.	\$23.53	\$23.53
T960403	Guy Harding	DOT vehicle lost rocks and damaged claimant's windshield.	\$247.99	\$247.99
T960405	Marcella Young	State driver backing up and hit claimant's vehicle.	\$467.00	\$449.11
T960408	Matthew Gates	Claimant's bike wheel damaged in ISU bike rack.	\$52.99	\$52.99
T960413	David Ballantyne	Claimant's field had fire damage to crops from ISU harvest equipment.	\$8,289.00	\$8,289.00
T960416	Kevin Decker - Decker Farms, Inc.	Crops damaged during archaeological investigation at SUI.	\$300.00	\$300.00
T960423	Clement Auto & Truck, Inc.	State driver entering roadway failed to yield to claimant's vehicle.	\$510.53	\$510.53
T960426	Roy Haynes	DOT plow threw debris off overpass - damaged claimant's vehicle.	\$662.46	\$662.46
T960431	Lorie Dietz	Contacts misplaced - UIHC.	\$225.00	\$225.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960432	Charles Cocking	Hearing aid and glasses misplaced (UIHC).	\$1,725.00	\$1,725.00
T960433	Shari Lynn Terpstra	Claimant's vehicle damaged by ISU portable goal post.	\$1,001.50	\$1,001.50
T960435	Derek J. Brammer	DOT sand truck threw rocks - damaged claimant's vehicle.	\$645.36	\$641.08
T960436	David R. Noel	State driver sideswiped claimant's vehicle.	\$394.50	\$354.78
T960437	Carolyn Ann Ward	Claimant's clothing damaged by desk at ISU.	\$38.00	\$38.00
T960442	Charles Bierman	State driver failed to yield right-of-way.	\$2,000.00	\$1,754.36
T960443	Leonard Melvin Jessen	DOT plow wing struck parked claimant's vehicle.	\$558.63	\$558.63
T960444	Luz Elena Garcia	DOT grader backed into parked claimant's vehicle.	\$2,500.00	\$350.00
T960445	Darrell & Jimmy Boettcher	DOT snowplow threw debris and damaged claimant's vehicle's windshield.	\$240.53	\$157.94
T960446	Jeffrey R. Shimek	Horse treated at ISU Large Animal Hospital - complications resulted in horse being lame.	\$13,630.00	\$4,470.00
T960447	Jeffrey R. Shimek	Horse treated at ISU Large Animal Hospital - complications resulted in horse becoming lame.	\$13,630.00	See T960446
T960448	Bertha E. Slaight	DOT sand truck threw rocks and damaged claimant's windshield.	\$409.00	\$408.71
T960450	Frank J. Maher, Jr.	Leakage of fluid from campus caused vehicle accident.	\$703.80	\$703.80
T960454	April Zehms	DOT snowplow threw sand/ice and damaged store window.	\$404.94	\$404.94
T960455	Holly Jolene Schmidt	Claimant's vehicle damaged by ISU goal post.	\$441.71	\$380.00
T960458	Marc Coonradt	State driver lost control and hit claimant's vehicle.	\$1,208.60	\$1,208.60
T960459	EMC as Subrogee of Lynn Bowman	State driver backing up and hit claimant's vehicle.	\$1,159.78	\$1,159.78
T960460	Paul Whitten	State driver rearended claimant's vehicle.	\$735.35	\$735.35

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960463	Ken Iburg, Iburg Carpet Cleaning	Parked DOT vehicle rolled into claimant's vehicle and eavespout.	\$912.36	\$912.36
T960464	Sang-Bum Kim	State driver sideswiped claimant's vehicle.	\$450.00	\$439.29
T960465	Eileen Bunnell	Claimant's glasses lost (UIHC).	\$250.00	\$250.00
T960467	Jerry Nance, Nance Trucking	DOT snowplow wing struck claimant's parked vehicle.	\$1,764.09	\$1,764.09
T960468	Frank Gillen	Claimant's vehicle damaged from snowblower (SUI).	\$214.15	\$214.15
T960469	Harvey Diehl	State driver backing up hit claimant's vehicle.	\$1,233.56	\$1,233.56
T960475	Ralph & Monica Annear	State driver backing up hit claimant's vehicle.	\$1,108.98	\$1,108.98
T960476	Chris Moore	State driver backing up hit claimant's vehicle.	\$640.46	\$640.46
T960477	Linda Anderson	Highway sign fell and damaged Christmas display.	\$50.00	\$50.00
T960480	Donald Russell	DOT EE sprayed paint on claimant's vehicle as it passed.	\$81.04	\$81.04
T960481	Fred Maness	Claimant's dentures lost (UIHC).	\$775.00	\$775.00
T960482	Grace E. Crow	Claimant's glasses lost (UIHC).	\$175.00	\$175.00
T960484	Thomas Dawson	State Driver sideswiped claimant's vehicle.	Undetermined	\$632.14
T960485	Robert Siegarth	DOT snowplow threw rocks and damaged claimant's windshield.	\$52.95	\$52.95
T960486	Olger Tenold	Claimant's agricultural drain tiles were blocked by tree roots located on DOT's Interstate 35 weigh station.	\$1,641.60	\$4,000.00
T960488	Andrea Bradley	Claimant's vehicle damaged while parked SUI Grand Field.	\$500.00	\$500.00
T960490	Reis Bros. Service	State driver backing up and damaged claimant's building.	\$978.00	\$1,047.40
T960491	Selzer-Werderitsch Constructions Co., Inc.	State driver sideswiped claimant's vehicle.	\$1,459.35	\$1,459.35
T960492	Teresa D. Hay	State driver sideswiped claimant's vehicle.	\$720.00	\$719.75
T960496	Randy G. Aschbrenner	UIHC lost biopsy specimen.	\$10,000.00	\$9,416.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960498	James Brownlee	State driver sideswiped claimant's vehicle.	\$455.00	\$454.25
T960499	Thomas Gene Johnston	DOT snowplow threw rocks and damaged claimant's vehicle.	\$279.68	\$180.37
T960501	Theodore Musgrove, Sr.	Van damaged by ramp entrance (SUI).	\$18.85	\$18.85
T960502	State Farm Insurance as Subrogee of Martin Berst	State driver sideswiped claimant's vehicle.	\$1,650.93	\$1,650.93
T960503	Harold Stone	Claimant's wrangler jeans lost while resident at Iowa Veterans Home.	\$23.00	\$23.00
T960504	Tamara S. Bieri	Tire was damaged by a rerod in construction zone.	\$42.00	\$42.00
T960520	William James Smith	DOT vehicle sideswiped claimant's vehicle.	\$3,271.80	\$2,944.62
T960525	Jennifer I. Owens	State driver rearended claimant's vehicle.	\$330.81	\$330.81
T960526	Todd Saflly	State driver hauling gravel - damaged claimant's vehicle.	\$224.21	\$224.21
T960527	Morale, Welfare & Recreation Fund	UNI van backed into claimant's vehicle.	\$475.13	\$475.73
T960528	Stephen J. Engstrom	DOT vehicle backed into vehicle after vehicle hit in front.	\$964.64	\$1,027.64
T960529	Marilyn Zmrahl	DOT sand truck threw rocks and damaged claimant's windshield.	Undetermined	\$241.75
T960530	Jolie Ann Thorndyke	DOT snowplow threw rocks and damaged claimant's windshield and hood.	\$839.20	\$196.96
T960533	Darren Wayne Rickels	State driver backing up hit claimant's vehicle.	\$750.00	\$753.60
T960538	John Krull	DOT sand truck threw rocks and damaged claimant's windshield.	\$393.58	\$393.58
T960541	Anderson Erickson Dairy	DOT vehicle struck and damaged semi parked on shoulder of road.	\$1,686.30	\$1,599.68
T960542	James H. Dale	DOT snowplow backed into claimant's vehicle.	\$2,642.63	\$3,337.17
T960543	Sally M. Johl	State driver rearended claimant's vehicle.	\$443.65	\$443.65
T960546	American Family Insurance as Subrogee of Erica Neuenkirk	DOT vehicle from construction site struck claimant's vehicle.	\$2,353.94	\$2,000.00
T960550	Duane Marshall Duncan	DOT sand truck threw rocks and chipped claimant's windshield.	Unspecified	\$282.73

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960552	Susan Elaine Chesnut	DOT sand truck threw rocks and chipped claimant's windshield.	\$40.95	\$40.95
T960554	Chen Cheng Chou	State driver backing up hit claimant's vehicle.	\$818.10	\$818.10
T960556	Shirley Thiering	Sponge left in from Pre-op Care (UIHC).	\$120.00	\$120.00
T960557	William R. Peitzman	DOT vehicle rearended vehicle then backed into other vehicle.	\$289.06	\$289.06
T960560	Shary Lynn Maliszewski	State driver sideswiped claimant's vehicle.	\$547.00	\$546.40
T960561	Gary L. Rathjen	Claimant fell and injured head at Mason City Job Service of Iowa.	\$379.50	\$379.50
T960563	Jacquelyn Oujiri	State driver rearended claimant's vehicle.	\$608.79	\$608.79
T960564	Grinnell Mutual Reinsurance Co. as Subrogee of James E. Miller	State vehicle struck claimant's vehicle causing property damage and personal injury.	\$6,421.55	\$6,421.55
T960568	Gretchen Tegeler	Claimant's parked vehicle was damaged by snow and ice from slanted portion of Capitol roof.	\$507.09	\$507.09
T960569	State Farm Insurance as Subrogee of Rose Brown	State vehicle rearended claimant's vehicle.	\$3,656.30	\$3,656.30
T960571	Douglas P. Wise	State driver sideswiped claimant's vehicle.	\$253.98	\$179.20
T960574	Rags to Riches	State driver backing up hit claimant's vehicle.	\$762.46	\$762.46
T960578	Roger Roghair	DOT truck threw sand and cracked claimant's vehicle windshield.	\$258.95	\$207.76
T960579	James E. Miller	State vehicle struck claimant's vehicle causing property damage and personal injury.	\$3,500.00	See T960598
T960580	Larrie J. Williams	DOT sand truck threw rocks and damaged claimant's windshield.	\$351.61	\$278.67
T960581	Chris J. Kimm	DOT snowplow backing into claimant's parked vehicle.	\$996.33	\$996.33
T960582	Victor M. Wilson	DOT erred on Driver's License record - costs incurred to claimant.	\$26.34	\$26.34
T960584	Robert Andrews	DOT sand truck threw rocks and damaged claimant's windshield.	\$206.03	\$139.04

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960586	Ronald Breseman	State driver sideswiped claimant's vehicle.	\$322.55	\$322.55
T960590	John H. Connors	Claimant's vehicle's antenna was broken by gate arm.	\$94.95	\$94.95
T960593	Mike McClish	Div. of Narcotics employee damaged door to claimant's apartment.	\$366.00	\$366.00
T960595	Alan Carstensen c/o F&W Service Co., Inc.	DOT sand truck threw rocks and damaged claimant's windshield.	\$332.91	\$243.13
T960596	Sharon Hotz	Claimant fell in Ramp #1 at SUI.	\$1,000.00	\$600.00
T960597	Nancy J. Miller	State vehicle struck claimant's vehicle causing personal damage and personal injury.	\$3,690.00	See T960598
T960598	James E. Miller on behalf of Christopher L. Miller, Minor Child	State vehicle struck claimant's vehicle causing property damage and personal injury.	\$1,200.00	\$7,890.00
T960600	Paul Thurman	UNI van backed into claimant's vehicle.	\$550.00	\$550.00
T960601	Mark W. Fielder	DOT dump truck hit overhead wires on claimant's property.	\$2,176.70	\$2,176.70
T960603	Richard Merten	DOT sand truck threw rocks and damaged claimant's windshield.	Undetermined	\$97.52
T960604	Farm Bureau Mutual Ins. Co. as Subrogee of Jean A. Harrington-Britt	Dept of Public Safety vehicle struck claimants vehicle.	\$5,887.35	\$5,887.35
T960608	JoAnn Schnabel	Artist's sculpture damaged.	\$600.00	\$600.00
T960611	Rodney Mendenhall	DOT sand truck threw rock and damaged claimant's windshield.	\$391.50	\$293.20
T960612	Nancy Lynn Foster	Claimant's cane was broken while resident at UIHC.	\$125.00	\$125.00
T960618	Richard Bednar	DOT sand truck threw material and damaged claimant's vehicle.	\$985.18	\$662.72
T960621	Swiss Valley Ag Service	Plow lost blade piece and semi struck it and damaged tire.	\$355.00	\$355.00
T960623	Barbara Lea Preston	DOT plow wing broke post and post struck and damaged claimant's vehicle.	\$618.42	\$618.42
T960628	Kerri Menke	U of I vehicle rearended claimant's vehicle.	\$66,512.80	\$10,000.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960629	State Farm Insurance as Subrogee of Frank & Roberta McNeal #155291802	State driver rearended claimant's vehicle.	\$3,630.50	\$3,630.50
T960630	James G. Lawson	State driver sideswiped claimant's parked vehicle.	\$420.00	\$401.52
T960631	Des Moines Chrysler-Plymouth, Inc.	DOT snowblower threw debris and damaged claimant's vehicle.	\$450.00	\$450.23
T960632	Ray Cook	DOT plow wing struck and damaged claimant's vehicle parked on shoulder.	\$600.00	\$600.00
T960634	Peter M. Casperson	State driver sideswiped claimant's vehicle.	\$287.33	\$287.33
T960635	Marla Bronson	DOT sand truck threw rocks and damaged claimant's windshield.	\$178.17	\$178.17
T960637	David Roy Witzke	Claimant's vehicle received yellow overspray from DOT painting operation crew.	\$379.40	\$379.40
T960641	Vincent Craig Jones	State driver opened door and damaged claimant's vehicle.	\$221.00	\$221.00
T960642	William Ray	State driver rearended claimant's vehicle.	Undetermined	\$764.44
T960643	Roger Dee Hanna	State driver lost control on ice and hit claimant's vehicle.	\$2,355.34	\$1,355.34
T960644	Stephanie Hawkins	DOT snowplow wing knocked sign down and sign hit claimant's vehicle.	\$248.20	\$198.74
T960645	Shannon Alicia Ostrich	DOT snowplow struck and damaged claimant's stalled vehicle.	\$639.44	\$319.72
T960646	Samuel M. Walker	Medical malpractice against UIHC.	\$200,000.00	\$9,250.00
T960647	Samuel M. Walker	Medical malpractice against UIHC.	\$200,000.00	See T960646
T960649	Goose Creek Auto/Truck Plaza	DOT vehicle pulled nozzle out of gas pump.	\$263.90	\$263.90
T960653	John Leo Kelly	U of I vehicle rearended claimant's vehicle.	\$3,000.00	\$7,332.02
T960654	O'Brien County Sheriff's Office	DOT vehicle pulled in front of vehicle causing damage.	\$1,340.80	\$1,340.80
T960655	Nathan Stahmer	DOT vehicle rearended claimant's vehicle.	\$1,797.50	\$2,738.51
T960656	Farmers Cooperative	DOT sand truck struck and damaged overhead canopy in the pump area.	\$2,828.93	\$2,828.93

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960657	Kelly A. Bell	DOT vehicle pulled nozzle from gas pump.	\$50.00	\$50.00
T960658	Kathryn Tinker	Claimant's clothing misplaced (UHC).	\$142.00	\$142.00
T960659	Gaylon J. Popkes	DOT vehicle backed into claimant's parked pickup.	\$218.00	\$218.00
T960661	FBG Service Corporation	State driver hit claimant's stopped vehicle.	\$381.06	\$280.00
T960662	Lozier Heating & Cooling	State driver rearended claimant's vehicle.	\$1,742.69	\$1,742.69
T960663	Waterloo Police Department	DOT plow wing struck and damaged claimant's vehicle.	\$1,183.60	\$1,183.60
T960665	Edward W. Adams	Crops damaged during SUI archaeological investigation.	\$69.00	\$69.00
T960666	Telaleasing Enterprises, Inc.	DOT vehicle slid on ice and struck and damaged pay phone.	\$984.27	\$984.27
T960673	Mary Meyer	State driver slid into claimant's vehicle.	\$619.79	\$619.79
T960675	James Borders	DOT snowplow struck and damaged claimant's mailbox.	\$26.49	\$26.49
T960678	Cincinnati Insurance Company as Subrogee of Sherrill Swanson	Claimant's vehicle damaged from skid loader during snow removal	\$755.29	\$755.29
T960681	Debra J. Klinzing	Claimant's vehicle's antenna was damaged by gate arm.	\$38.85	\$38.85
T960682	Michelle Nelson	State driver backed into claimant's vehicle.	\$1,518.24	\$1,518.24
T960684	Douglas Richard Clabaugh	State driver backed up into claimant's vehicle.	\$770.00	\$763.91
T960685	Belfondia Pou	Claimant's vehicle damaged by SUT's gate arm.	\$78.84	\$78.74
T960692	State Farm For Flora & Eshagh Hamid	Claimant's vehicle damaged in accident resulting from fluid leaked by SUI campus.	\$1,535.29	\$1,535.29
T960694	Harry Varisco	Claimant's razor damaged while resident at Iowa Veterans Home.	\$42.87	\$42.87
T960695	Anthony Scigliano	DOT vehicle rearended claimant's parked vehicle.	Undetermined	See T960869
T960696	Jeramie Allen May	State driver backed into claimant's vehicle.	\$500.00	\$508.13

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960700	Viola M. Dietz	Claimant's glasses misplaced (UIHC).	\$219.20	\$219.20
T960701	Angela Weltzin	Claimant lost ring at Iowa Mental Health Institute.	\$377.78	\$377.78
T960702	State Farm Insurance on behalf of Jeff Fleming	DOT snowplow backed into claimant's vehicle.	Unspecified	\$400.00
T960703	Tangela Ryan	State driver pulled out and collided with claimant's vehicle causing personal injury and property damage.	\$6,375.15	\$2,414.03
T960704	American Family Insurance Group as Subrogee of Steve & Mary Baird	U of I vehicle backed into claimant's vehicle.	\$2,207.87	\$2,375.80
T960708	US West Communications	DOT mower mowed over telephone pedestal.	\$113.20	\$113.20
T960715	Jean Powell	Older man and Driver License number machine fell on customer.	\$155.00	\$155.00
T960717	Scott Gustafson	DOT sand truck threw rocks and damaged claimant's windshield.	\$288.34	\$288.34
T960719	Ulrich Motor Co.	State driver sideswiped claimant's vehicle.	\$625.05	\$625.05
T960721	Dan Walsh	DOT sand truck threw sand and damaged claimant's windshield.	\$291.04	\$291.04
T960722	Steven Robert Rodrick	State driver sideswiped claimant's vehicle.	\$1,032.33	\$905.02
T960723	Lynea M. Kelly	State driver backed into claimant's vehicle.	\$140.35	\$140.25
T960725	Christine Mahlberg	DOT snowplow struck and damaged claimant's parked vehicle.	\$200.81	\$200.81
T960726	R.J. Delivery, Inc.	State driver backed into claimant's vehicle.	\$1,527.26	\$1,527.26
T960728	Debbie Maher	DOT snowplow threw rocks and damaged claimant's windshield.	\$36.70	\$36.70
T960729	State Farm Insurance as Subrogee for James Hilliard	State driver backed into claimant's vehicle.	\$1,210.83	\$1,176.83
T960730	Fei Yu on behalf of Ms. Juxiu TENG	Claimant slipped and fell.	\$18,772.07	\$18,772.07
T960731	Union Insurance Company for Leo Hickey	State driver backed up and hit claimant's vehicle.	\$1,003.20	\$1,003.20
T960733	David C. Woods	Dept. of Human Services employee made improper lane change and struck claimant's vehicle.	\$2,574.44	\$2,535.73

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960734	Janice M. Burns	State driver sideswiped claimant's vehicle.	\$732.79	\$732.79
T960735	Curtis Wayne Engelhardt	Claimant's vehicle damaged while being assisted by ISU Help Van.	\$32.60	\$39.60
T960739	Charles M. Adelman	Water damage to claimant's office materials at UNI.	\$380.00	\$259.90
T960742	Melanie Sue Schimmer	State driver sideswiped claimant's vehicle.	\$451.43	\$451.43
T960744	Allied Mutual Insurance for Robert Lyons	State driver backed into claimant's vehicle.	\$1,072.93	\$1,072.93
T960757	Daniel J. Cook	Claimant's vehicle stolen and sustained damages.	\$3,948.70	\$3,948.70
T960758	Leo F. Anderson	Claimant's vehicle damaged by gate at Iowa State Fairgrounds.	\$762.17	\$762.17
T960759	American Family Insurance for Robert Estle	State driver rearended claimant's vehicle.	\$685.72	\$685.72
T960761	Harold Pope	State driver hit claimant's parked vehicle.	\$677.07	\$677.07
T960762	Jerry Wayne Smith		\$221.83	\$301.83
T960765	Maria & Esteban Garcia	State driver backed into claimant's vehicle.	\$1,040.88	\$1,040.88
T960771	Jennifer Marie Hamski	State driver backed into claimant's vehicle.	\$853.77	\$853.77
T960772	Allstate Insurance Co. as Subrogee of Mary Anna Velasquez	State driver backed into claimant's vehicle.	\$696.19	\$696.19
T960774	Alysha Cardamone	State driver hit claimant's parked vehicle.	\$1,195.05	\$1,032.40
T960776	Vernon Peters	Tar from DOT operation crew got on claimant's vehicle and trailer.	\$136.00	\$136.00
T960777	Eugene I. Hingtgen	DOT snowblower threw debris and damaged claimant's shingles.	\$45.53	\$45.53
T960779	Frances V. Goetz	Tree being shipped stuck out and damaged passing claimant's vehicle.	Undetermined	\$165.16
T960781	Robert Wesley Headler	Claimant's amplifier damaged by leaky ceiling in SUI dorm room.	\$319.99	\$291.00
T960782	Lydia Hochstedler	Claimant's vehicle damaged when SUI truck rolled into it.	\$217.50	\$168.10
T960784	Heartland Senior Services	State driver sideswiped claimant's vehicle.	\$317.60	\$317.60

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960785	James Bryan Allen	DOT battery fell from vehicle and bolt struck claimant's windshield.	\$260.95	\$156.95
T960786	Christopher Lauther	Claimant's tapes were lost while inmate at Mount Pleasant Correctional Facility.	\$124.89	\$124.89
T960787	Brad Hunter	Claimant's vehicle damaged by SUI gate arm.	\$226.35	\$226.35
T960789	Denise & Joseph Heese	Public Safety driver rearended claimant's vehicle.	Undetermined	\$6,972.50
T960791	Auto-Owners Ins. Co. as Subrogee of Mark & Susan Fischer	DOT vehicle ran stop sign and collided with claimant's vehicle.	\$3,333.64	\$3,772.35
T960792	State Farm Insurance as Subrogee of Thyagarajan Srikantha and Rupasree Srikantha	U of I vehicle rearended claimant's vehicle.	\$2,639.02	\$2,639.02
T960793	Wendi Wolfe	State driver backing up and hit claimant's vehicle.	\$465.66	\$420.13
T960794	Bradley Tingley	DOT vehicle threw slush and damaged claimant's vehicle.	\$2,356.28	\$1,400.00
T960796	Forrest Reed Petersen	DOT snowplow scraped claimant's parked vehicle.	\$4,427.18	\$4,427.18
T960799	Todd Lee Capps	DOT erred on driving record resulting in false arrest of claimant.	Unspecified	\$209.75
T960800	Roxanne Hill	DOT truck's tire threw rock and damaged claimant's windshield.	\$200.94	\$200.94
T960801	Joon Bu Park	Claimant's vehicle was damaged by gate arm at SUI.	\$57.38	\$57.38
T960809	John F. Keane	DOT snowplow damage twelve fir trees on claimant's property.	\$4,500.00	\$4,500.00
T960811	Stephen Lawrence Kness	Light fixture fell and broke damaging claimant's windshield.	\$1,368.50	\$1,368.50
T960813	Shawn E. Hulbert	DOT sand truck threw rocks and damaged claimant's windshield.	\$291.96	\$291.96
T960815	Richard M. Fox	State driver backed into claimant's vehicle.	\$512.93	\$512.93
T960820	Jim's Tree Service, Inc.	DOT's snowplow struck claimant's stopped vehicle.	\$1,276.22	See T960885

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960823	Storm Jay Ziegler	State driver was backing up and hit claimant's vehicle.	\$884.05	\$716.03
T960824	Kara Voss by Chad Allee	State driver sideswiped claimant's parked vehicle.	\$759.59	\$759.59
T960825	James W. Stevens	DOT snowplow wing struck claimant's stopped vehicle.	\$113.22	\$113.22
T960826	Cindy Mangler	DOT sand truck threw rock and damaged claimant's windshield.	\$192.18	\$192.18
T960827	Aero Rental, Inc.	Claimant's truck damaged by U of I vehicle.	\$2,382.33	\$2,382.33
T960831	Kimberly Sue Mullins	DOT snowplow struck claimant's stranded vehicle in snow.	\$1,051.62	\$1,217.82
T960838	William C. Ludban	DOT vehicle lost rocks and damaged claimant's windshield.	\$337.90	\$337.90
T960840	Gourmet Popping Corn Co.	State driver backed up and hit claimant's vehicle.	Unspecified	\$1,082.18
T960841	State Farm Insurance Companies as Subrogee of G. Brian Weiler	U of I vehicle was backing up and struck claimant's vehicle.	\$2,109.14	\$2,109.14
T960843	Carolyn Ann Hansgaard	DOT snowplow threw rocks and damaged claimant's windshield.	Unspecified	\$525.64
T960844	Maxine A. Savery	DOT vehicle threw rocks and damaged claimant's windshield and hood.	\$411.84	\$782.09
T960846	The St. Paul Fire & Marine Insurance Co. as Subrogee of Douglas & Peggy Peterson	Dept. of Corrections employee rearended claimant's vehicle.	\$5,500.22	\$5,500.22
T960847	Woo-Im Jang	Claimant's hand injured during lab class at ISU.	\$164.20	\$164.20
T960852	State Farm as Subrogee of Ruth Gleason	DOT vehicle changed lanes and struck claimant's vehicle.	\$898.35	\$898.35
T960853	Norman James Beu	Claimant's vehicle damaged by metal rod in parking lot at UNI.	\$34.42	\$34.42
T960854	Sarah Jeanne Burton	DOT snowplow merging and struck claimant's vehicle.	\$1,059.21	\$976.04
T960855	Joseph M. Pacha	State driver hit claimant's parked vehicle.	Unspecified	\$268.18
T960856	Farm Bureau Insurance as Subrogee of Gregory Mark Paine	DOT vehicle struck and damaged two vehicles.	\$1,989.05	\$1,989.05

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960857	Ronald Leroy Wetzel	DOT sand truck threw rocks and damaged claimant's windshield.	\$353.00	\$352.66
T960860	Integrity Mutual Insurance Company as Subrogee of Wayne D. Noel	Public Safety driver rearended claimant's vehicle.	Unspecified	\$3,350.00
T960863	Sonja Marie Rye	State driver was backing up and struck claimant's vehicle.	\$1,856.00	\$1,856.00
T960868	John C. Fuller, Jr.	State driver backing up and struck claimant's vehicle.	\$877.52	\$833.42
T960869	State Farm Insurance as Subrogee of Anthony Scigliano	DOT vehicle rearended claimant's vehicle.	Undetermined	\$5,349.43
T960872	Auto-Owners Insurance as Subrogee of Jean Rose	DOT vehicle rearended claimant's stopped vehicle at intersection.	\$1,295.94	\$1,295.94
T960875	Karan June Munch	State driver rearended claimant's vehicle.	\$656.69	\$656.69
T960876	Jacquenne M. Harms	DOT sand truck threw rocks and damaged claimant's vehicle.	Undetermined	\$1,119.16
T960880	Geico Insurance Company A/S/O Vernon Lamd	Dept. of Public Safety's vehicle struck claimant's vehicle.	\$11,517.97	\$8,062.58
T960881	Sean Michael Tye	Claimant's microwave damaged by power surge at SUI.	\$129.99	\$129.99
T960882	Lawrence Faust	DOT truck backed into path of claimant's vehicle.	\$574.20	See T961046
T960883	Marilyn McPherson-Ledbetter	Claimant's vehicle damaged by gate arm at SUI.	Undetermined	\$486.20
T960884	Rafael Rodriguez	Claimant's vehicle damaged by gate arm at ISU.	\$618.71	\$618.71
T960885	Continental Western Insurance Co. as Subrogee of Jim's Tree Service	DOT snowplow struck claimant's parked vehicle.	\$1,276.22	\$1,376.22
T960886	Rand RJ Bronemann	Claimant's vehicle damaged by rod extending from parking barrier at SUI.	\$1,099.81	\$990.27
T960887	State Farm Insurance on behalf of Arlene Feldman	State driver rearended claimant's vehicle.	\$1,630.35	\$1,630.35
T960891	Allied Mutual Insurance Co. as Subrogee of Bruce Thomason (AAP5459759)	DOT vehicle pulled onto roadway and collided with claimant's vehicle.	\$5,125.90	\$5,125.90

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960901	IMT Insurance Company as Subrogee of Carroll Schlemmer	Claimant's vehicle damaged by inmate at ISMR.	\$240.45	\$240.45
T960905	EMCASCO Insurance Company for Atlantic Bottling Co.	Claimant asking for worker's compensation because of injury while making deliveries at Lucas cafeteria.	\$9,065.67	\$9,065.67
T960906	Beth Aswegan	Claimant's vehicle damaged by Capitol gate arm.	\$62.58	\$62.58
T960907	M & T Investments	U of I vehicle struck claimant's vehicle.	\$3,243.88	\$3,314.93
T960908	Alfred Danny Olmstead	DOT vehicle splattered paint on claimant's vehicle.	\$498.49	\$126.76
T960913	Derrel Van Mersberger	Tile damaged by DOT operation.	\$193.13	\$193.13
T960918	Erica Elaine Snider	Claimant fell on steps at Bartlett Hall at UNI.	\$60.00	\$80.00
T960922	Larry R. Roeder	Corn crop damaged by contractor from tile relocation.	\$280.00	\$286.70
T960923	Kristi Lou Higby	U of I vehicle rear-ended claimant's vehicle causing PI and PD.	Undetermined	\$3,664.87
T960960	Aramark, Inc / GE Capital Fleet	State driver sideswiped claimant's parked vehicle.	\$771.80	\$771.80
T960961	Edwin L. Allen	Claimant's vehicle damaged by Capitol gate arm.	\$173.10	\$173.10
T960963	Cheryl A. Lehr	State driver sideswiped claimant's vehicle.	\$78.75	\$76.86
T960966	State Farm Insurance as Subrogee of Donald Davis	State driver sideswiped claimant's vehicle.	\$608.66	\$608.66
T960971	Judith Katherine Becthold	DOT sand truck threw rocks and damaged claimant's windshield.	\$383.17	\$383.17
T960974	John Timothy Bright	Claimant charged for class which he had withdrawn from at UNI.	\$431.00	\$389.90
T960977	State Farm Insurance for William Huggins	State driver sideswiped claimant's parked vehicle.	\$724.35	\$724.35
T960978	Gary Gene Wirtjes	State driver backed up and hit claimant's vehicle.	\$577.69	\$577.69
T960979	Jamie Allen Beeson, #1065844-A6	Claimant's personal property was not insured as directed at IMR.	\$200.00	\$200.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960980	Cindy Harr	DOT truck lost rock and damaged claimant's windshield.	\$234.80	\$200.70
T960981	Cheryl Lee Ramler	Valet damaged claimant's vehicle.	\$1,148.55	\$977.51
T960987	Midwest Import Repair, Ltd.	State driver made improper lane change and struck claimant's vehicle.	\$797.50	\$750.78
T960990	Karen Louise Gustafson	State driver backed into claimant's vehicle.	\$863.64	\$863.64
T960991	Nationwide Mutual Insurance Company for Deborah Heiss	U of I vehicle was backing up and hit claimant's vehicle.	\$2,903.73	\$2,903.73
T960993	Millers Mutual Insurance as Subrogee of Eugene Hollen (921-2629)	DOT vehicle turned in front of claimant's oncoming vehicle.	\$3,365.00	\$3,365.00
T960999	Kenneth Crosby	U of I vehicle rearended claimant's vehicle.	\$508.34	\$508.34
T961000	Lisa Marie Sisco	DOT mower threw rocks into claimant's van window.	\$378.65	\$378.65
T961001	Marilyn K. March	State driver sideswiped claimant's vehicle.	\$1,940.89	\$2,000.00
T961003	Stanley Franklin Clark	Error in driving record - cost involved.	\$65.40	\$65.40
T961005	Robert T. Timmons	DOT mower threw rocks and damaged EE's windshield.	\$177.76	\$177.76
T961017	Jennifer Leigh Hamos	Claimant's vehicle damaged by debris from SUI chopper.	\$288.75	\$288.75
T961018	Orville C. Smith	Claimant's vehicle damaged from excess rocks on road.	\$290.34	\$290.34
T961021	Jennifer Ann Fincher	DOT mower threw rocks and damaged claimant's vehicle.	\$994.39	\$994.39
T961022	Iowa Beef Processors Incorporated	Weight from state vehicle damaged claimant's vehicle.	\$135.60	\$237.06
T961023	Shirley Anne Flansburg	State driver hit pedestrian.	\$5,000.00	\$1,500.00
T961030	Lester Hawthorne	State driver backed into claimant's vehicle.	\$1,102.00	\$918.70
T961031	Wendell Ralph Dickey	Claimant's vehicle damaged by gate arm.	\$78.75	\$78.75
T961034	Sean Kenefick	Claimant's vehicle damaged by gate arm at SUI.	\$237.56	\$237.56

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T961038	City of Spencer	State driver lost control of car and damaged claimant's vehicle.	\$664.60	\$664.60
T961039	Guy Eutsler	DOT mower with mounted loader backed up and struck claimant's vehicle.	\$1,500.00	\$1,500.00
T961041	Mary Jo & Raymond Lake on Behalf of Douglas Lake	Injuries sustained during orthodontic procedure at UIHC.	\$1,300.00	\$1,300.00
T961044	Ly Lan Ung	State driver failed to yield right of way and struck claimant's vehicle.	\$480.05	\$480.05
T961046	Farm Bureau Mutual Insurance Company as Subrogee of Lawrence J. Faust	DOT truck backed up into claimant's vehicle.	\$4,199.27	\$4,773.47
T961051	Larry Albert Rader	DOT push mower threw rocks into EE's vehicle.	\$240.50	\$145.00
T961052	Ingeborg A. Bland	Claimant's parked vehicle by IVH's mower.	\$232.00	\$232.00
T961057	Douglas DeMoss	DOT sand truck threw material and damaged claimant's windshield.	\$369.45	\$369.45
T961059	Christopher Terry	DOT mower threw rocks and damaged claimant's windshield.	\$300.30	\$180.78
T961062	State Farm Insurance as Subrogee of Maurice MacDonald	State driver sideswiped claimant's vehicle.	\$1,465.46	\$1,465.46
T961070	Giang Hoang		\$4,339.91	\$4,490.24
T961071	Ironhorse Motel	Pipe and sign from DOT vehicle struck canopy.	\$75.00	\$75.00
T961073	David B. Hingstman	State driver backed into claimant's vehicle.	\$481.83	\$481.83
T961074	Wilford D. Matthews	Survey crew left chain on property and damaged mower.	Undetermined	\$30.40
T961076	Mark Spragg	State driver struck claimant's vehicle causing PI and PD.	\$5,000.00	\$4,647.00
T961078	Elizabeth C. Smith	Claimant was burned on hot plate in chemistry class at ISU.	\$188.83	\$188.83
T961080	Donna Imelda Juran	DOT mower threw rocks and damaged claimant's vehicle.	Undetermined	\$137.75
T961081	Douglas Edward Manley	DOT EE's vehicle received paint overspray from building.	\$110.50	\$110.50

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T961084	Jonathon Parke	DOT mower threw rocks and damaged claimant's vehicle.	\$1,524.86	\$1,524.86
T961090	Jack Amen	Tooth fractured during dental procedures at UIHC.	\$981.00	\$981.00
T961091	Betty Heine		\$579.28	\$579.28
T961092	GTE Telephone Operations		\$775.62	\$775.62
T961093	George Humphrey, Sr.	DOT mower threw rocks and chipped claimant's windshield.	\$31.75	\$31.75
T961094	Matthew M. Parks	Lock damaged when bike was mistakenly impounded at SUI.	\$30.45	\$30.45
T961095	Merastar Insurance Co. as Subrogee of Carmen Atkinson	U of I made left turn and collided with Claimant's vehicle.	\$2,250.19	\$2,250.19
T961100	Daniel William Lawler	Claimant's vehicle received tar from maintenance operation.	\$120.00	\$324.50
T961102	American Systems Technologies, Inc.	State driver damaged railroad crossing arm.	\$433.39	\$433.39
T961105	Traer Municipal Utilities	DOT struck underground wire when augering.	\$386.90	\$386.90
T970006	Joseph & Rita LeGrand	Claimant's parked vehicle was scratched by cart wheeled by with pipes sticking out of it.	\$435.78	\$435.78
T970009	John Douglas Van Beest	Claimant's window of his vehicle was shattered by a rock thrown by a DOT Push Mower.	\$208.95	\$208.95
T970010	Mary Jo Small	Claimant's parked vehicle was struck by a U of I vehicle.	\$1,074.63	\$1,074.63
T970011	Dale Cleghorn	Claimant's windshield was damaged by a rock thrown off a DOT truck.	\$39.95	\$39.95
T970012	Kimberly Dawn Osen	Claimant was rearended by a DOT vehicle.	\$750.00	\$741.82
T970016	Hope Hornyak	Claimant's driver's side door was dented by a DOT vehicle.	\$140.80	\$140.80
T970017	Daniel Mabee	Claimant's parked vehicle was struck by a state vehicle.	\$641.59	\$641.59
T970022	Mary Lassance	Claimant's vehicle was damaged by a rock thrown by a DOT sand truck.	\$515.87	\$515.87

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970023	Seyed Hassa Roosta	Claimant's parked vehicle was damaged by a softball thrown by a University of Iowa Hospitals and Clinic's patient.	\$178.00	\$178.00
T970028	Mark Steven Halsey	Claimant's vehicle was sideswiped by a DOT vehicle.	\$964.63	\$631.90
T970032	Terri Lynne Derflinger	Claimant's suede coat and boot shoes were damaged when a radiator leaked antifreeze onto floor.	\$202.86	\$202.86
T970034	NAPA Auto Parts of Carroll	Claimant's business (store window) was damaged when a DOT mower allegedly threw a rock.	\$269.00	\$278.25
T970035	Arthur Douglas Stewart	Claimant's vehicle was struck by a University of Northern Iowa vehicle.	\$1,500.00	\$1,338.98
T970038	Gordon E. Grattan	ISU vehicle backed into claimant's vehicle.	Unspecified	\$1,232.83
T970041	Linda B. Laurenzo	Claimant's vehicle was damaged by a parking gate arm.	\$46.00	\$46.00
T970044	Cecil K. Carper	State vehicle backed into claimant's vehicle.	\$793.93	\$850.61
T970047	Jonathon R. Parke	DOT mower threw rocks at claimant's vehicle.	\$1,524.86	See T961084
T970050	Hinman Contractor & Builder	State vehicle backed into claimant's parked vehicle.	\$333.87	\$333.87
T970052	Hotsy Equipment Company	State vehicle sideswiped claimant's parked vehicle.	\$1,149.40	\$1,149.40
T970053	Andrew Farms, Inc.	Claimant's crop was damaged when DOT's brakes failed and vehicle drove into claimant's field.	\$10.00	\$10.00
T970057	Self Insured Services Co. as Subrogee of Mau Trucking, Inc.	Claimant's vehicle was sideswiped by a DOT snow plow.	\$1,165.98	\$1,060.98
T970059	L.P.W.	DOT snowplow's wing struck left side of claimant's vehicle.	\$809.88	\$809.88
T970060	Casey's General Store	DOT mower allegedly knocked a post into claimant's building.	\$456.90	\$456.90
T970061	Grinnell Mutual as Subrogee of Michael and Julie McBride	DOT driver lost control of University owned lawn tractor causing damage to claimant's parked vehicle.	\$1,245.30	\$1,245.00
T970063	Tim Lee Anderson	DOT pickup rolled into parked claimant's vehicle.	\$371.62	\$371.62

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970069	Ole C. Wilbholm	State vehicle backed into claimant's vehicle.	Unspecified	\$681.93
T970070	Barbara J. McDannel	Claimant's fifth-wheel was damaged by flying rocks thrown from a mower operated by an employee of Natural Resources.	\$722.92	\$722.92
T970074	Faron Joseph Jensen	DOT mower allegedly mowed off two of the claimant's arbor vitae evergreen trees.	\$45.00	\$63.00
T970077	William J. Johnson	DOT vehicle backed into claimant's daughter's vehicle.	\$380.98	\$371.20
T970078	Karl Pinegar	Claimant's lawn damaged by farmer's cattle breaking through fencing that was the State's responsibility.	\$250.00	\$250.00
T970080	Merva M. Carlson	Parked vehicle at Iowa Men's Reformatory was damaged by lawn mower.	\$1,109.88	\$1,109.88
T970082	Steven Lee Crawley	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew.	\$577.70	\$577.70
T970085	William L. Stone	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew.	\$646.60	\$471.70
T970086	Susan S. Junge	Claimant's vehicle was rearended by a DOT vehicle.	\$3,871.00	\$3,871.00
T970087	John David Le Blanc	Claimant's vehicle was damaged when he struck a temporary DOT traffic sign that had fallen into the roadway.	\$730.66	\$730.66
T970088	Congregational United Church of Christ	Claimant's sewer problems because of work done at the University of Iowa property (Biology Building).	\$225.00	\$225.00
T970090	Susan Dunlap	DOT tractor mower struck a light pole causing the lamp to fall onto the claimant's passing vehicle.	\$1,221.67	\$1,065.43
T970092	Randy Lee Plath	Claimant's vehicle damaged by a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$751.69	\$751.69

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970095	Marian D. Long	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$1,525.40	\$1,525.40
T970096	Jeff L. Weigert	Claimant's vehicle was sprayed with a epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$477.00	\$477.00
T970097	Marilyn Nichols	Claimant was injured when her foot got caught on uneven places in the sidewalk (School of Dentistry) and went to Emergency Room.	\$314.50	\$314.50
T970100	Loras P. Manternach	Claimant's garage door was damaged by a rock thrown by a DOT mower.	Unspecified	\$172.71
T970102	Robert LeRoy Allen	U of I State vehicle backed into claimant's vehicle.	\$272.03	\$272.03
T970103	Nancy Shupe	Claimant's driver's side of vehicle was damaged by a rock thrown from a DOT mower she passed.	Unspecified	\$132.08
T970104	Mavis A. Baker	DOT vehicle backed from a parking stall into the claimant's vehicle as it passed through the parking lot.	\$746.70	\$746.70
T970105	Progressive Companies as Subrogee of Linda Galvin	ISU Employee was attempting to park a state owned vehicle and sideswiped the parked claimant's vehicle.	\$638.24	\$638.24
T970107	Emily Katherine Shack	Claimant's TV box was damaged by contractors measuring windows in dormitory.	\$110.00	\$110.00
T970112	Hawkeye Motors	Claimant's motor home struck a temporary traffic sign that fell into the roadway as the motor home passed by.	\$1,743.30	\$1,743.30
T970114	Diane Marie Nelson	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$459.76	\$459.76
T970115	David R. Andersen	Claimant's antenna on his vehicle was damaged when a Univ. of Iowa parking gate arm came down.	\$239.63	\$239.63

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970118	Darryl E. Cox	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$646.60	\$646.60
T970119	Betty L. Stukerjurgan	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$1,126.16
T970120	Steven W. Glaspie	Claimant's parked vehicle was damaged by a U of I street sweeper.	Unspecified	\$802.06
T970121	Mark E. Gardner	Claimant's vehicle was sprayed by a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$646.60
T970123	Stanley E. Weigert	Claimant's vehicle was sprayed by a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$800.00	\$572.40
T970124	Robert W. and Darla L. Chaddock	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$2,699.24	\$2,699.24
T970128	William M. Hedgepeth, Jr.	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$477.00	\$477.00
T970130	Judith L. Rittler	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$831.32	\$477.00
T970132	Tammy Lynn Close	Claimant's vehicle was damaged when a DOT pickup backed into it.	\$350.00	\$350.00
T970133	Brian E. Hall	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$952.20
T970134	Jill Rane Deitchler	DOT vehicle backed into Claimant's vehicle.	\$343.32	\$312.90
T970135	Gregory A. Kollman	U of I employee was backing up a state owned vehicle and struck the parked claimant's vehicle.	Unspecified	\$594.79

18th Day

THURSDAY, JANUARY 30, 1997

203

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970136	Dale E. Martin	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$572.40	\$572.40
T970137	Katherine Lynn Kehm	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$789.70
T970138	Shelter Insurance Company as Subrogee of Ed Brenneman	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$477.00	\$477.00
T970141	Jason A. Sasebee	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$922.00	\$906.04
T970142	Jean Blindt	Claimant's vehicle was damaged when U of I Valet Parking parked her vehicle.	Unspecified	\$440.42
T970143	Sherry Lynn Evans	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$482.30	\$482.30
T970144	Kurt Dominic Gadau	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$832.10	\$832.10
T970145	Kent J. Woods	Claimant's vehicle was damaged when debris from a U of I vehicle came from under the protective tarp and struck claimant's vehicle.	\$300.00	\$289.78
T970146	Joanne Mary Puck	U of I vehicle was making a left turn and sideswiped stopped claimant's vehicle.	\$531.49	\$490.04
T970149	Kenneth J. & Tonya R. Pope	Claimant's vehicle was sprayed by a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$1,824.82	\$1,824.82
T970150	Larry D. Joel	Claimant's parked vehicle was backed into by a University of Iowa Van causing damage to the rear fender.	\$450.00	\$345.98

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970151	William Chin	ISU state owned vehicle struck parked claimant's vehicle.	\$232.35	\$232.35
T970156	Gary Wayne Bartness	U of I Vehicle sideswiped stopped claimant's vehicle.	Unspecified	\$379.27
T970157	Northwood Electric, Inc.	DOT truck tore the serve lines from property in Northwood.	\$98.75	\$98.75
T970159	Lorie L. Townsend	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working the Burlington River Bridge.	Unspecified	\$92.75
T970160	Timothy F. Proctor	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$950.00	\$1,007.00
T970161	Ronnie Gene Moody	Claimant's stopped vehicle was covered with overspray as a DOT paint crew passed claimant painting the white centerline.	\$357.00	\$357.00
T970166	Julie A. Helling	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$2,387.76	\$2,387.76
T970169	Heather Pauline Patton	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$1,890.00	\$1,640.72
T970170	Jane D. Gammon	Teresa Hayes of the Department of Human Services was backing a state owned vehicle and struck claimant's vehicle.	\$201.45	\$201.45
T970175	Michael Arthur Taeger	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$646.60	\$646.60
T970178	Allen Michael Richart	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$717.32	\$717.32

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970179	George Barac	Claimant's vehicle was struck by an ISU state owned vehicle that was backing up.	\$800.00	\$363.52
T970180	Edna Alberta Keever	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$454.06	\$676.25
T970184	Brian A. Bauer	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$1,800.36	\$966.14
T970185	Dan Rutledge	Claimant's vehicle was damaged by a rock thrown from a DOT mower that claimant passed.	\$157.35	\$157.35
T970186	Willie H. Williams	Claimant's vehicle was sprayed with paint when an ISU employee was painting centerline.	\$112.00	\$112.00
T970189	Heather L. Hackbarth	Claimant's parked vehicle was damaged when inmates were moving, trimming the Capitol Complex. Claimant is a state employee.	\$314.50	\$314.50
T970190	Interstate Power Co.	Claimant alleges a DOT truck tore the service lines from property in Northwood and are seeking reimbursement for repairs to lines.	\$281.96	\$281.96
T970191	Eric C. Bridgewater	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$400.00	\$408.10
T970192	Jacqueline J. Landgraf	Claimant's tires on vehicle were damaged by protruding rods from cement.	\$561.25	\$561.25
T970193	Mona L. Kirchgatter	DOT vehicle left road and kicked rocks up from the shoulder into the windshield of claimant's vehicle.	\$270.00	\$267.68
T970196	Barbara K. Luckenbill	Claimant's vehicle was sprayed with two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$2,683.65	\$2,683.65

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970199	Anna Jane Hartley	Department of Human Services employee was backing up a state vehicle and struck the parked claimant's vehicle.	\$739.78	\$739.78
T970201	Thomas Schaefer on behalf of Minor Child, Andrew Thomas Schaefer	Claimant sustained injuries while participating in a "Field Day" event at claimant's school.	\$5,000.00	\$1,548.75
T970203	Roland Duane Sanders	Claimant's side window of his van was broken by a rock thrown by a weed eater operated by a DOT employee.	Unspecified	\$340.23
T970208	Kelly Kensett	Department of Human Services employee struck claimant's vehicle.	Unspecified	\$750.00
T970226	Michael E. Levy	Univ. of Iowa employee was backing up a state owned vehicle and allegedly struck the claimant's vehicle.	\$1,350.59	\$604.54
T970228	Gina Hardin	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$389.80	\$389.80
T970232	Russell G. Lewis	Fair Board Employee was backing up a state vehicle and struck claimant's vehicle.	Unspecified	\$2,445.29
T970233	Marilyn D. Clabaugh	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$424.00
T970242	Karen A. Shanks	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$479.65	\$479.65
T970243	Karen L. Schropp	Univ. of Iowa employee was backing up a state owned vehicle and struck claimant's vehicle.	\$544.91	\$544.91
T970247	Eileen T. Weddle	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$371.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970248	Jennifer Elizabeth Horton	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$371.00
T970250	Joseph Daniel Little Bear	ISU employee was making a right hand turn and sideswiped the parked claimant's vehicle.	\$363.00	\$393.91
T970252	John S. Pilger	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	Unspecified	\$739.35
T970255	Michael G. Amundson	Claimant's windshield was damaged by a piece of iron thrown by a DOT mower.	\$300.00	\$261.52
T970256	Carrie Lynn Jones	Claimant's CD's were stolen while at Bender Hall in Cedar Falls.	\$40.16	\$40.16
T970257	Catherine A. Dostal	Claimant's parked vehicle was damaged when a tractor lawnmower lost control and struck claimant's vehicle.	\$810.93	\$810.93
T970264	Pamela Sue Enlow	Claimant's windshield was damaged by a rock thrown from a DOT truck.	Unspecified	\$366.19
T970265	Jodi Adams on behalf of minor child, Hailey Hein	Claimant was injured at Ledges State Park.	\$40.00	\$40.00
T970266	Dudley Andrew	Claimant's personal property was lost while at Oakdale Hall.	\$744.98	\$744.98
T970267	Steven Ronald Ungar	Claimant's personal property were lost while at Oakdale Hall.	\$2,240.80	\$2,027.85
T970268	Andrew H. Barrick	DOT weed eater allegedly threw a rock into the window of the claimant's passing van.	\$366.88	\$366.88
T970276	Ira A. Van Curen	Claimant's vehicle was struck from behind by a DOT vehicle.	\$222.43	\$222.43
T970280	Karen Sue Kechner	Department of Human Services employee was backing up a state owned vehicle and struck parked claimant's vehicle.	\$474.92	\$474.92
T970282	Elaine Marie Schroeder	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$349.80	\$349.80

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T970283	Pamela J. Pressley	Claimant's vehicle was sprayed with a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$349.80	\$349.80
T970284	Jeffrey William Weeks	Highway patrol car rearended claimant's vehicle.	\$3,000.00	\$1,150.00
T970285	Grinnell Mutual Reinsurance Company as Subrogee for Judy Arthur	Claimant's vehicle was sprayed by a two-part epoxy sealer by a DOT bridge crew working on the Burlington River Bridge.	\$338.32	\$338.32
T970289	Jerry Gerard	Univ. of Iowa employee was backing up a state owned vehicle, failed to observe the claimant's vehicle and struck it.	\$5,140.42	\$3,739.96
T970331	Roxanne L. Weeks	Department of Public Safety employee was following the claimant's vehicle, failed to observe it slowing down and struck it.	\$3,000.00	\$3,050.00
T970384	Jennifer Kay Hennings	Department of Human Services employee was attempting to pull into a parking space and struck the parked claimant's vehicle.	Unspecified	\$609.38
T970397	Trudy R. Kelly	Department of Human Services employee was backing up a state owned vehicle and struck the claimant's vehicle.	\$258.48	\$258.48
T970467	Ronald John Lovlyn	Department of Public Safety employee was attempting to make a u-turn, failed to observe the claimant's vehicle and struck it.	\$6,139.00	\$4,139.08

Monies Paid From General Fund For 1996

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
06439157	Mears Law Office	\$1,200.00
06372536	Michael Agocs & William Price, Atty	\$6,800.00
06393846	Polk County Clerk of Court	\$97.50
06511162	James Burrows	\$300.00
06511163	Jeffrey Lipman Settlement	\$9,500.00
06605480	Lee County Clerk Costs	\$40.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
06605481	Linn County Clerk Costs	\$80.08
06605479	Lee County Clerk Costs	\$95.00
06632024	Celeste M. Stoltze & Luis Herrea, Atty Settlement	\$7,000.00
06605478	Jones County Clerk Costs	\$90.00
06934878	Patrick Ingram % Mears Law Office Settlement Costs	\$625.00
06934879	Mears Law Office Settlement	\$2,681.30
06934880	John Kinyon and Esterh Dean His Attorney Settlement	\$3,500.00
06934881	Mears Law Office Settlement	\$100.00
06934882	James Burrows Settlement	\$23.71
06934893	Joseph Edward Riggs	\$100.00
06934894	Mears Law Office Settlement/Attorney Fees	\$450.00
06934895	Mears Law Office Settlement Cost	\$9,000.00
06848356	Craig D. Wagner Costs	\$250.00
06556513	Chris Tinley Trust Acct. Settlement/Costs/Attorney Fees	\$794,377.59
07125126	Rhonda Muhlenbruch & Terry Muhlenbruch & Atty James Hayes Settlement	\$105,000.00
07125132	Michelle Williamson, Richard Maher and Mandy Strigenz Settlement	\$75,000.00
07125123	Lee County Clerk of Court Costs	\$95.00
07125124	Lee County Clerk of Court Costs	\$90.00
07125121	Lee County Clerk of Court Costs	\$95.00
07125122	Lee County Clerk of Court Costs	\$95.00
07032287	Robert Cornell Settlement	\$2,163.67
07032288	Michael Joynt - Sullivan & Ward PC Costs/Fees	\$48,460.34
07032283	George Appleby, Carney, Williams, Blackburn, Grask, Appleby Client Trust Acct. Settlement	\$2,000.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
07032285	Michelle Rogers Settlement	\$4,000.00
07032286	Johnson County Clerk of Court Costs	\$35.27
07032282	Jones County Clerk of Court Costs	\$175.00
07040022	Craig Werner Settlement	\$11,871.17
07032284	Des Moines County Clerk of Court Costs	\$247.85
07865113	Opportunity Village c/o Legal Services of Iowa Settlement	\$6,653.30
07865112	Jones County Clerk of Court Costs	\$95.00
07865108	Darryl Weber & His Atty Mark Schuling Settlement	\$1,996.00
07865110	Craig Warner, Atty Settlement	\$5,320.03
07865111	Des Moines County Clerk Costs	\$6,551.14
07865109	Johnson County Clerk of Court Costs	\$50.00
07524949	Robert Cornell Settlement	\$210.16
07524950	Michael Joynt Settlement	\$2,818.42
07524953	Pearson's Drug Store & Douglas K. Burrell, Atty Settlement	\$400.00
07524951	Bruce Keyes Settlement	\$250.00
07524952	Kelly Phipps c/o Mears Law Office Atty Fees	\$250.00
07524954	Stacy Shablott & Martin Diaz, Atty Settlement	\$5,000.00
07631570	Muscatine General Hospital Settlement	\$70,000.00
07471205	Linn County Clerk of Court Costs	\$239.44
07471204	Story County Clerk of Court Costs	\$110.00
07471202	Lee County Clerk of Court Ft. Madison Costs	\$95.00
07471203	Mears Law Office Settlement	\$6,700.00
02164053	William R. Kochlefl Settlement	\$150,000.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
02164052	Carroll County Settlement	\$50,963.58
02205603	K. Michelle Carter & Her Atty Rod Powell Settlement	\$48,400.00
02164051	Wayne County Clerk of Court Costs	\$307.08
02227436	Lane and Waterman & Beth Ann Stratton Settlement	\$36,500.00
02249553	Mears Law Firm Settlement & Attorney Fees	\$550.00
02491847	Jeffrey Lipman % Lipman Law Firm Wapello County Clerk of Court Settlement Costs	\$1,717.88 \$20.00
02491848	George Eichhorn Settlement	\$200.00
02491849	Andrea BlackCloud and Jeffrey Lipman Settlement	\$3,000.00
02601693	Harold Mussmann	\$118.70
02491850	Jones County Clerk of Courts Settlement/Costs	\$42.50
02601694	Nancy J. & James Wagner and Fehseke Law Office Settlement	\$50,000.00
02839079	Robert Wright, Jr.	\$12,000.00
02785690	LeMars Mutual Insurance Company Settlement/Costs	\$1,050.35
Unavailable	Patrick K. Ingram % Mears Law Office - Lynch v. Cullen	\$1,300.00
03350155	Jones County Clerk of Courts - Love v. State of Iowa	\$195.10
03427601	George Goff v. Burton	\$2,533.82
03233107	Clinical Legal Programs - George Goff v. Burton	\$12,576.80
03399712	Jay Green v. State of Iowa d/b/a ISU	\$125,000.00
03399710	Xiaoping Ding, Robert Wilhelmi, individually, and as Father, Next Friend, and Legal Guardian of COLE WILHELMI vs. State of Iowa; Story County District Court	\$275,000.00
03399711	Mears Law Office - Beechum v. Kleis	\$1,175.00
03199499	Jones County Clerk of Courts - Jeffrey White v. State of Iowa	\$80.00
03007185	Polk County Clerk of Courts - Tracey Hildreth v. IDHS	\$338.91
Unavailable	Lee County Clerk of Courts - White v. State of Iowa	\$95.00
03399709	Clinical Law Programs - Brown (Andre) v. State of Iowa	\$5,000.00
03336064	Brown (Andre) v. State of Iowa	\$13,500.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
03336066	Jones County Clerk of Courts - Ernest F. Walters v. Paul Grossheim & John Thalacker	\$279.69
Unavailable	Dennis Gray & Johnson & Graeser - Dennis Gray v. State of Iowa	\$500.00
Unavailable	Jones County Clerk of Courts - James Conway v. State of Iowa	\$95.00
03314921	Patrick Ingram, Mears Law Firm - Hancock v. Thalacker	\$3,700.00
Unavailable	Petary and Humphrey & Haas - Petary v. State of Iowa	\$40,000.00
Unavailable	Brian Peppmeier and Thomas P. Slater - Peppmeier v. State of Iowa	\$10,000.00
Unavailable	Larry Scott & Humphrey & Haas - Jane Doe, Individually and as Administrator of Estate of John Doe, etc. v. State of Iowa	\$62,500.00
Unavailable	Risdal, Iowa State Penitentiary - Risdal v. Hedgepeth	\$180.00
02677674	Hynes, Dutton, Nelson and Conlin - Hynes, et al. v. Iowa State University	\$157,700.00
03314919	Jeff Lipman - Browne v. Black	\$100.00
03314920	Robert Conner v. Paul Grossheim	\$250.00
03284174	Clinical Law Programs - Robert Conner v. Paul Grossheim	\$6,202.41
03321814	Yolanda Garrett & Philip B. Mears - Garrett v. Stockner	\$4,000.00
02900673	Vande Kieft v. IDOT	\$3,462.56
03007186	Mahaska County Clerk of Courts - Vande Kieft v. IDOT	\$70.31
0007079	Tom Riley Law Firm - Weintraut v. State of Iowa	\$450,000.00
03172320	Farrish, Kruidenier, Moss, Dunn & Montgomery - Deborah Edwards v. Iowa Department of Corrections	\$17,500.00
03284173	Thomas M. Werner - Jon Custis v. Iowa Men's Reformatory	\$25,000.00
03284171	St. Paul Insurance Company - Lois & Phillip Oppold v. State of Iowa	\$12,500.00
Unavailable	Jon Custis v. Iowa Men's Reformatory	\$46,628.00
532jm31001	Signs v. Cooper	\$162,916.10

**MONIES PAID FROM DOT FUND FOR
SETTLEMENTS & JUDGEMENTS DURING 1996**

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
07890077	Christine Koehler and Wayne Pflughoeft, Her Atty	\$80,000.00
07890079	Black Hawk County District Court Clerk	\$116.60
02458980	Providian Assignment Corporation Settlement	\$250,000.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
02528854	Polk County Clerk of Court Costs	\$4,060.17
Unavailable	Margaret Ure, Loyal Ure, Farmers Casualty Company Mutual and John T. Breitbach, Attorney	\$14,000.00
03085057	Carrie Lynn Ackermann-Rice, Harry Rice, State Farm Insurance Co. and William K. Klinker, Attorney	\$1,000.00
03217298	Gary R. Devilbiss, the Veterans Administration, and Whitfield & Eddy	\$5,000.00
03028484	Rachel D. Deutmeyer by her Next Friends and Parents Daniel R. Deutmeyer and Linda A. Deutmeyer, and Daniel R. Deutmeyer and Linda A. Deutmeyer, Individually and their Attorneys Dutton, Braun, Staack, Hellman & Iversen	\$43,333.34
Unavailable	Clifford L. Tenold and His Attorney John H. Greve	\$9,500.00
Unavailable	Worth County District Court Clerk	\$809.25

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF CULTURAL AFFAIRS

The Annual Report for Fiscal Year 1996, pursuant to Chapters 7A.3 and 303.1(6)(b), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES Solid Waste Reduction and Recycling Study Committee

The Final Report, pursuant to Chapter 455D, 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

- 1997\61 Mr. and Mrs. Art Richards, Chariton – For celebrating their 50th wedding anniversary.
- 1997\62 Helen and Dick Lease, Crawfordsville – For celebrating their 50th wedding anniversary.
- 1997\63 Bertha and Glen Overturf, Centerville – For celebrating their 70th wedding anniversary.
- 1997\64 Veva and Forrest Hodgson, Pleasantville – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 43

Education: Grundberg, Chair; Cohoon and Lord.

House File 50

Education: Grundberg, Chair; Cohoon and Lord.

House File 51

Agriculture: Huseman, Chair; Klemme and Koenigs.

House File 68

Judiciary: Lamberti, Chair; Chapman and Dinkla.

House File 86

Education: Grundberg, Chair; Gries and Wise.

House File 87

Judiciary: Boddicker, Chair; Doderer and Kremer.

House File 89

Agriculture: Greig, Chair; Mundie and Welter.

House File 100

Natural Resources: Dolecheck, Chair; Brauns and Cohoon.

House File 102

Transportation: Arnold, Chair; Cohoon and Rayhons.

House File 103

Local Government: Carroll, Chair; Fallon and Huseman.

House File 105

Judiciary: Garman, Chair; Bernau and Larson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 34

Human Resources: Thomson, Chair; Boddicker and Foegen.

House Study Bill 35

Human Resources: Carroll, Chair; Burnett and Lord.

House Study Bill 36

Human Resources: Veenstra, Chair; Falck and Houser.

House Study Bill 37

Judiciary: Larson, Chair; Kreiman and Lamberti.

House Study Bill 38

Human Resources: Carroll, Chair; Burnett and Lord.

House Study Bill 40

Judiciary: Veenstra, Chair; Greiner and Moreland.

House Study Bill 41

Judiciary: Churchill, Chair; Holveck and Lamberti.

House Study Bill 46

Appropriations: Garman, Chair; Cormack and Reynolds-Knight.

House Study Bill 47

Appropriations: Houser, Chair; Brand and Nelson.

House Study Bill 48

Appropriations: Millage, Chair; Murphy and Sukup.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 57 Education**

Authorizing a school district to request educational or media services from a contiguous area education agency and making conforming corrections.

H.S.B. 58 State Government

Relating to the regulation of amusement devices and casino-type gambling and subjecting violators to an existing penalty.

H.S.B. 59 Transportation

Relating to motor vehicle operator prohibitions and restrictions including those related to intoxication or simulation of intoxication in the interior of a motor vehicle located on public roads or property,

following another motor vehicle too closely, exhibition driving, littering, blood alcohol test certificates, and handicapped parking, and by establishing or making existing penalties applicable.

H.S.B. 60 State Government

Relating to pari-mutuel racing and excursion boat gambling, by striking limits on administrative fines and outdated loan provisions, by providing for the administration of lasix to race horses, by specifying the age for gambling at racetrack enclosures, by providing for other properly related matters and by subjecting violators to a penalty.

H.S.B. 61 Local Government

Relating to fees charged by county sheriffs.

H.S.B. 62 Human Resources

Relating to the criteria for placement of delinquent children, for whom guardianship has been transferred to the director of human services, in certain facilities.

H.S.B. 63 Human Resources

Relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and to applicable penalties.

H.S.B. 64 Natural Resources

Relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates.

H.S.B. 65 Natural Resources

Relating to granting easements on certain property by the department of natural resources.

H.S.B. 66 Environmental Protection

Relating to the qualifications of groundwater professionals.

H.S.B. 67 Environmental Protection

Relating to the regulation of the use and disposal of sewage sludge and providing a penalty.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 25), appropriating federal block grant funds and amending appropriations from the general fund of the state to the department of human services for the state fiscal year beginning July 1, 1996, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1997.

COMMITTEE ON EDUCATION

House File 36, a bill for an act relating to a minimum age requirement for a coaching authorization issued by the state board of educational examiners.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1997.

COMMITTEE ON WAYS AND MEANS

Senate File 35, a bill for an act eliminating the inheritance tax on property passing to parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants of the decedent and providing an applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1997.

Committee Bill (Formerly House File 67), relating to the state sales and use tax exemption on certain items related to the manufacturing process.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 29, 1997.

AMENDMENTS FILED

H—1005

S.F.

35

Millage of Scott

On motion by Gipp of Winneshiek, the House adjourned at 9:15 a.m., until 9:00 a.m., Friday, January 31, 1997.

JOURNAL OF THE HOUSE

Nineteenth. Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 31, 1997

The House met pursuant to adjournment at 9:05 a.m., Heaton of Henry in the chair.

Prayer was offered by Craig Schoenfeld, Legislative Research Analyst for the House of Representatives.

The Journal of Thursday, January 30, 1997 was approved.

INTRODUCTION OF BILLS

House File 116, by Frevert, Koenigs, Huser, and Fallon, a bill for an act relating to confinement feeding operations by providing for the siting of certain operations, and imposing requirements relating to construction permits.

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

House File 117, by Rants, Warnstadt, Whitead, Klemme, Siegrist, Hansen, Van Fossen, Holmes, and Murphy, a bill for an act relating to activities of a foreign corporation which do not constitute doing business in or deriving income from the state for state tax purposes and including effective and retroactive applicability date provisions.

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

House File 118, by Rants and Klemme, a bill for an act relating to workers' compensation coverage for employment outside of the state.

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

House File 119, by Larson, a bill for an act relating to the disclosure of psychological test material.

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

House File 120, by Kreiman, a bill for an act relating to veterans of the United States armed forces, by changing eligibility for veteran property tax exemptions.

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

House File 121, by Boddicker, Mertz, Greiner, Klemme, Kremer, Holmes, Garman, Siegrist, Corbett, Weidman, Tyrrell, Welter, Dix, Lamberti, Sukup, Barry, Lord, Vande Hoef, Eddie, Huseman, Dolecheck, Arnold, Heaton, Churchill, Houser, Teig, Blodgett, Bradley, Brunkhorst, Drake, Gipp, Rants, Gries, Larson, Hahn, Millage, Carroll, Van Maanen, Mundie, May, Boggess, Jenkins, Van Fossen, Rayhons, Meyer, Osterhaus, O'Brien, Veenstra, and Brauns, a bill for an act relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and applicable penalties.

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

House File 122, by Arnold, a bill for an act relating to the civil liability of a mandatory child abuse reporter who is a licensed school employee.

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

House File 123, by Moreland, a bill for an act providing for the admission and education of optometry students in states which have accredited schools and colleges of optometry, and making an appropriation.

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

House File 124, by Moreland, a bill for an act relating to the requirements for an applicant to be licensed as a land surveyor.

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

House File 125, by committee on appropriations, a bill for an act appropriating federal block grant funds and amending appropriations from the general fund of the state to the department of human services for the state fiscal year beginning July 1, 1996, and providing an effective date.

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

House File 126, by committee on ways and means, a bill for an act relating to the state sales and use tax exemption on certain computers, machinery, equipment, and fuel.

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

House File 127, by Warnstadt, Whitead, Cohoon, Kreiman, Jochum, Scherrman, Bukta, Falck, Frevert, Thomas, Dotzler, Larkin, Murphy, Osterhaus, Reynolds-Knight, and Wise, a bill for an act establishing a public highway condition reporting service and making an appropriation.

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

House File 128, by Doderer, a bill for an act prohibiting ultimate fighting exhibitions and providing a penalty.

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

House File 129, by Larson, a bill for an act to increase the penalties for the manufacture, delivery, or possession with intent to manufacture or deliver amphetamine or any substance containing amphetamine.

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

House File 130, by Larson, Van Fossen, Lamberti, Teig, Arnold, Rants, Carroll, Greig, Barry, Brunkhorst, Siegrist, Blodgett, Vande Hoef, Garman, Meyer, Drake, Churchill, Welter, Boddicker, Corbett, Sukup, Lord, Heaton, Kremer, Cormack, Houser, Klemme, Huseman, Hahn, Millage, Veenstra, Weidman, Bradley, Van Maanen, and Gries, a bill for an act applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, excluding mentally ill persons from imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability.

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

House File 131, by O'Brien, May, Rayhons, Larkin, Schrader, Taylor, Mundie, Mertz, Tyrrell, Drees, Holveck, Osterhaus, Bell, Richardson, Reynolds-Knight, Frevert, Warnstadt, Myers, Connors, Shoultz, Fallon, Bernau, Brand, Koenigs, Chiodo, Cohoon, Scherrman, Bukta, Thomas, Witt, Mascher, Wise, Heaton, Falck, Weigel, Ford, Dotzler, Huser, Doderer, Jochum, Foege, Moreland, Kinzer, Whitead, Kreiman, and Burnett, a bill for an act relating to the time and the criteria for filing of claims for refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions and providing an effective date.

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

House File 132, by O'Brien, Greig, Hahn, Greiner, Drake, May, Larkin, Arnold, Mundie, Mertz, Klemme, Barry, Tyrrell, Heaton, Welter, Vande Hoef, Houser, Drees, Frevert, Huseman, Gries, Myers, Dolecheck, Koenigs, Cohoon, Bradley, Weidman, Witt, Eddie, Meyer, Van Maanen, Dotzler, Jochum, Foege, Richardson, Boggess, and Garman, a bill for an act relating to the liability of persons involved in domesticated animal activities.

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

House File 133, by Metcalf, Jacobs, Gipp, Gries, Carroll, Teig, Lamberti, Brunkhorst, Bradley, Sukup, Dinkla, Chiodo, Barry, Larson, Wise, Churchill, Millage, Lord, Welter, Van Fossen, Blodgett, Arnold, Chapman, Grundberg, Veenstra, Greig, Drake, Cataldo, Vande Hoef, Myers, Jenkins, Rants, Brauns, Rayhons, Huser, Moreland, and Jochum, a bill for an act relating to the offering of point of service plan options in certain health benefit plans.

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

House File 134, by Brunkhorst, a bill for an act relating to local government bond issuance elections.

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

House File 135, by Brunkhorst, a bill for an act relating to OWI violators subject to the ignition interlock requirement who are granted a temporary restricted license by providing for an exemption for employers of such violators, and providing an effective date for rulemaking.

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

House File 136, by Brauns, a bill for an act increasing the scheduled fine for operating a motor vehicle without a valid license or permit.

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

House File 137, by Garman, a bill for an act relating to the probationary period for deputy sheriffs and police patrol officers.

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

House File 138, by Garman, a bill for an act relating to county zoning of certain confinement swine feeding operations.

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

House File 139, by Kremer, a bill for an act increasing compensation for grand jurors and petit jurors.

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

House File 140, by Houser, Martin, Grundberg, Brauns, Klemme, Heaton, Tyrrell, Vande Hoef, Boggess, Drake, Meyer, Hahn, Rayhons, Kremer, Carroll, Barry, Hansen, Jenkins, Arnold, Weidman, Eddie, Welter, Huseman, Lord, and Gipp, a bill for an act relating to the closing hour of precinct polling places.

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

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 January 30, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 5, 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.

MARY PAT GUNDERSON, Secretary

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1997\65 Beulah Webb, Sioux City - For celebrating her 102nd birthday.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 59

Transportation: Weidman, Chair; Bukta and Carroll.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 68 Labor and Industrial Relations

Relating to the department of workforce development and the enforcement of employment laws concerning emergency and hazardous materials inventories, occupational safety and health, construction contractors, amusement rides, asbestos and employment agency licenses, wage assignments, and boxing and wrestling.

H.S.B. 69 Commerce-Regulation

Relating to the procedures for disposition of the contents of a decedent's safe deposit box.

H.S.B. 70 Commerce-Regulation

Relating to the acquisition of a branch of an out-of-state state or federal savings association by a newly chartered bank and providing an effective date.

H.S.B. 71 Commerce-Regulation

Relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

H.S.B. 72 Commerce-Regulation

Eliminating the duty of the treasurer of state to receive and publicize certain interest rate and fee information related to providers of open-end credit and credit cards.

COMMITTEE RECOMMENDATION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 4, a bill for an act relating to the office of city assessor in certain counties.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1997.

RESOLUTIONS FILED

HCR 7, by Nelson, Van Fossen, Churchill, Grundberg, Kremer, Metcalf, Dinkla, Blodgett, Brunkhorst, Hahn, Eddie, Teig, Arnold, Martin, Doderer, Barry, Scherrman, Ford, Wise, Bukta, Cohoon, May, Brand, Reynolds-Knight, Larkin, Koenigs, Osterhaus, Huser, Foege, Chiodo,

Frevert, Mertz, Burnett, Bernau, Mascher, Holveck, Taylor, Richardson, Whitead, Schrader, Myers, Heaton, Sukup, Jacobs, Klemme, Boddicker, Gipp, Dix, Siegrist, Jenkins, Hansen, and Brauns, a concurrent resolution recognizing the women who served Iowa as state legislators through Iowa's sesquicentennial year, 1996, and celebrating 100 years of women elected to state legislatures.

Laid over under **Rule 25**.

SCR 2, by committee on agriculture, a concurrent resolution to request that the United States Internal Revenue Service and the United States Congress act to allow farmers to use deferred payment contracts without being subject to alternative tax liability.

Laid over under **Rule 25**.

SCR 3, by committee on commerce, a concurrent resolution encouraging the federal government to investigate the pricing of liquid propane gas and other heating fuels.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek, the House adjourned at 9:12 a.m., until 1:00 p.m., Monday, February 3, 1997.

JOURNAL OF THE HOUSE

Twenty-Second Calendar Day - Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 3, 1997

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 Pastor Michael Marcum, First Baptist Church, Elk Horn.

The Journal of Friday, January 31, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jack Drake, state representative from Pottawattamie County.

INTRODUCTION OF BILLS

House File 141, by Richardson, a bill for an act relating to the authorization of school officials to conduct searches of students, student protected areas, and lockers.

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

House File 142, by Eddie, Mertz, May, Tyrrell, Mundie, Richardson, Dotzler, Greig, Greiner, Drake, Boddicker, Witt, Houser, Huseman, Teig, Van Fossen, Barry, Vande Hoef, Van Maanen, Welter, Meyer, Drees, Rayhons, Dolecheck, Hahn, Cormack, Weidman, Klemme, and Frevert, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty.

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

House File 143, by Doderer, a bill for an act relating to the disposition of certain lost property.

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

APPOINTMENTS

The following individuals are appointed to the Legislative Council and Committees of the Council.

1997-98 LEGISLATIVE COUNCIL
(Chapter 2.41, Code of Iowa)

Representative Ron Corbett
Representative Harold Van Maanen
Representative Brent Siegrist

Representative David Schrader
Representative David Millage
Representative Pat Murphy
Representative Chuck Gipp
Representative Libby Jacobs
Representative Betty Grundberg
Representative John Connors
Representative Pam Jochum
Representative Dennis Cohoon

ADMINISTRATIVE COMMITTEE

Representative Harold Van Maanen
Representative Libby Jacobs
Representative Pam Jochum

CAPITAL PROJECTS

Representative David Millage
Representative Chuck Gipp
Representative Betty Grundberg
Representative Pat Murphy
Representative Pam Jochum

FISCAL COMMITTEE

Representative David Millage
Representative Dwight Dinkla
Representative Libby Jacobs
Representative Pat Murphy
Representative Bill Bernau

INTERNATIONAL RELATIONS

Representative Steve Churchill
Representative Chuck Larson
Representative Beverly Nelson
Representative Minnette Doderer
Representative Kay Chapman
Representative Paul Bell
Representative Deo Koenigs
Representative Steve Sukup
Representative Jack Drake

SERVICE

Representative Brent Siegrist
Representative Betty Grundberg
Representative John Connors

STUDIES

Representative Chuck Gipp
Representative Harold Van Maanen
Representative Ron Corbett
Representative David Schrader
Representative Dennis Cohoon

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

- 1997\66 Vivian and Frank Haidsiak, Bedford – For celebrating their 65th wedding anniversary.
- 1997\67 Alec Turner, Corning – for being named one of the Des Moines Register's Up-N-Comers.
- 1997\68 Berniece and Leonard Crispin, Missouri Valley – For celebrating their 60th wedding anniversary.
- 1997\69 Wilma and Dwight Reep, Pisgah – For celebrating their 50th wedding anniversary.
- 1997\70 Ray Buckmaster, Logan – For celebrating his 91st birthday.
- 1997\71 Marcy and Mel Irons, Altoona – For celebrating their 50th wedding anniversary.
- 1997\72 Marion and Fred Lehman, Mt. Vernon – For celebrating their 50th wedding anniversary.
- 1997\73 Belva and Herb Henning Annis, Mingo – For celebrating their 50th wedding anniversary.
- 1997\74 Christopher Berndt, Newton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\75 Chad Hollenbeck, Newton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\76 The Drummer Student Volunteers, Iowa State University – For having sustained The Drummer as a noteworthy student newspaper on campus.

SUBCOMMITTEE ASSIGNMENT

House File 127

Appropriations: Garman, Chair; Cormack and Reynolds-Knight.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 58

State Government: Holmes, Chair; Jacobs and Taylor.

House Study Bill 60

State Government: Hansen, Chair; Cataldo, Chiodo, Gipp and Tyrrell.

House Study Bill 61

Local Government: Huseman, Chair; Richardson and Weidman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 73 Judiciary**

Relating to computation of time by which criminal sentences may be reduced for good behavior.

H.S.B. 74 Judiciary

Providing for court-ordered treatment of a criminal defendant judged mentally incapable of standing trial.

H.S.B. 75 Judiciary

Relating to the designation of certain correctional facilities.

H.S.B. 76 Judiciary

Relating to work programs for inmates and criminal defendants.

H.S.B. 77 Judiciary

To prohibit acts by inmates of correctional institutions or facilities which result in contact with bodily fluids or secretions or the casting or expelling of bodily fluids or secretions upon another, and providing penalties.

H.S.B. 78 Judiciary

Relating to the imposition of consecutive sentences for escapes from or crimes committed while confined in detention facilities or penal institutions.

AMENDMENTS FILED

H-1006	S.F.	35	Huser of Polk Frevert of Palo Alto
H-1007	S.F.	35	Shultz of Black Hawk
H-1008	H.F.	108	Jochum of Dubuque

On motion by Siegrist of Pottawattamie, the House adjourned at 1:10 p.m., until 8:45 a.m., Tuesday, February 4, 1997.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 4, 1997

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 the Honorable Joseph Kremer, state representative from Buchanan County.

The Journal of Monday, February 3, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Wise and Larkin of Lee, from sixty-two constituents opposing House Study Bill 12, legislation relating to state employee pay and health benefits.

INTRODUCTION OF BILLS

House File 144, by Nelson, Greiner, Kremer, Dinkla, Hahn, Eddie, Teig, Arnold, Doderer, Foege, Whitead, Chiodo, May, Mascher, Burnett, Taylor, Jacobs, Thomson, Larson, and Jochum, a bill for an act creating a board of dental hygiene examiners.

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

House File 145, by Wise, Cohoon, Foege, and Frevert, a bill for an act relating to retirement incentive programs the board of directors of a school district may offer and the age range of the employees to whom the board may offer the program and providing an applicability provision.

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

House File 146, by Wise, Cataldo, Larkin, May, and Warnstadt, a bill for an act relating to a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child, defining truancy as a delinquent act in certain cases and providing a penalty, establishing a penalty for providing aid, support, or shelter to a runaway, and providing for a civil penalty for truancy and a conditional effectiveness provision.

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

House File 147, by Weidman, a bill for an act increasing the minimum value of property damage required for the filing of a motor vehicle accident report.

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

House File 148, by Millage, a bill for an act relating to schools that may be placed on a special accredited list of college preparatory schools.

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

House File 149, by Koenigs, Scherrman, Osterhaus, Frevert, Bukta, Foege, Myers, Drees, May, Connors, Schrader, Moreland, Chiodo, Fallon, Reynolds-Knight, Mascher, Dotzler, Witt, Richardson, Chapman, Kinzer, Murphy, Burnett, Taylor, and Weigel, a bill for an act regulating animal feeding operations located within agricultural drainage well basins and making penalties applicable.

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

House File 150, by Witt, Huseman, Thomas, and Klemmè, a bill for an act relating to the protection of blufflands by creating a blufflands protection revolving fund, by empowering the soil conservation division of the department of agriculture and land stewardship to establish a blufflands protection program, by making an appropriation for the provision of loans to certain nonprofit conservation organizations, and by providing for other properly related matters.

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

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

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

The House stood at ease at 1:04 p.m., until the fall of the gavel.

The House resumed session at 1:44 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Mertz of Kossuth.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 35, a bill for an act eliminating the inheritance tax on property passing to parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants of the decedent and providing an applicability date provision, was taken up for consideration.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1005 filed by him on January 30, 1997.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-1004 filed by him on January 30, 1997.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-1007 filed by him on February 3, 1997.

Huser of Polk offered the following amendment H-1006 filed by her and Frevert of Palo Alto and moved its adoption:

H-1006

- 1 Amend Senate File 35, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 30 and 31 and
- 4 inserting the following:
- 5 "Sec. ____ This Act, being deemed of immediate
- 6 importance, takes effect upon enactment and applies to
- 7 estates of decedents dying on or after the effective
- 8 date."

Roll call was requested by Shoultz of Black Hawk and Siegrist of Pottawattamie.

On the question "Shall amendment H-1006 be adopted?"
(S.F. 35)

The ayes were, 43:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Osterhaus	Reynolds-Knight

Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 55:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen	
		Presiding	

Absent or not voting, 2:

Bernau O'Brien

Amendment H-1006 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story on request of Brand of Tama.

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. 35)

The ayes were, 96:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner

Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen Presiding

The nays were, 2:

Doderer Fallon

Absent or not voting, 2:

Bernau 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 35** be immediately messaged to the Senate.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN RIGHTS Commission on the Status of Women

The 25th Annual Report, pursuant to Chapter 216A.149, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

An Executive Summary on fiscal year 1996 Iowa Healthy Family Program, pursuant to Chapter 135.77, Code of Iowa.

The PRIMECARRE Annual Report, pursuant to Chapter 135.107, Code of Iowa.

• DEPARTMENT OF TRANSPORTATION

The 1996 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12(11), Code of Iowa.

TREASURER OF STATE

The Linked Investments for Tomorrow Annual Report for the Year 1996, pursuant to Chapter 12.38, Code of Iowa.

The Linked Investment Annual Report for the Year 1996 for targeted small businesses, main street, horticulture and alternative crops, and rural small business transfer, pursuant to Chapter 12.38, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1997\77 Amby Johnson, Clinton – For acting heroically in the rescue of Grace and Dixie Hyde from their burning home.
- 1997\78 Keith May, Clinton – For acting heroically in the rescue of Grace and Dixie Hyde from their burning home.

SUBCOMMITTEE ASSIGNMENTS

House File 62

Judiciary: Boddicker, Chair; Chapman and Greiner.

House File 94

Judiciary: Greiner, Chair; Doderer and Kremer.

House File 98

Commerce-Regulation: Jacobs, Chair; Chapman and Dix.

House File 101

Judiciary: Veenstra, Chair; Bell and Lamberti.

House File 111

Labor and Industrial Relations: Sukup, Chair; Dotzler and Millage.

House File 112

Commerce-Regulation: Churchill, Chair; Chapman and Dix.

House File 115

Commerce-Regulation: Sukup, Chair; Cataldo and Hansen.

House File 118

Labor and Industrial Relations: Sukup, Chair; Dix and Murphy.

House File 122

Education: Boddicker, Chair; Bukta and Metcalf.

House File 123

Education: Grundberg, Chair; Brand and Thomson.

House File 124

Commerce-Regulation: Bradley, Chair; Dix and Wise.

House File 133

Commerce-Regulation: Jacobs, Chair; Bradley, Hansen, Koenigs and Weigel.

House File 136

Transportation: Cormack, Chair; Brauns and Scherrman.

House File 137

Local Government: Weidman, Chair; Mundie and Van Maanen.

House File 141

Education: Rants, Chair; Gries and Wise.

House File 142

Natural Resources: Eddie, Chair; Dolecheck and Mertz.

House File 143

Local Government: Martin, Chair; Richardson and Van Maanen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 39**

Judiciary: Lamberti, Chair; Larson and Moreland.

House Study Bill 42

Labor and Industrial Relations: Dix, Chair; Kremer and Taylor.

House Study Bill 43

Education: Gries, Chair; Brand and Thomson.

House Study Bill 44

Education: Metcalf, Chair; Grundberg and Mascher.

House Study Bill 45

Education: Grundberg, Chair; Thomas and Thomson.

House Study Bill 57

Education: Rants, Chair; Foege and Lord.

House Study Bill 62

Human Resources: Vande Hoef, Chair; Thomas and Veenstra.

House Study Bill 64

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

House Study Bill 65

Natural Resources: Arnold, Chair; Brauns and Frevert.

House Study Bill 68

Labor and Industrial Relations: Boddicker, Chair; Falck and Klemme.

House Study Bill 73

Judiciary: Sukup, Chair; Churchill and Kreiman.

House Study Bill 74

Judiciary: Sukup, Chair; Churchill and Kreiman.

House Study Bill 75

Judiciary: Sukup, Chair; Churchill and Kreiman.

House Study Bill 76

Judiciary: Sukup, Chair; Churchill and Kreiman.

House Study Bill 77

Judiciary: Sukup, Chair; Churchill and Kreiman.

House Study Bill 78

Judiciary: Sukup, Chair; Churchill and Kreiman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 79 Local Government

Relating to the joint financing of public works and facilities.

H.S.B. 80 Local Government

Relating to discarding solid waste and providing a penalty.

H.S.B. 81 Local Government

Relating to the determination of annual salaries for deputy sheriffs.

H.S.B. 82 Local Government

Relating to mobile home tenant eviction restrictions.

H.S.B. 83 Labor and Industrial Relations

Relating to subject matter under the regulatory authority of the labor commissioner, including the construction contractors law, and making nonsubstantive Code corrections relating to the child labor law.

H.S.B. 84 Local Government

Establishing a county issuance of motor vehicle licenses study and providing effective dates.

H.S.B. 85 Appropriations

Relating to and making appropriations to state agencies whose responsibilities relate to transportation including allocation and use of moneys from the road use tax fund and primary road fund and making appropriations to various agencies for capital projects.

H.S.B. 86 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, transferring lottery revenues to the general fund of the state, and other properly related matters and providing effective dates.

H.S.B. 87 Appropriations

Relating to appropriations for the department of human services, prevention of disabilities policy council, and state foster care review board, and including other provisions and appropriations involving human services and health care.

H.S.B. 88 Labor and Industrial Relations

Relating to workers' compensation benefits for permanent disabilities concerning the employer's liability for an employee's preexisting injury, condition, or illness.

H.S.B. 89 Labor and Industrial Relations

Relating to workers' compensation benefits for professional athletes and providing an effective date.

H.S.B. 90 Labor and Industrial Relations

Relating to state government personnel procedures including job classifications, pay plans, employee recall from layoff, and abolishing the personnel commission.

H.S.B. 91 Human Resources

Prohibiting the performance of partial-birth abortions, establishing a cause of action for violation of the prohibition, and providing penalties.

H.S.B. 92 Commerce-Regulation

Relating to the availability of a map indicating the location of electric transmission lines related to the extension of a franchise.

H.S.B. 93 Local Government

Relating to state reimbursement of county costs for certain prisoners after entry of judgment in a criminal case.

H.S.B. 94 Local Government

Relating to sanitary district elections.

H.S.B. 95 Commerce-Regulation

Amending the uniform securities Act relating to the registration of securities and the registration of broker-dealers and agents, establishing fees, and providing an effective date.

H.S.B. 96 Human Resources

Relating to the establishment of a domestic abuse death review team including providing for membership, duties, immunity for members acting in their official capacity, and providing confidentiality provisions.

H.S.B. 97 Education

Relating to tuition and fees charged by public school districts and to tuition and fee waiver rules for indigent families, and providing an immediate effective date.

AMENDMENTS FILED

H—1009	H.F.	108	Taylor of Linn
H—1010	H.F.	108	Kinzer of Scott
H—1011	H.F.	126	Chapman of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 3:07 p.m., until 8:45 a.m., Wednesday, February 5, 1997.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 5, 1997

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

Prayer was offered by Monsignor Frank Chiodo, Basilica of Saint Johns, Des Moines.

The Journal of Tuesday, February 4, 1997 was approved.

INTRODUCTION OF BILLS

House File 151, by Shoultz, a bill for an act prohibiting the use of spray irrigation equipment to apply manure to land draining into an agricultural drainage well or known sinkhole.

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

House File 152, by Bradley, a bill for an act providing for the establishment of a lien by licensed professionals against damages collected by an injured patient.

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

House File 153, by Tyrrell, a bill for an act providing for first responder certification to attach neck collars and splints.

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

House File 154, by Huser, a bill for an act relating to an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

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

House File 155, by Wise, a bill for an act providing an alternative method of budget enrollment calculation for districts experiencing decreasing enrollment, and providing an effective date.

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

House File 156, by Reynolds-Knight, a bill for an act relating to political party affiliation information on voter registration forms.

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

House File 157, by Van Fossen, a bill for an act relating to certain machinery, equipment, and computers for purposes of property taxation and providing a retroactive applicability date.

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

House File 158, by Bradley, a bill for an act to prohibit the intentional tossing, throwing, or expelling of bodily fluids or material on jail or correctional employees by inmates, and providing penalties.

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

House File 159, by Heaton and Thomas, a bill for an act relating to the disposition of emergency medical care provider certification fees.

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

House File 160, by Kreiman, a bill for an act relating to the collection of fines, penalties, court costs, fees, and surcharges.

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

House File 161, by Garman, a bill for an act relating to the compensation of judicial magistrates.

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

House File 162, by Kreiman, a bill for an act prohibiting a court from deferring a judgment or deferring or suspending a sentence for the offense of operating while intoxicated.

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

House File 163, by Kreiman, a bill for an act relating to permits to carry weapons for retired peace officers formerly employed by the department of public safety.

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

House File 164, by Eddie, a bill for an act requiring transfer to the special conservation fund of proceeds of excise taxes on sale of all-terrain vehicle and snowmobile fuel.

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

House File 165, by Lamberti, a bill for an act providing for treble damages for failing to make required disclosures associated with a transfer of real estate.

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

House File 166, by Lamberti, a bill for an act relating to the exemption from insurance regulation of a multiple employer welfare arrangement and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 5, a bill for an act relating to the registration fee for ex-prisoner of war motor vehicle plates and providing an effective date and a retroactive applicability date.

Also: That the Senate has on February 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 21, a bill for an act eliminating the requirement that a nonperpetual care cemetery post a sign indicating the cemetery is a nonperpetual care cemetery.

MARY PAT GUNDERSON, Secretary

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 resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State for his approval on this Fifth day of February, 1997: House Joint Resolution 5.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Table with 2 columns: Name, Round Trip Miles. Rows: Geri D. Huser (NONE), Jeffery M. Lamberti (NONE)

Respectfully submitted,
CLYDE E. BRADLEY, Chair
PHILLIP E. TYRRELL
WILLIAM H. BERNAU

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES

A summary of activities for the 1996 certification programs, pursuant to Chapter 258A, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

A report on the purchasing activities of soy based inks and recycled content trash bags for calendar year 1996, pursuant to Chapter 307.21, Code of Iowa.

JUDICIAL COMPENSATION COMMISSION

The Biennial Report, pursuant to Chapter 602.1514, 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

- 1997\79 Hilda and Vinton Hayden, Sioux City – For celebrating their 52nd wedding anniversary.
- 1997\80 Clara and Merrill Atwell, Russell – For celebrating their 60th wedding anniversary.
- 1997\81 Velma and Harry Horton, Osceola – For celebrating their 66th wedding anniversary.
- 1997\82 Laura Sievers, Albert City – For receiving the Iowa Pork Producers District 2 Bellringer Award.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 4

State Government: Churchill, Chair; Connors and Nelson.

House File 116

Agriculture: Greig, Chair; Kreiman and Rayhons.

House File 132

Agriculture: Boggess, Chair; Frevert and Klemme.

House File 134

State Government: Jacobs, Chair; Van Fossen and Whitead.

House File 138

Agriculture: Klemme, Chair; Reynolds-Knight and Welter.

House File 140

State Government: Houser, Chair; Gipp and Larkin.

House File 147

Transportation: Heaton, Chair; Arnold and Drees.

House File 148

Education: Veenstra, Chair; Lord and Mascher.

House File 149

Agriculture: Eddie, Chair; Heaton and May.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 33**

Economic Development: Teig, Chair; Jenkins and Kinzer.

House Study Bill 49

Economic Development: Drake, Chair; May and Rayhons.

House Study Bill 52

Economic Development: Barry, Chair; Teig and Weigel.

House Study Bill 53

Economic Development: Thomson, Chair; Jenkins and Scherrman.

House Study Bill 54

Economic Development: Heaton, Chair; Bukta and Dolecheck.

House Study Bill 63

Human Resources: Boddicker, Chair; Burnett and Carroll.

House Study Bill 66

Environmental Protection: Bradley, Chair; Foege and Jenkins.

House Study Bill 67

Environmental Protection: Drake, Chair; Boggess and Shoultz.

House Study Bill 79

Local Government: Vande Hoef, Chair; Klemme and Mertz.

House Study Bill 80

Local Government: Brauns, Chair; Huser and Welter.

House Study Bill 81

Local Government: Welter, Chair; Dix and Whitead.

House Study Bill 82

Local Government: Brauns, Chair; Arnold and Reynolds-Knight.

House Study Bill 83

Labor and Industrial Relations: Holmes, Chair; Kremer and Taylor.

House Study Bill 84

Local Government: Vande Hoef, Chair; Huseman, Mertz, Myers and Weidman.

House Study Bill 88

Labor and Industrial Relations: Kremer, Chair; Dotzler and Klemme.

House Study Bill 89

Labor and Industrial Relations: Lamberti, Chair; Bell and Metcalf.

House Study Bill 90

Labor and Industrial Relations: Kremer, Chair; Holmes and Taylor.

House Study Bill 91

Human Resources: Boddicker, Chair; Burnett and Carroll.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 98 State Government**

Amending the campaign finance law, by providing for a defense to non-compliance with statutory requirements, by regulating the name that may be used by a political committee, by providing for certain verification to accompany the statement of organization, by establishing filing deadlines for reports in certain elections, and by requiring subpoenas to be used for the verification of information in a committee's report.

H.S.B. 99 State Government

Relating to the investigation of governmental entities by the office of citizens' aide.

H.S.B. 100 Labor and Industrial Relations

Relating to inspections of unfired steam pressure vessels.

H.S.B. 101 Judiciary

Relating to notification requirements for communications between a debt collector and a debtor.

H.S.B. 102 Judiciary

Relating to the establishment of an automatic temporary restraining order against the parties to a dissolution of marriage, separate maintenance, or annulment action limiting certain actions by the parties.

H.S.B. 103 Judiciary

Proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

H.S.B. 104 Commerce-Regulation

Relating to the regulation of municipal utilities providing telecommunications services.

H.S.B. 105 Labor and Industrial Relations

Concerning drug and alcohol testing of private sector employees and prospective employees and providing an effective date.

AMENDMENTS FILED

H—1012	H.F.	108	Murphy of Dubuque
H—1013	H.F.	108	Jochum of Dubuque
H—1014	H.F.	108	Dotzler of Black Hawk Taylor of Linn
H—1015	H.F.	108	Sukup of Franklin Taylor of Linn
H—1016	H.F.	108	Taylor of Linn
H—1017	H.F.	108	Taylor of Linn

On motion by Gipp of Winneshiek, the House adjourned at 8:55 a.m., until 8:45 a.m., Thursday, February 6, 1997.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 6, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Father John Heman, Saint Boniface Catholic Church, Garner.

The Journal of Wednesday, February 5, 1997 was approved.

INTRODUCTION OF BILLS

House File 167, by Grundberg, a bill for an act relating to eligibility requirements for workers' compensation.

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

House File 168, by Greig and Wise, a bill for an act relating to community college operations including the duties of the board of directors of each community college and creating a legislative task force to study certain matters relating to community colleges.

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

House File 169, by Lord, a bill for an act relating to the posting of land by the owner regarding permission to hunt, fish, or trap and providing a penalty.

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

House File 170, by Teig, Arnold, Sukup, Rayhons, Cormack, Heaton, Gipp, Dix, Eddie, Dolecheck, Huseman, Mundie, and Klemme, a bill for an act relating to agricultural drainage wells, by restricting the emptying of surface water into the wells, providing for compliance, and providing penalties.

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

House File 171, by Doderer, a bill for an act prohibiting discrimination against a person by an insurer on the basis of genetic information or testing.

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

House File 172, by Doderer, a bill for an act relating to local laws and regulations regarding smoking prohibitions and cigarettes and tobacco products.

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

House File 173, by Grundberg, a bill for an act relating to public employee collective bargaining by eliminating fact-finding in negotiations, modifying the time guidelines concerning bargaining by certain employees, and changing dates relating to budget certification and notice of teacher termination for school districts.

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

House File 174, by Grundberg and Martin, a bill for an act relating to abuse prevention information included on a marriage license application form and on a marriage license.

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

House File 175, by Teig and Arnold, a bill for an act prohibiting the construction or expansion of earthen manure storage basins having a certain capacity and attached to a confinement feeding operation confining swine.

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

House File 176, by Teig and Arnold, a bill for an act relating to the issuance of permits for the construction of earthen manure storage basins and anaerobic lagoons within an agricultural drainage well basin or drainage district.

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

SENATE MESSAGES CONSIDERED

Senate File 5, by Maddox, Douglas, and Lind, a bill for an act relating to the registration fee for ex-prisoner of war motor vehicle plates and providing an effective date and a retroactive applicability date.

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

Senate File 21, by McKean, a bill for an act eliminating the requirement that a nonperpetual care cemetery post a sign indicating the cemetery is a nonperpetual care cemetery.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jacobs of Polk, until her arrival, on request of Siegrist of Pottawattamie.

CONSIDERATION OF BILLS

Regular Calendar

House File 108, a bill for an act relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss, was taken up for consideration.

The House stood at ease at 9:05 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 108 at 9:34 a.m., Speaker Corbett in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that House File 108 be temporarily deferred.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:35 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Rants of Woodbury 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 February 6, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 5, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Seventy-seventh General Assembly.

Also: That the Senate has on February 6, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 75, a bill for an act relating to the qualifications of groundwater professionals.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 108**, a bill for an act relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss, previously deferred.

The House stood at ease at 1:02 p.m., until the fall of the gavel.

The House resumed session at 1:37 p.m., Rants of Woodbury 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.

Taylor of Linn offered the following amendment H-1017 filed by him and moved its adoption:

H-1017

- 1 Amend House File 108 as follows:
- 2 1. Page 1, line 16, by striking the words
- 3 "exposure" means exposure to" and inserting the
- 4 following: "level" means".
- 5 2. Page 1, line 27, by striking the words
- 6 "excessive noise exposure" and inserting the
- 7 following: "prolonged exposure to excessive noise
- 8 levels".
- 9 3. Page 1, by striking lines 31 through 34.
- 10 4. Page 2, by striking line 4 and inserting the
- 11 following: "employment in which the employee was
- 12 exposed to excessive".
- 13 5. Page 2, line 5, by striking the words "levels
- 14 exposure" and inserting the following: "levels".
- 15 6. Page 2, by striking lines 10 through 13.
- 16 7. By striking page 4, line 20, through page 5,
- 17 line 11.
- 18 8. By renumbering as necessary.

Roll call was requested by Connors of Polk and Murphy of Dubuque.

On the question "Shall amendment H-1017 be adopted?"
(H.F. 108)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevort	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien

Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Weigel	Whitead	Wise	Witt

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Rants, Presiding		

Absent or not voting, 2:

Holveck	Warnstadt
---------	-----------

Amendment H-1017 lost.

Taylor of Linn offered the following amendment H-1009 filed by him and moved its adoption:

H-1009

- 1 Amend House File 108 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "means" the following: "one of the following:
- 4 a. For an employee who files a claim for
- 5 occupational hearing loss upon separation of
- 6 employment with an employer that the employee had less
- 7 than ten years of service with as of July 1, 1997,".
- 8 2. Page 1, by inserting after line 30 the
- 9 following:
- 10 "b. For an employee who files a claim for
- 11 occupational hearing loss upon separation of
- 12 employment with an employer that the employee had ten
- 13 years or more of service with as of July 1, 1997, a
- 14 permanent sensorineural loss of hearing in one or both
- 15 ears in excess of twenty-five decibels, which arises
- 16 out of and in the course of employment caused by
- 17 excessive noise exposure. In the evaluation of
- 18 occupational hearing loss, only the hearing levels at
- 19 the frequencies of five hundred, one thousand, two

20 thousand, and three thousand Hertz shall be
 21 considered.”
 22 3. Page 3, line 35, by inserting after the word
 23 “programs.” the following: “This section does not
 24 apply to an employee who files a claim for
 25 occupational hearing loss upon separation of
 26 employment with an employer that the employee had ten
 27 years or more of service with as of July 1, 1997.”

Roll call was requested by Taylor of Linn and Fallon of Polk.

On the question “Shall amendment H-1009 be adopted?” (H.F. 108)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Weigel	Whitead	Wise	Witt

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants, Presiding			

Absent or not voting, 3:

Brunkhorst	Holveck	Warnstadt
------------	---------	-----------

Amendment H-1009 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo, for the remainder of the day, on request of Rants of Woodbury; Boddicker of Cedar, until his arrival on request of Gipp of Winneshiek.

Jochum of Dubuque offered the following amendment H-1013 filed by her and moved its adoption:

H-1013

- 1 Amend House File 108 as follows:
- 2 1. Page 1, line 22, by striking the words "that
- 3 portion of".
- 4 2. Page 1, by striking lines 27 through 30 and
- 5 inserting the following: "employment caused by
- 6 excessive noise exposure."

Roll call was requested by Jochum of Dubuque and Chiodo of Polk.

On the question "Shall amendment H-1013 be adopted?" (H.F. 108)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Weigel	Whitead	Wise	Witt

The nays were, 53:

Arnold	Barry	Boggess	Bradley
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Mundie	Nelson
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants,			
Presiding			

Absent or not voting, 3:

Blodgett

Boddicker

Warnstadt

Amendment H-1013 lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-1008 filed by her on February 3, 1997.

Kinzer of Scott asked and received unanimous consent to withdraw amendment H-1010 filed by him on February 4, 1997.

Sukup of Franklin offered the following amendment H-1015 filed by him and Taylor of Linn and moved its adoption:

H-1015

- 1 Amend House File 108 as follows:
- 2 1. Page 2, by striking lines 2 through 9 and
- 3 inserting the following:
- 4 "A claim for occupational hearing loss due to
- 5 excessive noise levels exposure may be filed six
- 6 months after separation from the employment in which
- 7 the employee was exposed subjected to excessive noise
- 8 levels exposure. The date of the injury shall be the
- 9 date of occurrence of any one of the following
- 10 events:"

Amendment H-1015 was adopted.

Murphy of Dubuque offered the following amendment H-1012 filed by him and moved its adoption:

H-1012

- 1 Amend House File 108 as follows:
- 2 1. Page 3, by striking lines 26 through 35.
- 3 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Bernau of Story.

On the question "Shall amendment H-1012 be adopted?" (H.F. 108)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz

Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Taylor
Thomas	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants, Presiding			

Absent or not voting, 2:

Blodgett Warnstadt

Amendment H-1012 lost.

Dotzler of Black Hawk offered amendment H-1014 filed by him and Taylor of Linn and requested division as follows:

H-1014

1 Amend House File 108 as follows:

H-1014A

2 1. By striking page 2, line 14, through page 3,
3 line 35.

H-1014B

4 2. Page 5, line 24, by striking the word
5 "sections" and inserting the following: "section".
6 3. Page 5, by striking lines 27 and 28 and
7 inserting the following:
8 "The changes to section 85B.4."

H-1014A

9 4. Title page, by striking lines 1 through 3 and
10 inserting the following: "An Act relating to
11 occupational hearing loss."
12 5. By renumbering as necessary.

Dotzler of Black Hawk moved the adoption of H-1014A.

A non-record roll call was requested.

The ayes were 45, nays 50.

Amendment H-1014A lost.

Shoultz of Black Hawk offered the following amendment H-1019, to amendment H-1014B, filed by him and Moreland of Wapello from the floor:

H-1019

- 1 Amend the amendment, H-1014, to House File 108 as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 8 and
- 4 inserting the following:
- 5 "3. Page 5, by striking lines 23 through 28."

The following amendment H-1020, to amendment H-1019, filed by Shoultz of Black Hawk from the floor, was adopted by unanimous consent:

H-1020

- 1 Amend the amendment, H-1019, to amendment H-1014,
- 2 to House File 108 as follows:
- 3 1. Page 1, line 3, by striking the numeral "6"
- 4 and inserting the numeral "4".

Shoultz of Black Hawk moved the adoption of amendment H-1019, as amended, to amendment H-1014B.

Amendment H-1019, as amended, was adopted.

Shoultz of Black Hawk moved the adoption of H-1014B, as amended.

Roll call was requested by Shoultz of Black Hawk and Chiodo of Polk.

On the question "Shall amendment H-1014B as amended, be adopted?" (H.F. 108)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers

O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Weigel	Whitead	Wise
Witt			

The nays were, 52:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Carroll	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

Absent or not voting, 3:

Blodgett	Brunkhorst	Warnstadt
----------	------------	-----------

Amendment H-1014B lost.

Taylor of Linn offered the following amendment H-1016 filed by him and moved its adoption:

H-1016

- 1 Amend House File 108 as follows:
- 2 1. Page 4, by striking lines 1 through 19.
- 3 2. By renumbering as necessary.

Amendment H-1016 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Martin of Scott on request of Siegrist of Pottawattamie.

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

On the question "Shall the bill pass?" (H.F. 108)

The ayes were, 52:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie

Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Metcalf
Meyer	Millage	Nelson	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

The nays were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 2:

Blodgett Martin

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 108** be immediately messaged to the Senate.

SUBCOMMITTEE ASSIGNMENTS

House File 76

Judiciary: Kremer, Chair; Churchill and Moreland.

House File 107

Ways and Means: Greig, Chair; Dinkla and Osterhaus.

House File 117

Ways and Means: Rants, Chair; Dinkla and Shoultz.

House File 120

Ways and Means: Dinkla, Chair; Larson and Weigel.

House File 128

Judiciary: Boddicker, Chair; Doderer and Larson.

House File 130

Judiciary: Larson, Chair; Churchill, Doderer, Kreiman and Millage.

House File 131

Ways and Means: Greig, Chair; Dinkla and Larkin.

House File 135

Judiciary: Dinkla, Chair; Chapman and Lamberti.

House File 150

Natural Resources: Hahn, Chair; Brauns and Jochum.

House File 153

Human Resources: Blodgett, Chair; Barry and Murphy.

House File 157

Ways and Means: Van Fossen, Chair; Larson and Shoultz.

House File 158

Judiciary: Sukup, Chair; Churchill and Kreiman.

House File 159

Human Resources: Barry, Chair; Blodgett and Thomas.

House File 162

Judiciary: Lamberti, Chair; Kreiman and Larson.

House File 163

Judiciary: Boddicker, Chair; Greiner and Kreiman.

House File 164

Ways and Means: Holmes, Chair; Richardson and Teig.

House File 165

Commerce-Regulation: Jacobs, Chair; Chiodo and Dinkla.

House File 166

Commerce-Regulation: Metcalf, Chair; Bradley and Weigel.

House File 169

Natural Resources: Cormack, Chair; Greig and Mertz.

House File 174

Human Resources: Martin, Chair; Thomson and Witt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 93

Local Government: Vande Hoef, Chair; Welter and Whitead.

House Study Bill 94

Local Government: Arnold, Chair; Carroll and Connors.

House Study Bill 98

State Government: Gipp, Chair; Chiodo, Churchill, Holmes and Jochum.

House Study Bill 99

State Government: Bradley, Chair; Houser and Whitead.

House Study Bill 100

Labor and Industrial Relations: Holmes, Chair; Klemme and Taylor.

House Study Bill 101

Judiciary: Churchill, Chair; Holveck and Lamberti.

House Study Bill 102

Judiciary: Lamberti, Chair; Dinkla and Kreiman.

House Study Bill 103

Judiciary: Millage, Chair; Bernau and Lamberti.

House Study Bill 105

Labor and Industrial Relations: Sukup, Chair; Barry and Murphy.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 106 State Government

Relating to personnel procedures and investment policy requirements for state government employees.

H.S.B. 107 Environmental Protection

Relating to review and oversight of actions of the ozone transport assessment group.

H.S.B. 108 Environmental Protection

Relating to household hazardous materials and retail labeling requirements.

H.S.B. 109 Local Government

Relating to the fee charged by the county auditor for transfers of property made in the transfer records.

H.S.B. 110 Local Government

Relating to collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution.

H.S.B. 111 Ways and Means

Proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments.

H.S.B. 112 Ways and Means

Relating to the individual income tax by extending the special method of computation of tax for value-added S corporation shareholders to all S corporation shareholders and eliminating the refund limitation and providing an effective and applicability date provision.

H.S.B. 113 Appropriations

Establishing a program to provide major maintenance and infrastructure improvements to existing state parks and other public facilities managed by the department of natural resources and making appropriations.

H.S.B. 114 Ethics

To amend the rules governing lobbyists in the House of Representatives.

H.S.B. 115 Local Government

Relating to civil service coverage for police officers and fire fighters.

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

Committee Bill (Formerly House Study Bill 27), relating to the establishment of the drinking water facilities financing program, the drinking water treatment revolving loan fund, and the drinking water facilities administration fund.

Fiscal Note is not required.

Recommended Amend and Do Pass February 5, 1997.

RESOLUTION FILED

HR 7, by Lamberti, a resolution to request an interim study regarding the use of community service in Iowa's criminal and juvenile justice system.

Referred to committee on **judiciary**.

AMENDMENT FILED

H—1018 **H.F. 8** Reynolds-Knight of Van Buren

On motion by Siegrist of Pottawattamie, the House adjourned at 5:42 p.m., until 1:00 p.m., Monday, February 10, 1997.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 10, 1997

The House met pursuant to adjournment at 1:07 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Phillip Olson, Ridgeway Lutheran Parish, Ridgeway.

The Journal of Thursday, February 6, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Keith Weigel, state representative from Chickasaw County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jenkins of Black Hawk, for February 10 and 11, 1997, on request of Gipp of Winneshiek.

PETITION FILED

The following petition was received and placed on file:

By Wise and Larkin of Lee from one hundred seventy-three constituents opposing H.S.B. 12, relating to state employees' pay and health benefits.

INTRODUCTION OF BILLS

House Joint Resolution 8, by Cormack, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to propose laws and amendments to the Constitution by initiative petition.

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

House Joint Resolution 9, by Grundberg and Boddicker, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office for members of the Iowa Senate and the Iowa House of Representatives.

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

House File 177, by Warnstadt, a bill for an act relating to reality education substance abuse prevention programs, by making the program

available to all persons regardless of age and removing a consent requirement.

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

House File 178, by Metcalf, a bill for an act relating to joint billing or collection of combined service accounts for sanitary districts and a city utility or combined utility system and to discontinue service for delinquency, and providing for the establishment of benefited districts and fees from the connection of property to the sanitary facilities of a sanitary district.

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

House File 179, by Thomson, a bill for an act relating to inpatient benefits and care requirements following a mastectomy.

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

House File 180, by Richardson, a bill for an act relating to the methods of collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution.

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

House File 181, by Blodgett, a bill for an act relating to the deductibility of federal income taxes paid or accrued under the individual income tax by reducing certain tax rates for an election to not deduct federal taxes paid or accrued for certain tax years, and including an effective and applicability date provision.

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

House File 182, by Tyrrell, a bill for an act establishing equitable restitution for payments relating to the support of a child.

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

House File 183, by Eddie, a bill for an act relating to the treatment of interest paid on money borrowed for investment purposes and providing effective and retroactive applicability date provisions.

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

House File 184, by Doderer and Kreiman, a bill for an act prohibiting certain restrictions and limitations in a contract between a provider of health care services and an insurer.

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

House File 185, by Lamberti and Connors, a bill for an act declaring a truant a child in need of assistance and establishing a penalty for aiding a child to be truant.

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

House File 186, by Murphy, a bill for an act to prohibit the disarming of a peace officer and providing penalties.

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

House File 187, by Doderer, a bill for an act requiring, for purposes of ratemaking, the allocation of pregnancy-related health expenses equally among female and male policyholders, subscribers, or enrollees of individual third-party payor medical expense contracts.

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

House File 188, by Sukup, Fallon, and Garman, a bill for an act relating to the hours of operation of gambling games at pari-mutuel racetracks and on excursion gambling boats and subjecting violators to a penalty.

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

House File 189, by Kreiman, a bill for an act decreasing the blood alcohol concentration level necessary for the violation of operating a motor vehicle while intoxicated, and making related changes.

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

House File 190, by Blodgett, a bill for an act relating to snowmobiles by requiring certificates of title, providing for point of sale registration, and increasing snowmobile registration fees.

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

House File 191, by committee on appropriations, a bill for an act relating to the establishment of the drinking water facilities financing program, the drinking water treatment revolving loan fund, the drinking water facilities administration fund, and providing an effective date.

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

House File 192, by Nelson, a bill for an act relating to articulated sequential elementary-secondary guidance programs in schools and school districts.

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

House File 193, by Kremer, a bill for an act relating to the liability of a volunteer.

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

House File 194, by Taylor, a bill for an act relating to the employment of legal counsel for civil services commissions.

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

House File 195, by Heaton, a bill for an act requiring an election prior to issuance of bonds by an aviation authority and providing an applicability provision and an effective date.

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

House File 196, by Siegrist, a bill for an act relating to the advertising, marketing, or promoting of lottery games by the radio or television media and providing for the Act's applicability.

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

SENATE MESSAGE CONSIDERED

Senate File 75, by committee on natural resources and environment, a bill for an act relating to the qualifications of groundwater professionals.

Read first time and referred to committee on **environmental protection**.

HOUSE FILE 145 REREFERRED

The Speaker announced that House File 145, previously referred to committee on **state government** was rereferred to committee on **education**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 6, 1997. Had I been present, I would have voted "aye" on House File 108.

MARTIN of Scott

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 10, 1997, he approved and transmitted to the Secretary of State the following bill:

Senate File 35, an act eliminating the inheritance tax on property passing to parents, grandparents, great-grandparents, and other lineal ascendants, children

including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants of the decedent and providing an applicability date provision.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF CORRECTIONS

The Progress Report to the General Assembly, pursuant to Chapter 166, 1995 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF HUMAN RIGHTS

Division of Criminal and Juvenile Justice Planning

The Annual Report, pursuant to Chapter 216A.9, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

A report, pursuant to Chapter 135.11, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

A report, "Public Highway-Railroad Grade Crossing Classifications and Warning Device Standards," pursuant to Chapter 307.26 (5)(c), 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

- 1997\83 Anna McColley, Cedar Rapids – For receiving a bronze Distinguished Finalist medallion from The Prudential Spirit of Community Awards.
- 1997\84 Cora Chambers, Indianola – For celebrating her 90th birthday.
- 1997\85 Rodney Mogler, Alvord. – For being selected as one of Iowa's 1996 Pork All-Americans.
- 1997\86 Brian Mogler, Alvord – For being selected as one of Iowa's 1996 Pork All-Americans.
- 1997\87 Dwight Mogler, Alvord – For being selected as one of Iowa's 1996 Pork All-Americans.
- 1997\88 Perry Mogler, Alvord – For being selected as one of Iowa's 1996 Pork All-Americans.
- 1997\89 Harley Ransom, Benton County – For his service on the Heritage Benton County Task Force on Aging.

- 1997\90 Evelyn Lahn, Benton County – For her service on the Heritage Benton County Task Force on Aging.
- 1997\91 Charles Auld, Benton County – For his service on the Heritage Benton County Task Force on Aging.
- 1997\92 Berniece and Elmer Lassen, Benton County – For their service on the Heritage Benton County Task Force on Aging.
- 1997\93 Evalyn DeBates, Benton County – For her service on the Heritage Benton County Task Force on Aging.
- 1997\94 Pauline Flamme, Gladbrook – For receiving the 1996 Iowa Masters Farm Homemaker of the Year Award.
- 1997\95 Darlene and Henry Mumm, Camanche – For celebrating their 50th wedding anniversary.
- 1997\96 Alfred Pries, Princeton – For celebrating his 90th birthday.
- 1997\97 Associated General Contractors of Iowa – For celebrating its 75th Anniversary.
- 1997\98 Lela and Robert Bennett, Newton – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 116 (Reassigned)

Agriculture: Boggess, Chair; Kreiman and Rayhons.

House File 132 (Reassigned)

Agriculture: Greig, Chair; Frevert and Klemme.

House File 180

Local Government: Vande Hoef, Chair; Welter and Whitead.

House File 190

Transportation: Blodgett, Chair; Carroll and May.

House File 194

Local Government: Arnold, Chair; Brauns and Connors.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 106

State Government: Jacobs, Chair; Taylor and Van Fossen.

House Study Bill 109

Local Government: Klemme, Chair; Huseman and Mundie.

House Study Bill 110

Local Government: Vande Hoef, Chair; Arnold and Mertz.

House Study Bill 113

Appropriations: Cormack, Chair; Brauns and Warnstadt.

House Study Bill 115

Local Government: Arnold, Chair; Brauns and Connors.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 116 Ethics**

To amend the House code of ethics.

H.S.B. 117 State Government

Concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date.

H.S.B. 118 Commerce-Regulation

Relating to elevator installations and providing a penalty.

H.S.B. 119 Commerce-Regulation

Relating to the services provided through the practice of land surveying.

H.S.B. 120 Judiciary

Relating to reality education substance abuse prevention programs, by removing language making the program available only to certain persons under the age of twenty-one and removing a consent requirement.

H.S.B. 121 Judiciary

Relating to the procedures and requirements relating to guardianships and conservatorships.

H.S.B. 122 Commerce-Regulation

Relating to the title guaranty division by providing for the appointment of the director and establishing supervisory authority over the title guaranty program.

H.S.B. 123 Local Government

Relating to instruments filed or recorded with the county recorder.

COMMITTEE RECOMMENDATIONS

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

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 23), relating to nonsubstantive Code corrections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1997.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 5), relating to the effective date of a merger or consolidation of cooperative associations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 1997.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:17 p.m., until 8:45 a.m., Tuesday, February 11, 1997.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 11, 1997

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

Prayer was offered by Reverend Bruce Branson, Central Avenue Baptist Church, Hartley.

The Journal of Monday, February 10, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Wise and Larkin of Lee, from one hundred eighty-two constituents opposing H.S.B. 12, relating to state employees' pay and health benefits.

INTRODUCTION OF BILLS

House File 197, by Blodgett, a bill for an act relating to transferring proceeds of excise taxes from the sale of snowmobile fuel to the special conservation fund.

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

House File 198, by Siegrist, a bill for an act relating to workers' compensation benefits for professional athletes and providing an effective date.

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

House File 199, by Richardson and Huser, a bill for an act relating to urban revitalization tax exemptions for property assessed as residential property and providing an effective date and applicability provisions.

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

House File 200, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections.

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

CONSIDERATION OF BILLS

Appropriations Calendar

House File 125, a bill for an act appropriating federal block grant funds and amending appropriations from the general fund of the state

to the department of human services for the state fiscal year beginning July 1, 1996, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 125)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huser	Jacobs	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 7:

Eddie	Grundberg	Huseman	Jenkins
Larson	Richardson	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 **House File 125** be immediately messaged to the Senate.

Ways and Means Calendar

House File 126, a bill for an act relating to the state sales and use tax exemption on certain computers, machinery, equipment, and fuel, was taken up for consideration.

Chapman of Linn offered the following amendment H-1011 filed by her and moved its adoption:

H-1011

- 1 Amend House File 126 as follows:
- 2 1. Page 2, line 6, by striking the words "and
- 3 includes" and inserting the following: ", nonprofit
- 4 organizations, and".
- 5 2. Page 2, line 8, by striking the words "and
- 6 manufacturers" and inserting the following: ",
- 7 manufacturers, and nonprofit organizations,".
- 8 3. Page 2, line 9, by striking the words "and
- 9 nonprofit organizations".

Amendment H-1011 lost.

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.

Under the provision of Rule 76, Weigel of Chickasaw refrained from voting.

On the question "Shall the bill pass?" (H.F. 126)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher

May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Fallon

Absent or not voting, 3:

Jenkins Warnstadt Weigel

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 126** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 11, 1997. Had I been present, I would have voted "aye" on House File 125.

HUSEMAN of Cherokee

I was necessarily absent from the House chamber on February 11, 1997. Had I been present, I would have voted "aye" on House File 125.

RICHARDSON of Warren

ASSIGNMENT OF SEAT IN PRESS GALLERY

The following named persons are accredited members of the press and are entitled to access to the press gallery:

Des Moines Register Shirley Salemy

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF PERSONNEL

A revised report, pursuant to Chapter 178, 1993 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

- 1997\99 Timothy Williams, New Providence – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\100 Doris and Francis Froah, Newton – For celebrating their 50th wedding anniversary.
- 1997\101 Kathleen and Gerald Kreigel, Brooklyn – For celebrating their 50th wedding anniversary.
- 1997\102 Virginia and Max Miltner, Solon – For celebrating their 50th wedding anniversary.
- 1997\103 Marilyn and Bob Hegland, Benton County – For their service on the Heritage Benton County Task Force on Aging.
- 1997\104 Johanna and Melvin Vos, Pella – For celebrating their 50th wedding anniversary.
- 1997\105 Peggy and Herman Viriden, Carlisle. – for celebrating their 50th wedding anniversary.
- 1997\106 Virginia and Delmar Thoman, Fairfax – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 9

State Government: Van Fossen, Chair; Bernau and Drake.

House File 119

Human Resources: Thomson, Chair; Ford and Lord.

House File 145

Education: Rants, Chair; Lord and Wise.

House File 146

Education: Thomson, Chair; Boddicker, Mascher, Veenstra and Wise.

House File 152

Judiciary: Larson, Chair; Garman and Moreland.

House File 155

Education: Gries, Chair; Dolecheck and Wise.

House File 167

Labor and Industrial Relations: Barry, Chair; Dotzler and Metcalf.

House File 168

Education: Grundberg, Chair; Mascher, Rants, Thomson and Wise.

House File 173

Labor and Industrial Relations: Barry, Chair; Metcalf and Taylor.

House File 182

Human Resources: Kremer, Chair; Lamberti and Moreland.

House File 192

Education: Garman, Chair; Bukta and Lord.

House File 197

Ways and Means: Holmes, Chair; Richardson and Teig.

House File 199

Ways and Means: Lord, Chair; Richardson and Teig.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 96

Human Resources: Lamberti, Chair; Falck and Thomson.

House Study Bill 97

Education: Gries, Chair; Brunkhorst and Cohoon.

House Study Bill 107

Environmental Protection: Rants, Chair; Burnett and Jenkins.

House Study Bill 108

Environmental Protection: Teig, Chair; Boggess and Mascher.

House Study Bill 117

State Government: Nelson, Chair; Connors and Jacobs.

House Study Bill 120

Judiciary: Veenstra, Chair; Bernau and Lamberti.

House Study Bill 121

Judiciary: Churchill, Chair; Chapman and Lamberti.

House Study Bill 123

Local Government: Dix, Chair; Carroll and Mundie.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 124 State Government**

Relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

H.S.B. 125 Commerce-Regulation

Relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions.

H.S.B. 126 Local Government

Relating to the membership of the county compensation board.

H.S.B. 127 State Government

Relating to city civil service and providing an effective date.

H.S.B. 128 State Government

Providing for the continued operation of the department of human rights and including an effective date.

H.S.B. 129 Education

Relating to children's benefits, immunizations, and school attendance under the family investment program and providing an effective date.

H.S.B. 130 Judiciary

Relating to the appointment of district judges in lieu of district associate judges.

H.S.B. 131 Education

Providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula.

H.S.B. 132 Ways and Means

Creating the chemical emergency preparedness fund and establishing a fee.

H.S.B. 133 Ways and Means

Relating to taxation of the delivery and consumption of electricity and natural gas within the state of Iowa and providing for the Act's retroactive applicability, and providing penalties.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 52), relating to continued eligibility under the new jobs and income program concerning the ownership of land by nonresident aliens and certain capital investment and job creation provisions.

Fiscal Note is not required.

Committee Action: Failed to Pass February 6, 1997.

COMMITTEE ON EDUCATION

House File 92, a bill for an act relating to eligibility for receipt of moneys under the school improvement technology program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1022** February 10, 1997.

COMMITTEE ON ETHICS

Committee Bill (Formerly House Study Bill 114), to amend the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

Committee Bill (Formerly House Study Bill 116), to amend the House code of ethics.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 44), relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 1997.

RESOLUTIONS FILED

HCR 8, by Rants, a concurrent resolution requesting the United States Environmental Protection Agency to retain existing national ambient air quality standards for ozone and particulate matter, conduct additional research on ozone and particulate matter standards, and identify unfunded mandates or other administrative or economic burdens resulting from changes to ozone and particulate matter standards.

Referred to committee on **environmental protection**.

HR 8, by committee on ethics, a resolution to amend the House code of ethics.

Placed on the **calendar**.

HR 9, by committee on ethics, a resolution to amend the rules governing lobbyists in the House of Representatives.

Placed on the **calendar**.

AMENDMENTS FILED

H—1021	H.F.	31	Vande Hoef of Osceola
H—1022	H.F.	92	Committee on Education
H—1023	H.F.	200	Committee on Judiciary
H—1024	H.F.	36	Scherrman of Dubuque
H—1025	H.F.	8	Kreiman of Davis
H—1026	H.F.	8	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 9:14 a.m., until 8:45 a.m., Wednesday, February 12, 1997.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 12, 1997

The House met pursuant to adjournment at 8:48 a.m., Speaker Corbett in the chair.

Prayer was offered by Rabbi Fink, Temple B'Nai Jesurun, Des Moines.

The Journal of February 11, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Carroll of Poweshiek from two hundred thirty-six constituents favoring a handgun deer hunting season in Iowa.

INTRODUCTION OF BILLS

House File 201, by Jochum, a bill for an act requiring licensure of orthopedic physician assistants, establishing a board of orthopedic physician assistant examiners, establishing fees and penalties, and providing for properly related matters.

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

House File 202, by Arnold, a bill for an act relating to the issuance of free deer hunting licenses to owners and tenants of farm units.

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

House File 203, by Foege, a bill for an act relating to the theft of video rental property and making penalties applicable.

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

House File 204, by Jochum, a bill for an act relating to the inclusion of a communication or contact agreement in an order for the termination of parental rights or in an adoption decree if the child had previously received child foster care.

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

House File 205, by Jochum, a bill for an act providing for grandparent visitation rights.

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

House File 206, by Jochum, a bill for an act relating to the third-party payment of health care coverage costs for preventive care services and mental health and substance abuse treatment services.

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

House File 207, by Richardson, a bill for an act relating to the discarding of solid waste and providing a penalty.

Read first time and referred to committee on **environmental protection**.

House File 208, by Larson, a bill for an act relating to an expansion of the national guard tuition aid program to include active members of a United States military reserve unit based in this state or that drills in this state.

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

House File 209, by Larson and Myers, a bill for an act relating to the sales, services, and use tax exemption for the sale of tangible personal property which is purchased for lease or rental.

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

House File 210, by Kreiman, a bill for an act relating to the appointment of district associate judges in lieu of associate juvenile judges.

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

House File 211, by Richardson, a bill for an act relating to the possession of curio or relic firearms by members of certain organizations.

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

House File 212, by committee on ways and means, a bill for an act relating to the taxation of real property used in the operation of a race-track or racetrack enclosure.

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

House File 213, by Bradley, Millage, Martin, Holmes, and Van Fossen, a bill for an act relating to payment of restitution by persons convicted of a violation of operating a motor vehicle while intoxicated (OWI), including removing the limitation on OWI victim restitution payments and allowing public agencies to seek restitution for the cost of emergency response services resulting from the OWI violation.

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

House File 214, by Wise, Cohoon, Foegen, Brand, Moreland, Schrader, and Larkin, a bill for an act relating to the establishment of a council for voluntary high standards and assessment development and to the adoption of voluntary model content standards and assessments by the state board of education and by schools and school districts, and providing for related matters.

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

House File 215, by Heaton, a bill for an act requiring that an insurance company not consider certain accidents for the purpose of establishing motor vehicle insurance rates.

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

House File 216, by Bradley and Rants, a bill for an act creating an environmental audit privilege and providing penalties.

Read first time and referred to committee on **environmental protection**.

House File 217, by Teig, Eddie, Sukup, Arnold, Dix, Garman, and Rayhons, a bill for an act providing for the plugging of agricultural drainage wells and the construction of alternative drainage systems.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 11, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 80, a bill for an act relating to police bicycles.

Also: That the Senate has on February 11, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 82, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Also: That the Senate has on February 11, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 117, a bill for an act eliminating the restitution limit for the offense of operating while intoxicated.

Also: That the Senate has on February 11, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 118, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

MARY PAT GUNDERSON, Secretary

On motion by Rants of Woodbury, the House was recessed at 9:00 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 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-three members present, twenty-seven absent.

SPECIAL PRESENTATION

Myers of Johnson presented to the House, Mary Sue Coleman, President of the University of Iowa.

CONSIDERATION OF BILLS

Regular Calendar

House File 8, a bill for an act relating to the funding of state mandates, with report of committee recommending amendment and passage, was taken up for consideration.

Houser of Pottawattamie offered the following amendment H-1003 filed by the committee on local government and moved its adoption:

H-1003

- 1 Amend House File 8 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "to" the following: "any liabilities or".

The committee amendment H-1003 was adopted.

Reynolds-Knight of Van Buren asked and received unanimous consent to withdraw amendment H-1018 filed by her on February 6, 1997.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1025 filed by him on February 11, 1997.

Kreiman of Davis offered the following amendment H-1026 filed by him and moved its adoption:

H-1026

- 1 Amend House File 8 as follows:
 2 1. Page 1, by inserting after line 28 the
 3 following:
 4 "3. For the purposes of subsection 1, a political
 5 subdivision or political subdivisions may appeal to
 6 the advisory commission on intergovernmental
 7 relations, created in chapter 28J, to determine
 8 whether or not any new activity, new service, or
 9 increase in service required to be engaged in by the
 10 political subdivisions of the state constitutes a
 11 state mandate and if it is a state mandate, to what
 12 extent the state has fully funded such mandate."

Amendment H-1026 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?" (H.F. 8)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Connors

Warnstadt

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

House File 31, a bill for an act relating to the registration fee for ex-prisoner of war motor vehicle plates and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-1021 filed by him and moved its adoption:

H-1021

1 Amend House File 31 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "order" the following: "only one set of".

4 2. Page 1, line 13, by striking the words "emblem
5 with the emblem" and inserting the following:
6 "emblem. The emblem shall be".

7 3. Page 1, lines 14 and 15, by striking the words
8 "which emblem signifies" and inserting the following:
9 "and shall signify".

10 4. Page 1, line 18, by inserting after the word
11 "plates" the following: "shall be issued at no charge
12 and".

13 5. Page 1, line 19, by striking the word
14 "department" and inserting the following: "county
15 treasurer".

16 6. Page 1, by inserting after line 31, the
17 following:

18 "Sec. ____ A person eligible to be issued ex-
19 prisoner of war special plates who ordered and paid
20 for the special plates on or after January 1, 1997,
21 but prior to the effective date of this Act shall be
22 entitled to a refund from the state department of
23 transportation of all fees in excess of fifteen
24 dollars paid for issuance of one set of the special
25 plates. A person eligible for a refund under this
26 section shall submit a claim for a refund to the state
27 department of transportation on a form for that
28 purpose obtained from the county treasurer.
29 Notwithstanding any provision of the Code to the
30 contrary, refunds shall be paid by the department from
31 registration fees deposited in the road use tax fund
32 under section 321.145.

33 A person who obtained more than one set of special
34 plates under section 321.34, subsection 15, shall
35 surrender the additional set or sets of special plates

- 36 not later than the end of the registration year for
 37 which the plates were issued. A refund shall not be
 38 issued for additional sets of special plates.”
 39 7. By striking page 1, line 34, through page 2,
 40 line 2, and inserting the following: “and is
 41 retroactively applicable to January 1, 1997.”
 42 8. By renumbering as necessary.

Amendment H-1021 was adopted.

SENATE FILE 5 SUBSTITUTED FOR HOUSE FILE 31

Vande Hoef of Osceola asked and received unanimous consent to substitute Senate File 5 for House File 31.

Senate File 5, a bill for an act relating to the registration fee for ex-prisoner of war motor vehicle plates and providing an effective date and a retroactive applicability date, 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. 5)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Connors

Greig

Warnstadt

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

House File 114, a bill for an act to legalize certain city and county deeds and conveyances, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 114)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Connors

Warnstadt

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

HOUSE FILE 193 WITHDRAWN

Kremer of Buchanan asked and received unanimous consent to withdraw House File 193 from further consideration by the House.

HOUSE FILE 42 WITHDRAWN

Bell of Jasper asked and received unanimous consent to withdraw House File 42 from further consideration by the House.

HOUSE FILE 31 WITHDRAWN

Welter of Jones asked and received unanimous consent to withdraw House File 31 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: **House Files 8, 114 and Senate File 5.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 11, 1997. Had I been present, I would have voted "aye" on House Files 125 and 126.

JENKINS of Black Hawk

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF COMMERCE
Iowa Utilities Board

The "Regulatory Restructuring Options in the Electric Utility Industry - A Staff Analysis" report, pursuant to Chapter 7A.10, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report, pursuant to Chapter 113.10(20), 1996 Acts of the Seventy-sixth General Assembly.

A report, pursuant to Chapter 1213.8(10), 1996 Acts of the Seventy-sixth General Assembly.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1997\107 Patricia N. and John L. Johnson, Sioux City – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 99

Ways and Means: Blodgett, Chair; Hansen and Jochum.

House File 109

Ways and Means: Larson, Chair; Bernau and Van Fossen.

House File 110

Ways and Means: Larson, Chair; Frevert and Lord.

House File 178

Commerce-Regulation: Koenigs, Chair; Dix and Van Fossen.

House File 179

Commerce-Regulation: Metcalf, Chair; Dinkla and Wise.

House File 181

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

House File 183

Ways and Means: Lamberti, Chair; Dinkla and Weigel.

House File 184

Commerce-Regulation: Metcalf, Chair; Dinkla and Doderer.

House File 187

Commerce-Regulation: Metcalf, Chair; Dinkla and Doderer.

House File 195

Ways and Means: Lord, Chair; Drake and Myers.

House File 208

Education: Dolecheck, Chair; Van Maanen and Warnstadt.

House File 214

Education: Brunkhorst, Chair; Rants and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 26

Ways and Means: Jenkins, Chair; Drake and Weigel.

House Study Bill 28

Ways and Means: Jenkins, Chair; Drake and Weigel.

House Study Bill 50

Commerce-Regulation: Hansen, Chair; Osterhaus and Rants.

House Study Bill 51

Commerce-Regulation: Van Fossen, Chair; Chapman and Dix.

House Study Bill 69

Commerce-Regulation: Churchill, Chair; Chapman and Dix.

House Study Bill 70

Commerce-Regulation: Bradley, Chair; Koenigs and Metcalf.

House Study Bill 92

Commerce-Regulation: Van Fossen, Chair; Dix and Osterhaus.

House Study Bill 95

Commerce-Regulation: Sukup, Chair; Dinkla and Doderer.

House Study Bill 104

Commerce-Regulation: Rants, Chair; Koenigs and Larson.

House Study Bill 111

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

House Study Bill 112

Ways and Means: Larson, Chair; Lamberti and Shoultz.

House Study Bill 118

Commerce-Regulation: Bradley, Chair; Cataldo and Dix.

House Study Bill 119

Commerce-Regulation: Bradley, Chair; Chiodo and Dix.

House Study Bill 122

Commerce-Regulation: Metcalf, Chair; Jacobs and Osterhaus.

House Study Bill 124

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

House Study Bill 125

Commerce-Regulation: Metcalf, Chair; Chapman, Dinkla, Holveck and Van Fossen.

House Study Bill 126

Local Government: Vande Hoef, Chair; Huseman and Huser.

House Study Bill 127

State Government: Bradley, Chair; Burnett and Nelson.

House Study Bill 128

State Government: Nelson, Chair; Burnett and Van Fossen.

House Study Bill 129

Education: Thomson, Chair; Boddicker, Mascher, Veenstra and Wise.

House Study Bill 130

Judiciary: Lamberti, Chair; Kreiman and Millage.

House Study Bill 131

Education: Gries, Chair; Brunkhorst and Wise.

House Study Bill 132

Ways and Means: Greig, Chair; Drake and Shoultz.

House Study Bill 133

Ways and Means: Rants, Chair; Larson and Weigel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 134 Human Resources

Concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

H.S.B. 135 Commerce-Regulation

Relating to funds held by insurance companies and providing an effective date.

H.S.B. 136 Judiciary

To include certain products containing ephedrine as schedule V controlled substances.

H.S.B. 137 Local Government

Relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 92), relating to the availability of a map indicating the location of electric transmission lines related to the extension of a franchise.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1997.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 24), relating to permits issued to licensed automobile tire recycling dealers to own or operate a waste tire site.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 35), relating to the statistical reporting of terminations of pregnancy and establishing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1997.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 73), relating to computation of time by which criminal sentences may be reduced for good behavior.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

Committee Bill (Formerly House Study Bill 74), providing for court-ordered treatment of a criminal defendant judged mentally incapable of standing trial.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

Committee Bill (Formerly House Study Bill 75), relating to the designation of certain correctional facilities.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

Committee Bill (Formerly House Study Bill 103), proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 3), relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 21), relating to transfers of funds from the county debt service fund.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1997.

COMMITTEE ON NATURAL RESOURCES

House File 142, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1027** February 11, 1997.

AMENDMENT FILED

H—1027

H.F. 142 Committee on Natural
Resources

On motion by Siegrist of Pottawattamie, the House adjourned at 1:38 p.m., until 8:45 a.m., Thursday, February 13, 1997.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 13, 1997

The House met pursuant to adjournment at 8:46 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Doug Peters, Solon United Methodist Church, Solon.

The Journal of Wednesday, February 12, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Weigel of Chickasaw on request of Kreiman of Davis; Bernau of Story, until his arrival, on request of Brand of Tama.

INTRODUCTION OF BILLS

House Joint Resolution 10, by committee on judiciary, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

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

House File 218, by Carroll, a bill for an act relating to service of notices of appraisalment of property for state inheritance tax purposes.

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

House File 219, by Van Fossen and Millage, a bill for an act relating to a partial exemption for retirement income for purposes of state individual income taxation and providing a retroactive applicability date.

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

House File 220, by Koenigs, a bill for an act relating to the monitoring of anaerobic lagoons and earthen manure storage basins by the department of natural resources.

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

House File 221, by Koenigs, a bill for an act relating to the construction of earthen manure storage basins and anaerobic lagoons within an agricultural drainage well basin, and making penalties applicable.

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

House File 222, by Bradley and Bukta, a bill for an act concerning pay and benefit rights of fire fighters under civil service who are elected as officers in certain professional fire fighter organizations, and providing an effective date.

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

House File 223, by Arnold, Teig, Klemme, and Huseman, a bill for an act relating to the hunting area for persons with free deer hunting licenses and free wild turkey hunting licenses.

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

House File 224, by Houser, Brauns, Klemme, Tyrrell, Heaton, Vande Hoef, Boggess, Drake, Meyer, Hahn, Rayhons, Veenstra, Kremer, Barry, Hansen, Sukup, Arnold, Weidman, Teig, Eddie, Welter, Huseman, Lord, Cormack, Dolecheck, Greiner, Brunkhorst, Greig, Churchill, Van Fossen, Bradley, Blodgett, Rants, Van Maanen, Holmes, Mertz, Mundie, and Thomson, a bill for an act establishing English as the common language of the state.

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

House File 225, by Vande Hoef, a bill for an act relating to the records of nonprofit corporations licensed to conduct pari-mutuel wagering and nonprofit corporations licensed to conduct gambling games.

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

House File 226, by committee on judiciary, a bill for an act relating to computation of time by which criminal sentences may be reduced for good behavior.

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

House File 227, by committee on judiciary, a bill for an act relating to the designation of certain correctional facilities.

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

House File 228, by committee on environmental protection, a bill for an act relating to permits issued to licensed automobile tire recycling dealers to own or operate a waste tire site.

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

House File 229, by committee on commerce-regulation, a bill for an act relating to the availability of a map indicating the location of electric transmission lines related to the extension of a franchise.

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

House File 230, by Lord, Thomson, Rants, Churchill, Grundberg, Veenstra, Cormack, Tyrrell, Jacobs, Metcalf, Carroll, Gries, Houser, Lamberti, Welter, Kremer, Heaton, Boddicker, Brauns, Drake, Bradley, Rayhons, Blodgett, Barry, Larson, Teig, Hansen, Arnold, Klemme, Wise, Myers, Bukta, Richardson, Larkin, Foege, Jochum, Whitead, Mascher, Burnett, and Kinzer, a bill for an act relating to school finance, by providing for on-time funding for new students based upon increased student enrollment, making an appropriation, and providing an effective date.

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

House File 231, by Garman, a bill for an act relating to the exemption from the sales, services, and use taxes of heat for use in residential-type dwellings and for fuel used to provide heat for residential-type dwellings and providing an applicability date provision.

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

House File 232, by committee on judiciary, a bill for an act providing for court-ordered treatment of a criminal defendant judged mentally incapable of standing trial.

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

House File 233, by committee on state government, a bill for an act relating to cooperative associations, by providing for the filing of documents and providing for the effective date of a merger or consolidation.

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

House File 234, by Osterhaus, a bill for an act relating to election of mayors in certain cities and providing an immediate effective date.

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

House File 235, by committee on human resources, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty.

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

SENATE MESSAGES CONSIDERED

Senate File 80, by Lundby, a bill for an act relating to police bicycles.

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

Senate File 82, by committee on appropriations, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

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

Senate File 117, by committee on judiciary, a bill for an act eliminating the restitution limit for the offense of operating while intoxicated.

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

Senate File 118, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 61, a bill for an act relating to the membership of a joint 911 service board.

Also: That the Senate has on February 12, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 104, a bill for an act relating to a minimum age requirement for a coaching authorization issued by the state board of educational examiners and providing an effective date.

MARY PAT GUNDERSON, Secretary

PRESENTATION OF VISITORS

Ninety-four students from central Iowa who have signed a group resolution, "True Love Waits" to be sexually pure until marriage. By Boddicker of Cedar.

ADOPTION OF SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Bradley of Clinton called up for consideration the supplemental report of the committee on mileage, found on page 243 of the House Journal, and moved its adoption.

The motion prevailed and the report was adopted.

CONSIDERATION OF BILLS Regular Calendar

House File 4, a bill for an act relating to the office of city assessor in certain counties, 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?" (H.F. 4)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson

Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Churchill	Connors	Warnstadt	Weigel
-----------	---------	-----------	--------

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 4** be immediately messaged to the Senate.

HOUSE FILE 30 WITHDRAWN

Dinkla of Guthrie asked and received unanimous consent to withdraw House File 30 from further consideration by the House.

Appropriations Calendar

House File 191, a bill for an act relating to the establishment of the drinking water facilities financing program, the drinking water treatment revolving loan fund, the drinking water facilities administration fund, and providing an effective date, was taken up for consideration.

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?" (H.F. 191)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig

Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Churchill

Warnstadt

Weigel

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 191** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:10 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 236, by committee on labor and industrial relations, a bill for an act relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

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

House File 237, by Wise, Chapman, Moreland, Cohoon, Bell, Larkin, Mascher, Burnett, Osterhaus, and Schrader, a bill for an act

relating to school corporation bond issuance elections and authorizing school corporations to impose an income surtax to partially fund certain bonds by providing a property tax credit, and providing for the Act's applicability.

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

House File 238, by Heaton, a bill for an act relating to free deer hunting licenses issued to owners and tenants of farm units, or members of their families.

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

House File 239, by Kremer, a bill for an act requiring bicycles to be equipped with an orange flag when operated on streets or highways having speed limits of twenty-five miles per hour or greater and providing a penalty.

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

House File 240, by Brauns, a bill for an act relating to application of the penalty for improperly passing a stopped school bus.

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

House File 241, by Grundberg, a bill for an act prohibiting the restriction of medical communications by health care providers and providing effective and applicability dates.

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

House File 242, by Greiner, a bill for an act relating to transportation of certain patients by regional transit systems to the university of Iowa hospitals.

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

House File 243, by Millage, a bill for an act relating to the commercial air service marketing program.

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

House File 244, by committee on local government, a bill for an act relating to transfers of funds from the county debt service fund.

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

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

- 1997\108 Doug Clemens, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\109 Ródd Witt, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\110 Chris Spencer, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\111 Kelli Clark, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\112 Peggy Bullard, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\113 Ethan Tuttle, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\114 Glen Wood, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\115 Rick Butler, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\116 Dan Howington, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\117 Willis Hamilton, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\118 Billy Knight, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\119 Wade Duley, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.

1997\120 Pat Regenwether, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.

1997\121 Gary Anderson, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.

1997\122 Frieda Foege, George – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 121

Human Resources: Boddicker, Chair; Burnett and Carroll.

House File 161

Judiciary: Millage, Chair; Churchill and Kreiman.

House File 170

Agriculture: Teig, Chair; Eddie, Koenigs, Mundie and Rayhons.

House File 175

Agriculture: Meyer, Chair; Greiner and Scherrman.

House File 176

Agriculture: Boggess, Chair; Huseman and Mertz.

House File 185

Judiciary: Lamberti, Chair; Bernau and Larson.

House File 198

Labor and Industrial Relations: Lamberti, Chair; Bell and Metcalf.

House File 202

Natural Resources: Arnold, Chair; Drees and Klemme.

House File 207

Environmental Protection: Meyer, Chair; Drake and Richardson.

House File 210

Judiciary: Millage, Chair; Churchill and Kreiman.

House File 211

Judiciary: Boddicker, Chair; Ford and Greiner.

House File 213

Judiciary: Lamberti, Chair; Kreiman and Millage.

House File 216

Environmental Protection: Bradley, Chair; Gipp, Mascher, Rants and Witt.

House File 218

Local Government: Carroll, Chair; Van Maanen and Whitead.

House File 223

Natural Resources: Arnold, Chair; Drees and Huseman.

House File 234

Local Government: Huseman, Chair; Brauns and Reynolds-Knight.

House Concurrent Resolution 8

Environmental Protection: Rants, Chair; Fallon and Jenkins.

House Resolution 7

Judiciary: Churchill, Chair; Kreiman and Lamberti.

Senate File 75

Environmental Protection: Bradley, Chair; Foege and Jenkins.

Senate File 80

Transportation: Rayhons, Chair; Eddie and Larkin.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 4

Ways and Means: Teig, Chair; Holmes and Weigel.

House Study Bill 134

Human Resources: Witt, Chair; Lord and Veenstra.

House Study Bill 135

Commerce-Regulation: Dinkla, Chair; Metcalf and Weigel.

House Study Bill 136

Judiciary: Veenstra, Chair; Grundberg and Moreland.

House Study Bill 137

Local Government: Houser, Chair; Arnold, Mertz, Myers and Vande Hoef.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 138 Ways and Means**

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

H.S.B. 139 Transportation

Relating to regulation of trucks and certain other large motor vehicles.

H.S.B. 140 Commerce-Regulation

Eliminating notice requirements relating to the location of certain electric transmission lines, wires, or cables.

H.S.B. 141 Local Government

Relating to county recorders by providing for the allocation of surcharges and fees and requirements for instruments conveying real property and providing an effective date.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 132, a bill for an act relating to the liability of persons involved in domesticated animal activities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1029** February 12, 1997.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study 113), establishing a program to provide major maintenance and infrastructure improvements to existing state parks and other public facilities managed by the department of natural resources and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1997.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 53), relating to the implementation of certain assistance programs of the department of economic development.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1997.

Committee Bill (Formerly House Study Bill 54), relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 28), relating to the administration of state individual income, corporate, franchise, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1997.

AMENDMENTS FILED

H—1028	H.F.	47	Brauns of Muscatine
H—1029	H.F.	132	Committee on Agriculture
H—1030	H.F.	142	Bell of Jasper

On motion by Gipp of Winneshiek, the House adjourned at 1:14 p.m., until 10:00 a.m., Friday, February 14, 1997.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 14, 1997

The House met pursuant to adjournment at 10:00 a.m., Brunkhorst of Bremer in the chair.

Prayer was offered by the Honorable Norman Mundie, state representative from Webster County.

The Journal of Thursday, February 13, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Frevert of Palo Alto from six hundred eighty constituents of House District 8, opposing H.F. 189, decreasing the blood alcohol concentration level necessary for legal intoxication.

By Frevert of Palo Alto from one hundred twelve constituents of House District 8, favoring increasing the profit from one cent to two cents per can and bottle at processing redemption centers.

INTRODUCTION OF BILLS

House Joint Resolution 11, by Cormack and Churchill, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, and Treasurer of State.

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

House File 245, by Rants, a bill for an act allowing a judge to order a defendant convicted of operating a motor vehicle while intoxicated to participate in a reality education substance abuse prevention program.

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

House File 246, by Vande Hoef, O'Brien, Veenstra, Holmes, Greig, Houser, Van Maanen, Mertz, Mundie, Drees, Klemme, Boddicker, and Van Fossen, a bill for an act adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, and making related changes.

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

House File 247, by Kreiman, a bill for an act requiring persons convicted of operating a motor vehicle while intoxicated to perform community service.

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

House File 248, by Warnstadt, a bill for an act relating to requirements for including in school district board meeting minutes any fire safety deficiencies identified by the state fire marshal or city fire inspectors.

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

House File 249, by Myers, a bill for an act relating to the exemption from the sales, services, and use taxes of the gross receipts from the sale, furnishing, or service of gas or electricity and of fuel used for heating and providing an applicability date provision.

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

House File 250, by committee on appropriations, a bill for an act establishing a program in the department of natural resources to provide major maintenance and infrastructure improvements to existing state parks and other public facilities and making appropriations.

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

House File 251, by committee on economic development, a bill for an act relating to the implementation of certain assistance programs of the department of economic development.

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

House File 252, by Cormack and Churchill, a bill for an act limiting the number of terms a person may serve as Iowa secretary of agriculture and providing applicability and effective date provisions.

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

House File 253, by Heaton, a bill for an act authorizing under certain circumstances a supplemental property tax levy for county administrative costs for management of mental health, mental retardation, and developmental disabilities services and providing an applicability date.

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

House File 254, by Mertz, Arnold, and Klemme, a bill for an act relating to the county mental health, mental retardation, and

developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the services fund levy and other levies, and providing an effective date.

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

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 40), relating to the affirmation and reenactment of certain provisions affecting the criminal and juvenile laws, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass February 13, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 137), relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass February 13, 1997.

COMMITTEE ON NATURAL RESOURCES

House File 81, a bill for an act relating to the qualifications for the successful completion of an approved hunter safety and ethics education course.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1031 February 13, 1997.

AMENDMENTS FILED

H-1031	H.F.	81	Committee on Natural Resources
H-1032	H.F.	142	Cormack of Webster

On motion by Gipp of Winneshiek, the House adjourned at 10:05 a.m., until 1:00 p.m., Monday, February 17, 1997.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 17, 1997

The House met pursuant to adjournment at 1:05 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Robert Skoor, Reorganized Church of Latter Day Saints, Des Moines.

The Journal of Friday, February 14, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Linn-Mar S.O.D.A. Group (Students O.K. Without Drugs and Alcohol) from Linn-Mar High School, Marion.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello on request of Cataldo of Polk.

PETITION FILED

The following petition was received and placed on file:

By Gries of Crawford, a resolution by the City Council of the City of Denison, in support of the ten objectives for the Iowa League of Cities 1997 Legislative Session.

SENATE MESSAGES CONSIDERED

Senate File 61, by Flynn, a bill for an act relating to the membership of a joint 911 service board.

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

Senate File 104, by committee on education, a bill for an act relating to a minimum age requirement for a coaching authorization issued by the state board of educational examiners and providing an effective date.

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

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 2:05 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILL

House File 255, by committee on local government, a bill for an act relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date.

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

On motion by Siegrist of Pottawattamie, the House was recessed at 2:06 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:14 p.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wise of Lee, until his arrival on request of Cohoon of Des Moines.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen 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 February 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 116, a bill for an act relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices.

Also: That the Senate has on February 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 131, a bill for an act relating to fraudulent practices involving family investment and medical assistance program benefits and making penalties applicable.

MARY PAT GUNDERSON, Secretary

ADOPTION OF HOUSE RESOLUTION 8

Lord of Dallas called up for consideration House Resolution 8,

a resolution to amend the House code of ethics, and moved its adoption:

1 HOUSE RESOLUTION 8
2 BY COMMITTEE ON ETHICS
3 (Successor To HSB 116)

4 A resolution to amend the House code of ethics.
5 *Be It Resolved By The House Of Representatives,*
6 That the House code of ethics be amended to read as
7 follows:

8 HOUSE CODE OF ETHICS

9 PREAMBLE, Every legislator and legislative
10 employee has a duty to uphold the integrity and honor
11 of the general assembly, to encourage respect for the
12 law and for the general assembly, and to observe the
13 house code of ethics. The members and employees of
14 the house have a responsibility to conduct themselves
15 so as to reflect credit on the general assembly, and
16 to inspire the confidence, respect, and trust of the
17 public. The following rules are adopted pursuant to
18 chapter 68B of the Code, to assist the members and
19 employees in the conduct of their activities:

20 1. DEFINITIONS. The definitions of terms provided
21 in chapter 68B of the Code apply to the use of those
22 terms in these rules.

23 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
24 HOUSE.

25 a. Economic or investment opportunity. A member
26 or employee of the house shall not solicit or accept
27 economic or investment opportunity under circumstances
28 where the member or employee knows, or should know,
29 that the opportunity is being afforded with the intent
30 to influence the member's or employee's conduct in the

Page 2

1 performance of official duties. If a member or
2 employee of the house learns that an economic or
3 investment opportunity previously accepted was offered
4 with the intent of influencing the member's or
5 employee's conduct in the performance of the official
6 duties, the member or employee shall take steps to
7 divest that member or employee of that investment or
8 economic opportunity, and shall report the matter in
9 writing to the chairperson of the house ethics
10 committee.

11 b. Excessive charges for services, goods, or
12 property interests. A member or employee of the house
13 shall not charge to or accept from a person known to
14 have a legislative interest, a price, fee,
15 compensation, or other consideration for the sale or
16 lease of any property or the furnishing of services
17 which is in excess of that which the member or

18 employee would ordinarily charge another person.
19 c. Use of confidential information. A member or
20 employee of the house, in order to further the
21 member's or employee's own economic interests, or
22 those of any other person, shall not disclose or use
23 confidential information acquired in the course of the
24 member's or employee's official duties. For the
25 purpose of this rule, information disclosed in open
26 session at a public meeting under chapter 21 of the
27 Code and information that is a public record under
28 chapter 22 of the Code is not confidential
29 information.
30 d. Employment. A member or employee of the house

Page 3

1 shall not accept employment, either directly or
2 indirectly, from a political action committee. A
3 member of the house shall not act as a paid lobbyist
4 for any organization. However, this paragraph shall
5 not prohibit a member or employee of the house from
6 working for a candidate's committee, a political
7 party's action committee, or a political action
8 committee which does not support or oppose a candidate
9 for public office in this state or a ballot issue in
10 this state and which is not interested in issues
11 before the general assembly.

12 For the purpose of this rule, a political action
13 committee means a committee, but not a candidate's
14 committee, which accepts contributions, makes
15 expenditures, or incurs indebtedness in the aggregate
16 of more than ~~two~~ five hundred ~~forty~~ dollars in any one
17 calendar year for the purpose of supporting or
18 opposing a candidate for public office or a ballot
19 issue or for the purpose of influencing legislative
20 action.

21 e. A member or employee of the house shall not
22 solicit employment on behalf of the member or
23 employee, or on behalf of another legislator or
24 employee, as a lobbyist while the general assembly is
25 in session.

26 f. Certain goods or services. A member or
27 employee of the house shall not solicit or obtain
28 goods or services from another person under
29 circumstances where the member or employee knows or
30 should know that the goods or services are being

Page 4

1 offered or sold with the intent to influence the
2 member's or employee's conduct in the performance of
3 official duties. If a member or employee of the house
4 is afforded goods or services by another person at a

5 price that is not available to other members or
6 classes of members of the general public or is
7 afforded goods or services that are not available to
8 other members or classes of members of the general
9 public by another person where the member or employee
10 knows or should know that the other person intends to
11 influence the member's or employee's official conduct,
12 the member or employee shall not take or purchase the
13 goods or services.

14 3. APPEARANCE BEFORE STATE AGENCY. A member or
15 employee of the house may appear before a state agency
16 in any representation case but shall not act as a
17 lobbyist with respect to the passage, defeat,
18 approval, veto, or modification of any legislation,
19 rule, or executive order. Whenever a member or
20 employee of the house appears before a state agency,
21 the member or employee shall carefully avoid all
22 conduct which might in any way lead members of the
23 general public to conclude that the member or employee
24 is using the member's or employee's official position
25 to further the member's or employee's professional
26 success or personal financial interest.

27 4. CONFLICTS OF INTEREST. In order for the
28 general assembly to function effectively, members of
29 the house may be required to vote on bills and
30 participate in committee work which will affect their

Page 5

1 employment and other areas in which they may have a
2 monetary interest. Action on bills and committee work
3 which furthers a member's specific employment,
4 specific investment, or other specific interest, as
5 opposed to the interests of the public in general or
6 the interests of a profession, trade, business, or
7 other class of persons, shall be avoided. In making a
8 decision relative to a member's activity on particular
9 bills or in committee work, the following factors
10 should be considered:

11 a. Whether a substantial threat to the member's
12 independence of judgment has been created by the
13 conflict situation.

14 b. The effect of the member's participation on
15 public confidence in the integrity of the general
16 assembly.

17 c. Whether the member's participation is likely to
18 have any significant effect on the disposition of the
19 matter.

20 d. The need for the member's particular
21 contribution, such as special knowledge of the subject
22 matter, to the effective functioning of the general
23 assembly.

24 If a member decides not to participate in committee

25 work or to abstain from voting because of a possible
 26 conflict of interest, the member should disclose this
 27 fact to the legislative body. The member shall not
 28 vote on any question in which the member has an
 29 economic interest that is distinguishable from the
 30 interests of the general public or a substantial class

Page 6

1 of persons.

2 5. STATUTORY REQUIREMENTS. Members and employees
 3 of the house shall comply with the requirements
 4 contained in chapters 68B (Conflicts of Interest of
 5 Public Officers and Employees), 721 (Official
 6 Misconduct), and 722 (Bribery and Corruption), and
 7 sections 2.18 (Contempt) and 711.4 (Extortion) of the
 8 Code.

9 6. CHARGE ACCOUNTS. Members and employees of the
 10 house shall not charge any amount or item to a charge
 11 account to be paid for by a lobbyist or any client of
 12 a lobbyist.

13 7. TRAVEL EXPENSES. A member or employee of the
 14 house shall not charge to the state of Iowa amounts
 15 for travel and expenses unless the member or employee
 16 actually has incurred those mileage and expense costs.
 17 Members or employees shall not file the vouchers for
 18 weekly mileage reimbursement required by section 2.10,
 19 subsection 1 of the Code, unless the travel expense
 20 was actually incurred.

21 A member or employee of the house shall not file a
 22 claim for per diem compensation for a meeting of an
 23 interim study committee or a visitation committee
 24 unless the member or employee attended the meeting.
 25 However, the speaker may waive this provision and
 26 allow a claim to be filed if the member or employee
 27 attempted to attend the meeting but was unable to do
 28 so because of circumstances beyond the member's or
 29 employee's control.

30 8. GIFTS ACCEPTED OR RECEIVED. Members and

Page 7

1 employees of the house shall comply with the
 2 restrictions relating to the receipt or acceptance of
 3 gifts contained in section 68B.22 of the Code.

4 9. HONORARIA RESTRICTIONS. Members and employees
 5 of the house shall comply with the restrictions
 6 relating to the receipt of honoraria contained in
 7 section 68B.23 of the Code.

8 10. DISCLOSURE REQUIRED. Each member of the house
 9 and the chief clerk of the house shall file the
 10 personal financial disclosure statements required
 11 under section 68B.35 of the Code by February 15 of

12 each year for the prior calendar year.

13 11. SEXUAL HARASSMENT. Members and employees of
14 the house shall not engage in conduct which
15 constitutes sexual harassment as defined in section
16 19B.12 of the Code or pursuant to the sexual
17 harassment policy adopted by the house committee on
18 administration and rules.

19 12. COMPLAINTS.

20 a. Filing of complaint. Complaints may be filed
21 by any person believing that a member or employee of
22 the house, a lobbyist, or a client of a lobbyist is
23 guilty of a violation of the house code of ethics, the
24 house rules governing lobbyists, or chapter 68B of the
25 Code.

26 b. Complaints by committee. The ethics committee
27 may initiate a complaint on its own motion. Committee
28 complaints may be initiated by the committee as a
29 result of a committee investigation or as a result of
30 receipt of any complaint or other information that

Page 8

1 does not meet the requirements of these rules
2 regarding the form of a complaint but that contains
3 allegations that would form the basis for a valid
4 complaint.

5 c. Form and contents of complaint. A complaint
6 shall be in writing.

7 Complaint forms shall be available from the chief
8 clerk of the house, but a complaint shall not be
9 rejected for failure to use the approved form if it
10 complies with the requirements of these rules. The
11 complaint shall contain a certification made by the
12 complainant, under penalty of perjury, that the facts
13 stated in the complaint are true to the best of the
14 complainant's knowledge.

15 To be valid, a complaint shall allege all of the
16 following:

17 (1) Facts, including the approximate date and
18 location of any event, incident, or transaction that,
19 if true, establish a violation of a provision of
20 chapter 68B of the Code, the house code of ethics, or
21 house rules governing lobbyists for which penalties or
22 other remedies are provided.

23 (2) That the conduct providing the basis for the
24 complaint occurred within three years of the filing of
25 the complaint.

26 (3) That the party charged with a violation is a
27 member or employee of the house, a lobbyist, or a
28 client of a lobbyist.

29 d. Confidentiality of complaint. The filing of
30 the complaint and the contents of the complaint shall

Page 9

1 be confidential until the time that the committee
2 meets to determine whether the complaint is valid,
3 unless either the complainant or the party charged in
4 the complaint makes the existence of, or the
5 information contained in, the complaint public.
6 However, if either the complainant or party alleged to
7 have committed the violation requests that the meeting
8 to determine whether the complaint is valid be a
9 closed meeting and the filing of the complaint or the
10 contents of the complaint have not been disclosed, the
11 meeting shall be closed.

12 e. Notice of complaint. Upon receipt of the
13 complaint, the chief clerk of the house shall promptly
14 notify the chairperson and ranking member of the
15 ethics committee that a complaint has been filed and
16 provide both the chairperson and the ranking member
17 with copies of the complaint and any supporting
18 information. Within two working days, the chief clerk
19 shall send notice, either by personal delivery or by
20 certified mail, return receipt requested, to the
21 person or persons alleged to have committed the
22 violation, along with a copy of the complaint and any
23 supporting information. The notice to the accused
24 person shall contain a request that the person submit
25 a written response to the complaint within ten working
26 days of the date that the notice was sent by the chief
27 clerk. At the request of the accused person, the
28 committee may extend the time for the response, not to
29 exceed ten additional calendar days.

30 f. Hearing regarding validity of complaint. The

Page 10

1 committee chairperson and the ranking member shall
2 review the complaint and supporting information to
3 determine whether the complaint meets the requirements
4 as to form. If the complaint is deficient as to form,
5 the complaint shall be returned to the complainant
6 with instructions indicating the deficiency unless the
7 committee decides to proceed on its own motion. If
8 the complaint is in writing and contains the
9 appropriate certification, as soon as practicable, the
10 chairperson shall call a meeting of the committee to
11 review the complaint to determine whether the
12 complaint meets the requirements for validity and
13 whether the committee should request that the chief
14 justice of the supreme court appoint an independent
15 special counsel to conduct an investigation to
16 determine whether probable cause exists to believe
17 that a violation of the house code of ethics, house
18 rules governing lobbyists, or chapter 68B of the Code,

19 has occurred.

20 If the committee finds that a complaint does not
21 meet the content requirements for a valid complaint,
22 the committee shall dismiss the complaint and notify
23 both the complainant and the party alleged to have
24 committed the violation of the dismissal and the
25 reasons for dismissal. A dismissal for failure to
26 meet the formal requirements for the filing of a
27 complaint shall be without prejudice and the
28 complainant may refile the complaint at any time
29 within three years of the date that the alleged
30 violation took place. If the dismissal is based upon

Page 11

1 a failure to allege facts and circumstances necessary
2 for a valid complaint, the dismissal shall be with
3 prejudice and the party shall not be permitted to file
4 a complaint based upon the same facts and
5 circumstances.

6 g. Request for appointment of independent special
7 counsel. If, after review of the complaint and any
8 response made by the party alleged to have committed
9 the violation, the committee determines that the
10 complaint meets the requirements for form and content,
11 the committee shall request that the chief justice of
12 the supreme court appoint independent special counsel
13 to investigate the matter and determine whether
14 probable cause exists to believe that a violation of
15 chapter 68B of the Code, the house code of ethics, or
16 the house rules governing lobbyists has occurred.

17 h. Receipt of report of independent special
18 counsel. The report from independent special counsel
19 regarding probable cause to proceed on a complaint
20 shall be filed with the chief clerk of the house.
21 Upon receipt of the report of the independent special
22 counsel, the chief clerk shall notify the chairperson
23 of the filing of the report and shall send copies of
24 the report to the members of the ethics committee. As
25 soon as practicable after the filing of the report,
26 the chairperson shall schedule a public meeting for
27 review of the report. The purpose of the public
28 meeting shall be to determine whether the complaint
29 should be dismissed, whether a formal hearing should
30 be held on the complaint, or whether other committee

Page 12

1 action is appropriate. The complainant and the person
2 alleged to have committed the violation shall be given
3 notice of the public meeting, shall have the right to
4 be present at the public meeting, and may, at the
5 discretion of the committee, present testimony in

6 support of or against the recommendations contained in
7 the report.

8 If the committee determines that the matter should
9 be dismissed, the committee shall cause an order to be
10 entered dismissing the matter and notice of the
11 dismissal shall be given to the complainant and the
12 party alleged to have committed the violation. If the
13 committee determines that the complaint should be
14 scheduled for formal hearing, the committee shall
15 issue a charging statement which contains the charges
16 and supporting facts that are to be set for formal
17 hearing and notice shall be sent to the complainant
18 and the accused person.

19 The notice shall include a statement of the nature
20 of the charge or charges, a statement of the time and
21 place of hearing, a short and plain statement of the
22 facts asserted, and a statement of the rights of the
23 accused person at the hearing.

24 i. Formal hearing. Formal hearings shall be
25 public and conducted in the manner provided in section
26 68B.31, subsection 8 of the Code. At a formal hearing
27 the accused shall have the right to be present and to
28 be heard in person and by counsel, to cross-examine
29 witnesses, and to present evidence. Members of the
30 committee shall also have the right to question

Page 13

1 witnesses.

2 Evidence at the formal hearing shall be received in
3 accordance with rules and procedures applicable to
4 contested cases under chapter 17A of the Code.

5 The committee chairperson, or the vice chairperson
6 or ranking member in the absence of the chairperson,
7 shall preside at the formal hearing and shall rule on
8 the admissibility of any evidence received. The
9 ruling of the chairperson may be overturned by a
10 majority vote of the committee. Independent special
11 counsel shall present the evidence in support of the
12 charge or charges. The burden shall be on the
13 independent special counsel to prove the charge or
14 charges by a preponderance of clear and convincing
15 evidence. Upon completion of the formal hearing, the
16 committee shall adopt written findings of fact and
17 conclusions concerning the merits of the charges and
18 make its report and recommendation to the house.

19 j. Recommendations by the committee. The
20 committee shall recommend to the house that the
21 complaint be dismissed, or that one or more of the
22 following be imposed:

23 (1) That the member or employee of the house or
24 lobbyist be censured or reprimanded, and the
25 recommended appropriate form of censure or reprimand

26 be used.

27 (2) That the member of the house be suspended or
28 expelled from membership in the house and required to
29 forfeit the member's salary for that period, the
30 employee of the house be suspended or dismissed from

Page 14

1 employment, or that the lobbyist's or lobbyist's
2 client's lobbying privileges be suspended.
3 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
4 complaint has been filed or an investigation has been
5 initiated, a party to the complaint or investigation
6 shall not communicate, or cause another to
7 communicate, as to the merits of the complaint or
8 investigation with a member of the committee, except
9 under the following circumstances:
10 a. During the course of any meetings or other
11 official proceedings of the committee regarding the
12 complaint or investigation.
13 b. In writing, if a copy of the writing is
14 delivered to the adverse party or the designated
15 representative for the adverse party.
16 c. Orally, if adequate prior notice of the
17 communication is given to the adverse party or the
18 designated representative for the adverse party.
19 d. As otherwise authorized by statute, the house
20 code of ethics, house rules governing lobbyists, or
21 vote of the committee.
22 14. PERMANENT RECORD. The chief clerk of the
23 house shall maintain a permanent record of all
24 complaints filed and any corresponding committee
25 action. The permanent record shall be prepared by the
26 ethics committee and shall contain the date the
27 complaint was filed, name and address of the
28 complainant, name and address of the accused person, a
29 brief statement of the charges made, any evidence
30 received by the committee, any transcripts or

Page 15

1 recordings of committee action, and ultimate
2 disposition of the complaint. The chief clerk shall
3 keep each complaint confidential until public
4 disclosure is made by the ethics committee.
5 15. MEETING AUTHORIZATION. The house ethics
6 committee is authorized to meet at the discretion of
7 the committee chairperson in order to conduct hearings
8 and other business that properly may come before it.
9 If the committee submits a report seeking house action
10 against a member or employee of the house or lobbyist
11 after the second regular session of a general assembly
12 has adjourned sine die, the report shall be submitted

13 to and considered by the subsequent general assembly.

14 16. ADVISORY OPINIONS.

15 a. Requests for formal opinions. A request for a
16 formal advisory opinion may be filed by any person who
17 is subject to the authority of the ethics committee.
18 The ethics committee may also issue a formal advisory
19 opinion on its own motion, without having previously
20 received a formal request for an opinion, on any issue
21 that is within the jurisdiction of the committee.

22 Requests shall be filed with either the chief clerk of
23 the house or the chairperson of the ethics committee.

24 b. Form and contents of requests. A request for a
25 formal advisory opinion shall be in writing and may
26 pertain to any subject matter that is related to
27 application of the house code of ethics, the house
28 rules governing lobbyists, or chapter 68B of the Code
29 to any person who is subject to the authority of the
30 ethics committee. Requests shall contain one or more

Page 16

1 specific questions and shall relate either to future
2 conduct or be stated in the hypothetical. A request
3 for an advisory opinion shall not specifically name
4 any individual or contain any other specific
5 identifying information, unless the request relates to
6 the requester's own conduct. However, any request may
7 contain information which identifies the kind of
8 individual who may be affected by the subject matter
9 of the request. Examples of this latter kind of
10 identifying information may include references to
11 conduct of a category of individuals, such as but not
12 limited to conduct of legislators, legislative staff,
13 or lobbyists.

14 c. Confidentiality of formal requests and
15 opinions. Requests for formal opinions are not
16 confidential and any deliberations of the committee
17 regarding a request for a formal opinion shall be pub-
18 lic. Opinions issued in response to requests for
19 formal opinions are not confidential, shall be in
20 writing, and shall be placed on file in the office of
21 the chief clerk of the house. Persons requesting
22 formal opinions shall personally receive a copy of the
23 written formal opinion that is issued in response to
24 the request.

25 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
26 following form shall be used for disclosure of
27 economic interests under these rules and section
28 68B.35 of the Code:

29 STATEMENT OF ECONOMIC INTERESTS

30 Name: _____

Page 17

1 (Last) (First) (Middle Initial)
 2 Address: _____
 3 (Street Address, Apt.#/P.O. Box)
 4 _____
 5 (City) (State) (Zip)
 6 Phone:(Home)____/_____(Business)____/_____
 7 *****

8 This form is due each year on or before February
 9 15. The reporting period is the most recently
 10 completed calendar year.
 11 In completing Division III of this form, if your
 12 percentage of ownership of an asset is less than 100
 13 percent, multiply your percentage of ownership by the
 14 total revenue produced to determine if you have
 15 reached the \$1,000 threshold.
 16 Do not report income received by your spouse or
 17 other family members.
 18 In completing this form, if insufficient space is
 19 provided for your answer, you may attach additional
 20 information/answers on full-size sheets of paper.
 21 Division I. Business, Occupation, Profession.
 22 List each business, occupation, or profession in
 23 which you are engaged, the nature of the business if
 24 not evident, and your position or job title. No
 25 income threshold or time requirement applies.
 26 Examples:
 27 If you are employed by an individual, state the
 28 name of the individual employer, the nature of the
 29 business, and your position.
 30 If you are self-employed and are not incorporated

Page 18

1 or are not doing business under a particular business
 2 name, state that you are self-employed, the nature of
 3 the business, and your position.
 4 If you own your own corporation, are employed by a
 5 corporation, or are doing business under a particular
 6 business name, state the name and nature of the
 7 business or corporation and your position.
 8 1 _____
 9 2 _____
 10 3 _____
 11 4 _____
 12 5 _____
 13 6 _____
 14 Division II. Commissions from Sales of Goods or
 15 Services to Political Subdivisions.
 16 This part is to be completed only by Legislators.
 17 If you received income in the form of a commission
 18 from the sale of goods or services to a political

- 19 subdivision, state the name of the purchasing
 20 political subdivision. The amount of commission
 21 earned is not required to be listed.
- 22 1 _____
 23 2 _____
 24 3 _____
 25 4 _____
 26 5 _____
 27 6 _____
- 28 Division III. Sources of Gross Income.
 29 In each one of the following categories list each
 30 source which produces more than \$1,000 in annual gross

Page 19

- 1 income, if the revenue produced by the source was
 2 subject to federal or state income taxes last year.
 3 List the nature or type of each company, business,
 4 financial institution, corporation, partnership, or
 5 other entity which produces more than \$1,000 of annual
 6 gross income. Neither the amount of income produced
 7 nor value of the holding is required to be listed in
 8 any of the items.
- 9 A. Securities: State the nature of the business of
 10 any company in which you hold stock, bonds, or other
 11 pecuniary interests that generate more than \$1,000 in
 12 annual gross income. Income generated by multiple
 13 holdings in a single company are deemed received from
 14 a single source.
- 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
- 21 B. Instruments of Financial Institutions: State the
 22 types of institutions in which you hold financial
 23 instruments, such as certificates of deposit, savings
 24 accounts, etc., that produce annual gross income in
 25 excess of \$1,000, e.g., banks, savings and loans, or
 26 credit unions.
- 27 _____
 28 _____
 29 _____
 30 _____

Page 20

- 1 _____
 2 _____
- 3 C. Trusts: State the nature or type of any trust
 4 from which you receive more than \$1,000 of gross
 5 income annually.

6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____

12 D. Real Estate: State the general nature of real
 13 estate interests that generate more than \$1,000 of
 14 gross income annually, e.g., residential leasehold
 15 interest or farm leasehold interest. The size or
 16 location of the property interest is not required to
 17 be listed.

18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____

24 E. Retirement Systems: State the name of each
 25 pension plan or other corporation or company that pays
 26 you more than \$1,000 annually in retirement benefits.

27 _____
 28 _____
 29 _____
 30 _____

Page 21

1 _____
 2 _____
 3 F. Other Income Categories Specified in State and
 4 Federal Income Tax Regulations.
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____

12 (Signature of Filer) _____ (Date) _____

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 9

Weigel of Chickasaw called up for consideration House Resolution 9, a resolution to amend the rules governing lobbyists in the House of Representatives, as follows and moved its adoption:

1 HOUSE RESOLUTION NO. 9
 2 BY COMMITTEE ON ETHICS
 3 (Successor To HSB 114)

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

Page 2

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

Page 3

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

Page 4

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,

Page 5

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,

Page 6

- 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.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 92, a bill for an act relating to eligibility for receipt of moneys under the school improvement technology program, with report of committee recommending amendment and passage, was taken up for consideration.

Brunkhorst of Bremer offered the following amendment H-1022 filed by the committee on education and moved its adoption:

H-1022

- 1 Amend House File 92 as follows:
 2 1. Page 1, line 20, by inserting after the word
 3 "through" the following: "3, 5, 7, and".
 4 2. Page 1, line 29, by inserting after the word
 5 "through" the following: "3, 5, 7, and".
 6 3. Page 1, line 31, by inserting after the word
 7 "services" the following: ", as provided in section
 8 218.1, subsections 3 and 5.".
 9 4. By striking page 1, line 34, through page 2,
 10 line 1, and inserting the following: "proportionately
 11 between the two institutes."
 12 5. Page 2, line 17, by striking the words
 13 "Technology plans" and inserting the following:

- 14 "Technology plans The technology plan".
 15 6. Page 2, line 18, by inserting after the word
 16 "copy" the following: "of the plan, and any
 17 subsequent amendments to the plan, shall be".
 18 7. Page 3, line 22, by inserting after the word
 19 "through" the following: "3, 5, 7, and".

The committee amendment H-1022 was adopted.

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

On the question "Shall the bill pass?" (H.F. 92)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Witt
Mr. Speaker			
Corbett			

The nays were, none..

Absent or not voting, 3:

Moreland

Sukup

Wise

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 92** be immediately messaged to the Senate.

House File 200, a bill for an act relating to nonsubstantive Code corrections, with report of committee recommending amendment and passage, was taken up for consideration.

Kreiman of Davis offered the following amendment H-1023 filed by the committee on judiciary and moved its adoption:

H-1023

1 Amend House File 200 as follows:

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

4 "Sec. ____ Section 282.18, subsection 7, Code
5 1997, is amended to read as follows:

6 7. A pupil participating in open enrollment shall
7 be counted, for state school foundation aid purposes,
8 in the pupil's district of residence. A pupil's
9 residence, for purposes of this section, means a
10 residence under section 282.1. The board of directors
11 of the district of residence shall pay to the
12 receiving district the state cost per pupil for the
13 previous school year, plus any moneys received for the
14 pupil as a result of the non-English speaking
15 weighting under section 280.4, subsection 3, for the
16 previous school year multiplied by the state cost per
17 pupil for the previous year. The district of
18 residence shall also transmit the phase III moneys
19 allocated to the district for the previous year for
20 the full-time equivalent attendance of the pupil, who
21 is the subject of the request, to the receiving
22 district specified in the request for transfer."

23 2. Page 11, by striking lines 26 and 27 and
24 inserting the following: "~~lower of the two district~~
25 ~~costs per pupil or other costs to the receiving~~
26 ~~district amount calculated in subsection 7, until~~
27 ~~the~~".

28 3. Page 13, by inserting after line 28 the
29 following:

30 "Sec. ____ Section 421.16, Code 1997, is amended
31 to read as follows:

32 421.16 EXPENSES.

33 The director, deputy directors, secretary, and
34 assistants department employees are entitled to
35 receive from the state their actual necessary expenses

36 while traveling on the business of the department.
37 The expenditures shall be sworn to by the party who
38 incurred the expense, and approved and allowed by the
39 director. However, such expenses shall not be allowed
40 residents of Polk county while in the city of Des
41 Moines or traveling between their homes and the city
42 of Des Moines."

43 4. Page 14, by inserting after line 21 the
44 following:

45 "Sec. ____ Section 422.26, unnumbered paragraph 2,
46 Code 1997, is amended to read as follows:

47 The lien shall attach at the time the tax becomes
48 due and payable and shall continue for ten years from
49 the date an assessment is issued unless sooner
50 released or otherwise discharged. The lien may,

Page 2

1 within ten years from the date an assessment is
2 issued, be extended by filing for record a notice with
3 the appropriate county official of any county and from
4 the time of such filing, the lien shall be extended to
5 the property in such county for ten years, unless
6 sooner released or otherwise discharged, with no limit
7 on the number of extensions. ~~Liens having attached~~
8 ~~prior to January 1, 1969, will expire on January 1,~~
9 ~~1979, unless extended by the director.~~ The director
10 shall charge off any account whose lien is allowed to
11 lapse and may charge off any account and release the
12 corresponding lien before the lien has lapsed if the
13 director determines under uniform rules prescribed by
14 the director that the account is uncollectible or
15 collection costs involved would not warrant collection
16 of the amount due."

17 5. Page 15, by inserting after line 2 the
18 following:

19 "Sec. ____ Section 424.18, Code 1997, is amended
20 to read as follows:

21 424.18 EFFECTIVE DATE.

22 The environmental protection charge is imposed
23 beginning July 1, 1989. For all deposits subject to
24 the charge made on or after July 1, 1989, the
25 depositor and receiver are obligated to pay the charge
26 as provided in this chapter. ~~The amount of the~~
27 ~~initial environmental protection charge as calculated~~
28 ~~after determination of the cost factor by the board~~
29 ~~and the required forms and procedures shall be~~
30 ~~published in the Iowa administrative bulletin prior to~~
31 ~~July 1, 1989."~~

32 6. Page 15, by inserting after line 27 the
33 following:

34 "Sec. ____ Section 427A.12, subsection 5, Code
35 1997, is amended to read as follows:

36 5. For each state fiscal year ending with or
37 before the year in which the ninth increase in the
38 additional personal property tax credit under this
39 division becomes effective, each taxing district shall
40 be reimbursed from the personal property tax
41 replacement fund in an amount equal to its personal
42 property tax replacement base multiplied by a fraction
43 the numerator of which is the total assessed value of
44 all personal property, excluding livestock, in the
45 taxing district, on which taxes are not payable during
46 the fiscal year because of the various tax credits
47 granted by this chapter, and the denominator of which
48 is the total assessed value of all personal property
49 in the taxing district, excluding livestock but
50 including other personal property eligible for tax

Page 3

1 credits granted by this chapter. ~~For the half year~~
2 ~~beginning January 1, 1974, and ending June 30, 1974,~~
3 ~~the amount of reimbursement shall be half the amount~~
4 ~~determined pursuant to this subsection.~~ The county
5 auditor shall certify and forward to the director of
6 the department of management and the director of
7 revenue and finance, at the times and in the form
8 directed by the director of the department of
9 management, any information needed for the purposes of
10 this subsection. The director of the department of
11 management shall make any necessary corrections and
12 certify the appropriate information to the director of
13 revenue and finance.

14 Sec. ____ Section 427A.12, subsection 6, Code
15 1997, is amended to read as follows:

16 6. The amount due each taxing district shall be
17 paid in the form of warrants payable to the respective
18 county treasurers by the director of revenue and
19 finance on May 15 of each fiscal year, taking into
20 consideration the relative budget and cash position of
21 the state resources. ~~For the fiscal year beginning~~
22 ~~July 1, 1984 and ending June 30, 1985, one-half of the~~
23 ~~amount due each taxing district shall be paid to the~~
24 ~~respective county treasurers by the state comptroller~~
25 ~~on May 15, 1985.~~ For the fiscal year beginning July
26 1, 1985 and ending June 30, 1986, and for each
27 succeeding fiscal year the amount due each taxing
28 district shall be paid in the form of warrants payable
29 to the respective county treasurers by the director of
30 revenue and finance on July 15 and May 15 of that
31 fiscal year, taking into consideration the relative
32 budget and cash position of the state resources. The
33 July 15 payment shall be equal to the amount paid on
34 May 15 of the preceding fiscal year and the payments
35 received shall be an account receivable for each

36 taxing district for the preceding fiscal year. The
 37 May 15 payment is equal to one-half of the amount of
 38 the additional personal property tax credit payable
 39 for the fiscal year. The county treasurer shall pay
 40 the proceeds to the various taxing districts in the
 41 county.

42 Sec. ____ Section 441.21, subsection 4, Code 1997,
 43 is amended by striking the subsection.

44 Sec. ____ Section 441.46, unnumbered paragraph 2,
 45 Code 1997, is amended to read as follows:

46 ~~The assessment date for property taxes for the~~
 47 ~~fiscal period beginning January 1, 1973 and ending~~
 48 ~~June 30, 1974 and which became delinquent during the~~
 49 ~~fiscal period beginning January 1, 1974 and ending~~
 50 ~~June 30, 1975, was January 1, 1973. The assessment~~

Page 4

1 ~~date for property taxes for the fiscal year beginning~~
 2 ~~July 1, 1974 and ending June 30, 1975 and which became~~
 3 ~~delinquent during the fiscal year beginning July 1,~~
 4 ~~1975 and ending June 30, 1976, was January 1, 1974.~~
 5 ~~Thereafter, the~~ The assessment date is January 1 for
 6 taxes for the fiscal year which commences six months
 7 after the assessment date and which become delinquent
 8 during the fiscal year commencing eighteen months
 9 after the assessment date."

10 7. Page 16, by striking lines 9 through 13 and
 11 inserting the following: "an amount necessary to pay
 12 litigation expenses. ~~However, the amount of funds~~
 13 ~~transferred to the litigation expense fund for the~~
 14 ~~fiscal year beginning July 1, 1992, shall not exceed~~
 15 ~~three hundred fifty thousand dollars and the~~ The
 16 amount of the fund for the succeeding each fiscal
 17 years year shall not exceed seven hundred".

18 8. Page 16, by striking lines 22 through 31.

19 9. By renumbering, relettering, or redesignating
 20 and correcting internal references as necessary.

The committee amendment H-1023 was adopted.

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

On the question "Shall the bill pass?" (H.F. 200)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta

Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Moreland	Shoultz	Sukup	Taylor
Wise			

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 6

Millage of Scott called up for consideration House Concurrent Resolution 6, a concurrent resolution requesting that the Iowa State Fair Board establish a policy ensuring that Iowa businesses, associations, and organizations are provided with ample opportunities to showcase Iowa products and services during the Iowa State Fair, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 200** and **House Concurrent Resolution 6**.

HOUSE FILES 253 AND 254 REREFERRED

The Speaker announced that House Files 253 and 254, previously referred to committee on **ways and means** were rereferred to committee on **local government**.

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

- 1997\123 Helen and Clark Carmichael, Corning – For celebrating their 64th wedding anniversary.
- 1997\124 Kyle Palmer, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\125 Mary Nelson, Shenandoah – For celebrating her 95th birthday.
- 1997\126 Betty and Owen Bailey, Camanche – For celebrating their 50th wedding anniversary.
- 1997\127 Jeanette and Henry Claussen, Bettendorf – For celebrating their 55th wedding anniversary.
- 1997\128 Joan and Dwayne Guy, Indianola – For celebrating their 50th wedding anniversary.
- 1997\129 Gladys Ruble, Indianola – For celebrating her 88th birthday.
- 1997\130 Mr. and Mrs. Lenard Pierce, Colfax – For celebrating their 50th wedding anniversary.
- 1997\131 Mr. and Mrs. Charles Warner, Sr., Woodbine – For celebrating their 50th wedding anniversary.
- 1997\132 Emma Ohl, Dunlap – For celebrating her 100th birthday.
- 1997\133 Shirley and Bill Comstock, Clinton – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

House File 144

State Government: Drake, Chair; Burnett and Hansen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 139

Transportation: Welter, Chair; Chiodo and Heaton.

House Study Bill 141

Local Government: Huseman, Chair; Dix and Mundie.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 142 Economic Development**

Relating to a statute of repose for products liability actions and providing immunity from products liability under certain circumstances and providing for the Act's applicability.

H.S.B. 143 Local Government

Relating to notarial acts and the issuance of marriage licenses by county registrars.

H.S.B. 144 State Government

Providing for state government reform by abolishing the commission on compensation, expenses, and salaries for elected state officials, making changes in the number and qualifications of members of the investment board of the Iowa public employees' retirement system, and changing election and appointment provisions relating to the secretary of agriculture and the director of the department of commerce.

H.S.B. 145 Human Resources

Relating to child welfare provisions involving juvenile justice dispositional orders, hearings, and placements and providing an effective date.

H.S.B. 146 Human Resources

Relating to the certificate of need program.

H.S.B. 147 Judiciary

Relating to procedures applicable to civil commitment, and including an implementation provision.

H.S.B. 148 Judiciary

Relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date.

H.S.B. 149 Judiciary

Relating to civil actions and statutes of limitations in civil actions, the rate of interest on judgments and decrees, testimony by expert witnesses, procedures for furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, joint and several liability, and disclosure of psychological test material.

H.S.B. 150 Education

Relating to four-year competitive demonstration grants and establishing an alternative education program for certain at-risk students 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

House File 255, a bill for an act relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1997.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 50), relating to trademarks and service marks registered with the secretary of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1997.

COMMITTEE ON HUMAN RESOURCES

House File 121, a bill for an act relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and applicable penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1035** February 13, 1997.

RESOLUTION FILED

HCR 9, by Burnett, Dotzler, Scherrman, Whitead, Kinzer, Mascher, Fallon, Witt, Bernau, Moreland, and Schrader, a concurrent resolution requesting that the Congress of the United States propose a constitutional amendment, for ratification by the states, which would specify that the people of the United States have a right to a clean and healthful environment.

Referred to committee on **environmental protection**.

AMENDMENTS FILED

H—1033	H.F.	142	Bell of Jasper
H—1034	H.F.	142	Bell of Jasper
H—1035	H.F.	121	Committee on Human Resources
H—1036	H.F.	236	Taylor of Linn
H—1037	H.F.	236	Murphy of Dubuque

On motion by Siegrist of Pottawattamie, the House adjourned at 4:40 p.m., until 8:45 a.m., Tuesday, February 18, 1997.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 18, 1997

The House met pursuant to adjournment at 8:52 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Leslie Borsay, Community Church, Hudson.

The Journal of Monday, February 17, 1997 was approved.

INTRODUCTION OF BILLS

House File 256, by Jacobs, a bill for an act relating to permissible charges which may be contracted for and received with respect to open-end credit.

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

House File 257, by Larson, a bill for an act relating to economic development block grants and the appropriation of financial institution franchise tax revenues.

Read first time and referred to committee on **economic development**.

House File 258, by Burnett, Dotzler, Scherrman, Taylor, Whitead, Kinzer, Shoultz, Doderer, Mascher, Foege, Fallon, Osterhaus, Brand, Witt, Bernau, Moreland, Cohoon, and Schrader, a bill for an act making an appropriation to the department of natural resources for the establishment of a wildlife diversity initiative.

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

House File 259, by Witt, Shoultz, and Jochum, a bill for an act relating to legal settlement regarding community-based providers of treatment or services.

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

House File 260, by Brunkhorst, a bill for an act relating to annexation and severance elections.

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

House File 261, by Garman, a bill for an act prohibiting the operation of a satellite terminal for the purpose of making loans for gambling.

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

House File 262, by Brunkhorst and Boddicker, a bill for an act relating to removing exemptions from the obscenity laws.

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

House File 263, by committee on economic development, a bill for an act relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

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

House File 264, by Heaton, a bill for an act establishing an increasing weighted enrollment scale for dual enrollment students and providing an effective and applicability date.

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

House File 265, by committee on judiciary, a bill for an act relating to the affirmation and reenactment of certain provisions affecting the criminal and juvenile laws, and providing an effective date.

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

House File 266, by committee on ways and means, a bill for an act relating to the administration of state individual income, corporate, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision.

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

House File 267, by Millage, a bill for an act limiting a standing appropriation to the executive council for costs associated with court proceedings involving the state.

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

House File 268, by Eddie, a bill for an act relating to school officers, directors, and teachers as agents for school textbooks and supplies and providing a penalty and an effective date.

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

House File 269, by Heaton, Greig, Gries, Kremer, Teig, Boddicker, Klemme, Thomson, Frevert, Boggess, Dolecheck, Bukta, Brauns, Dix, Van Maanen, Welter, Witt, Churchill, Larson, Sukup, O'Brien, Brand, Mundie, Huseman, Rayhons, Houser, Nelson, Reynolds-Knight, Dinkla, Eddie, Mertz, Osterhaus, Falck, Foege, Barry, Brunkhorst, Gipp, Weidman, Holmes, Weigel, Koenigs, Carroll, Tyrrell, and Drake, a bill for an act extending the regular program district cost guarantee for school districts for one year and providing an effective date.

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

House File 270, by Weidman and Klemme, a bill for an act relating to the establishment of a single open season for deer hunting.

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

House File 271, by Nelson, a bill for an act relating to the use of foreign language interpreters in the investigations of criminal offenses and providing for payment of fees.

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

House File 272, by Bernau, a bill for an act providing a cause of action against the state for wrongful imprisonment.

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

House File 273, by Barry, a bill for an act relating to establishing a tourism-related small business development program and making an appropriation.

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

House File 274, by Burnett, Mascher, Dotzler, Whitead, Kinzer, Shoultz, Doderer, Fallon, Witt, Bernau, Moreland, and Bukta, a bill for an act relating to the beverage containers control program and making a penalty applicable.

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

House File 275, by committee on commerce-regulation, a bill for an act relating to trademarks and service marks registered with the secretary of state.

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

SENATE MESSAGES CONSIDERED

Senate File 116, by committee on commerce, a bill for an act relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices.

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

Senate File 131, by committee on human resources, a bill for an act relating to fraudulent practices involving family investment and medical assistance program benefits and making penalties applicable.

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

HOUSE FILE 67 WITHDRAWN

Van Fossen of Scott asked and received unanimous consent to withdraw House File 67 from further consideration by the House.

HOUSE FILE 44 WITHDRAWN

Sukup of Franklin asked and received unanimous consent to withdraw House File 44 from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

House File 229, a bill for an act relating to the availability of a map indicating the location of electric transmission lines related to the extension of a franchise, 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. 229)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cphoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon

Foege	Ford	Fever	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

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 Cataldo of Polk.

House File 233, a bill for an act relating to cooperative associations, by providing for the filing of documents and providing for the effective date of a merger or consolidation, was taken up for consideration.

Holmes 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. 233)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunckhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix

Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Moreland

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

House File 132, a bill for an act relating to the liability of persons involved in domesticated animal activities, with report of committee recommending amendment and passage, was taken up for consideration.

Greig of Emmet offered the following amendment H-1029 filed by the committee on agriculture:

H-1029

- 1 Amend House File 132 as follows:
- 2 1. Page 3, by striking lines 20 and 21.
- 3 2. Page 3, by striking lines 29 through 34 and
- 4 inserting the following:
- 5 " "Participant" means a person who engages in
- 6 a domesticated animal activity, regardless of whether
- 7 the person receives compensation.
- 8 " "Spectator" means a person who is in the
- 9 vicinity of a domesticated animal activity, but who is
- 10 not a participant."

11 3. Page 4, by striking lines 1 through 21 and
 12 inserting the following:
 13 "A person, including a domesticated animal
 14 professional, domesticated animal activity sponsor,
 15 the owner of the domesticated animal, or a person
 16 exhibiting the domesticated animal, is not liable for
 17 the damages, injury, or death suffered by a
 18 participant or spectator resulting from the inherent
 19 risks of a domesticated animal activity. This section
 20 shall not apply to the extent that the claim for
 21 damages, injury, or death is caused by any of the
 22 following:

23 1. An act committed intentionally or while under
 24 the influence of an alcoholic beverage or other drug
 25 or a combination of such substances which causes
 26 damages, injury, or death.

27 2. The use of equipment or tack used in the
 28 domesticated animal activity which the defendant
 29 provided to a participant, if the defendant knew or
 30 reasonably should have known that the equipment or
 31 tack was faulty or defective.

32 3. The failure to notify a participant of a
 33 dangerous latent condition on real property in which
 34 the defendant holds an interest, which is known or
 35 should have been known. The notice may be made by
 36 posting a clearly visible warning sign on the
 37 property.

38 4. A domesticated animal activity which occurs in
 39 a place designated or intended by an animal activity
 40 sponsor as a place for persons who are not
 41 participants to be present.

42 5. A domesticated animal activity which causes
 43 damages, injury, or death to a spectator who is in a
 44 place where a reasonable person who is alert to
 45 inherent risks of domestic animal activities would not
 46 expect a domesticated animal activity to occur."

47 4. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-1038, to amendment H-1029, filed by him from the floor and moved its adoption:

H-1038

1 Amend the amendment, H-1029, to House File 132 as
 2 follows:

3 1. Page 1, line 23, by inserting after the word
 4 "intentionally" the following: ", recklessly,".

Amendment H-1038, to amendment H-1029, was adopted.

On motion by Greig of Emmet the committee amendment H-1029, as amended, was adopted.

Koenigs of Mitchell asked for unanimous consent to rerefer House File 132 to committee on judiciary.

Objection was raised.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 132)

The ayes were, 69:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Burnett	Carroll	Churchill	Corbett, Spkr.
Cormack	Dix	Dolecheck	Drake
Eddie	Fallon	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larkin	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson	O'Brien	Rants	Rayhons
Reynolds-Knight	Richardson	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Witt
Van Maanen, Presiding			

The nays were, 30:

Bell	Bernau	Brand	Bukta
Cataldo	Chapman	Chiodo	Cphoon
Connors	Dinkla	Doderer	Dotzler
Drees	Falck	Ford	Holveck
Jochum	Kinzer	Koenigs	Kreiman
Mascher	Murphy	Myers	Osterhaus
Scherrman	Schrader	Shoultz	Taylor
Whitead	Wise		

Absent or not voting, 1:

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 Files 132, 229 and 233.**

SPECIAL PRESENTATION

Connors of Polk presented to the House, the Honorable Floyd Millen, former member and Speaker of the House from Van Buren County.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:15 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 276, by Larson, a bill for an act to consider the use of less lethal munitions by peace officers not a use of deadly force.

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

House File 277, by Whitead, a bill for an act relating to free fishing days for nonresidents.

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

House File 278, by Kremer, a bill for an act setting the interest rate on judgments and decrees.

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

House File 279, by Dolecheck, a bill for an act making an appropriation to the department of natural resources for statewide forestry and rural development through forestry projects in cooperation with resource, conservation, and development areas.

Read first time and referred to committee on **economic development.**

House File 280, by Bradley, Rants, Heaton, Sukup, Martin, Welter, Brunkhorst, Holmes, Brauns, Greig, Arnold, Fallon, Myers, Richardson, Ford, Connors, Whitead, Bukta, Kinzer, O'Brien, Witt, and Reynolds-Knight, a bill for an act relating to the offense of driving a motor vehicle when a license has been revoked or denied for driving while intoxicated, financial liability coverage and registration requirements for motor vehicles in this state, providing for the seizure of motor

vehicle registration plates, and providing penalties and conditional effective dates.

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

House File 281, by Chiodo, a bill for an act relating to petitions requesting establishment of satellite absentee voting stations.

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

House File 282, by Carroll, a bill for an act relating to the required business hours of a travel trailer dealer.

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

House File 283, by Tyrrell, a bill for an act relating to a prohibition on the provision of legal services by the state university of Iowa to an inmate of an institution or facility under the control of the department of corrections.

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

House File 284, by Thomson, a bill for an act establishing student assistance program teams and making an appropriation.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 7

Nelson of Marshall called up for consideration House Concurrent Resolution 7, a concurrent resolution recognizing the women who served Iowa as state legislators through Iowa's sesquicentennial year, 1996, and celebrating 100 years of women elected to state legislatures, 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 7** be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Regular Calendar

House File 232, a bill for an act providing for court-ordered treatment of a criminal defendant judged mentally incapable of standing trial, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 232)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Churchill	Corbett, Spkr.	Moreland	Van Fossen
-----------	----------------	----------	------------

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 232** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 17, 1997. Had I been present I would have voted "aye" on House Files 92 and 200.

SUKUP of Franklin

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 18, 1997, he approved and transmitted to the Secretary of State the following bill:

Senate File 5, an act relating to the registration fee for ex-prisoner of war motor vehicle plates and providing an effective date and a retroactive applicability date.

PRESENTATION OF VISITORS

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

Students from Prairie Valley, Gowrie, accompanied by Steve Kehoe. By Mundie of Webster.

FFA students from Lake Mills. By Rayhons of Hancock.

Seventeen students from Linn-Mar High School, Marion, accompanied by Dennis Selners. By Thomson of Linn.

FFA students from Monticello, accompanied by Brian Feldpausch. By Welter of Jones.

Twelve students from University of Northern Iowa, Cedar Falls, accompanied by Therese Harms, student body president. By Witt of Black Hawk.

COMMUNICATIONS RECEIVED

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

STATE OF TEXAS

Lieutenant Governor Bob Bullock of Texas acknowledged receipt of Iowa's House Concurrent Resolution 4, proposing a balanced budget amendment to the U.S. Constitution. He enclosed the bill text report of their Senate Joint Resolution 10, requiring a balanced federal budget.

DEPARTMENT OF COMMERCE
Alcoholic Beverages Division

The Sixty-second Annual Report, pursuant to Chapter 123, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH
Iowa Advisory Council on Head Injuries

The Annual Report for 1996, pursuant to Chapter 135.22A(6)(f), Code of Iowa.

MUNICIPAL FIRE AND POLICE
RETIREMENT SYSTEM OF IOWA

The Annual Report, pursuant to Chapter 411.5, 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

1997\134 Gretchen VanEvery, Sioux City – For celebrating her 80th birthday.

1997\135 Timothy Devine, Ames – For receiving the bronze Distinguished Finalist medallion from The Prudential Spirit of Community Awards.

SUBCOMMITTEE ASSIGNMENTS

House File 205

Judiciary: Dinkla, Chair; Holveck and Lamberti.

House File 206

Commerce-Regulation: Sukup, Chair; Doderer and Metcalf.

House File 215

Commerce-Regulation: Bradley, Chair; Koenigs and Metcalf.

House File 217

Agriculture: Teig, Chair; Eddie, Koenigs, Mundie and Rayhons.

House File 220

Agriculture: Boggess, Chair; Greig and Koenigs.

House File 221

Agriculture: Boggess, Chair; Greig and Koenigs.

House File 237

Ways and Means: Teig, Chair; Lamberti and Osterhaus.

House File 238

Natural Resources: Huseman, Chair; Mundie and Weidman.

House File 239

Transportation: Nelson, Chair; Arnold and Huser.

House File 240

Transportation: Brauns, Chair; Blodgett and Cohoon.

House File 242

Transportation: Weidman, Chair; Bukta and Vande Hoef.

House File 243

Transportation: Carroll, Chair; Chiodo and Cormack.

House File 245

Judiciary: Veenstra, Chair; Bernau and Lamberti.

House File 246

Judiciary: Lamberti, Chair; Kreiman and Larson.

House File 247

Judiciary: Lamberti, Chair; Kreiman and Larson.

House File 248

Education: Brunkhorst, Chair; Van Maanen and Warnstadt.

House File 249

Ways and Means: Lamberti, Chair; Myers and Teig.

House File 253

Local Government: Carroll, Chair; Myers and Vande Hoef.

House File 254

Local Government: Mertz, Chair; Arnold and Klemme.

House File 258

Appropriations: Greiner, Chair; Meyer and Moreland.

House File 262

Education: Brunkhorst, Chair; Bukta and Metcalf.

House File 263

Ways and Means: Larson, Chair; Teig and Weigel.

House File 264

Education: Veenstra, Chair; Cohoon and Garman.

House File 267

Appropriations: Millage, Chair; Murphy and Sukup.

House File 268

Education: Garman, Chair; Thomas and Thomson.

House File 269

Education: Gries, Chair; Kinzer and Van Maanen.

House File 270

Natural Resources: Weidman, Chair; Huseman and Mundie.

House File 273

Appropriations: Churchill, Chair; Huser and Nelson.

Senate File 82

Appropriations: Sukup, Chair; Gipp and Kreiman.

Senate File 117

Judiciary: Veenstra, Chair; Kreiman and Lamberti.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 138**

Ways and Means: Blodgett, Chair; Dix and Myers.

House Study Bill 140

Commerce-Regulation: Van Fossen, Chair; Cataldo and Dix.

House Study Bill 143

Local Government: Welter, Chair; Mundie and Weidman.

House Study Bill 145

Human Resources: Thomson, Chair; Boddicker and Foegel.

House Study Bill 146

Human Resources: Veenstra, Chair; Blodgett and Moreland.

House Study Bill 147

Judiciary: Dinkla, Chair; Moreland and Sukup.

House Study Bill 148

Judiciary: Churchill, Chair; Bernau and Greiner.

House Study Bill 149

Judiciary: Lamberti, Chair; Chapman and Dinkla.

House Study Bill 150

Education: Wise, Chair; Gries and Grundberg.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 151 Transportation

Increasing the amount of damage to a motor vehicle required for a damage disclosure statement to be necessary at the time the motor vehicle is sold.

H.S.B. 152 Transportation

Providing for the sale of unused highway right-of-way and other real property by the state department of transportation to past or present owners of adjacent property.

H.S.B. 153 Agriculture

Providing for the control of soil erosion at urban construction sites and providing for penalties.

H.S.B. 154 Agriculture

Providing authority to soil and water conservation district commissioners to allocate moneys for the emergency restoration of permanent soil and water conservation practices.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 105), concerning drug and alcohol testing of private sector employees and prospective employees and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 26), updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1997.

Committee Bill (Formerly House Study Bill 112), relating to the individual income tax by extending the special method of computation of tax for value-added S corporation shareholders to all S corporation shareholders and eliminating the refund limitation and providing an effective and applicability date provision.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 17, 1997.

AMENDMENTS FILED

H—1039	H.F.	113	Kreiman of Davis
H—1040	H.F.	212	Kreiman of Davis
H—1041	H.F.	244	Dix of Butler Myers of Johnson
H—1042	H.F.	235	Mascher of Polk
H—1043	H.F.	235	Grundberg of Polk
H—1044	H.F.	235	Grundberg of Polk
H—1045	H.F.	235	Metcalfe of Polk
H—1046	H.F.	235	Bukta of Clinton
H—1047	H.F.	235	Fallon of Polk
H—1048	H.F.	235	Fallon of Polk
H—1049	H.F.	235	Huser of Polk
H—1050	H.F.	235	Dotzler of Black Hawk

H—1051	H.F.	235	Connors of Polk
H—1052	H.F.	235	Brand of Tama
H—1053	H.F.	235	Grundberg of Polk
H—1054	H.F.	235	Metcalf of Polk
H—1055	H.F.	235	Mascher of Johnson
H—1056	H.F.	235	Metcalf of Polk
H—1057	H.F.	235	Brand of Tama
H—1058	H.F.	235	Brand of Tama
H—1059	H.F.	235	Metcalf of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 1:18 p.m., until 8:45 a.m., Wednesday, February 19, 1997.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 19, 1997

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Mark Sherwood, Berean Baptist Church, Perry.

The Journal of Tuesday, February 18, 1997 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 12, by Doderer, a joint resolution to nullify a chapter in the labor services division of the Iowa administrative code relating to professional shoot fighting and providing an effective date.

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

House File 285, by Churchill, a bill for an act relating to the funding of vertical infrastructure projects by the state, establishing a vertical infrastructure commission, and providing effective dates.

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

House File 286, by Whitead and Warnstadt, a bill for an act requiring a person convicted of the offense of attempted murder to serve one hundred percent of the sentence with limited credit for good behavior.

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

House File 287, by Murphy, a bill for an act requiring a day off each week for certain employees and providing penalties.

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

House File 288, by Churchill, a bill for an act relating to confirmation requirements for gubernatorial appointments.

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

House File 289, by Sukup and Vande Hoef, a bill for an act providing for drug testing of public safety employees and making penalties applicable.

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

House File 290, by Koenigs, a bill for an act relating to animal feeding operations by providing for distance requirements, county zoning, manure management plan requirements, and nuisance suit protection, and making penalties applicable.

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

House File 291, by Martin, a bill for an act defining the crime of theft to include the utterance of a financial instrument for the use of property which knowingly will not be paid when presented to a financial institution and making a penalty applicable.

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

House File 292, by Grundberg, a bill for an act relating to notice of change in assessment due to an equalization order for purposes of property taxation.

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

House File 293, by O'Brien, a bill for an act relating to the hours during which a minor may operate a motor vehicle under a special minor's license.

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

House File 294, by O'Brien, a bill for an act relating to the content of handicapped parking placards.

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

House File 295, by O'Brien, a bill for an act relating to all-terrain vehicle registration.

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

House File 296, by Sukup and Fallon, a bill for an act prohibiting the operation of satellite banking terminals within a gambling enclosure or at related facilities and parking areas.

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

House File 297, by Cohoon, a bill for an act relating to the earliest date for the beginning of regularly established elementary and secondary school classes, eliminating a penalty for an early school start, and relating to the date by which a private instruction report shall be filed with a school district.

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

House File 298, by Churchill, a bill for an act requiring executive branch agencies to implement a budgeting process which utilizes certain performance measures.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 128, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty.

MARY PAT GUNDERSON, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello on request of Cataldo of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 244, a bill for an act relating to transfers of funds from the county debt service fund, was taken up for consideration.

Dix of Butler offered the following amendment H-1041 filed by him and Myers and moved its adoption:

H-1041

- 1 Amend House File 244 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 331.430, subsection 2, Code
- 5 1997, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. For the purposes of this
- 8 section, warrants issued by a county in anticipation

9 of revenue, refunding or refinancing of such warrants,
 10 and judgments based on a default in payment of such
 11 warrants shall not be considered debt payable from the
 12 debt service fund."

13 2. Page 1, by striking lines 5 through 11 and
 14 inserting the following: "purpose. Only excess
 15 moneys remaining after retirement of all indebtedness
 16 payable from the debt service fund may be transferred
 17 from the fund to the fund most closely related to the
 18 project for which the indebtedness arose, or to the
 19 general fund, subject to the".

20 3. Title page, line 1, by striking the words
 21 "transfers of funds from".

22 4. By renumbering as necessary.

Amendment H-1041 was adopted.

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

On the question "Shall the bill pass?" (H.F. 244)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Siegrist	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Chiodo

Eddie

Lord

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 244** be immediately messaged to the Senate.

House Joint Resolution 10, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment, was taken up for consideration.

Millage of Scott moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

House Joint Resolution 10, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

Be It Resolved by the General Assembly of the State of Iowa:

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

Section 11, unnumbered paragraph 1, Article I of the Constitution of the State of Iowa, is amended to read as follows:

All ~~offences~~ offenses less than felony and in which the ~~punishment does not exceed a fine of one hundred dollars, or maximum permissible imprisonment for~~ does not exceed thirty days, shall be tried summarily before a justice of the peace, or other an officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal ~~offence~~ offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa, having been adopted and agreed to by the Seventy-sixth General Assembly, 1996 Session, thereafter duly published, and now adopted and agreed to by the Seventy-seventh General Assembly in this Joint Resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year nineteen hundred ninety-eight in the manner required by the Constitution and laws of the State of Iowa.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 10)

The yeas were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Chiodo	Lord	Moreland	Shoultz
--------	------	----------	---------

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 10** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:10 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

INTRODUCTION OF BILL

House File 299, by committee on labor and industrial relations, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date.

Read first time and placed on the **special order calendar for Thursday, February 27, 1997.**

SENATE MESSAGE CONSIDERED

Senate File 128, by committee on human resources, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 228, a bill for an act relating to permits issued to licensed automobile tire recycling dealers to own or operate a waste tire site, 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. 228)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

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 228** be immediately messaged to the Senate.

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

- 1997\136 Nick Shepherd, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\137 Mike Webb, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\138 Henry Wertz, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\139 Pooyan Sadhegi, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\140 Jon Edwards, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\141 Sonja Johnson-Elinquist, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\142 Brent Wiese, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\143 Ricky Clinite, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\144 Paul Burch, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\145 Jamie Merchant, West High School – For outstanding achievement at the regional academic decathlon competition at Jefferson High School in Cedar Rapids.
- 1997\146 Nick Elliott, Epworth – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\147 Mr. and Mrs. Bob Morgan, Russell – For celebrating their 50th wedding anniversary.
- 1997\148 Fern and Dale Cottrell, Russell – For celebrating their 50th wedding anniversary.
- 1997\149 Colleen and Howard Heston, Lucas – For celebrating their 55th wedding anniversary.
- 1997\150 Frances and John Coles, Osceola – For celebrating their 50th wedding anniversary.

1997\151 May and Harold Craig, Clio - For celebrating their 50th wedding anniversary.

1997\152 Inez and Freeman Donovan, Sioux City - For celebrating their 70th wedding anniversary.

1997\153 Frances and Clarence Stuart, Altoona - For celebrating their 72nd wedding anniversary.

1997\154 Agnes and John Custer, Altoona - For celebrating their 67th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 230

Education: Lord, Chair; Thomson and Wise.

House File 284

Education: Thomson, Chair; Foege and Veenstra.

House File 285

Appropriations: Millage, Chair; Koenigs and Sukup.

House File 293

Transportation: Weidman, Chair; Carroll and Cohoon.

House File 294

Transportation: Eddie, Chair; Ford and Nelson.

House File 295

Transportation: Rayhons, Chair; Brauns and Scherrman.

House File 297

Education: Cohoon, Chair; Gries and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 144

State Government: Martin, Chair; Drake and Larkin.

House Study Bill 151

Transportation: Weidman, Chair; Heaton and May.

House Study Bill 152

Transportation: Vande Hoef, Chair; Brauns and Scherrman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 155 Ways and Means**

Requesting the Legislative Council to establish a task force to study Iowa's system of property taxation and requiring reporting by certain dates.

H.S.B. 156 Agriculture

Relating to cooperative associations by providing for operations and procedures of the associations.

H.S.B. 157 Economic Development

Providing a waiver of capital investment requirements under the new jobs and income program.

H.S.B. 158 Judiciary

Relating to corporations by providing for the call of special meetings of shareholders, for the combination of a corporation and certain shareholders, and for certain merger and share acquisitions.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

House File 82, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1997.

House File 133, a bill for an act relating to the offering of point of service plan options in certain health benefit plans.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1060** February 18, 1997.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 107), relating to review and oversight of actions of the ozone transport assessment group.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1997.

COMMITTEE ON HUMAN RESOURCES

House File 159, a bill for an act relating to the disposition of emergency medical care provider certification fees.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1997.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 41), relating to the definition of an owner of a mercantile establishment for purposes of recovery of merchandise or damages.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 1997.

Committee Bill (Formerly House Study Bill 101), relating to notification requirements for communications between a debt collector and a debtor.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1997.

COMMITTEE ON WAYS AND MEANS

House File 34, a bill for an act relating to the exemption from sales, services, and use taxes of adjuvants and surfactants used to enhance the application of fertilizers, limestone, herbicides, pesticides, and insecticides in agricultural production and providing effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1997.

RESOLUTIONS FILED

HCR 10, by Vande Hoef, a concurrent resolution relating to a biennial memorial session.

Laid over under **Rule 25**.

HCR 11, by Siegrist and Schrader, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

HCR 12, by Meyer, a concurrent resolution supporting and encouraging the diligent efforts by the United States Department of Agriculture in cooperation with Iowa State University and the Iowa Pork Producers Association to establish a research farm site as part of the National Swine Research Center.

Referred to committee on **agriculture**.

AMENDMENTS FILED

H—1060	H.F.	133	Committee on Commerce- Regulation
H—1061	H.F.	255	Myers of Johnson Osterhaus of Jackson Murphy of Dubuque
H—1062	H.F.	250	Garman of Story
H—1063	S.F.	128	Bukta of Clinton
H—1064	S.F.	128	Fallon of Polk
H—1065	S.F.	128	Fallon of Polk
H—1066	S.F.	128	Connors of Polk
H—1067	S.F.	128	Huser of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 1:22 p.m., until 8:45 a.m., Thursday, February 20, 1997.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 20, 1997

The House met pursuant to adjournment at 8:48 a.m., Speaker Corbett in the chair.

Prayer was offered by Dr. William Hamm, President of Waldorf College, Forest City.

The Journal of Wednesday, February 19, 1997 was approved.

INTRODUCTION OF BILLS

House File 300, by Garman, a bill for an act relating to operating a motor vehicle while intoxicated (OWI), by eliminating the six-year time period used to calculate a defendant's total number of prior OWI convictions in determining the defendant's penalty, and making related and other technical changes.

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

House File 301, by Meyer, a bill for an act providing for interests by persons owning or leasing agricultural land, and providing penalties.

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

House File 302, by Rants, a bill for an act increasing the speed limit on interstate and fully controlled-access, divided, multilaned highways for certain motor vehicles.

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

House File 303, by Meyer, a bill for an act relating to hunting privileges for nonresident owners of farm units.

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

House File 304, by Burnett, Dotzler, Scherrman, Whitead, Kinzer, Shultz, Doderer, Mascher, Foege, Fallon, Osterhaus, Brand, Witt, Murphy, Bernau, Moreland, Cohoon, Larkin, and Schrader, a bill for an act establishing a state environmental education program and making appropriations.

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

House File 305, by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

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

House File 306, by committee on ways and means, a bill for an act relating to the individual income tax by extending the special method of computation of tax for value-added S corporation shareholders to all S corporation shareholders and eliminating the refund limitation and including effective and retroactive applicability date provisions.

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

House File 307, by committee on judiciary, a bill for an act relating to the definition of an owner of a mercantile establishment for purposes of recovery of merchandise or damages.

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

House File 308, by committee on judiciary, a bill for an act relating to notification requirements for communications between a debt collector and a debtor.

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

House File 309, by committee on environmental protection, a bill for an act relating to review and oversight of actions of the ozone transport assessment group.

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

House File 310, by Osterhaus, a bill for an act providing for direct reimbursement of pharmacists by certain third-party payors of health care coverage costs.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello on request of Cataldo of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 81, a bill for an act relating to the qualifications for the successful completion of an approved hunter safety and ethics education

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

Eddie of Buena Vista offered the following amendment H-1031 filed by the committee on natural resources and moved its adoption:

H-1031

- 1 Amend House File 81 as follows:
- 2 1. Page 1, by striking lines 2 through 15 and
- 3 inserting the following: "amended by striking the
- 4 subsection and inserting in lieu thereof the
- 5 following:
- 6 1. A person born after January 1, 1967, shall not
- 7 obtain a hunting license unless the person has
- 8 satisfactorily completed a hunter safety and ethics
- 9 education course approved by the commission. A person
- 10 who is eleven years of age or more may enroll in an
- 11 approved hunter safety and ethics education course,
- 12 but a person who is eleven years of age and who has
- 13 successfully completed the course shall be issued a
- 14 certificate of completion which becomes valid on the
- 15 person's twelfth birthday. A certificate of
- 16 completion from an approved hunter safety and ethics
- 17 education course issued in this state since 1960, by
- 18 another state, or by a foreign nation, is valid for
- 19 the requirements of this section."
- 20 2. Page 1, by striking lines 17 through 28 and
- 21 inserting the following: "amended by striking the
- 22 subsection and inserting in lieu thereof the
- 23 following:
- 24 2. A certificate of completion shall not be issued
- 25 to a person who has not satisfactorily completed a
- 26 minimum of ten hours of training in an approved hunter
- 27 safety and ethics education course. The department
- 28 shall establish the curriculum for the first ten hours
- 29 of an approved hunter safety and ethics education
- 30 course offered in this state. Upon completion of the
- 31 ten-hour curriculum, each person shall pass an
- 32 individual oral test or a written test provided by the
- 33 department. The department shall establish the
- 34 criteria for successfully passing the tests. Based on
- 35 the results of the test and demonstrated safe handling
- 36 of a firearm, the instructor shall determine the
- 37 persons who shall be issued a certificate of
- 38 completion."

The committee amendment H-1031 was adopted.

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

On the question "Shall the bill pass?" (H.F. 81)

The ayes were, 95:

Arnold	Barry	Bell	Blodgett
Boggess	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 2:

Boddicker Tyrrell

Absent or not voting, 3:

Bernau Hansen 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 81** be immediately messaged to the Senate.

Appropriations Calendar

House File 255, a bill for an act relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date, was taken up for consideration.

Myers of Johnson offered the following amendment H-1061 filed by Myers, et al.:

H-1061

- 1 Amend House File 255 as follows:
- 2 1. Page 1, line 4, by striking the word
- 3 "biennium" the following: "period".
- 4 2. Page 1, line 5, by striking the figure "1997"
- 5 and inserting the following: "1996".
- 6 3. Page 1, by inserting after line 12 the
- 7 following:
- 8 "1996-97 FY \$ 6,163,211".
- 9 4. Page 1, by striking lines 15 through 21 and
- 10 inserting the following:
- 11 "1. For the purposes of section 331.439,
- 12 subsection 3, as amended by this Act, the allowed
- 13 growth factor adjustment for the fiscal years for
- 14 which appropriations are made in this section shall be
- 15 the dollar amount specified in the appropriations and
- 16 the provisions of section 331.439, subsection 3,
- 17 paragraph "c", shall not apply to the allowed growth
- 18 factor adjustment for those fiscal years.
- 19 2. In lieu of the provisions of section 331.438,
- 20 subsection 2, paragraph "c", as enacted by this Act,
- 21 requiring authorization of warrants and mailing of the
- 22 warrants in January, for the allowed growth factor
- 23 adjustment applicable to the fiscal year beginning
- 24 July 1, 1996, the director of human services shall
- 25 authorize the warrants due to counties within 30 days
- 26 of the effective date of this Act and the warrants
- 27 shall be mailed within 45 days of the effective date
- 28 of this Act."

Siegrist of Pottawattamie asked and received unanimous consent that House File 255 be deferred and that the bill be placed on the unfinished business calendar.

(Amendment H-1061 pending.)

HOUSE FILE 289 REREFERRED

The Speaker announced that House File 289, previously referred to committee on **labor and industrial relations**, was rereferred to committee on **local government**.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:32 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

INTRODUCTION OF BILLS

House File 311, by Bukta, a bill for an act relating to transporting railroad employees and equipment and making penalties applicable.

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

House File 312, by Whitead, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

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

House File 313, by Jacobs, a bill for an act requiring criminal and child abuse record checks of persons receiving state funding for providing child day care, and making a penalty applicable.

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

House File 314, by Mertz, a bill for an act relating to payment of insurance deductibles or related damages resulting from accidents involving deer and motor vehicles.

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

House File 315, by Bradley, a bill for an act relating to straight ticket voting.

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

House File 316, by Van Fossen, Millage, Churchill, Lamberti, Rants, Blodgett, Sukup, Dix, Huseman, Meyer, Boddicker, Barry, Eddie, Kremer, Larson, Tyrrell, and Cormack, a bill for an act relating to the reduction in the state individual income tax rates and providing a retroactive applicability date provision.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story on request of Brand of Tama.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 250, a bill for an act establishing a program in the department of natural resources to provide major maintenance and infrastructure improvements to existing state parks and other public facilities and making appropriations, was taken up for consideration.

Garman of Story offered the following amendment H-1062 filed by her and moved its adoption:

H-1062

- 1 Amend House File 250 as follows:
- 2 1. Page 1, by striking lines 7 through 12.

Amendment H-1062 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. 250)

The ayes were, 97:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Bernau

Drees

Moreland

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 250** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 255**, a bill for an act relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date, and amendment H-1061, found on page 377 of the House Journal, previously deferred and placed on the unfinished business calendar.

Myers of Johnson moved the adoption of amendment H-1061.

Roll call was requested by Myers of Johnson and Witt of Black Hawk.

On the question "Shall amendment H-1061 be adopted?" (H.F. 255)

The ayes were, 43:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dötzler	Falck
Fallon	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner

Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 3:

Bernau	Drees	Moreland
--------	-------	----------

Amendment H-1061 lost.

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

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

The ayes were, 97:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Bernau

Kreiman

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 255** be immediately messaged to the Senate.

PRESENTATION OF VISITORS

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

Fifty-three 6th grade students from Galva-Holstein, accompanied by Jim Christiansen. By Meyer of Sac.

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

- 1997\155 Daniel Bell, Iowa City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\156 Audrey Mann, Cedar Rapids – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1997\157 Jerry L. Dietsch, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\158 Bradley Dean Bakker, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\159 Jason Scott Hughes, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\160 Elizabeth Reicks, Jackson Junction – For receiving the bronze Distinguished Finalist medallion from The Prudential Spirit of Community Awards.

SUBCOMMITTEE ASSIGNMENTS

House File 129

Judiciary: Larson, Chair; Lamberti and Moreland.

House File 257

Economic Development: Barry, Chair; Bukta and Rayhons.

House File 259

Human Resources: Houser, Chair; Van Maanen and Witt.

House File 272

Judiciary: Bernau, Chair; Dinkla and Lamberti.

House File 276

Judiciary: Boddicker, Chair; Bell and Larson.

House File 277

Natural Resources: Rayhons, Chair; Drees and Tyrrell.

House File 279

Economic Development: Dolecheck, Chair; Boggess and O'Brien.

House File 283

Judiciary: Sukup, Chair; Doderer and Lamberti.

House File 302

Transportation: Blodgett, Chair; Brauns and Larkin.

House File 303

Natural Resources: Cormack, Chair; Drees and Hahn.

House File 312

Natural Resources: Brauns, Chair; Bell and Tyrrell.

House File 314

Natural Resources: Greig, Chair; Dolecheck and Mertz.

House Concurrent Resolution 9

Environmental Protection: Meyer, Chair; Burnett and Drake.

Senate File 118

Judiciary: Moreland, Chair; Ford and Sukup.

Senate File 131

Human Resources: Thomson, Chair; Boddicker and Foegel.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 13**

Labor and Industrial Relations: Boddicker, Chair; Dotzler and Sukup.

House Study Bill 153

Agriculture: Heaton, Chair; Scherrman and Welter.

House Study Bill 154

Agriculture: Heaton, Chair; Scherrman and Welter.

House Study Bill 155

Ways and Means: Dinkla, Chair; Greig, Myers, Richardson and Teig.

House Study Bill 156

Agriculture: Huseman, Chair; Klemme and Mundie.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 159 Ways and Means**

Reducing the state individual income tax rates by fifteen percent and including an effective date provision.

H.S.B. 160 Local Government

Relating to the financial and regulatory procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers.

H.S.B. 161 Human Resources

Relating to supplemental needs trusts for persons with disabilities.

H.S.B. 162 Human Resources

Relating to placements for adoption and foster care by providing for a family rights and responsibilities plan and agreement.

H.S.B. 163 Human Resources

Relating to children's benefits and immunizations under the family investment program 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 EDUCATION

Committee Bill (Formerly House File 141), relating to the authorization of school officials to conduct searches of students, student protected areas, and lockers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1997.

Committee Bill (Formerly House Study Bill 44), increasing the exceptions to the registration requirements for postsecondary schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 35), relating to the state income tax checkoff for domestic abuse services and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1997.

AMENDMENTS FILED

H—1068	H.F.	235	Carroll of Poweshiek
H—1069	S.F.	128	Mascher of Johnson
H—1070	H.F.	142	Klemme of Plymouth Huseman of Cherokee O'Brien of Boone
H—1071	S.F.	128	Carroll of Poweshiek Burnett of Story
H—1072	H.F.	212	Blodgett of Cerro Gordo
H—1073	H.F.	142	Bell of Jasper
H—1074	H.F.	299	Murphy of Dubuque Connors of Polk Falck of Fayette Larkin of Lee Richardson of Warren Shoultz of Black Hawk Whitead of Woodbury
			Bell of Jasper Dotzler of Black Hawk Kinzer of Scott O'Brien of Boone Scherrman of Dubuque Taylor of Linn Witt of Black Hawk

H—1075

H.F. 236 Dotzler of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 2:05 p.m., until 9:00 a.m., Friday, February 21, 1997.

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 21, 1997

The House met pursuant to adjournment at 9:00 a.m., Heaton of Henry in the chair.

Prayer was offered by the Honorable William Witt, state representative from Black Hawk County.

The Journal of Thursday, February 20, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Meyer of Sac from thirty-nine constituents of Galva (11th District), favoring the Enrich Iowa: Fund Libraries proposal.

By Meyer of Sac from sixty-seven constituents of Early (11th District), favoring the Enrich Iowa: Fund Libraries proposal.

INTRODUCTION OF BILLS

House File 317, by Kremer, Connors, Welter, Gries, Klemme, Van Maanen, Lord, Barry, Veenstra, Thomson, O'Brien, Chapman, Koenigs, Bell, Murphy, and Warnstadt, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, and providing a penalty.

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

House File 318, by Doderer, a bill for an act to prohibit sexual exploitation by law enforcement officers and providing a penalty.

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

House File 319, by Heaton, a bill for an act expanding the age range of the employees to whom the board of directors of a school district may offer a retirement incentive program, expanding the conditions under which the district may utilize the district management levy to pay for the program, and providing effective and retroactive applicability provisions.

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

House File 320, by committee on education, a bill for an act increasing the exceptions to the registration requirements for postsecondary

schools, and eliminating an exemption for nondegree specialty vocational training programs from the accreditation requirement for postsecondary schools.

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

House File 321, by Kreiman, a bill for an act requiring the executive branch and agencies under the executive branch to implement a new budgeting process which utilizes certain performance measures.

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

House File 322, by Jochum and Foege, a bill for an act relating to establishing a prevention of domestic violence special motor vehicle registration plate and establishing fees.

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

House File 323, by Kreiman, a bill for an act relating to directory assistance for state government telephone numbers.

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

House File 324, by Mascher, a bill for an act defining the curricula of practitioner preparation program requirements relating to students with disabilities.

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

House File 325, by Myers, a bill for an act relating to transfers of membership service for purposes of calculating a retirement allowance under the Iowa public employees' retirement system and the statewide fire and police retirement system.

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

House File 326, by Sukup, Grundberg, Dix, Garman, Arnold, Koenigs, Drees, and Weigel, a bill for an act classifying animal feeding operations as the same operation if located within a certain number of feet from each other.

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

House File 327, by Heaton, a bill for an act relating to dispositional orders pertaining to certain delinquent children by expanding the criteria for state training school placements and providing for extension of dispositional orders to allow completion of sexual abusers treatment programs.

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

House File 328, by Nelson, a bill for an act relating to a state income tax checkoff for juvenile crime prevention programs and providing a retroactive applicability date.

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

House File 329, by Houser, Vande Hoef, Arnold, Carroll, and Blodgett, a bill for an act relating to the operating requirements of an intermediate care facility for persons with mental retardation.

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

House File 330, by committee on ways and means, a bill for an act relating to the state income tax checkoff for domestic abuse services and providing a retroactive applicability date.

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

House File 331, by committee on education, a bill for an act relating to the authorization of school officials to conduct searches of students, student protected areas, lockers, desks, and other facilities and spaces.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 129, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

MARY PAT GUNDERSON, Secretary

SENATE FILE 61 REREFERRED

The Speaker announced that Senate File 61, previously referred to committee on **commerce-regulation** was rereferred to committee on **local government**.

SUBCOMMITTEE ASSIGNMENTS

House File 241

Commerce-Regulation: Metcalf, Chair; Brunkhorst and Koenigs.

House File 256

Commerce-Regulation: Jacobs, Chair; Holveck and Sukup.

House File 274

Commerce-Regulation: Hansen, Chair; Van Fossen and Wise.

House File 280

Commerce-Regulation: Bradley, Chair; Chapman and Metcalf.

House File 282

Commerce-Regulation: Sukup, Chair; Chiodo and Hansen.

House File 291

Commerce-Regulation: Van Fossen, Chair; Bradley and Cataldo.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 135.1 Commerce-Regulation**

Relating to funds held by life insurance companies and providing an effective date.

H.S.B. 164 Local Government

Authorizing rural water districts to enter into agreements with other governmental entities to provide for the acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 125), relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions.

Fiscal Note is not required.

Recommended Do Pass February 20, 1997.

COMMITTEE ON LOCAL GOVERNMENT

House File 137, a bill for an act relating to the probationary period for deputy sheriffs and police patrol officers.

Fiscal Note is not required.

Recommended Do Pass February 20, 1997.

House File 254, a bill for an act relating to the county mental health, mental retardation, and developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the services fund levy and other levies, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass February 20, 1997.

RESOLUTION FILED

HCR 13, by Grundberg and Holveck, a concurrent resolution designating March 1997 as Iowa Women's History Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1076	S.F.	128	Brand of Tama
H—1077	S.F.	128	Brand of Tama
H—1078	H.F.	133	Blodgett of Cerro Gordo
H—1079	H.F.	133	Blodgett of Cerro Gordo
H—1080	H.F.	142	Gipp of Winneshiek

On motion by Gipp of Winneshiek, the House adjourned at 9:08 a.m., until 1:00 p.m., Monday, February 24, 1997.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 24, 1997

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 Daniel Alsop, Trinity Lutheran Church, Boone.

The Journal of Friday, February 21, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Michael O'Brien, state representative from Boone County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lord of Dallas for February 24 and 25, 1997, on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILLS

House File 332, by Kremer, a bill for an act concerning the condemnation of private property by owners of land without a public way to the land.

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

House File 333, by Mertz, a bill for an act relating to contracts between city officers or employees and cities.

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

House File 334, by committee on commerce-regulation, a bill for an act relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions.

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

House File 335, by committee on human resources, a bill for an act relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing

examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, and providing a contingent effective date.

Read first time and placed on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 129, by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

Read first time and passed on file.

On motion by Gipp of Winneshiek, the House was recessed at 1:08 p.m., until 4:30 p.m.

LATE AFTERNOON SESSION

The House reconvened at 4:30 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 133, a bill for an act relating to the offering of point of service plan options in certain health benefit plans, with report of committee recommending amendment and passage, was taken up for consideration.

Jacobs of Polk offered the following amendment H-1060 filed by the committee on commerce and regulation:

H-1060

- 1 Amend House File 133 as follows:
- 2 1. Page 1, line 23, by striking the word "or".
- 3 2. Page 1, line 24, by inserting after the figure
- 4 "148," the following: "148C,"
- 5 3. Page 1, line 24, by inserting after the figure
- 6 "154" the following: ", or a person licensed as an
- 7 advanced registered nurse practitioner under chapter
- 8 152".
- 9 4. Page 2, line 30, by inserting after the word
- 10 "plan." the following: "The price of the point of

- 11 service plan option shall be actuarially determined.”
 12 5. By renumbering, relettering, or redesignating
 13 and correcting internal references as necessary.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-1079, to amendment H-1060, filed by him on February 21, 1997.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-1098, to amendment H-1060, filed by him from the floor.

On motion by Jacobs of Polk, the committee amendment H-1060 was adopted.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-1078 filed by him on February 21, 1997.

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. 133)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Lord Siegrist

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 133** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 17 through February 20, 1997. Had I been present, I would have voted "aye" on House Joint Resolution 10, House Files 81, 92, 200, 228, 229, 232, 233, 244, 250; amendment H-1061 to House File 255, and House File 255, and "nay" on House File 132.

MORELAND of Wapello

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF PUBLIC HEALTH

The Iowa Child Death Review Team report, pursuant to Chapter 135.43, Code of Iowa.

IOWA LAW ENFORCEMENT ACADEMY

The Annual Report for Fiscal Year 1996, pursuant to Chapter 80B, 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

1997\161 Garnet and Carroll Beenen, Newton - For celebrating their 50th wedding anniversary.

1997\162 LaVonne and Robert Thorson, Newton - For celebrating their 50th wedding anniversary.

- 1997\163 Josh Den Hartog, Otley – For winning the “Jeopardy” teen tournament championship.
- 1997\164 Andrew T. Klein, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\165 David Scott Adams, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\166 Elizabeth Reel, Missouri Valley – For celebrating her 90th birthday.
- 1997\167 Col. John L. Mansfield, Sioux City – For his 30 years of service to the reserve components of the United States Army and receiving the Defense Meritorious Service Medal.
- 1997\168 Derick A. Anderson, Ft. Dodge – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS.

House File 289

Local Government: Klemme, Chair; Carroll and Reynolds-Knight.

House File 304

Education: Veenstra, Chair; Brand and Brunkhorst.

House File 313

Human Resources: Barry, Chair; Foege and Martin.

House File 319

Education: Rants, Chair; Brunkhorst and Wise.

House File 324

Education: Veenstra, Chair; Brunkhorst and Mascher.

Senate File 61

Local Government: Huseman, Chair; Brauns and Huser.

Senate File 116

Commerce-Regulation: Hansen, Chair; Chiodo and Churchill.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 159

Ways and Means: Rants, Chair; Bernau, Dinkla, Myers and Van Fossen.

House Study Bill 160

Local Government: Vande Hoef, Chair; Arnold and Mertz.

House Study Bill 161

Human Resources: Witt, Chair; Lord and Veenstra.

House Study Bill 162

Human Resources: Vande Hoef, Chair; Murphy and Veenstra.

House Study Bill 163

Human Resources: Boddicker, Chair; Brand and Thomson.

House Study Bill 164

Local Government: Arnold, Chair; Fallon and Van Maanen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 165 Local Government**

To legalize certain unified law enforcement district tax levies and providing an effective date.

H.S.B. 166 Appropriations

Establishing a community college vocational-technical technology improvement program for community college technology funding and making an appropriation.

H.S.B. 167 Commerce-Regulation

Relating to the regulation of telecommunications providers, including regulation of the prices to be charged between certain carriers, establishing a universal service fund, providing for local exchange service assistance, issuing certificates for providing local telecommunications services, establishing a dispute resolution mechanism, and providing for property tax assessments.

H.S.B. 168 Transportation

Exempting grain trucks from violations for parking on the main traveled part of an unpaved highway under certain circumstances.

H.S.B. 169 Transportation

Increasing the allowable maximum gross weight for special trucks.

H.S.B. 170 Transportation

Relating to county regulation of road rights-of-way.

H.S.B. 171 Commerce-Regulation

Relating to security interests in farm products, providing for penalties 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 82, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1997.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 33), relating to the establishment of the entrepreneurial ventures assistance program and allocating funds from the Iowa strategic investment fund for the administration and operation of the program.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1997.

Committee Bill (Formerly House Study Bill 49), relating to the transfer of job training withholding payments to the workforce development fund account and providing effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1997.

COMMITTEE ON HUMAN RESOURCES

House File 174, a bill for an act relating to abuse prevention information included on a marriage license application form and on a marriage license.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1997.

Committee Bill (Formerly House Study Bill 36), relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, the certificate of need program, and providing a contingent effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass February 20, 1997.

AMENDMENTS FILED

H—1081	H.F.	308	Bernau of Story
H—1082	H.F.	299	Connors of Polk
H—1083	H.F.	299	Connors of Polk
H—1084	H.F.	299	Taylor of Linn
H—1085	H.F.	299	Warnstadt of Woodbury
H—1086	H.F.	299	Moreland of Wapello
H—1087	H.F.	142	Wise of Lee
H—1088	H.F.	142	Bell of Jasper
H—1089	H.F.	142	Wise of Lee
H—1090	H.F.	299	O'Brien of Boone
H—1091	H.F.	142	Klemme of Plymouth Huseman of Cherokee O'Brien of Boone
H—1092	H.F.	142	Klemme of Plymouth Huseman of Cherokee
H—1093	H.F.	331	Rants of Woodbury Richardson of Warren
H—1094	H.F.	299	O'Brien of Boone
H—1095	H.F.	299	Fallon of Polk
H—1096	H.F.	299	Fallon of Polk
H—1097	H.F.	331	Brand of Tama Kreiman of Davis
H—1099	H.F.	299	Fallon of Polk
H—1100	H.F.	299	Huser of Polk
H—1101	H.F.	299	Kreiman of Davis
H—1102	H.F.	299	Moreland of Wapello
H—1103	H.F.	299	Dotzler of Black Hawk
H—1104	H.F.	299	Taylor of Linn
H—1105	H.F.	299	Dotzler of Black Hawk
H—1106	H.F.	331	Kreiman of Davis
H—1107	H.F.	331	Kreiman of Davis
H—1108	H.F.	299	Sukup of Franklin
H—1109	H.F.	299	Nelson of Marshall

On motion by Gipp of Winneshiek, the House adjourned at 4:50 p.m., until 8:45 a.m., Tuesday, February 25, 1997.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 25, 1997

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

Prayer was offered by Reverend David Bauer, First United Presbyterian Church, Winterset.

The Journal of Tuesday, February 24, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Meyer of Sac, from forty constituents of Wall Lake favoring the "Enrich Iowa: Fund Libraries."

By Huseman of Cherokee, from two hundred twenty-two constituents of Marcus, Meriden and Cleghorn, favoring the "Enrich Iowa: Fund Libraries."

By Huseman of Cherokee, from seventy-seven constituents of Paullina favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from one hundred sixty-five constituents of Lehigh, favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from one hundred seventy-eight constituents of Dayton favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from eighty constituents of Calhoun County favoring the "Enrich Iowa: Fund Libraries."

By Kremer of Buchanan, from one hundred seventy-one public employees opposing H.S.B. 12, relating to state employees' pay and health benefits.

By Weidman of Cass, from three hundred two constituents of the 86th District, (Massena and Griswold) favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House Joint Resolution 13, by Doderer and Welter, a joint resolution to nullify an administrative rule of the state department of

transportation relating to the hours of operation for motor vehicle and travel trailer dealers and wholesalers and providing an effective date.

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

House Joint Resolution 14, by Warnstadt, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the office of Secretary of State.

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

House File 336, by Teig, a bill for an act providing for the assessment of lands owned by the department of natural resources within levee and drainage districts.

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

House File 337, by Frevert, a bill for an act providing a waiver of school year length requirements due to extensions caused by inclement weather, and providing an effective date.

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

House File 338, by Bukta, Mascher, Foege, Richardson, Bradley, Warnstadt, Connors, Witt, Thomas, Doderer, Rayhons, Huser, Shoultz, Koenigs, Drees, Taylor, Scherrman, and Brauns, a bill for an act requiring a county treasurer to refuse to renew a vehicle registration if the person applying for renewal owes restitution in any county.

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

House File 339, by Kreiman, a bill for an act relating to the recording of hearings and proceedings before a magistrate.

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

House File 340, by Wise, a bill for an act exempting interest from general obligation bonds and notes issued by school districts the proceeds of which are used for infrastructure projects.

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

House File 341, by Vande Hoef, a bill for an act relating to the one-hundred-eighty-day school calendar requirement and a temporary law authorizing the director of the department of education to waive the requirement under certain circumstances, and providing an effective date.

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

House File 342, by Bell, a bill for an act increasing the property damage limit for mandatory reporting of motor vehicle accidents.

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

House File 343, by Schrader, a bill for an act relating to the disposition of receipts from the sale of state-owned timber.

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

House File 344, by Schrader, Larkin, Cohoon, Bell, O'Brien, Whitead, Kinzer, Shoultz, Weigel, Scherrman, Thomas, Bukta, Frevert, Mascher, Dotzler, Taylor, Jochum, Osterhaus, Koenigs, Murphy, Richardson, Reynolds-Knight, Ford, Burnett, Kreiman, Falck, Foege, May, Myers, Chiodo, Moréland, Huser, Mundie, Holveck, Wise, Cataldo, Chapman, Brand, Bernau, Mertz, Connors, Drees, and Warnstadt, a bill for an act establishing an Iowa wins scholarship program and making an appropriation.

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

House File 345, by Carroll, a bill for an act relating to penalties and license revocation periods for drivers under the age of twenty-one with an alcohol concentration of .02 or more.

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

House File 346, by Churchill, a bill for an act relating to expenses paid to members of the general assembly for service while the general assembly is in session and providing an effective date.

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

House File 347, by Doderer and Lamberti, a bill for an act appropriating funds to the judicial department to establish a pilot court information project.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 95, a bill for an act relating to water and ice vessel accident reports filed with the natural resource commission of the department of natural resources and providing for an effective date and the Act's applicability.

Also: That the Senate has on February 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 123, a bill for an act relating to runaway children, by defining when a child is a chronic runaway, authorizing county runaway treatment plans, and providing for assessment and treatment procedures for chronic runaways.

Also: That the Senate has on February 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 160, a bill for an act relating to funds held by life insurance companies and providing an effective date.

MARY PAT GUNDERSON, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 8:52 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

INTRODUCTION OF BILLS

House File 348, by Burnett, Witt, Mascher, Shoultz, Dotzler, Scherrman, Taylor, Whitead, Kinzer, Foegen, Fallon, Brand, Murphy, Huser, Bernau, Moreland, and Schrader, a bill for an act establishing a biological diversity program.

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

House File 349, by Grundberg, Lamberti, Thomson, and Nelson, a bill for an act relating to minors' drivers' licenses and operating privileges.

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

House File 350, by Weigel, a bill for an act relating to handicapped parking permit recertification.

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

House File 351, by Doderer, a bill for an act to prohibit criminal or juvenile justice agencies from requesting polygraph tests from sexual abuse victims or witnesses as a precondition to an investigation.

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

House File 352, by Chiodo, a bill for an act relating to motor vehicle damage disclosure statements.

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

House File 353, by Chiodo, a bill for an act relating to absentee ballots and the canvassing of such ballots.

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

SENATE MESSAGES CONSIDERED

Senate File 95, by committee on natural resources and environment, a bill for an act relating to water and ice vessel accident reports filed with the natural resource commission of the department of natural resources and providing for an effective date and the Act's applicability.

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

Senate File 123, by committee on judiciary, a bill for an act relating to runaway children, by defining when a child is a chronic runaway, authorizing county runaway treatment plans, and providing for assessment and treatment procedures for chronic runaways.

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

Senate File 160, by committee on commerce, a bill for an act relating to funds held by life insurance companies and providing an effective date.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-three members present, twenty-seven absent.

CONSIDERATION OF BILL

Regular Calendar

House File 142, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Eddie of Buena Vista offered the following amendment H-1027 filed by the committee on natural resources:

H-1027

- 1 Amend House File 142 as follows:
- 2 1. Page 1, by striking lines 3 through 17 and

3 inserting the following:
4 "NEW UNNUMBERED PARAGRAPH. The commission shall
5 establish one or more pistol or revolver seasons for
6 hunting deer to coincide with one or more firearm
7 seasons or to be one or more separate pistol or
8 revolver seasons for hunting deer. Any pistol or
9 revolver firing a three hundred fifty-seven
10 thousandths of one inch caliber or larger, centerfire,
11 straight wall ammunition propelling an expanding-type
12 bullet is legal for hunting deer during the pistol or
13 revolver seasons. The commission shall adopt rules to
14 allow black powder pistols or revolvers for hunting
15 deer. The rules shall not allow pistols or revolvers
16 with shoulder stock or long-barrel modifications. The
17 rules may limit types of ammunition. A person
18 possessing a prohibited pistol or revolver while
19 hunting deer commits a scheduled violation under
20 section 805.8, subsection 5, paragraph "h."

Bell of Jasper offered the following amendment H-1088, to the committee amendment H-1027, filed by him and moved its adoption:

H-1088

1 Amend the amendment, H-1027, to House File 142 as
2 follows:
3 1. Page 1, line 8, by inserting after the word
4 "deer." the following: "If the commission combines a
5 pistol or revolver deer season with another firearm
6 deer season, a person shall carry only one firearm
7 while hunting deer."

Amendment H-1088 lost.

Cormack of Webster offered the following amendment H-1032, to the committee amendment H-1027, filed by him and moved its adoption:

H-1032

1 Amend the amendment, H-1027, to House File 142, as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 "a" the following: "magnum".

Amendment H-1032 was adopted.

Bell of Jasper asked and received unanimous consent to withdraw amendment H-1033, to the committee amendment H-1027, filed by him on February 17, 1997.

Wise of Lee offered the following amendment H-1087, to the committee amendment H-1027, filed by him and moved its adoption:

H-1087

- 1 Amend the amendment, H-1027, to House File 142 as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "modifications." the following: "The barrel length of
- 5 a revolver used for deer hunting shall be at least six
- 6 inches and the barrel length of a pistol used for deer
- 7 hunting shall be at least four inches."

Amendment H-1087, to the committee amendment H-1027, was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1089, to the committee amendment H-1027, filed by him on February 24, 1997.

Klemme of Plymouth asked and received unanimous consent that amendment H-1091, to the committee amendment H-1027, be deferred.

Klemme of Plymouth asked and received unanimous consent that amendment H-1092, to the committee amendment H-1027, be deferred.

Wise of Lee offered the following amendment H-1110, to the committee amendment H-1027, filed by him from the floor and moved its adoption:

H-1110

- 1 Amend the amendment, H-1027, to House File 142 as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "ammunition." the following: "A person who is sixteen
- 5 years of age or less shall not hunt deer with a pistol
- 6 or revolver. A person who is seventeen or eighteen
- 7 years of age shall hunt deer with a pistol or revolver
- 8 only if accompanied by a person who is twenty-one
- 9 years of age or older."

Amendment H-1110 was adopted, placing out of order amendment H-1091 filed by Klemme of Plymouth, et al., on February 24, 1997, and amendment H-1092 filed by Klemme of Plymouth, et al., on February 24, 1997.

Bell of Jasper offered the following amendment H-1034, to the committee amendment H-1027, filed by him and moved its adoption:

H-1034

- 1 Amend the amendment, H-1027, to House File 142 as
- 2 follows:

- 3 1. Page 1, by inserting after line 20 the
 4 following:
 5 " ____ Page 1, by inserting after line 22 the
 6 following:
 7 "Sec. ____ This Act is repealed on February 1,
 8 1999."

Amendment H-1034 lost.

Eddie of Buena Vista moved the adoption of the committee amendment H-1027, as amended.

The committee amendment H-1027, as amended, was adopted, placing the following amendments out of order:

H-1073 filed by Bell of Jasper on February 20, 1997.

H-1070 filed by Klemme, et al., on February 20, 1997.

H-1080 filed by Gipp of Winneshiek on February 21, 1997.

H-1030 filed by Bell of Jasper on February 13, 1997.

Shultz of Black Hawk asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H-1111, filed by him from the floor.

Objection was raised.

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

On the question "Shall the bill pass?" (H.F. 142)

The ayes were, 64:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brand	Carroll
Cataldo	Chiodo	Churchill	Cormack
Dolecheck	Dotzler	Drake	Eddie
Falck	Frevert	Garman	Gipp
Greig	Greiner	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larkin	Larson
Martin	May	Mertz	Metcalf
Meyer	Millage	Mundie	O'Brien
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 33:

Bell	Brauns	Brunkhorst	Bukta
Burnett	Chapman	Cohoon	Connors
Dix	Doderer	Drees	Fallon
Foege	Ford	Gries	Grundberg
Holveck	Jochum	Kinzer	Koenigs
Kreiman	Mascher	Moreland	Murphy
Myers	Nelson	Osterhaus	Schrader
Shoultz	Taylor	Thomas	Weigel
Whitead			

Absent or not voting, 3:

Bernau	Dinkla	Lord
--------	--------	------

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

MOTION TO RECONSIDER (House File 142)

I move to reconsider the vote by which House File 142 passed the House on February 25, 1997.

EDDIE of Buena Vista

REPORT OF ADMINISTRATION AND RULES COMMITTEE

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

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Doorkeeper	Kathleen L. O'Leary	11-3 to 11-4	S-O	02/07/97
Legislative Research Analyst	Kimberly D. Statler	27-2 to 27-3	P-FT	02/07/97
Legislative Secretary	R. Jeannene Cochran	17-6+2 to 16-6+2	S-O	02/07/97
Legislative Secretary	Marjorie I. Connors	18-2 to 18-3	S-O	02/21/97
Legislative Secretary	Theresa M. Ferin	15-4 to 16-4	S-O	02/07/97
Legislative Secretary	Doris E. Guess	16-3 to 16-4	S-O	02/07/97

RANTS of Woodbury, Chair

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

- 1997\169 Kate Miller, Iowa City – For unanimous first-team selection for girls basketball in the Mississippi Division.
- 1997\170 La Veda Schrier, Carlisle – For celebrating her 90th birthday.
- 1997\171 Eddis Allen, Indianola – For celebrating her 91st birthday.
- 1997\172 Gloria and Don Bell, Norwalk – For celebrating their 50th wedding anniversary.
- 1997\173 Andrew Jay Van Voorst, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\174 Jeff Clement, Grinnell College – For making 16, 3 point shots during a single game, therefore breaking the NCAA record.
- 1997\175 Brian Larson, Brandon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\176 Amanda Jo Miller, Red Oak – For winning third place in the statewide "Write Women Back Into History" Essay Contest, in the 8-9th grade Judging Category.
- 1997\177 The Parks Family, Garwin – For being named 1996 Family of the Year by the UNI Parent's Association.

SUBCOMMITTEE ASSIGNMENTS

House File 290

Agriculture: Boggess, Chair; Koenigs and Rayhons.

House File 301

Agriculture: Meyer, Chair; Drees and Greig.

House File 311

Transportation: Heaton, Chair; Bukta and Eddie.

House File 318

Judiciary: Boddicker, Chair; Bell and Churchill.

House File 322

Transportation: Cormack, Chair; Bukta and Nelson.

House File 327

Judiciary: Grundberg, Chair; Kreiman and Veenstra.

House File 332

Local Government: Carroll, Chair; Dix and Richardson.

House File 333

Local Government: Brauns, Chair; Mertz and Weidman.

House File 337

Education: Veenstra, Chair; Cohoon and Lord.

House File 341

Education: Veenstra, Chair; Cohoon and Lord.

House File 343

Natural Resources: Tyrrell, Chair; Cormack and Dotzler.

House File 344

Education: Rants, Chair; Van Maanen and Wise.

House Concurrent Resolution 12

Agriculture: Meyer, Chair; Greiner and May.

Senate File 160

Commerce-Regulation: Dinkla, Chair; Metcalf and Weigel.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 135.1**

Commerce-Regulation: Dinkla, Chair; Metcalf and Weigel.

House Study Bill 165

Local Government: Vande Hoef, Chair; Houser and Whitead.

House Study Bill 166

Appropriations: Millage, Chair; Sukup and Wise.

House Study Bill 167

Commerce-Regulation: Metcalf, Chair; Brunkhorst and Koenigs.

House Study Bill 171

Commerce-Regulation: Churchill, Chair; Dix and Osterhaus.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 172 Natural Resources**

Relating to abandoned coal mines expenditures, including reclamation of land and drainage abatement.

H.S.B. 173 Local Government

Relating to responses to hazardous conditions by the director of the department of natural resources.

H.S.B. 174 Transportation

Requiring a bicycle to have an orange flag attached when operated on a street or highway having a speed limit of twenty-five miles per hour or greater and providing a penalty.

H.S.B. 175 Transportation

Providing for maintenance and repair of out-of-state commercial vehicles and providing an effective date.

H.S.B. 176 Education

Relating to the transportation of public and nonpublic school students and other properly related matters.

H.S.B. 177 Education

Relating to the activities of the department of education, vocational education, community colleges, special educational programs provided by area education agencies, dual enrollment, payment of claims for nonpublic school pupil transportation, the school budget review committee, the enrollment of certain students, and annual audits of school districts.

H.S.B. 178 Commerce-Regulation

Relating to the operation and regulation of certain insurance companies and mutual associations, and the regulatory authority of the insurance division of the department of commerce.

H.S.B. 179 Transportation

Relating to substantive and other provisions affecting the department of transportation and driver, motor vehicle, and highway regulation, including the definition of road work zones, regulation of certain persons who sell vehicles, providing grounds for refusing renewal of vehicle registrations, regulation of intrastate motor carriers, creating, eliminating, or enhancing penalties, and providing effective dates.

H.S.B. 180 Ways and Means

Relating to the use tax on motor vehicle leasing.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

Senate File 160, a bill for an act relating to funds held by life insurance companies and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

COMMITTEE ON HUMAN RESOURCES

Senate File 131, a bill for an act relating to fraudulent practices involving family investment and medical assistance program benefits and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1997.

Committee Bill (Formerly House Study Bill 145), relating to child welfare provisions involving juvenile justice dispositional orders, hearings, and placements and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 110), relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1997.

Committee Bill (Formerly House File 117), relating to activities of a foreign corporation which do not constitute doing business in or deriving income from the state for state tax purposes and including effective and retroactive applicability date provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 24, 1997.

AMENDMENTS FILED

H—1112	H.C.R.	11	Doderer of Johnson
H—1113	H.F.	212	Blodgett of Cerro Gordo
H—1114	S.F.	128	Doderer of Johnson Metcalf of Polk
H—1115	S.F.	128	Doderer of Johnson Metcalf of Polk
H—1116	S.F.	128	Grundberg of Polk
H—1117	S.F.	128	Grundberg of Polk Connors of Polk Mascher of Johnson Jacobs of Polk Nelson of Marshall Jochum of Dubuque
			Burnett of Story Metcalf of Polk Brand of Tama Doderer of Johnson Martin of Scott
H—1118	H.F.	299	Sukup of Franklin
H—1119	H.F.	299	Dotzler of Black Hawk
H—1120	H.F.	299	Sukup of Franklin
H—1121	H.F.	299	Sukup of Franklin
H—1122	H.F.	299	Connors of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 2:33 p.m., until 8:45 a.m., Wednesday, February 26, 1997.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 26, 1997

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

Prayer was offered by Reverend Roger Todd, First Presbyterian Church, Guthrie Center.

The Journal of Tuesday, February 25, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Weidman of Cass, from fifty-two constituents from the 86th District, in Cumberland, favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from thirty-one constituents from Lohrville in Calhoun County, favoring the "Enrich Iowa: Fund Libraries."

By Frevert of Palo Alto, from forty-four constituents from the 8th District favoring the "Enrich Iowa: Fund Libraries."

By Frevert of Palo Alto, from sixty-two constituents from the 8th District favoring the "Enrich Iowa: Fund Libraries."

By Koenigs of Mitchell, from one hundred eighty constituents from the 29th District favoring the "Enrich Iowa: Fund Libraries."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Maanen of Marion on request of Carroll of Poweshiek; Drees of Carroll on request of May of Worth; Falck of Fayette, until his arrival, on request of Thomas of Clayton.

INTRODUCTION OF BILLS

House File 354, by committee on ways and means, a bill for an act relating to activities of a foreign corporation which do not constitute doing business in or deriving income from the state for state tax purposes and including effective and retroactive applicability date provisions.

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

House File 355, by committee on ways and means, a bill for an act relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service and providing an effective date.

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

House File 356, by Sukup, Arnold, Garman, Houser, Teig, Mertz, Rants, Rayhons, Grundberg, and Koenigs, a bill for an act relating to county enforcement of state law against confinement feeding operations and making penalties applicable.

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

House File 357, by Cohoon, a bill for an act prohibiting the state department of transportation from mowing roadside vegetation on primary and interstate highways and rights-of-way under certain circumstances.

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

House File 358, by Dinkla, a bill for an act making selective service registration of certain individuals a prerequisite for enrollment, and for the receipt of state-sponsored financial aid, at community colleges and institutions of higher learning under the control of the state board of regents, and providing an effective date and applicability date.

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

House File 359, by O'Brien, a bill for an act relating to the development and use of certain public lands for multipurpose trails.

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

House File 360, by Kreiman, a bill for an act expanding the crime of vehicular homicide to include unintentional death caused by a person while the person is operating certain types of motorized watercraft, and providing penalties.

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

House File 361, by Dix and Tyrrell, a bill for an act relating to the reimbursement of defense costs for a peace officer of the department of public safety.

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

House File 362, by Mertz, a bill for an act relating to conflicts of interest in public contracts.

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

House File 363, by Richardson, Witt, Connors, and Churchill, a bill for an act relating to the required standards for hospital licensure relating to protocols for patients with suicidal indications.

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

House File 364, by Thomson, a bill for an act relating to retail sale of alcoholic beverages at a discount for consumption on the premises and providing a penalty for violations.

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

HOUSE FILE 141 WITHDRAWN

Richardson of Warren asked and received unanimous consent to withdraw House File 141 from further consideration by the House.

CONSIDERATION OF BILL Regular Calendar.

House File 331, a bill for an act relating to the authorization of school officials to conduct searches of students, student protected areas, lockers, desks, and other facilities and spaces, was taken up for consideration.

The House stood at ease at 8:58 a.m., until the fall of the gavel.

The House resumed session at 9:35 a.m., Gipp of Winneshiek in the chair.

Rants of Woodbury offered the following amendment H-1093 filed by him and Richardson of Warren and moved its adoption:

H-1093

- 1 Amend House File 331 as follows:
- 2 1. Page 1, lines 11 and 12, by striking the words
- 3 "in either of the following situations" and inserting
- 4 the following: "if both of the following apply".
- 5 2. Page 1, line 17, by striking the words "more
- 6 than one" and inserting the following: "a".
- 7 3. Page 1, line 19, by striking the words "more
- 8 than one" and inserting the following: "a".
- 9 4. Page 2, by inserting after line 18, the
- 10 following:
- 11 "Sec. ____ EFFECTIVE DATE — APPLICABILITY. This
- 12 Act, being deemed of immediate importance, takes
- 13 effect upon enactment. Notwithstanding the timing of
- 14 the notice requirements in section 3 of this Act, a
- 15 school district may conduct periodic inspection of
- 16 school lockers, desks, or other facilities or spaces
- 17 if the school district sends a notice to all students
- 18 and the students' parents, guardians, or legal
- 19 custodians prior to commencing any inspections."
- 20 5. Title page, line 3, by inserting after the
- 21 word "spaces" the following: "and including effective

22 and applicability provisions”.

23 6. By numbering and renumbering and changing

24 internal references as necessary.

Amendment H-1093 was adopted.

Brand of Tama offered the following amendment H-1097 filed by him and Kreiman of Davis and moved its adoption:

H-1097

1 Amend House File 331 as follows:

2 1. Page 2, by striking lines 14 through 16 and

3 inserting the following: “notice. An inspection

4 under this subsection shall ~~only~~ occur in the presence

5 of the ~~students~~ student whose ~~lockers are~~ locker is

6 being inspected if securing the presence of the

7 student is reasonable and practicable at the time that

8 the search is conducted.”

Carroll of Poweshiek in the chair at 10:33 a.m.

A non-record roll call was requested.

The ayes were 34, nays 52.

Amendment H-1097 lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 331** be temporarily deferred and that the bill retain its place on the **calendar**.

SPECIAL PRESENTATION

Frevert of Palo Alto presented to the House the Honorable Dan Fogarty, former state representative from Palo Alto County, and his wife, Gertrude.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:53 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:00 p.m., Gipp of Winneshiek in the chair.

PETITIONS FILED

The following petitions were received and placed on file:

By Carroll of Poweshiek, from one hundred forty-one constituents favoring the “Enrich Iowa: Fund Libraries.”

By Huseman of Cherokee, from twenty-two residents of Marcus and Cleghorn favoring the "Enrich Iowa: Fund Libraries."

By Eddie of Buena Vista, from two hundred five residents of Storm Lake, Alta, Early, Linn Grove, Albert City, Schaller, Nemaha and Newell, favoring the "Enrich Iowa: Fund Libraries."

By Eddie of Buena Vista, from thirty-nine residents of Rembrandt, Sioux Rapids, Spencer and Storm Lake favoring the "Enrich Iowa: Fund Libraries."

By Weidman of Cass, from eighty-four constituents from Villisca favoring the "Enrich Iowa: Fund Libraries."

By Osterhaus of Jackson, from sixty-five constituents of District 34 favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 365, by Grundberg, Churchill, Metcalf, Myers, Rayhons, O'Brien, and Mascher, a bill for an act relating to the application of local laws and regulations pertaining to smoking prohibitions and cigarette and tobacco products.

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

House File 366, by Fallon, a bill for an act relating to cigarettes and tobacco products including prohibiting the sale of cigarettes or tobacco products through vending machines in any location accessible to minors, including provisions for advertising related to cigarettes and tobacco products, and providing penalties.

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

House File 367, by committee on economic development, a bill for an act relating to the transfer of job training withholding payments to the workforce development fund account, making an appropriation, and providing effective and retroactive applicability date provisions.

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

House File 368, by committee on economic development, a bill for an act relating to the establishment of the entrepreneurial ventures assistance program and allocating funds from the Iowa strategic investment fund for the administration and operation of the program.

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

House File 369, by Schrader, a bill for an act establishing the knowing transmission of the human immunodeficiency virus as attempted murder and providing a penalty.

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

House File 370, by committee on labor and industrial relations, a bill for an act relating to workers' compensation benefits for professional athletes and providing an effective date.

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

House File 371, by committee on judiciary, a bill for an act relating to the issuing of temporary orders for support, custody, or visitation of a child born outside of marriage.

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

House File 372, by committee on local government, a bill for an act establishing a county issuance of motor vehicle licenses study and providing effective dates.

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

House File 373, by committee on local government, a bill for an act to legalize certain unified law enforcement district tax levies and providing an effective date.

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

CONSIDERATION OF BILL

Regular Calendar

The House resumed consideration of **House File 331**, a bill for an act relating to the authorization of school officials to conduct searches of students, student protected areas, lockers, desks, and other facilities and spaces, previously deferred.

Kreiman of Davis offered amendment H-1106 filed by him as follows:

H-1106

- 1 Amend House File 331 as follows:
- 2 1. Page 2, by striking lines 14 through 16 and
- 3 inserting the following: "notice. An inspection
- 4 under this subsection shall only occur in the presence
- 5 of the students whose lockers are being inspected."

Weigel of Chickasaw offered the following amendment H-1124, to amendment H-1106, filed by him from the floor and moved its adoption:

H-1124

- 1 Amend the amendment, H-1106, to House File 331 as
- 2 follows:

- 3 1. Page 1, line 4, by striking the word "only"
 4 and inserting the following: "either".
 5 2. Page 1, line 5, by inserting after the word
 6 "inspected" the following: "or the inspection shall
 7 be conducted in the presence of at least one other
 8 person".

Amendment H-1124, to amendment H-1106, was adopted.

Kreiman of Davis moved the adoption of H-1106, as amended.

Amendment H-1106, as amended, was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1107 filed by him on February 24, 1997.

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. 331)

The ayes were, 94:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Eddie
Falck	Foege	Ford	Frèvert
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Gipp,		
	Presiding		

The nays were, 3:

Fallon Kreiman Moreland

Absent or not voting, 3:

Bernau Drees Van Maanen

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 331** be immediately messaged to the Senate.

PRESENTATION OF VISITORS

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

Fourteen students from Woodbine Community School, Woodbine, Iowa, accompanied by Deb Johnson and Don Groff. By Barry of Harrison.

Five Young Democrats from Callanan Middle School, Des Moines, Iowa, accompanied by Janis Bowden. By Ford of Polk.

Six 8th grade students from Forest City Community School, Forest City, Iowa, accompanied by Don Saarie. By Rayhons of Hancock.

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

- 1997\178 John Gaultier, Vinton – For his years of volunteer work and being inducted into the Rozetta Schermerhorn Hall of Fame.
- 1997\179 Vera Hilton, Vinton – For being named “The 1996 Vinton Womens’ Club Woman of the Year.”
- 1997\180 Carl Pflug, Keokuk – For receiving the “Spirit of Keokuk” Award for contributions to the community.
- 1997\181 Marie Benner, Keokuk – For receiving the “Spirit of Keokuk” Award for contributions to the community.
- 1997\182 Mike Beard, Keokuk – For receiving the “Spirit of Keokuk” Award for contributions to the community.
- 1997\183 Agnes Forde, Decorah – For celebrating her 80th birthday.

1997\184 Mike Hickey, Keokuk – For receiving the “Spirit of Keokuk” Award for contributions to the community.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 13

Transportation: Welter, Chair; Drees and Eddie.

House File 310

Commerce-Regulation: Hansen, Chair; Brunkhorst and Osterhaus.

House File 323

State Government: Hansen, Chair; Gipp and Taylor.

House File 326

Agriculture: Greiner, Chair; Drees and Greig.

House File 336

Agriculture: Teig, Chair; Eddie and Mertz.

House File 342

Transportation: Heaton, Chair; Arnold and Drees.

House File 358

Education: Dolecheck, Chair; Falck and Lord.

House File 362

Local Government: Weidman, Chair; Huseman and Mertz.

House File 364

State Government: Tyrrell, Chair; Cataldo and Hansen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 154 Reassigned

Agriculture: Heaton, Chair; May and Welter.

House Study Bill 168

Transportation: Brauns, Chair; Drees and Welter.

House Study Bill 169

Transportation: Heaton, Chair; Chiodo and Rayhons.

House Study Bill 170

Transportation: Carroll, Chair; Scherrman and Vande Hoef.

House Study Bill 172

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

House Study Bill 173

Local Government: Welter, Chair; Brauns and Myers.

House Study Bill 174

Transportation: Rayhons, Chair; Eddie and Huser.

House Study Bill 175

Transportation: Vande Hoef, Chair; Scherrman and Welter.

House Study Bill 176

Education: Brunkhorst, Chair; Cohoon and Dolecheck.

House Study Bill 177

Education: Gries, Chair; Rants and Wise.

House Study Bill 178

Commerce-Regulation: Hansen, Chair; Koenigs and Metcalf.

House Study Bill 180

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 181 Agriculture**

Relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution.

H.S.B. 182 State Government

Relating to state government personnel systems, by providing for personal services contracting, grievance procedures, discrimination investigations, severance pay, combined charitable campaign administration, classification, educational assistance, and temporary employment.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

House File 178, a bill for an act relating to joint billing or collection of combined service accounts for sanitary districts and a city utility or combined utility system and to discontinue service for delinquency, and providing for the establishment of benefited districts and fees from the connection of property to the sanitary facilities of a sanitary district.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1123** February 25, 1997.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 131), providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1997.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Senate File 75, a bill for an act relating to the qualifications of groundwater professionals.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 87), relating to the issuing of temporary orders for support, custody, or visitation of a child born outside of marriage.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

Committee Bill (Formerly House Study Bill 37), relating to the validity of certain marriages.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

Committee Bill (Formerly House Study Bill 136), to include certain products containing ephedrine as schedule V controlled substances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 89), relating to workers' compensation benefits for professional athletes and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 84), establishing a county issuance of motor vehicle licenses study and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

Committee Bill (Formerly House Study Bill 126), relating to the membership of the county compensation board.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

Committee Bill (Formerly House Study Bill 165), to legalize certain unified law enforcement district tax levies and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

COMMITTEE ON NATURAL RESOURCES

House File 150, a bill for an act relating to the protection of blufflands by creating a blufflands protection revolving fund, by empowering the soil conservation division of the department of agriculture and land stewardship to establish a blufflands protection program, by making an appropriation for the provision of loans to certain nonprofit conservation organizations, and by providing for other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

Pursuant to Rule 31.7, House File 150 was referred to the committee on appropriations.

COMMITTEE ON STATE GOVERNMENT

House File 13, a bill for an act prohibiting the use of animals as awards or prizes for winning games of skill or games of chance and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1997.

House File 140, a bill for an act relating to the closing hour of precinct polling places.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1997.

COMMITTEE ON TRANSPORTATION

Senate File 80, a bill for an act relating to police bicycles.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1997.

Committee Bill (Formerly House File 47), relating to information centers in rest areas on interstate or primary highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1997.

RESOLUTION FILED

HCR 14, by Warnstadt, Whitead, Kinzer, Falck, Dotzler, O'Brien, Bukta, Drees, Scherrman, Cohoon, Mertz, Reynolds-Knight, Bell, Taylor, Bernau, Mascher, and Witt, a concurrent resolution providing for the establishment of a committee by the Legislative Council to conduct a study of economic development programs and recommend future economic development actions.

Referred to committee on **economic development**.

AMENDMENTS FILED

H—1123	H.F.	178	Committee on Commerce- Regulation
H—1125	H.F.	335	Lamberti of Polk Boddicker of Cedar
H—1126	H.F.	299	Siegrist of Pottawattamie Schrader of Marion

On motion by Siegrist of Pottawattamie, the House adjourned at 3:53 p.m., until 8:45 a.m., Thursday, February 27, 1997.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 27, 1997

The House met pursuant to adjournment at 8:58 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Fred Lehman, Bethel Rescue Mission, Des Moines.

The Journal of Wednesday, February 26, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Falck of Fayette, from ninety-one constituents of the 28th District favoring the "Enrich Iowa: Fund Libraries."

By Huser of Polk, from thirty-three constituents of the 66th District favoring the "Enrich Iowa: Fund Libraries."

By Kremer of Buchanan, from fifty-eight constituents favoring the "Enrich Iowa: Fund Libraries."

By Meyer of Sac, from seventy-seven residents of the Auburn community, favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from thirty-one constituents of the 14th District in Callendar, favoring the "Enrich Iowa: Fund Libraries."

By O'Brien of Boone, from one hundred fourteen constituents favoring the "Enrich Iowa: Fund Libraries."

By Thomas of Clayton, from forty-seven residents of Garnavillo, favoring the "Enrich Iowa: Fund Libraries."

By Thomas of Clayton, from one hundred six residents of Postville, favoring the "Enrich Iowa: Fund Libraries."

By Wise of Lee, from forty-seven constituents favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 374, by Drees and Schrader, a bill for an act relating to animal feeding operations and including an applicability provision.

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

House File 375, by Teig, a bill for an act relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date.

Read first time and referred to committee on **economic development**.

House File 376, by committee on human resources, a bill for an act relating to child welfare provisions involving juvenile justice dispositional orders, hearings, and placements and providing an effective date.

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

House File 377, by Doderer, a bill for an act prohibiting certain acts by a health care insurer with respect to participating health care providers.

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

House File 378, by committee on local government, a bill for an act relating to the membership of the county compensation board.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 255, a bill for an act relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date.

MARY PAT GUNDERSON, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 9:05 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Rants of Woodbury in the chair.

INTRODUCTION OF BILLS

House File 379, by Schrader, a bill for an act prohibiting the restriction of medical communications between patients and health care providers.

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

House File 380, by Witt, a bill for an act making an appropriation for grants to political subdivisions to be used by emergency agencies for the purchase of certain equipment.

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

House File 381, by Van Fossen, a bill for an act relating to transfers of real property by providing that certain disclosures regarding psychologically impacted property are not required and by amending the definition of transfer.

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

House File 382, by committee on judiciary, a bill for an act relating to the validity of certain marriages.

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

House File 383, by committee on transportation, a bill for an act relating to information centers and rest areas on interstate or primary highways and providing effective and retroactive applicability dates.

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

House File 384, by committee on judiciary, a bill for an act to include certain products containing ephedrine as schedule V controlled substances.

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

House File 385, by Grundberg, a bill for an act relating to notification of school officials of citations of juveniles for certain criminal offenses.

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

House File 386, by Greiner, a bill for an act relating to child sexual abuse reporting by licensed school employees.

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

House File 387, by Greiner, a bill for an act relating to requirements for family and group day care homes involving responsible individuals who assist a provider.

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

House File 388, by committee on ways and means, a bill for an act reducing the state individual income tax rates by fifteen percent and including an effective date provision.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 126, a bill for an act allowing a supervised, controlled burn for which a permit has been issued during an open burning ban.

Also: that the Senate has on February 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 145, a bill for an act relating to the county mental health, mental retardation, and developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the services fund levy and other levies, and providing an effective date.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILL Special Order Calendar

House File 299, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-1074 filed by Murphy, et al., and moved its adoption:

H-1074

- 1 Amend House File 299 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 1997, 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 2, Code 1997, is

16 amended to read as follows:

17 2. Except as provided in subsection 7, an employer
18 shall not require or request employees or applicants
19 for employment to submit to a drug test as a condition
20 of employment, preemployment, promotion, or change in
21 status of employment. An employer shall not request,
22 require, or conduct random or blanket drug testing of
23 employees. However, this section does not apply to
24 preemployment drug tests authorized for peace officers
25 or correctional officers of the state, or to drug
26 tests required under federal statutes or under federal
27 regulations adopted as of July 1, 1990, or to drug
28 tests conducted pursuant to a nuclear regulatory
29 commission regulation, or to drug tests conducted to
30 determine if an employee is ineligible to receive
31 workers' compensation under section 85.16, subsection
32 2.

33 The exemption granted by this subsection relating
34 to drug testing pursuant to federal regulations
35 ~~adopted as of July 1, 1990~~, is of no effect, as it
36 applies to a particular regulation, upon a finding by
37 a court of competent jurisdiction, including any
38 appeal of such finding, that the particular regulation
39 is unconstitutional or otherwise invalid. The
40 decision of a court invalidating any regulation
41 exempted by this section shall not be stayed pending
42 appeal.

43 Sec. 3. Section 730.5, subsection 3, paragraph a,
44 Code 1997, is amended to read as follows:

45 a. The employer has probable cause to believe that
46 an employee's faculties are impaired on the job. For
47 purposes of this paragraph, an employer has probable
48 cause to believe that an employee's faculties are
49 impaired on the job if the employer is investigating
50 an accident in the workplace and all of the following

Page 2

1 conditions are met:

2 (1) The employer has reasonable grounds to believe
3 that the employee proposed to be tested either
4 directly caused or directly contributed to the
5 accident.

6 (2) The employer has reasonable grounds to believe
7 that the employee's faculties were impaired and that
8 the impairment was likely a substantial factor in
9 causing the accident.

10 (3) The accident results in a personal injury
11 which requires medical treatment away from the
12 workplace or damage to property, including equipment,
13 in an amount reasonably estimated to exceed three
14 thousand dollars at the time of the accident.

15 (4) Prior to the accident, the employer has

16 provided the employee to be tested with written notice
17 of the employer's rules or policies regarding alcohol
18 and controlled substances and testing when a workplace
19 accident or injury occurs.

20 Sec. 4. Section 730.5, subsection 3, paragraph c,
21 Code 1997, is amended to read as follows:

22 c. The test sample withdrawn from the employee is
23 analyzed by a laboratory or testing facility that has
24 been approved under rules adopted by the department of
25 public health. The laboratory or testing facility
26 shall test for and report to the employer only the
27 presence of alcohol or illegal controlled substances
28 in any test sample. Upon request by an employee or
29 applicant for employment, the employer shall provide
30 to the employee or applicant the results of any drug
31 test. The rules adopted by the department of public
32 health shall provide for all of the following:

33 (1) The initial screening test may utilize
34 immunoassay, thin layer, high performance liquid or
35 gas chromatography, or an equivalent technology. If
36 the initial test utilizes immunoassay, the test kit
37 must meet the requirements of the United States food
38 and drug administration.

39 (2) Samples which have tested positive by initial
40 testing, with the exception of alcohol, shall be
41 confirmed by gas chromatography-mass spectrometry or
42 by a scientifically equivalent technique approved by
43 the department.

44 (3) All initial positive drug test results with
45 the exception of alcohol shall be confirmed by gas
46 chromatography-mass spectrometry or an equivalent test
47 approved by the department before being reported as
48 positive or negative.

49 (4) All initial positive test results for alcohol
50 shall be confirmed by gas chromatography, or a test

Page 3

1 that is recognized by the department as an equivalent
2 test before being reported as positive or negative.

3 (5) Preliminary reports for drugs other than
4 alcohol shall not be issued in the absence of
5 confirmation by gas chromatography-mass spectrometry
6 or a scientifically equivalent test approved by the
7 department.

8 (6) Complete chain of custody procedures shall be
9 used for referred specimens. When sample volumes
10 permit, it is recommended that only an aliquot of the
11 original specimen be sent to a reference laboratory.

12 Sec. 5. Section 730.5, subsection 7, Code 1997, is
13 amended to read as follows:

14 7. A drug test conducted as a part of a physical
15 examination performed as a part of a preemployment

16 physical or as a part of a regularly scheduled
17 physical is only permissible. In addition to drug
18 testing permitted by subsection 3, drug testing of an
19 employee or applicant for employment shall also be
20 permitted under the following circumstances:
21 a. For a drug test during a preemployment
22 physical, the employer shall include notice that a
23 drug test will be part of a preemployment physical in
24 any notice or advertisement soliciting applicants for
25 employment or in the application for employment, and
26 an applicant for employment shall be personally
27 informed of the requirement for a drug test at the
28 first interview.
29 If the test sample withdrawn from the applicant is
30 analyzed by the state hygienic laboratory or a
31 laboratory certified by, and at the request of, the
32 state hygienic laboratory, the cost of the initial
33 test of the sample shall not be paid for by the
34 employer but shall be paid for by the state.
35 b. For a drug test during a regularly scheduled
36 physical, the employer shall give notice that a drug
37 test will be part of the physical at least thirty days
38 prior to the date the physical is scheduled.
39 c. For a preemployment drug test not conducted as
40 part of a preemployment physical, the employer shall
41 provide that any sample taken for analysis be taken
42 under the direct supervision of a person licensed
43 under chapter 148, 148C, 150A, or 152, and that the
44 sample shall be analyzed by the state hygienic
45 laboratory or a laboratory certified by, and at the
46 request of, the state hygienic laboratory.
47 d. An employer may require an employee, as a
48 condition of employment, to undergo testing for
49 illegal use of drugs if that employee has been
50 referred by the employer for substance abuse

Page 4

1 evaluation pursuant to subsection 3, paragraph "f",
2 and treatment, if recommended by the evaluation. The
3 employee may be required to undergo testing for
4 illegal use of drugs without prior notice, but in no
5 case shall more than three tests be conducted in the
6 eighteen-month period following the employee's
7 completion of substance abuse treatment if the
8 treatment was recommended by the evaluation. A drug
9 test shall not be required of an employee by an
10 employer during drug treatment of the employee, if
11 such testing would duplicate testing of the employee
12 conducted in the course of treatment and the employee
13 has waived confidentiality as to the employer of the
14 results of such testing. An employer shall not
15 require an employee to submit to testing for illegal

16 use of drugs under this paragraph if more than
 17 eighteen months have elapsed since the employee
 18 successfully completed drug treatment and the employee
 19 has not had a drug test conducted indicating the
 20 presence of alcohol or an illegal controlled substance
 21 during that eighteen-month period.

22 e. If a preemployment drug test is conducted on an
 23 applicant who does not reside in this state, the
 24 sample taken for analysis shall be maintained under
 25 the supervision of a comparable licensed person in the
 26 state in which the test is conducted and the drug test
 27 shall be performed by a laboratory certified by United
 28 States department of health and human services.

29 Drug testing conducted under this subsection shall
 30 conform to the requirements of subsection 3,
 31 paragraphs "c", "d", "e", and "f"; however, paragraph
 32 "f" shall not apply to preemployment drug tests
 33 conducted as a part of a preemployment physical.

34 Sec. 6. Section 730.5, subsection 9, paragraph a,
 35 Code 1997, is amended to read as follows:

36 a. A person who violates this section or who aids
 37 in the violation of this section is liable to an
 38 aggrieved employee or applicant for employment for
 39 affirmative relief including reinstatement or hiring,
 40 with or without back pay, liquidated damages in the
 41 amount of one hundred dollars for each violation, or
 42 any other equitable relief as the court deems
 43 appropriate including attorney fees and court costs.

44 Sec. 7. Section 730.5, subsection 11, Code 1997,
 45 is amended by striking the subsection.

46 Sec. 8. Section 730.5, Code 1997, is amended by
 47 adding the following new subsections:

48 NEW SUBSECTION. 12. An employer who conducts a
 49 drug test pursuant to this section shall, for each
 50 fiscal year beginning on or after July 1, 1997, file

Page 5

1 an annual report with the division of labor services
 2 of the department of employment services, on forms
 3 provided by the division, documenting separately the
 4 following information for all preemployment drug
 5 tests, regularly scheduled drug tests, and drug tests
 6 conducted pursuant to a finding of probable cause:

7 a. The number of drug tests conducted in each
 8 category.

9 b. The results of drug tests conducted in each
 10 category.

11 c. The number of personal injuries, and the dollar
 12 loss for property damage, arising out of the use of
 13 alcohol and illegal controlled substances by
 14 employees.

15 d. The cumulative direct costs of drug tests in

- 16 each category.
 17 e. The cost of substance abuse evaluation and
 18 treatment for employees in each category.
 19 NEW SUBSECTION. 13. Any court ordered drug test
 20 shall not in any manner affect the rights of an
 21 employer to conduct a drug test under this section."
 22 2. Title page, line 1, by striking the words
 23 "private sector" and inserting the following:
 24 "certain".
 25 3. Title page, by striking lines 2 through 3 and
 26 inserting the following: "employees and applicants
 27 for employment, providing for employer reporting of
 28 testing, and making remedies applicable."

Speaker Corbett in the chair at 1:42 p.m.

Roll call was requested by Murphy of Dubuque and Fallon of Polk.

On the question "Shall amendment H-1074 be adopted?" (H.F. 299)

The ayes were, 45:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiодо	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Draге	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 4:

Bernau

Houser

Teig

Van Maanen

Amendment H-1074 lost.

Fallon of Polk offered the following amendment H-1095 filed by him and moved its adoption:

H-1095

- 1 Amend House File 299 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 2.43, Code 1997, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. The pastor of the day
- 7 for the general assembly shall submit to a drug or
- 8 alcohol test conducted pursuant to the requirements of
- 9 section 730.5, subsections 4 and 6, on the date the
- 10 pastor is the pastor of the day. Failure to submit to
- 11 a drug or alcohol test as required by this section or
- 12 a test indicating the presence of drugs or alcohol
- 13 shall result in the pastor of the day being denied
- 14 compensation for being pastor of the day. The results
- 15 of the drug or alcohol test shall be a public record."
- 16 2. Title page, line 2, by striking the words
- 17 "employees and prospective" and inserting the
- 18 following: "employees, pastors, and prospective".
- 19 3. By renumbering as necessary.

Amendment H-1095 lost.

Fallon of Polk offered the following amendment H-1096 filed by him and moved its adoption:

H-1096

- 1 Amend House File 299 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 2.40A GENERAL ASSEMBLY
- 5 — DRUG TESTING.
- 6 On the first session day during every week the
- 7 general assembly is in session, the chief clerk of the
- 8 house and the secretary of the senate shall each
- 9 select, by random drawing, the names of ten members of
- 10 their respective chambers for purposes of submission
- 11 to a drug or alcohol test. The members selected shall
- 12 submit to a drug or alcohol test conducted pursuant to
- 13 the requirements of section 730.5, subsections 4 and
- 14 6. The results of the drug or alcohol test shall be a

- 15 public record."
- 16 2. Title page, line 2, by striking the words
- 17 "employees and prospective" and inserting the
- 18 following: "employees, public officials, and
- 19 prospective".
- 20 3. By renumbering as necessary.

Sukup of Franklin rose on a point of order that amendment H-1096 was not germane.

The Speaker ruled the point well taken and amendment H-1096 not germane.

Schrader of Marion offered amendment H-1127 filed by him from the floor and requested division as follows:

H-1127

- 1 Amend House File 299 as follows:

H-1127A

- 2 1. Page 1, lines 15 and 16, by striking the words
- 3 "employment agency, or joint labor-management
- 4 committee,".

H-1127B

- 5 2. Page 2, line 5, by inserting after the word
- 6 "employee" the following: "and who has received a
- 7 bona fide offer of employment from the employer".

Schrader of Marion asked and received unanimous consent to withdraw amendment H-1127A.

Schrader of Marion offered the following amendment H-1126 filed by him and Siegrist of Pottawattmie and moved its adoption:

H-1126

- 1 Amend House File 299 as follows:
- 2 1. Page 1, by striking lines 15 through 17 and
- 3 inserting the following: "labor organization, or
- 4 employment agency, which has one or more full-time".

Amendment H-1126 was adopted.

The House resumed consideration of amendment H-1127B.

Meyer of Sac in the chair at 2:26 p.m.

Schrader of Marion moved the adoption of H-1127B.

Roll call was requested by Taylor of Linn and Murphy of Dubuque.

On the question "Shall amendment H-1127B be adopted?"
(H.F. 299)

The ayes were, 45:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foegel	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Meyer, Presiding			

Absent or not voting, 2:

Bernau Van Maanen

Amendment H-1127B lost.

Dotzler of Black Hawk offered amendment H-1103 filed by him as follows:

H-1103

1 Amend House File 299 as follows:

- 2 1. Page 2, line 6, by striking the words
3 "Reasonable suspicion" and inserting the following:
4 "Probable cause".
- 5 2. Page 2, by striking lines 8 through 11 and
6 inserting the following: "is conducted when the
7 employer has probable cause to believe that an
8 employee's faculties are impaired on the job. For
9 purposes of this paragraph, an employer has probable
10 cause to believe that an employee's faculties are
11 impaired on the job if the employer is investigating
12 an accident in the workplace and all of the following
13 conditions are met:
- 14 (1) The employer has reasonable grounds to believe
15 that the employee proposed to be tested either
16 directly caused or directly contributed to the
17 accident.
- 18 (2) The employer has reasonable grounds to believe
19 that the employee's faculties were impaired and that
20 the impairment was likely a substantial factor in
21 causing the accident.
- 22 (3) The accident results in a personal injury
23 which requires medical treatment away from the
24 workplace or damage to property, including equipment,
25 in an amount reasonably estimated to exceed three
26 thousand dollars at the time of the accident.
- 27 (4) Prior to the accident, the employer has
28 provided the employee to be tested with written notice
29 of the employer's rules or policies regarding alcohol
30 and drugs and testing when a workplace accident or
31 injury occurs."
- 32 3. Page 5, by striking lines 15 through 23 and
33 inserting the following:
34 "d. Employers may conduct probable cause drug or
35 alcohol testing."
- 36 4. Page 6, line 26, by inserting after the word
37 "policy" the following: "and subject to the
38 requirements of subsection 7".

Dotzler of Black Hawk offered the following amendment H-1119,
to amendment H-1103, filed by him and moved its adoption:

H-1119

- 1 Amend the amendment, H-1103, to House File 299 as
2 follows:
3 1. Page 1, by inserting after line 31 the
4 following:
5 "___ Page 5, by striking lines 8 through 11."
6 2. Page 1, by inserting after line 38 the
7 following:
8 "___ By renumbering and relettering as
9 necessary."

Amendment H-1119, to amendment H-1103, was adopted.

Dotzler of Black Hawk moved the adoption of H-1103, as amended.

Amendment H-1103 lost.

O'Brien of Boone offered the following amendment H-1090 filed by him and moved its adoption:

H-1090

- 1 Amend House File 299 as follows:
- 2 1. Page 2, line 15, by striking the word
- 3 "immediate".

Roll call was requested by Dotzler of Black Hawk and Myers of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-1090 be adopted?" (H.F. 299)

The ayes were, 48:

Bell	Bradley	Brand	Brunkhorst
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohon	Connors	Cormack
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 48:

Arnold	Barry	Blodgett	Boddicker
Bogess	Brauns	Carroll	Churchill
Corbett, Spkr.	Dinkla	Dix	Dolecheck
Drake	Eddie	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Martin
Metcalf	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Meyer, Presiding

Absent or not voting, 4:

Bernau

Doderer

Lord

Van Maanen

Amendment H-1090 lost.

Fallon of Polk offered the following amendment H-1099 filed by him and moved its adoption:

H-1099

- 1 Amend House File 299 as follows:
- 2 1. Page 2, by striking lines 12 through 17.
- 3 2. Page 2, by striking lines 21 through 28.
- 4 3. Page 5, by striking lines 8 through 11.
- 5 4. Page 5, line 14, by inserting after the word
- 6 "rehabilitation." the following: "However, in no case
- 7 shall more than three drug or alcohol tests be
- 8 conducted in the eighteen-month period following the
- 9 employee's completion of drug or alcohol
- 10 rehabilitation."
- 11 5. Page 7, by striking line 16 and inserting the
- 12 following: "policy."
- 13 6. Page 7, line 17, by striking the words "the
- 14 standard" and inserting the following: "The
- 15 standard".
- 16 7. By renumbering and relettering as necessary.

Gipp of Winneshiek in the chair at 3:22 p.m.

Roll call was requested by Chiodo of Polk and Taylor of Linn.

On the question "Shall amendment H-1099 be adopted?" (H.F. 299)

The ayes were, 45:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold

Barry

Blodgett

Boddicker

Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Gipp,			
Presiding			

Absent or not voting, 2:

Bernau Van Maanen

Amendment H-1099 lost.

Sukup of Franklin offered the following amendment H-1108 filed by him and moved its adoption:

H-1108

- 1 Amend House File 299 as follows:
- 2 1. Page 2, line 25, by striking the words
- 3 "process, operated" and inserting the following:
- 4 "process operated".
- 5 2. Page 9, line 32, by striking the word and
- 6 figure "subsection 11" and inserting the following:
- 7 "this section".
- 8 3. Page 10, line 6, by striking the word
- 9 "PENALTY" and inserting the following: "REMEDIES".

Amendment H-1108 was adopted.

Warnstadt of Woodbury offered the following amendment H-1085 filed by him and moved its adoption:

H-1085

- 1 Amend House File 299 as follows:
- 2 1. Page 2, line 26, by striking the word "each"
- 3 and inserting the following: "every".
- 4 2. Page 2, lines 27 and 28, by striking the words
- 5 "has an equal chance of selection for initial testing"
- 6 and inserting the following: "shall be tested at the
- 7 same time".
- 8 3. Page 5, line 9, by inserting after the word

9 "large." the following: "For purposes of this
10 paragraph, the population at large means employees in
11 a building or group of buildings located at the same
12 site or at a nearby site."

Amendment H-1085 lost.

Dotzler of Black Hawk offered the following amendment H-1105
filed by him and moved its adoption:

H-1105

1 Amend House File 299 as follows:
2 1. Page 3, line 2, by inserting after the word
3 "hiring" the following: ", consistent with the
4 requirements of this section".
5 2. By striking page 7, line 20, through page 8,
6 line 6, and inserting the following:
7 "9. REHABILITATION AND DISCIPLINE. The employer
8 shall provide substance abuse evaluation, and
9 treatment if recommended by the evaluation, with costs
10 apportioned as provided under the employee benefit
11 plan or at employer expense, if there is no employee
12 benefit plan, the first time an employee's drug or
13 alcohol test indicates the presence of drugs or
14 alcohol in violation of the employer's written policy.
15 An employer shall not take disciplinary action against
16 an employee due to the employee's drug or alcohol
17 involvement the first time the employee's drug or
18 alcohol test indicates the presence of drugs or
19 alcohol if the employee undergoes a substance abuse
20 evaluation, and if the employee successfully completes
21 substance abuse treatment if treatment is recommended
22 by the evaluation. However, if an employee fails to
23 undergo a substance abuse evaluation when the
24 employee's drug or alcohol test indicates the presence
25 of drugs or alcohol, or if an employee fails to
26 successfully complete substance abuse treatment when
27 recommended by an evaluation, the employee may be
28 disciplined up to and including discharge. The
29 substance abuse evaluation and treatment provided by
30 the employer shall take place under a program approved
31 by the Iowa department of public health or accredited
32 by the joint commission on the accreditation of health
33 care organizations. This subsection shall not apply
34 to a drug or alcohol test of a prospective employee."

Roll call was requested by Murphy of Dubuque and Mascher of
Johnson.

On the question "Shall amendment H-1105 be adopted?" (H.F. 299)

The ayes were, 45:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cphoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 52:

Arnold	Barry	Blodgett	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Gipp, Presiding

Absent or not voting, 3:

Bernaü Boddicker Van Maanen

Amendment H-1105 lost.

Kreiman of Davis offered amendment H-1101 filed by him as follows:

H-1101

- 1 Amend House File 299 as follows:
- 2 1. Page 3, by inserting after line 34 the
- 3 following:
- 4 "___ Sample collections shall be obtained so that
- 5 a portion of the sample shall be retained and stored
- 6 by the employer, sufficient in quantity to conduct
- 7 drug or alcohol testing as well as confirmatory

8 testing, and made available to an employee or
9 prospective employee if a confirmed positive drug or
10 alcohol test is reported to the employer. The sample
11 retained and stored by the employer pursuant to this
12 paragraph shall be destroyed upon receipt of a
13 confirmed negative drug or alcohol test result or if
14 the employee or prospective employee so requests in
15 writing.”
16 2. By renumbering as necessary.

Sukup of Franklin offered the following amendment H-1121, to amendment H-1101, filed by him and moved its adoption:

H-1121

1 Amend the amendment, H-1101, to House File 299 as
2 follows:
3 1. Page 1, line 6, by striking the word
4 “employer” and inserting the following: “laboratory
5 conducting the confirmatory test”.
6 2. Page 1, by striking line 7 and inserting the
7 following: “a second confirmatory drug or alcohol”.
8 3. Page 1, line 8, by striking the word “testing”
9 and inserting the following: “test”.
10 4. Page 1, line 10, by inserting after the word
11 “employer.” the following: “If the employee or
12 prospective employee requests a second confirmatory
13 test within five days after receipt of a positive test
14 result, the employee or prospective employee shall. at
15 the employee’s expense, make arrangements for a second
16 confirmatory test consistent with the requirements of
17 subsection 6, paragraphs “b” through “f.”
18 5. Page 1, line 11, by striking the word
19 “employer” and inserting the following: “laboratory
20 conducting the confirmatory test”.

Amendment H-1121 was adopted.

Kreiman of Davis moved the adoption of amendment H-1101, as amended.

Amendment H-1101, as amended, was adopted.

Taylor of Linn offered the following amendment H-1104 filed by him and moved its adoption:

H-1104

1 Amend House File 299 as follows:
2 1. Page 4, line 18, by striking the word
3 “Confirmatory” and inserting the following: “All”.

Amendment H-1104 was adopted.

Taylor of Linn offered the following amendment H-1084 filed by him and moved its adoption:

H-1084

- 1 Amend House File 299 as follows:
- 2 1. Page 5, by inserting after line 5 the
- 3 following:
- 4 "g. In conducting drug or alcohol testing pursuant
- 5 to this section, the employer shall ensure to the
- 6 extent feasible that the testing only measure, and the
- 7 records concerning the testing only show or make use
- 8 of information regarding, alcohol or drugs in the
- 9 body."
- 10 2. By renumbering and relettering as necessary.

Amendment H-1084 was adopted.

Moreland of Wapello offered amendment H-1102 filed by him as follows:

H-1102

- 1 Amend House File 299 as follows:
- 2 1. Page 5, line 9, by inserting after the word
- 3 "large" the following: "or of employees in the
- 4 population at large who are in a safety-sensitive
- 5 position".
- 6 2. Page 5, by striking lines 10 through 11.
- 7 3. By renumbering and relettering as necessary.

Sukup of Franklin offered the following amendment H-1120, to amendment H-1102, filed by him and moved its adoption:

H-1120

- 1 Amend the amendment, H-1102, to House File 299 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting the following:
- 5 " ____ Page 5, line 10, by inserting after the
- 6 word "conduct" the following: "unannounced"."

Amendment H-1120 was adopted.

Moreland of Wapello moved the adoption of amendment H-1102, as amended.

Amendment H-1102, as amended, was adopted.

Nelson of Marshall offered amendment H-1109 filed by her as follows:

H-1109

- 1 Amend House File 299 as follows:
- 2 1. Page 6, line 1, by inserting after the word
- 3 "shall" the following: "establish an awareness
- 4 program to inform employees of the dangers of drug and
- 5 alcohol use in the workplace and".
- 6 2. Page 9, line 11, by inserting after the word
- 7 "employment," the following: "a substance abuse
- 8 treatment program or employee assistance program,".

Siegrist of Pottawattamie offered the following amendment H-1129, to amendment H-1109, filed by him and Schrader of Marion from the floor and moved its adoption:

H-1129

- 1 Amend the amendment, H-1109, to House File 299 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the word "a" and
- 4 inserting the following: "an authorized".

Amendment H-1129, to amendment H-1109, was adopted.

Nelson of Marshall moved the adoption of amendment H-1109, as amended.

Amendment H-1109, as amended, was adopted.

O'Brien of Boone offered the following amendment H-1094 filed by him and moved its adoption:

H-1094

- 1 Amend House File 299 as follows:
- 2 1. Page 6, line 30, by striking the word
- 3 "possible".
- 4 2. Page 6, line 34, by striking the word
- 5 "possible".
- 6 3. Page 7, line 1, by striking the word
- 7 "possible".

Amendment H-1094 was adopted.

Moreland of Wapello offered the following amendment H-1086 filed by him and moved its adoption:

H-1086

- 1 Amend House File 299 as follows:
- 2 1. Page 7, by striking line 16 and inserting the
- 3 following: "policy."
- 4 2. Page 7, line 17, by striking the word "the"
- 5 and inserting the following: "The".

Amendment H-1086 was adopted.

Connors of Polk offered amendment H-1082 filed by him as follows:

H-1082

- 1 Amend House File 299 as follows:
- 2 1. Page 7, by inserting after line 19 the
- 3 following:
- 4 "f. The written policy shall provide that no
- 5 disciplinary or rehabilitative actions may occur until
- 6 the employee has been afforded a reasonable
- 7 opportunity to rebut or explain the results of the
- 8 drug or alcohol test, and been given an opportunity to
- 9 appeal an adverse determination of the employer to a
- 10 review board consisting of employees and members of
- 11 management of the employer."
- 12 2. By renumbering and relettering as necessary.

Connors of Polk offered the following amendment H-1122, to amendment H-1082, filed by him and moved its adoption:

H-1122

- 1 Amend the amendment, H-1082, to House File 299 as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "employees" and inserting the following: "equal
- 5 numbers of employees appointed or elected by an
- 6 employee organization, if one exists,".

Amendment H-1122 was adopted.

Sukup of Franklin offered the following amendment H-1118, to amendment H-1082, filed by him and moved its adoption:

H-1118

- 1 Amend the amendment, H-1082, to House File 299 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 11 and
- 4 inserting the following:
- 5 "f. The written policy shall provide that an
- 6 employee shall have five days after receipt of a
- 7 positive test result to rebut or explain the result."

Roll call was requested by Taylor of Linn and Murphy of Dubuque.

On the question "Shall amendment H-1118, to amendment H-1082, be adopted?" (H.F. 299)

The ayes were, 53:

Arnold
Boggett

Barry
Bradley

Blodgett
Brauns

Boddicker
Brunkhorst

Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Eddie	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

The nays were, 45:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cphoon
Connors	Dotzler	Drake	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 2:

Bernau Van Maanen

Amendment H-1118 was adopted, placing out of order amendment H-1122, previously adopted.

Connors of Polk asked and received unanimous consent to withdraw amendment H-1082, as amended.

Connors of Polk offered the following amendment H-1083 filed by him and moved its adoption:

H-1083

- 1 Amend House File 299 as follows:
- 2 1. By striking page 8, line 7, through page 9,
- 3 line 22.
- 4 2. Page 9, line 32, by striking the words
- 5 "subsection 11" and inserting the following: "this
- 6 section".
- 7 3. By renumbering as necessary.

Speaker Corbett in the chair at 5:03 p.m.

Roll call was requested by Taylor of Linn and Siegrist of Pottawattamie.

On the question "Shall amendment H-1083 be adopted?" (H.F. 299)

The ayes were, 45:

Bell	Bogges	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Murphy	Myers	Nelson	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 3:

Bernau	Mundie	Van Maanen
--------	--------	------------

Amendment H-1083 lost.

Huser of Polk offered the following amendment H-1100 filed by her and moved its adoption:

H-1100

- 1 Amend House File 299 as follows:
 2 1. Page 10, by inserting after line 23 the
 3 following:
 4 "14. REPORTS. An employer who conducts a drug
 5 test pursuant to this section shall, for each fiscal
 6 year beginning on or after July 1, 1997, file an
 7 annual report with the division of labor services of
 8 the department of workforce development, on forms
 9 provided by the division, documenting separately for
 10 each category of test the following information for
 11 all drug or alcohol tests conducted pursuant to
 12 subsection 7, paragraphs "a" through "g":
 13 a. The number of drug or alcohol tests conducted
 14 in each category.
 15 b. The results of drug or alcohol tests conducted
 16 in each category.
 17 c. The number of personal injuries, and the dollar
 18 loss for property damage, arising out of the use of
 19 drugs or alcohol by employees.
 20 d. The cumulative direct costs of drug or alcohol
 21 tests in each category.
 22 e. The cost of substance abuse evaluation and
 23 treatment for employees in each category."
 24 2. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall amendment H-1100 be adopted?" (H.F. 299)

The ayes were, 47:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cphoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holmes	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Thomson	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 48:

Arnold	Barry	Blodgett	Boddicker
Bradley	Brunkhorst	Carroll	Churchill
Cormack	Dinkla	Dix	Dolecheck

Drake	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 5:

Bernau	Bogges	Brauns	Eddie
Van Maanen			

Amendment H-1100 lost.

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

On the question "Shall the bill pass?" (H.F. 299)

The ayes were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Dinkla	Dix
Dolecheck	Drake	Drees	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Mundie
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

The nays were, 44:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Cormack	Doderer	Dotzler
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin

Mascher	May	Mertz	Moreland
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

Absent or not voting, 2:

Bernau Van Maanen

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 299** be immediately messaged to the Senate.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of February, 1997: House File 255.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

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

1997\185 Heidi Stortz, Decorah – For receiving the Critics Choice Award for solo mime at the Outstanding Performance Festival of presentations in the Iowa High School Large Group Speech Competition.

1997\186 Ruth and Leo Rodgers, Indianola – For celebrating their 50th wedding anniversary.

1997\187 J. Floyd Murphy, Indianola – For celebrating his 94th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 150

Appropriations: Meyer, Chair; Brauns and Taylor.

House File 329

Human Resources: Houser, Chair; Vande Hoef and Witt.

House File 349

Transportation: Arnold, Chair; Cohoon and Rayhons.

House File 350

Transportation: Eddie, Chair; Ford and Nelson.

House File 352

Transportation: Weidman, Chair; Arnold, Chiodo, Heaton and May.

House File 357

Transportation: Carroll, Chair; Larkin and Vande Hoef.

House File 380

Appropriations: Millage, Chair; Reynolds-Knight and Sukup.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 179**

Transportation: Welter, Chair; Heaton and May.

House Study Bill 181

Agriculture: Huseman, Chair; Klemme and Mundie.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 183 Human Resources**

Relating to child support recovery, providing penalties, and providing effective dates.

H.S.B. 184 Education

Establishing the enrich Iowa program for eligible public libraries and making an appropriation.

H.S.B. 185 Judiciary

Relating to judicial administration.

H.S.B. 186 Commerce-Regulation

Relating to the review of the reorganization of a public utility and providing an effective date.

H.S.B. 187 Education

Relating to licensing sanctions against individuals who default on obligations owed to or collected by the college student aid commission.

H.S.B. 188 Local Government

Relating to employer penalties for hiring illegal aliens.

H.S.B. 189 Local Government

Relating to refunds for tonnage fees paid by operators of sanitary landfills and solid waste management techniques.

H.S.B. 190 Local Government

Relating to department of human services' billings to counties for the cost of certain mental health and developmental disability services.

H.S.B. 191 Commerce-Regulation

Relating to the general operation of corporations, partnerships, and associations, including provisions relating to certain filings made by corporations and associations, the filing of biennial reports by certain corporations and cooperative associations, and establishing fees.

H.S.B. 192 Appropriations

Relating to agriculture and natural resources by providing for appropriations, related statutory changes, and providing an effective date.

H.S.B. 193 Local Government

Relating to property taxes and local government budget practices, and establishing a limitation on property taxes imposed by cities and counties, and providing effective and applicability date provisions.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 45), relating to programs administered by the college student aid commission, establishing an osteopathic physician recruitment program, and authorizing licensing sanctions against individuals who default on obligations owed to or collected by the commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 83), relating to subject matter under the regulatory authority of the labor commissioner, including the construction contractors law, and making nonsubstantive Code corrections relating to the child labor law.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1997.

Committee Bill (Formerly House Study Bill 90), relating to state government personnel procedures including job classifications, pay plans, employee recall from layoff, and abolishing the personnel commission.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1997.

Committee Bill (Formerly House Study Bill 100), relating to inspections of unfired steam pressure vessels.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1997.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 302), increasing the speed limit on interstate and fully controlled-access, divided, multilaned highways for certain motor vehicles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1997.

Committee Bill (Formerly House Study Bill 139), relating to regulation of trucks and certain other large motor vehicles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 159), reducing the state individual income tax rates by fifteen percent and including an effective date provision.

Fiscal Note is required.

Recommended **Do Pass** February 27, 1997.

AMENDMENT FILED

H—1128

H.F. 306 Richardson of Warren

On motion by Siegrist of Pottawattamie, the House adjourned at 6:37 p.m., until 9:00 a.m., Friday, February 28, 1997.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 28, 1997

The House met pursuant to adjournment at 9:00 a.m., Metcalf of Polk in the chair.

Prayer was offered by the Honorable David Heaton, state representative from Henry County.

The Journal of Thursday, February 27, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Barry of Harrison, from ninety-six constituents from District 82 favoring the "Enrich Iowa: Fund Libraries."

By Brand of Tama, from one hundred ninety-two constituents favoring the "Enrich Iowa: Fund Libraries."

By Frevert of Palo Alto, from forty-one constituents in District 8, favoring the "Enrich Iowa: Fund Libraries."

By Heaton of Henry, from forty-five constituents favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from eighty-nine constituents in Stratford favoring the "Enrich Iowa: Fund Libraries."

By O'Brien of Boone, from fourteen constituents in the 79th District favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House Joint Resolution 15, by Heaton, Tyrrell, Martin, Klemme, Jacobs, Holmes, Kremer, Dix, Thomas, Van Fossen, Jenkins, Cormack, Welter, Drake, Weidman, Barry, Vande Hoef, Gries, Arnold, Brunkhorst, Siegrist, Gipp, Scherrman, Teig, May, Meyer, Sukup, Churchill, Dolecheck, O'Brien, Lord, Eddie, Carroll, Hahn, Nelson, Houser, and Rayhons, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the residency qualifications of members of the Iowa senate and the Iowa house of representatives and providing an applicability date provision.

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

House Joint Resolution 16, by Carroll, a joint resolution proposing an amendment to the Constitution of the State of Iowa granting home rule power and authority to local school districts.

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

House File 389, by Greiner, Meyer, Drake, Teig, Arnold, Eddie, Klemme, Dolecheck, Rayhons, Huseman, Tyrrell, Boggess, Mertz, Heaton, Carroll, Thomas, Koenigs, Mundie, and May, a bill for an act relating to the defamation of persons and products relating to agricultural production, and providing penalties.

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

House File 390, by Siegrist, a bill for an act relating to the cleanup and reuse of contaminated property, environmental remediation standards and review procedures, participation in the remediation of contaminated property, liability for the voluntary cleanup of contaminated property, liability protections, and establishing a land recycling fund.

Read first time and referred to committee on **environmental protection**.

House File 391, by Greiner, a bill for an act allowing a deduction for tuition paid for the taxpayer, or taxpayer's spouse or dependent, to attend an eligible postsecondary school and providing a retroactive applicability date provision.

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

House File 392, by Greiner, a bill for an act relating to the extension of time during which an alternative surcharge may be imposed for E911.

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

House File 393, by Richardson, a bill for an act relating to the sharing of state sales tax revenues with school districts, cities, and counties and providing for property tax relief and including an effective date provision.

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

House File 394, by Greiner, a bill for an act providing for evaluation of a child with respect to the child's best interests in a proceeding for modification of a custody arrangement.

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

House File 395, by Richardson, a bill for an act to permit candidates to pledge to run positive campaigns, providing for disclaimers for nonparticipants, and establishing penalties.

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

House File 396; by Richardson, a bill for an act prohibiting the possession or use of radar detectors and providing a penalty.

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

House File 397, by Greiner, a bill for an act providing for a criminal offense and abuse records check of prospective public school district employees.

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

House File 398, by committee on labor and industrial relations, a bill for an act relating to subject matter under the regulatory authority of the labor commissioner, including the construction contractors law, and making nonsubstantive Code corrections relating to the child labor law.

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

House File 399, by committee on labor and industrial relations, a bill for an act relating to inspections of unfired steam pressure vessels.

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

House File 400, by Lamberti, a bill for an act relating to requirements for lawn care professionals obtaining licenses as commercial applicators of pesticides.

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

House File 401, by committee on labor and industrial relations, a bill for an act relating to state government personnel procedures including job classifications, pay plans, employee recall from layoff, and abolishing the personnel commission.

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

House File 402, by Doderer, Boggess, Dolecheck, and Burnett, a bill for an act providing for research regarding the production and marketing of industrial hemp.

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

House File 403, by committee on transportation, a bill for an act increasing the speed limit on interstate and fully controlled-access, divided, multilaned highways for certain motor vehicles.

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

House File 404, by Wise, Doderer, Burnett, Whitead, Bukta, Brand, Jochum, Moreland, Schrader, Shoultz, Connors, Myers, Cohoon, Huser, Dotzler, Witt, Fallon, Holveck, Thomas, Mascher, Richardson, Chiodo, Koenigs, Foege, Ford, Cataldo, Frevert, Chapman, Murphy, Kinzer, Scherrman, Taylor, Falck, Osterhaus, Mundie, Mertz, and O'Brien, a bill for an act relating to the establishment of a class size reduction program, increasing the physical plant and equipment levy limits for eligible school districts, and making an appropriation.

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

House File 405, by Barry, a bill for an act relating to the sale, lease, or other disposition of property belonging to a school district or area education agency and providing an immediate effective date.

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

House File 406, by Mundie, a bill for an act limiting the liability of a municipality for an act or omission relating to cleanup of abandoned property or of a parcel of land purchased at a tax sale.

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

House File 407, by Larson, a bill for an act requiring future damages in personal injury actions to be adjusted according to present value.

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

House File 408, by Brunkhorst, a bill for an act relating to the appropriation and allocation of franchise tax revenue, establishing a program to identify nonfilers and nonpayers of state taxes, and providing an effective date.

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

House File 409, by Carroll, a bill for an act allowing teaching parents to provide driver's education instruction.

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

House File 410, by committee on education, a bill for an act relating to programs administered by the college student aid commission and establishing an osteopathic physician recruitment program.

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

House File 411, by Meyer, a bill for an act changing election and appointment provisions relating to the secretary of agriculture.

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

SENATE MESSAGE CONSIDERED

Senate File 145, by Judge, Black of Kossuth, and Redwine, a bill for an act relating to the county mental health, mental retardation, and developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the services fund levy and other levies, and providing an effective date

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 16, a bill for an act relating to simulated incendiary or explosive materials and establishing a penalty.

Also: That the Senate has on February 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 59, a bill for an act relating to the disposition of emergency medical care provider certification fees.

Also: That the Senate has on February 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 132, a bill for an act relating to state department of transportation operations, including regulating hazardous materials transport, regulating motor vehicle dealers, eliminating requirements that the department adopt administrative rules in certain instances, and establishing, making applicable, or enhancing penalties.

Also: That the Senate has on February 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 177, a bill for an act relating to motor vehicle operator prohibitions and restrictions including exhibition driving, littering, blood alcohol test certificates, and handicapped parking, and by establishing or making existing penalties applicable.

Also: That the Senate has on February 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 230, a bill for an act relating to child abuse provisions involving assessments performed by the department of human services in response to reports of child abuse and providing effective dates.

MARY PAT GUNDERSON, Secretary

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1997\188 Gertrude and Herman Elsen, Woodburn – For celebrating their 50th wedding anniversary.
- 1997\189 Helen and Clarence Barnett, Osceola – For celebrating their 65th wedding anniversary.
- 1997\190 Martha and Willis Good, Chariton – For celebrating their 55th wedding anniversary.
- 1997\191 Heloise and Evan Olson, Chariton – For celebrating their 60th wedding anniversary.
- 1997\192 Mr. and Mrs. Kenneth White, Chariton – For celebrating their 60th wedding anniversary.
- 1997\193 Clinton High School Choral Reading Group, Coach Stacy Oakley, Clinton High School – For winning 1st place in Choral Reading at the Iowa High School Speech Association's Twenty-second Annual Large Group All-State Festival.
- 1997\194 Christopher Meyer, Storm Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\195 Jeremy Holben, Bedford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 194 Human Resources

Creating a caregiver recruitment and retention pilot program, and making an appropriation.

H.S.B. 195 Human Resources

Relating to the membership of the medical assistance advisory council.

RESOLUTION FILED

HCR 15, by committee on education, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a

comprehensive study of school finance and make recommendations for a revised school aid formula.

Placed on the **calendar**.

On motion by Gipp of Winneshiek, the House adjourned at 9:08 a.m., until 1:00 p.m., Monday, March 3, 1997.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 3, 1997

The House met pursuant to adjournment at 1:05 p.m., Speaker pro tempore Van Maanen of Marión in the chair.

Prayer was offered by Reverend Douglas Darnold, First Presbyterian Church, Sibley.

The Journal of Friday, February 28, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page, Jared McLaren.

INTRODUCTION OF BILLS

House File 412, by Jochum, a bill for an act relating to the consideration by the court of a pattern of domestic abuse and of the identity of the primary physical aggressor in the determination of a history of domestic abuse pertaining to the awarding of child custody.

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

House File 413, by Jochum, a bill for an act providing for voluntary limitation of campaign expenditures and contributions for certain elective officers, providing for disclosure for candidates who do not elect to voluntarily limit campaign expenditures and contributions, and providing penalties and an effective date.

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

SENATE MESSAGES CONSIDERED

Senate File 16, by Szymoniak, a bill for an act relating to simulated incendiary or explosive materials and establishing a penalty.

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

Senate File 59, by Bartz, a bill for an act relating to the disposition of emergency medical care provider certification fees.

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

Senate File 126, by committee on state government, a bill for an act allowing a supervised, controlled burn for which a permit has been issued during an open burning ban.

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

Senate File 132, by committee on transportation, a bill for an act relating to state department of transportation operations, including regulating hazardous materials transport, regulating motor vehicle dealers, eliminating requirements that the department adopt administrative rules in certain instances, and establishing, making applicable, or enhancing penalties.

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

Senate File 177, by committee on transportation, a bill for an act relating to motor vehicle operator prohibitions and restrictions including exhibition driving, littering, blood alcohol test certificates, and hand-capped parking, and by establishing or making existing penalties applicable.

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

Senate File 230, by committee on human resources, a bill for an act relating to child abuse provisions involving assessments performed by the department of human services in response to reports of child abuse and providing effective dates.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Taylor of Linn and Shultz of Black Hawk on request of Schrader of Marion.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker pro tempore Van Maanen of Marion 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-seventh General Assembly were presented to the following Pages by Speaker pro tempore Van Maanen, Majority Leader Brent Siegrist of Pottawattamie and Minority Leader David Schrader of Marion:

Cindy Boyce
Nicole Buss
Ryan Clark
Heather Crutchfield
Tamara Holdren
Korey Hutchinson

Audrey Lee Mann
Caroline Ann McCard
Matthew McGuire
Elizabeth Mefford
Lori Naig
John Schreurs

The House rose and expressed its appreciation.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Teig of Hamilton offered the following House Memorial Resolution 1 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 1

Whereas, The Honorable Edward E. Busing of Hamilton County, Iowa, who was a member of the Sixty-first general assembly, passed away June 12, 1995; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Teig of Hamilton, Mundie of Webster and Sukup of Franklin.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Welter of Jones offered the following House Memorial Resolution 2 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 2

Whereas, The Honorable Gerald Cornelius of Jackson County, Iowa, who was a member of the Seventy-sixth first session general assembly, passed away December 14, 1995; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Welter of Jones, Osterhaus of Jackson and Boddicker of Cedar.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Barry of Harrison offered the following House Memorial Resolution 3 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 3

Whereas, The Honorable Frank Crabb of Crawford County, Iowa, who was a member of the Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra and Sixty-ninth Second Extra general assemblies, passed away November 28, 1995; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Barry of Harrison, Gries of Crawford and Drake of Pottawattamie.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Heaton of Henry offered the following House Memorial Resolution 4 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 4

Whereas, The Honorable Fred "Lee" Gallup of Jefferson County, Iowa, who was a member of the Fifty-third, Fifty-fourth and Fifty-fifth general assemblies, passed away October 7, 1995; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Heaton of Henry, Reynolds-Knight of Van Buren and Greiner of Washington.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Rants of Woodbury offered the following House Memorial Resolution 5 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 5

Whereas, The Honorable Warren Johnson of Woodbury County, Iowa, who was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra and Sixty-ninth Second Extra general assemblies, passed away May 16, 1996; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Rants of Woodbury, Warnstadt of Woodbury and Gries of Crawford.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

Vande Hoef of Osceola called up for consideration House Concurrent Resolution 10, a concurrent resolution relating to a biennial memorial session, and moved its adoption:

1 HOUSE CONCURRENT RESOLUTION 10

2 By Vande Hoef

3 A House concurrent resolution relating to a
4 biennial memorial session.5 *Whereas*, it has been the custom to hold a biennial
6 memorial session in recognition of the public service
7 of departed members of the General Assembly; and8 *Whereas*, both Houses desire to participate in such
9 an observance; *Now Therefore*,10 *Be It Resolved By The House Of Representatives, The*
11 *Senate Concurring*, that an evening session of the Seventy-
12 seventh General Assembly be held in the House of Representatives
13 Chamber Wednesday evening, April 2, 1997, at 7:00 p.m.14 *Be It Further Resolved*, that a joint committee of
15 eight members be appointed, four from the Senate to be
16 appointed by the President of the Senate, and four from
17 the House to be appointed by the Speaker of the House,
18 to make suitable arrangements for a joint memorial session.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 11

Siegrist of Pottawattamie called up for consideration House Concurrent Resolution 11, a concurrent resolution relating to Pioneer Lawmakers:

1 HOUSE CONCURRENT RESOLUTION 11

2 By Siegrist and Schrader

3 A House Concurrent Resolution relating to
4 Pioneer Lawmakers.5 *Whereas*, the Seventy-seventh General Assembly is
6 advised of a meeting of the Pioneer Lawmakers Association
7 to be held on Wednesday, April 2, 1997; and8 *Whereas*, the Pioneer Lawmakers request the opportunity
9 to meet formally with the General Assembly, *Now Therefore*,10 *Be It Resolved By The House of Representatives, The*
11 *Senate Concurring*, That the General Assembly meet in joint
12 session in the House Chamber on Wednesday, April 2, 1997,
13 at 2:00 p.m. and that the Pioneer Lawmakers be invited to
14 attend and present a program on that occasion, and that the
15 Speaker of the House of Representatives and the President
16 of the Senate be designated to deliver the invitation
17 to them.

Doderer of Johnson offered the following amendment H-1112 filed by her and moved its adoption:

H-1112

1 Amend House Concurrent Resolution 11 as follows:

2 1. Page 1, line 13, by striking the figure "1:00"

3 and inserting the following: "2:00".

Amendment H-1112 was adopted.

On motion by Siegrist of Pottawattamie, the resolution as amended, was adopted.

CONSIDERATION OF BILLS Regular Calendar

House File 82, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien, 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. 82)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Corbett, Spkr.	Drake	Greig	Shoultz
Taylor			

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

House File 254, a bill for an act relating to the county mental health, mental retardation, and developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the services fund levy and other levies, and providing an effective date, was taken up for consideration.

SENATE FILE 145 SUBSTITUTED FOR HOUSE FILE 254

Mertz of Kossuth asked and received unanimous consent to substitute Senate File 145 for House File 254.

Senate File 145, a bill for an act relating to the county mental health, mental retardation, and developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the services fund levy and other levies, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 145)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen

Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Corbett, Spkr.	Drake	Greig	Larson
Shoultz	Taylor		

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

HOUSE FILE 254 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 254 from further consideration by the House.

House File 275, a bill for an act relating to trademarks and service marks registered with the secretary of state, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 275)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggest	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus

Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Corbett, Spkr.	Drake	Greig	Shoultz
Taylor			

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 Concurrent Resolution 10 and 11, Senate File 145, and House Files 82 and 275.**

HOUSE FILE 392 REREFERRED

The Speaker announced that House File 392, previously referred to committee on **commerce-regulation** was rereferred to committee on **local government**.

HOUSE FILE 405 REREFERRED

The Speaker announced that House File 405, previously referred to committee on **local government** was rereferred to committee on **education**.

HOUSE JOINT RESOLUTION 16 REREFERRED

The Speaker announced that House Joint Resolution 16, previously referred to committee on **education** was rereferred to committee on **state government**.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
Office of Renewable Fuels and Co-Products

The Semi-Annual Report regarding summary of activities from July 1, 1996 to December 31, 1996, pursuant to Chapter 159A.3(2)(h), 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

1997\196 Louita Clothier, Lamoni – For her 28 years of music instruction of the Suzuki Program and the Lamoni Strings.

1997\197 Brandon Livingood, Decorah – For winning 1st place in the 130 lbs., Class 2-A 1997 Iowa High School State Wrestling Tournament.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 15**

State Government: Van Fossen, Chair; Connors and Martin.

House File 347

Judiciary: Lamberti, Chair; Doderer and Garman.

House File 364 Reassigned

State Government: Bradley, Chair; Cataldo and Hansen.

House File 385

Judiciary: Grundberg, Chair; Holveck and Lamberti.

House File 395

State Government: Gipp, Chair; Churchill and Jochum.

Senate File 123

Judiciary: Lamberti, Chair; Bernau and Churchill.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 182**

State Government: Holmes, Chair; Taylor and Tyrrell.

House Study Bill 185

Judiciary: Larson, Chair; Chapman and Kremer.

House Study Bill 188

Local Government: Brauns, Chair; Reynolds-Knight and Weidman.

House Study Bill 189

Local Government: Klemme, Chair; Dix and Myers.

House Study Bill 190

Local Government: Houser, Chair; Carroll and Huser.

House Study Bill 193

Local Government: Vande Hoef, Chair; Klemme and Myers.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 196 Local Government**

Relating to city ordinances and other official actions of a city council and mayor.

H.S.B. 197 Commerce-Regulation

Relating to an alternative price regulation plan for certain local exchange carriers, providing for related matters, and providing an effective date.

H.S.B. 198 Judiciary

Relating to limited partnerships and the rights and duties of limited partners, partnership agreements, duties of the secretary of state with respect to limited partnerships, and other related matters affecting foreign and domestic limited partnerships, and establishing fees and penalties.

H.S.B. 199 Ways and Means

Relating to hospitals and health care facilities, including licensing and license fees, inspections and inspection fees and fines.

AMENDMENTS FILED

H-1130	H.F.	388	Fallon of Polk Witt of Black Hawk
H-1131	H.F.	388	Wise of Lee
H-1132	H.F.	388	Bernau of Story Bell of Jasper Bukta of Clinton Cataldo of Polk
			Myers of Johnson Brand of Tama Burnett of Story

Chapman of Linn	Chiodo of Polk
Cohoon of Des Moines	Connors of Polk
Drees of Carroll	Falck of Fayette
Foege of Linn	Ford of Polk
Frevert of Palo Alto	Huser of Polk
Jochum of Dubuque	Kinzer of Scott
Koenigs of Mitchell	Kreiman of Davis
Larkin of Lee	Mascher of Johnson
May of Worth	Mertz of Kossuth
Moreland of Wapello	Mundie of Webster
Murphy of Dubuque	O'Brien of Boone
Osterhaus of Jackson	Reynolds-Knight of Van Buren
Richardson of Warren	Scherrman of Dubuque
Schrader of Marion	Thomas of Clayton
Warnstadt of Woodbury	Weigel of Chickasaw
Whitead of Woodbury	Wise of Lee

On motion by Siegrist of Pottawattamie, the House adjourned at 1:48 p.m., until 8:45 a.m., Tuesday, March 4, 1997.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 4, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Celine A. Burke, St. John's Episcopal Church, Clinton.

The Journal of Monday, March 3, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Frevert of Palo Alto, from sixty-seven petitioners favoring the "Enrich Iowa: Fund Libraries."

By Huseman of Cherokee, from two hundred twenty-three residents of Cherokee favoring the "Enrich Iowa: Fund Libraries."

By Mertz of Kossuth, from fifty-four constituents of Bancroft favoring the "Enrich Iowa: Fund Libraries."

By Mertz of Kossuth, from forty-four constituents of Fenton favoring the "Enrich Iowa: Fund Libraries."

By Mertz of Kossuth, from seventy-eight constituents of Titonka favoring the "Enrich Iowa: Fund Libraries."

By Mertz of Kossuth, from eighty-six constituents of LuVern favoring the "Enrich Iowa: Fund Libraries."

By Mertz of Kossuth, from forty-three constituents of Wesley favoring the "Enrich Iowa: Fund Libraries."

By Meyer of Sac, from fifty-two residents of Holstein favoring the "Enrich Iowa: Fund Libraries."

By Meyer of Sac, from one hundred seventy-four residents of Battle Creek favoring the "Enrich Iowa: Fund Libraries."

By Thomas of Clayton, from sixteen constituents of Clermont favoring the "Enrich Iowa: Fund Libraries."

By Thomas of Clayton, from thirty-one constituents of Elgin favoring the "Enrich Iowa: Fund Libraries."

By Thomas of Clayton, from one hundred forty-three constituents of Fayette favoring the "Enrich Iowa: Fund Libraries."

By Thomas of Clayton, from fifty-nine constituents of Wadena favoring the "Enrich Iowa: Fund Libraries."

By Weidman of Cass, from fifteen constituents of Villisca favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 414, by Kremer, a bill for an act relating to the definition of soldier for property tax exemption purposes.

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

House File 415, by Mascher, a bill for an act relating to the filing of biennial reports by certain corporations and cooperative associations, and establishing fees.

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

House File 416, by committee on transportation, a bill for an act relating to regulation of trucks and certain other large motor vehicles, including maximum vehicle weights, defining terms, providing effective dates, and making penalties applicable.

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

House File 417, by Eddie, a bill for an act relating to the collection and recycling of motor oil filters.

Read first time and referred to committee on **environmental protection**.

House File 418, by Garman, a bill for an act prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes.

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

House File 419, by Carroll, a bill for an act relating to acts which constitute dealing in real estate.

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

House File 420, by Martin, a bill for an act relating to health care facilities by requiring employment checks of health care facility employees.

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

House File 421, by Garman, a bill for an act establishing restrictions on contributions to political campaigns and making penalties applicable.

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

House File 422, by Fallon, a bill for an act authorizing research into the use of marijuana for medicinal purposes.

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

House File 423, by Thomson, a bill for an act relating to the establishment of an abstinence education pilot program.

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

House File 424, by Martin, Van Fossen, Millage, Holmes, and Bradley, a bill for an act relating to the election of the board of directors for an area education agency and providing effective date and applicability provisions.

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

House File 425, by Jacobs, a bill for an act relating to state election laws, absentee voting, and voter registration.

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

House File 426, by Metcalf, a bill for an act relating to the location of certain community-based residential homes in residential areas of cities and counties.

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

House File 427, by Dolecheck, a bill for an act requiring a peace officer to administer a preliminary screening test for alcohol and drugs under certain circumstances.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Taylor of Linn, until his arrival, on request of Schrader of Marion.

MOTION TO RECONSIDER WITHDRAWN

(House File 142)

Eddie of Buena Vista asked and received unanimous consent to withdraw the motion to reconsider House File 142 filed by him on February 25, 1997.

CONSIDERATION OF BILLS
Regular Calendar

House File 373, a bill for an act to legalize certain unified law enforcement district tax levies and providing an effective date, was taken up for consideration.

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

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

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Corbett, Spkr. Siegrist Taylor

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

House File 159, a bill for an act relating to the disposition of emergency medical care provider certification fees, was taken up for consideration.

SENATE FILE 59 SUBSTITUTED FOR HOUSE FILE 159

Barry of Harrison asked and received unanimous consent to substitute Senate File 59 for House File 159.

Senate File 59, a bill for an act relating to the disposition of emergency medical care provider certification fees, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 59)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Corbett, Spkr.

Siegrist

Taylor

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

HOUSE FILE 159 WITHDRAWN

Barry of Harrison asked and received unanimous consent to withdraw House File 159 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 59** and **House File 373**.

On motion by Gipp of Winneshiek, the House was recessed at 9:10 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:08 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 March 3, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 191, a bill for an act relating to the establishment of the drinking water facilities financing program, the drinking water treatment revolving loan fund, the drinking water facilities administration fund, and providing an effective date.

Also: That the Senate has on March 4, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 7, a concurrent resolution recognizing the women who served Iowa as state legislators through Iowa's sesquicentennial year, 1996, and celebrating 100 years of women elected to state legislatures.

Also: That the Senate has on March 3, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 58, a bill for an act establishing English as the common language of the state.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 176, a bill for an act relating to child sexual abuse reporting.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 214, a bill for an act relating to the regulation of the use and disposal of sewage sludge and providing a penalty.

MARY PAT GUNDERSON, Secretary

QUORUM CALL

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

CONSIDERATION OF BILL Ways and Means Calendar

House File 388, a bill for an act reducing the state individual income tax rates by fifteen percent and including an effective date provision, was taken up for consideration.

Wise of Lee asked and received unanimous consent that amendment H-1131 be deferred.

Fallon of Polk asked and received unanimous consent that amendment H-1130 be deferred.

Bernau of Story offered the following amendment H-1132 filed by Bernau, et al., and moved its adoption:

H-1132

- 1 Amend House File 388 as follows:
- 2 1. Page 1, by striking lines 3 through 29 and
- 3 inserting the following:
- 4 "a. On all taxable income from zero through one
- 5 thousand dollars, ~~four-tenths~~ three-tenths of one
- 6 percent.
- 7 b. On all taxable income exceeding one thousand
- 8 dollars but not exceeding two thousand dollars, ~~eight-~~
- 9 ~~tenths~~ four-tenths of one percent.
- 10 c. On all taxable income exceeding two thousand
- 11 dollars but not exceeding four thousand dollars, two
- 12 ~~and seven-tenths~~ percent.
- 13 d. On all taxable income exceeding four thousand
- 14 dollars but not exceeding nine thousand dollars, ~~five~~
- 15 three and seventy-five hundredths percent.
- 16 e. On all taxable income exceeding nine thousand
- 17 dollars but not exceeding fifteen thousand dollars,
- 18 ~~six four and eight-tenths~~ nine-tenths percent.
- 19 f. On all taxable income exceeding fifteen
- 20 thousand dollars but not exceeding twenty thousand
- 21 dollars, ~~seven~~ five and two-tenths twenty-five

22 hundredths percent.

23 g. On all taxable income exceeding twenty thousand
24 dollars but not exceeding thirty thousand dollars,
25 seven five and fifty-five twenty-five hundredths
26 percent.

27 h. On all taxable income exceeding thirty thousand
28 dollars but not exceeding forty-five thousand dollars,
29 eight five and eight-tenths twenty-five hundredths
30 percent.

31 i. On all taxable income exceeding forty-five
32 thousand dollars, nine six and ninety-eight hundredths
33 eight-tenths percent.

34 Sec. ____ Section 422.9, subsection 1, Code 1997,
35 is amended to read as follows:

36 1. An optional standard deduction, after deduction
37 of federal income tax, equal to one thousand two
38 hundred thirty dollars for a married person who files
39 separately or a single person or equal to three
40 thousand thirty dollars for a husband and wife who
41 file a joint return, a surviving spouse, or an
42 unmarried head of household. The optional standard
43 deduction shall not exceed the amount remaining after
44 deduction of the federal income tax. The amount of
45 the federal income taxes deducted shall not exceed the
46 amount as computed under subsection 2, paragraph "b".

47 Sec. ____ Section 422.9, subsection 2, paragraph
48 b, Code 1997, is amended by striking the paragraph and
49 inserting in lieu thereof the following:

50 b. Add the amount of federal income taxes paid

Page 2

1 with the federal return or as a result of an
2 adjustment to a federal return for tax years ending
3 prior to January 1, 1997. Subtract the amount of
4 federal income tax refunds received for a tax year to
5 the extent that the federal income tax was deducted in
6 a previous tax year.

7 Sec. ____ This Act applies retroactively to
8 January 1, 1997".

9 2. Title page, lines 1 and 2, by striking the
10 words "by fifteen percent" and inserting the
11 following: ", and eliminating the deduction for
12 federal income taxes paid."

Rants of Woodbury rose on a point of order that amendment H-1132 was not germane.

The Speaker ruled the point well taken and amendment H-1132 not germane.

Schrader of Marion asked for unanimous consent to suspend the rules to consider amendment H-1132.

Objection was raised.

Schrader of Marion moved to suspend the rules to consider amendment H-1132.

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

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1132?" (H.F. 388)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrill	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 1:

Taylor

The motion to suspend the rules lost.

The House stood at ease at 1:54 p.m., until the fall of the gavel.

The House resumed session at 2:24 p.m., Speaker Corbett in the chair.

The House resumed consideration of amendment H-1131 filed by Wise of Lee, previously deferred.

H-1131

- 1 Amend House File 388 as follows:
- 2 1. Page 1, line 29, by striking the word and
- 3 figures "January 1, 1998" and inserting the following:
- 4 "July 1, 1997".
- 5 2. Page 1, line 30, by striking the words "that
- 6 date" and inserting the following: "January 1, 1997".

Wise of Lee moved the adoption of amendment H-1131.

Roll call was requested by Wise of Lee and Siegrist of Pottawattamie.

On the question "Shall amendment H-1131 be adopted?" (H.F. 388)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Falck	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 54:

Arnold	Barry	Blodgett	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen

Van Maanen
Welter

Vande Hoef
Mr. Speaker
Corbett

Veenstra

Weidman

Absent or not voting, 3:

Boddicker

Drees

Taylor

Amendment H-1131 lost.

The House resumed consideration of amendment H-1130, filed by Fallon of Polk and Witt of Black Hawk, previously deferred.

Rants of Woodbury rose on a point of order that amendment H-1130 was not germane.

The Speaker ruled the point well taken and amendment H-1130 not germane.

Speaker pro tempore Van Maanen of Marion in the chair at 4:08 p.m.

Speaker Corbett in the chair at 5:12 p.m.

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. 388)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson

Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Mr. Speaker Corbett			

The nays were, 3:

Doderer Fallon Witt

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 388** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 83, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 184, a bill for an act relating to collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 219, a bill for an act relating to trespassing or stray livestock and providing remedies and an effective date.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 222, a bill for an act relating to the use tax on motor vehicle leasing.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 229, a bill for an act relating to the issuance of motor vehicle licenses for certain law enforcement officers and providing penalties.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 231, a bill for an act restricting the use of spray irrigation equipment on land draining into agricultural drainage wells.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 233, a bill for an act concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 235, a bill for an act providing authority to soil and water conservation district commissioners to allocate moneys for the emergency restoration of permanent soil and water conservation practices.

Also: That the Senate has on March 4, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 238, a bill for an act repealing the procedures for disposition of the contents of a decedent's safe deposit box and providing an effective date.

Also: That the Senate has on March 4, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 5, a concurrent resolution designating March 1997 as Iowa Women's History Month.

MARY PAT GUNDERSON, Secretary

HOUSE FILE 329 REREFERRED

The Speaker announced that House File 329, previously referred to committee on **human resources** was rereferred to committee on **local government**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 3, 1997. Had I been present, I would have voted "aye" on House Files 82, 275, and Senate File 145.

DRAKE of Pottawattamie

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 27, 1997, he approved and transmitted to the Secretary of State the following bill:

House File 255, an act relating to the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, making appropriations, and providing an effective date.

PRESENTATION OF VISITORS

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

Fifty eighth grade students from Dallas Center-Grimes Junior High School, Grimes, accompanied by Bill Wineland. By Churchill of Polk and Metcalf of Polk.

COMMUNICATIONS RECEIVED

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

ATTORNEY GENERAL Community Service Pilot Project

A Report for year end 1996, pursuant to Chapter 598.23A, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The Report on Highways, Roads, and Streets, pursuant to Chapter 307A.2(14A), 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

- 1997\198 Scott Blanchard, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\199 Columbus Junction Wrestling Team and Coach Bill Plein, Columbus Junction High School – For winning 1st place in the Class 2-A 1997 Iowa High School State Wrestling Tournament.
- 1997\200 David Reid, Wapello – For winning 1st place in the 189 lbs., Class 1-A 1997 Iowa High School State Wrestling Tournament.
- 1997\201 Kyle Hansen, Wilton – For winning 1st place in the 160 lbs., Class 1-A 1997 Iowa High School State Wrestling Tournament.
- 1997\202 Ben Shirk, Wilton – For winning 1st place in the 140 lbs., Class 1-A 1997 Iowa High School State Wrestling Tournament.
- 1997\203 Justin Stanley, Wilton – For winning 1st place in the 112 lbs., Class 1-A 1997 Iowa High School State Wrestling Tournament.

- 1997\204 Matt Pasvogel, Wilton – For winning 1st place in the 103 lbs., Class 1-A 1997 Iowa High School State Wrestling Tournament.
- 1997\205 Jason Payne, Columbus Junction – For winning 1st place in the 189 lbs., Class 2-A 1997 Iowa High School State Wrestling Tournament.
- 1997\206 J. D. Pugh, Columbus Junction – For winning 1st place in the 119 lbs., Class 2-A 1997 Iowa High School State Wrestling Tournament.
- 1997\207 Rob Hoback, Columbus Junction – For winning 2nd place in the 135 lbs., Class 2-A 1997 Iowa High School State Wrestling Tournament.
- 1997\208 Nick Marolf, Columbus Junction – For winning 2nd place in the 112 lbs., Class 2-A 1997 Iowa High School State Wrestling Tournament.
- 1997\209 Wapello Wrestling Team and Coach Gavin Hjerleid, Wapello High School – For winning Runner-up in the Class 1-A 1997 Iowa High School State Wrestling Tournament.
- 1997\210 Wilton Wrestling Team and Coach Steve Shirk, Wilton High School – For winning 1st place in the Class 1-A 1997 Iowa High School State Wrestling Tournament.
- 1997\211 Jeanetta Gertrude Rozenboom and Jerald Raymond Dykstra, Prairie City – For celebrating their 50th wedding anniversary.
- 1997\212 Velta and Ray Davies, Mingo – For celebrating their 50th wedding anniversary.
- 1997\213 Jim Blythe, Indianola – For being named the Class 4A District Coach of the Year.
- 1997\214 Jason Lathrum, Indianola – For receiving the Swimmer of the Year Award at the state swimming meet for a third time.
- 1997\215 Cary Cochran, Tri-Center School, Neola – For being the all-time leading scorer in Iowa Boys' Basketball history.
- 1997\216 Tom Havens of Clinton Lincoln Mercury, Clinton – For being awarded the 1996 North American Customer Excellence Award.
- 1997\217 Ralph Klocke, Sioux City – For 39 years of service with the Iowa Department of Human Services.
- 1997\218 Megan Bumann, Ida Grove – For receiving the Siouxland Girls and Women in Sports Sportswoman Award.
- 1997\219 Chay Wood, Chariton – For winning 1st place in the 152 lbs., Class 2-A 1997 Iowa High School State Wrestling Tournament.
- 1997\220 Dorcas and Earl Davis, Chariton – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2

State Government: Churchill, Chair; Van Fossen and Whitead.

House Joint Resolution 16

State Government: Drake, Chair; Bernau and Bradley.

House File 348

Natural Resources: Tyrrell, Chair; Dotzler and Weidman.

House File 359

Natural Resources: O'Brien, Chair; Greig and Rayhons.

House File 374

Agriculture: Boggess, Chair; Greig and May.

House File 375

Economic Development: Teig, Chair; Larson and Weigel.

House File 381

Commerce-Regulation: Van Fossen, Chair; Jacobs and Osterhaus.

House File 386

Education: Veenstra, Chair; Foegen and Lord.

House File 387

Human Resources: Barry, Chair; Boddicker and Thomas.

House File 389

Agriculture: Greiner, Chair; Scherrman and Welter.

House File 390

Environmental Protection: Gipp, Chair; Burnett, Jenkins, Van Fossen and Witt.

House File 397

Education: Garman, Chair; Brunkhorst and Foegen.

House File 400

Agriculture: Eddie, Chair; Hahn and Reynolds-Knight.

House File-402

Agriculture: Boggess, Chair; Frevert and Rayhons.

House File 404

Education: Rants, Chair; Dolecheck and Wise.

House File 405

Education: Dolecheck, Chair; Veenstra and Warnstadt.

House File 408

Appropriations: Millage, Chair; Koenigs and Sukup.

House File 411

Agriculture: Meyer, Chair; Greiner and Koenigs.

House File 413

State Government: Gipp, Chair; Churchill and Jochum.

House File 421

State Government: Gipp, Chair; Holmes and Jochum.

House File 422

Education: Garman, Chair; Dolecheck and Thomas.

House File 424

State Government: Jacobs, Chair; Larkin and Van Fossen.

House File 425

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

Senate File 95

Natural Resources: Greig, Chair; Bell and Huseman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 183

Human Resources: Boddicker, Chair; Burnett, Lamberti, Lord and Moreland.

House Study Bill 184

Education: Gries, Chair; Grundberg and Wise.

House Study Bill 186

Commerce-Regulation: Metcalf, Chair; Koenigs and Van Fossen.

House Study Bill 191

Commerce-Regulation: Cataldo, Chair; Brunkhorst and Rants.

House Study Bill 194

Human Resources: Martin, Chair; Blodgett and Murphy.

House Study Bill 195

Human Resources: Lord, Chair; Brand and Veenstra.

House Study Bill 196

Local Government: Brauns, Chair; Connors and Huseman.

House Study Bill 197

Commerce-Regulation: Metcalf, Chair; Brunkhorst, Jacobs, Koenigs and Weigel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 200 Transportation**

Relating to the required business hours of a motorcycle dealer.

H.S.B. 201 Transportation

Allocating a portion of the solid waste tonnage fees paid by sanitary landfills to counties for the cost of cleaning up solid waste dumped along county roads.

H.S.B. 202 Labor and Industrial Relations

Relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund, including the imposition of an employer surcharge, and providing an effective date.

H.S.B. 203 Local Government

Relating to factory built homes and mobile home parks.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 166), establishing a community college vocational-technical technology improvement program for community college technology funding and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1997.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House File 256), relating to permissible charges which may be contracted for and received with respect to open-end credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

Committee Bill (Formerly House File 280), relating to the offense of driving a motor vehicle when a license has been revoked or denied for driving while intoxicated, financial liability coverage and registration requirements for motor vehicles in this state, providing for the seizure of motor vehicle registration plates, and providing penalties and conditional effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

Committee Bill (Formerly House Study Bill 70), relating to the acquisition of a branch of an out-of-state state or federal savings association by a newly chartered bank and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

Committee Bill (Formerly House Study Bill 95), amending the uniform securities Act relating to the registration of securities and the registration of broker-dealers and agents, establishing fees, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

COMMITTEE ON HUMAN RESOURCES

House File 313, a bill for an act requiring criminal and child abuse record checks of persons receiving state funding for providing child day care, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1997.

Committee Bill (Formerly House Study Bill 134), concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

Committee Bill (Formerly House Study Bill 161), relating to supplemental needs trusts for persons with disabilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

Committee Bill (Formerly House Study Bill 163), relating to children's benefits and immunizations under the family investment program and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 52), to prohibit sex acts when one participant was prevented from resisting by a schedule I controlled substance and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1997.

Committee Bill (Formerly House File 152), providing for the establishment of a lien by licensed professionals against damages collected by an injured patient.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1997.

Committee Bill (Formerly House Study Bill 148), relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 111, a bill for an act relating to eligibility for unemployment compensation benefits concerning suitable work offered by the individual's employer.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1997.

COMMITTEE ON LOCAL GOVERNMENT

House File 218, a bill for an act relating to service of notices of appraisement of property for state inheritance tax purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1133** March 3, 1997.

COMMITTEE ON NATURAL RESOURCES

House File 202, a bill for an act relating to the issuance of free deer hunting licenses to owners and tenants of farm units.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1997.

Committee Bill (Formerly House File 270), relating to the establishment of a single open season for deer hunting.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1997.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 117), concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1997.

Committee Bill (Formerly House Study Bill 127), relating to city civil service and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 1997.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 240), relating to application of the penalty for improperly passing a stopped school bus.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 157), relating to certain machinery, equipment, and computers for purposes of property taxation and providing a retroactive applicability date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 3, 1997.

Committee Bill (Formerly House Study Bill 138), relating to regulation of food establishments and providing for fees and penalties.

Fiscal Note is required.

Recommended **Do Pass** March 3, 1997.

AMENDMENTS FILED

H—1133	H.F.	218	Committee on Local Government
H—1134	H.F.	370	Lamberti of Polk
H—1135	H.F.	383	May of Worth
H—1136	H.F.	212	Chiodo of Polk
H—1137	H.F.	212	Cataldo of Polk
H—1138	H.F.	212	Chiodo of Polk
H—1139	H.F.	370	Lamberti of Polk
H—1140	H.F.	226	Sukup of Franklin Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 6:15 p.m., until 8:45 a.m., Wednesday, March 5, 1997.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 5, 1997

The House met pursuant to adjournment at 9:00 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by the Honorable Ken Veenstra, state representative from Sioux County.

The Journal of Tuesday, March 4, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Corbett, Millage of Scott, and Rants of Woodbury, for March 5 and 6, 1997, on request of Gipp of Winneshiek.

PETITIONS FILED

The following petitions were received and placed on file:

By Eddie of Buena Vista, from one hundred sixty-seven constituents of District 10 favoring the "Enrich Iowa: Fund Libraries."

By Mertz of Kossuth, from fifty-three constituents of Renwick favoring the "Enrich Iowa: Fund Libraries."

By Vande Hoef of Osceola, from two hundred forty-two residents of Lyon, O'Brien and Osceola Counties favoring the "Enrich Iowa: Fund Libraries."

SPECIAL PRESENTATION

Churchill of Polk presented to the House the Honorable Wan Baorui, Vice Minister of Agriculture from the People's Republic of China.

Mr. Wan Baorui briefly addressed the House.

The House rose and expressed its welcome.

INTRODUCTION OF BILLS

House File 428, by Carroll, a bill for an act relating to licensing and certification of certain occupations relating to real estate, by providing for appraiser certification, discipline of brokers and salespersons, and related matters, and making a penalty applicable.

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

House File 429, by Larkin, a bill for an act eliminating the county compensation board.

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

House File 430, by Frevert, a bill for an act relating to the issuance of lifetime fishing, hunting, and combined fishing and hunting licenses for residents who are sixty-five years of age or older.

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

House File 431, by Brunkhorst, a bill for an act relating to the retail sales tax on the gross receipts of lottery sales.

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

House File 432, by Lord, a bill for an act relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable.

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

House File 433, by Larkin and Richardson, a bill for an act to increase the penalty applicable to lascivious acts with a child.

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

House File 434, by Wise, a bill for an act relating to competitive demonstration grants for school districts and establishing an alternative education program for certain at-risk students and making an appropriation.

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

House File 435, by Martin and Grundberg, a bill for an act relating to the establishment of a domestic abuse death review team including providing for membership, duties, immunity for members acting in their official capacity, and providing confidentiality provisions.

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

House File 436, by Ford, a bill for an act extending the continued operation of the department of human rights and providing an effective date.

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

House File 437, by Kinzer, a bill for an act relating to the issuance of annual fishing, hunting, and combined fishing and hunting licenses for residents who are sixty-five years of age or older.

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

House File 438, by Ford, a bill for an act establishing mandatory penalties of confinement for peace officers who commit certain controlled substance, counterfeit controlled substance, or simulated controlled substance offenses.

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

House File 439, by Martin and Jacobs, a bill for an act relating to the development of a repository for criminal history, abuse and sex offender registries, and nurse aide and other health profession certification and licensing information.

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

House File 440, by Ford, a bill for an act relating to child endangerment and providing penalties.

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

House File 441, by Eddie, a bill for an act authorizing the posting of photographs of persons who willfully disobey an order or decree regarding a child support obligation or child visitation.

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

House File 442, by Shoultz, a bill for an act providing for an ex parte order for a medically relevant test to determine the presence of an illegal drug in a child's body.

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

House File 443, by Warnstadt, a bill for an act relating to legislative approval of an updated transportation policy.

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

House File 444, by Larson, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city, including voters residing within two miles of a proposed annexation.

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

House File 445, by Warnstadt, Whitead, and Bell, a bill for an act exempting the sale of clothing from the state sales, services, and use taxes.

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

House File 446, by Shoultz, a bill for an act relating to tonnage fees for solid waste transported out of state.

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

House File 447, by committee on judiciary, a bill for an act relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date.

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

House File 448, by committee on judiciary, a bill for an act providing for the establishment of a lien by licensed professionals against damages collected by an injured patient.

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

House File 449, by committee on judiciary, a bill for an act to prohibit sex acts when one participant was prevented from resisting by flunitrazepam, by expanding the substances within schedule I controlled substances to include flunitrazepam, and providing penalties.

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

House File 450, by committee on transportation, a bill for an act relating to application of the penalty for improperly passing a stopped school bus.

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

House File 451, by Mascher, a bill for an act providing coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses for the costs associated with specialty and medically required foods for persons diagnosed with phenylketonuria.

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

House File 452, by Brand, a bill for an act relating to hospital clinical privileges of a physician assistant or advanced registered nurse practitioner.

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

House File 453, by Jochum, Boddicker, Foege, and Thomson, a bill for an act relating to the grounds for termination of parental rights of a putative father.

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

House File 454, by Shoultz, a bill for an act for the resolution of conflicts between rural water districts and city water utilities.

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

House File 455, by Mundie, a bill for an act making it a delinquent act to be a chronic runaway.

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

House File 456, by committee on state government, a bill for an act relating to city civil service and providing an effective date.

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

House File 457, by committee on state government, a bill for an act concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date.

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

SENATE MESSAGES CONSIDERED

Senate File 58, by Borlaug, a bill for an act establishing English as the common language of the state.

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

Senate File 176, by committee on human resources, a bill for an act relating to child sexual abuse reporting.

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

Senate File 214, by committee on natural resources and environment, a bill for an act relating to the regulation of the use and disposal of sewage sludge and providing a penalty.

Read first time and referred to committee on **environmental protection**.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:15 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 458, by committee on natural resources, a bill for an act relating to the establishment of a single open season for deer hunting.

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

House File 459, by Nelson, a bill for an act relating to the establishment of the Iowa prepaid postsecondary tuition program, creating a prepaid postsecondary tuition fund, and providing for related matters.

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

House File 460, by Bradley, a bill for an act relating to underinsured or uninsured motor vehicle insurance coverage for damages to property.

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

House File 461, by Greig, a bill for an act extending the provisions relating to the eradication of brucellosis to apply to animals other than bovine animals, and making penalties applicable, and providing an effective date.

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

House File 462, by Jochum, a bill for an act relating to inspection and duplication of health care records upon the request of a patient.

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

House File 463, by Veenstra, a bill for an act relating to the cancellation of certain motor vehicle insurance policies.

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

House File 464, by Carroll, a bill for an act establishing an unauthorized practice of law commission.

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

House File 465, by Doderer, a bill for an act relating to requests for polygraphs from sexual abuse victims or witnesses.

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

House File 466, by Greig, a bill for an act providing for the transfer of title in real estate between state agencies.

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

House File 467, by Cohoon, a bill for an act concerning residency requirements for school district attendance.

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

House File 468, by Ford and Lamberti, a bill for an act relating to the adjudication and sentencing of certain criminal offenders, by providing for notice and hearings on reconsiderations of sentence, and eliminating certain sexual offenders from eligibility for suspended or deferred sentences or deferred judgments.

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

House File 469, by Ford and Lamberti, a bill for an act requiring senior judges to stand for retention at election and providing an applicability date.

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

House File 470, by Huser, a bill for an act relating to family investment program requirements involving the specified relative of a child receiving assistance.

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

House File 471, by Huser and Fallon, a bill for an act abolishing the county compensation board.

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

House File 472, by Kreiman, a bill for an act establishing the office of quality control within the office of citizens' aide for the investigation and determination of cost savings in state government.

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

House File 473, by Larkin, a bill for an act establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities and establishing penalties.

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

House File 474, by Larkin, a bill for an act permitting a court to order protective measures regarding the testimony of a victim of sexual abuse.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello on request of Cataldo of Polk.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 160, a bill for an act relating to funds held by life insurance companies and providing an effective date, 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. 160)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Corbett, Spkr.	Fallon	Millage	Moreland
Rants			

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 160** be immediately messaged to the Senate.

Ways and Means Calendar

House File 212, a bill for an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-1113 filed by him and moved its adoption:

H-1113

- 1 Amend House File 212 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99D.2, subsection 8, Code
- 5 1997, is amended to read as follows:
- 6 8. "RACETRACK ENCLOSURE" means the grandstand,
- 7 clubhouse, turf club or other areas of a licensed
- 8 racetrack which a person may enter only upon payment
- 9 of an admission fee, or upon payment by another, at
- 10 any time, based upon the person's admittance, or upon
- 11 presentation of authorized credentials. "Racetrack
- 12 enclosure" also means any additional areas designated
- 13 by the commission."
- 14 2. Page 1, line 28, by inserting after the word
- 15 "taxation." the following: "Notwithstanding section
- 16 99D.7, the department of revenue and finance shall
- 17 adopt rules to implement this subsection."
- 18 3. Page 1, by inserting after line 28 the
- 19 following:
- 20 "Sec. ____ Section 99F.1, subsection 15, Code
- 21 1997, is amended to read as follows:
- 22 15. "RACETRACK ENCLOSURE" means the grandstand,
- 23 clubhouse, turf club, or other areas of a licensed
- 24 racetrack which an individual may enter only upon
- 25 payment of an admission fee, or upon payment by
- 26 another, at any time, based upon the individual's
- 27 admittance, or upon presentation of authorized
- 28 credentials. "Racetrack enclosure" also means any
- 29 additional areas designated by the commission."
- 30 4. By renumbering as necessary.

Amendment H-1113 was adopted.

Chiodo of Polk offered the following amendment H-1136 filed by him and moved its adoption:

H-1136

- 1 Amend House File 212 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "located" the following: ", except where the state
- 4 tax rate on the gross receipts from gambling games is
- 5 greater than twenty-two percent".

Amendment H-1136 lost.

Blodgett of Cerro Gordo offered the following amendment H-1072 filed by him and moved its adoption:

H-1072

- 1 Amend House File 212 as follows:
- 2 1. Page 1, line 18, by striking the words "taxing
- 3 authority" and inserting the following: "county
- 4 auditor".

Amendment H-1072 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1040 filed by him on February 18, 1997.

Cataldo of Polk asked and received unanimous consent to withdraw amendment H-1137 filed by him on March 4, 1997.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-1138 filed by him on March 4, 1997.

Cataldo of Polk asked for unanimous consent that House File 212 be deferred.

Objection was raised.

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. 212)

The ayes were, 79:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Burnett	Carroll
Chapman	Churchill	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries

Hahn	Hansen	Heaton	Holmes
Huseman	Huser	Jacobs	Jenkins
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	Mascher	May	Mertz
Meyer	Mundie	Murphy	Myers
Nelson	Rayhons	Reynolds-Knight	Richardson
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Witt	Van Maanen, Presiding	

The nays were, 16:

Brand	Bukta	Cataldo	Chiodo
Cohoon	Fallon	Ford	Grundberg
Holveck	Jochum	Larkin	Metcalf
O'Brien	Osterhaus	Scherrman	Wise

Absent or not voting, 5:

Corbett, Spkr.	Houser	Millage	Moreland
Rants			

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

SPECIAL PRESENTATION

Hahn of Muscatine presented to the House the Honorable Don Hanson, former member of the House, from Black Hawk County.

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 5th day of March, 1997: House File 191.

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:

Three students from Missouri Valley School, Missouri Valley, accompanied by Christi Zack. By Barry of Harrison.

Eleven students from Kittrell Elementary School, Waterloo, accompanied by Carol Boyce and Jenny Nissen. By Brand of Tama and Shoultz of Black Hawk.

Six Boy Scouts from Marshalltown Middle School, Marshalltown, accompanied by Rollie Ehm. By Nelson of Marshall.

SUBCOMMITTEE ASSIGNMENTS

House File 329

Local Government: Houser, Chair; Fallon and Vande Hoef.

House File 392

Local Government: Huseman, Chair; Huser and Weidman.

House File 396

Transportation: Welter, Chair; Blodgett and Larkin.

House File 409

Transportation: Carroll, Chair; Bukta and Nelson.

House File 420

Human Resources: Martin, Chair; Barry and Fallon.

House File 423

Human Resources: Thomson, Chair; Burnett and Carroll.

House File 426

Local Government: Houser, Chair; Richardson and Vande Hoef.

House File 428

Local Government: Carroll, Chair; Van Maanen and Whitead.

House File 432

Transportation: Eddie, Chair; Ford and Heaton.

House File 436

State Government: Nelson, Chair; Burnett and Van Fossen.

House File 439

State Government: Martin, Chair; Burnett and Jacobs.

House File 443

Transportation: Welter, Chair; Heaton and Scherrman.

House File 464

State Government: Gipp, Chair; Bernau and Bradley.

House File 466

State Government: Drake, Chair; Churchill and Taylor.

House File 469

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

House File 472

State Government: Bradley, Chair; Houser and Whitead.

Senate File 132

Transportation: Welter, Chair; Heaton and May.

Senate File 177

Transportation: Heaton, Chair; Drees and Eddie.

Senate File 230

Human Resources: Boddicker, Chair; Carroll and Murphy.

Senate Concurrent Resolution 5

State Government: Jochum, Chair; Gipp and Martin.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 200

Transportation: Cormack, Chair; Nelson and Scherrman.

House Study Bill 201

Transportation: Nelson, Chair; Carroll and Huser.

House Study Bill 202

Labor and Industrial Relations: Lamberti, Chair; Sukup and Taylor.

House Study Bill 203

Local Government: Carroll, Chair; Dix and Mertz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 204 Natural Resources**

Establishing a wildlife damage management program and making an appropriation.

H.S.B. 205 Labor and Industrial Relations

Relating to workers' compensation coverage for injuries occurring outside of the state.

H.S.B. 206 State Government

Relating to the regulation of the practice of respiratory care.

H.S.B. 207 State Government

Relating to continuing education requirements of real estate appraisers.

H.S.B. 208 Judiciary

Relating to state reimbursement for expenses of attorneys provided to indigent persons in juvenile court.

H.S.B. 209 Transportation

Relating to handicapped parking permits by providing for nonexpiring removable windshield placards for persons with a lifelong disability, eliminating the requirement that physicians or chiropractors sign removable windshield placards, and eliminating certain identification requirements for handicapped persons.

H.S.B. 210 Commerce-Regulation

Relating to linked deposit investment programs.

H.S.B. 211 Ways and Means

Relating to the criminal and civil justice system, by providing for imposition and payment of fees for probation and parole, the collection and disposition of criminal court fines, penalties, surcharges, costs, and

fees, increasing certain scheduled fines and imposing a scheduled fine for certain gambling violations, imposing a civil penalty for certain motor vehicle license revocations, imposing a surcharge on criminal fines and forfeitures, concerning inmate employment in private industry, and providing for the appropriation and disposition of the proceeds from the license revocation civil penalty, from certain scheduled fines, and from the surcharge for jails, courthouse security, and juvenile detention and runaway assessment facilities.

H.S.B. 212 Ways and Means

Relating to assessment of property purchased or leased by a utility company and including a retroactive applicability provision.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 341, a bill for an act relating to the one-hundred-eighty-day school calendar requirement and a temporary law authorizing the director of the department of education to waive the requirement under certain circumstances, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—1144 March 4, 1997.

Committee Bill (Formerly House File 168), relating to community college operations including the duties of the board of directors of each community college and creating a legislative task force to study certain matters relating to community colleges.

Fiscal Note is not required.

Recommended Amend and Do Pass March 4, 1997.

Committee Bill (Formerly House Study Bill 176), relating to the transportation of public and nonpublic school students and other properly related matters.

Fiscal Note is not required.

Recommended Amend and Do Pass March 4, 1997.

RESOLUTIONS FILED

HR 10, by Grundberg, a resolution requesting a legislative study of the impact of Arizona's proposition 200 alternative medical treatment of drug offenders program.

Referred to committee on **judiciary**.

SCR 5, by Szymoniak and Redfern, a concurrent resolution designating March 1997 as Iowa Women's History Month.

Referred to committee on **state government**.

AMENDMENTS FILED

H—1141	H.F.	403	Rayhons of Hancock
H—1142	H.F.	403	Rayhons of Hancock
H—1143	H.F.	335	Hahn of Muscatine
			Klemme of Plymouth
			Jacobs of Polk
			Kremer of Buchanan
			Doderer of Johnson
H—1144	H.F.	341	Committee on Education

On motion by Siegrist of Pottawattamie, the House adjourned at 2:57 p.m., until 8:45 a.m., Thursday, March 6, 1997.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 6, 1997

The House met pursuant to adjournment at 9:00 a.m., Speaker Pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Paul Schaedig, Bremwood Lutheran Home, Waverly.

The Journal of Wednesday, March 5, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Falck of Fayette, from three hundred thirty-eight constituents favoring the "Enrich Iowa: Fund Libraries."

By Frevert of Palo Alto, from sixty constituents favoring a two cent profit per can for redemption centers.

By Kremer of Buchanan, from one hundred sixteen citizens of Winthrop favoring the "Enrich Iowa: Fund Libraries."

By Kremer of Buchanan, from fifty-three citizens of Fairbank favoring the "Enrich Iowa: Fund Libraries."

By Kremer of Buchanan, from one hundred sixty-eight citizens of Jesup favoring the "Enrich Iowa: Fund Libraries."

By Kremer of Buchanan, from ten citizens of Aurora favoring the "Enrich Iowa: Fund Libraries."

By Kremer of Buchanan, from seventy-eight citizens favoring "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 475, by committee on commerce-regulation, a bill for an act relating to the acquisition of a branch of a savings association by a newly chartered bank and providing an effective date.

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

House File 476, by Schrader; a bill for an act relating to the appointment of a consumer advocate on insurance.

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

House File 477, by Schrader, a bill for an act relating to the appropriation of funds for the school improvement technology program and providing for properly related matters.

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

House File 478, by Schrader, a bill for an act providing coverage for certain emergency medical expenses under a policy or contract providing for third-party payment or prepayment of health or medical expenses.

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

House File 479, by Warnstadt, a bill for an act relating to the deposit of state gambling revenues into funds to be used for infrastructure projects of school districts, cities, counties, and the state, and making appropriations.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 10, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

Also: That the Senate has on March 5, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 125, a bill for an act appropriating federal block grant funds and amending appropriations from the general fund of the state to the department of human services for the state fiscal year beginning July 1, 1996, and providing an effective date.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGES CONSIDERED

Senate File 83, by Freeman, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained.

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

Senate File 184, by committee on local government, a bill for an act relating to collection of fees charged prisoners for room and

board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution.

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

Senate File 219, by committee on agriculture, a bill for an act relating to trespassing or stray livestock and providing remedies and an effective date.

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

Senate File 222, by committee on ways and means, a bill for an act relating to the use tax on motor vehicle leasing.

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

Senate File 229, by committee on transportation, a bill for an act relating to the issuance of motor vehicle licenses for certain law enforcement officers and providing penalties, and providing an effective date.

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

Senate File 231, by committee on agriculture, a bill for an act restricting the use of spray irrigation equipment on land draining into agricultural drainage wells.

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

Senate File 233, by committee on state government, a bill for an act concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date.

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

Senate File 235, by committee on agriculture, a bill for an act providing authority to soil and water conservation district commissioners to allocate moneys for the emergency restoration of permanent soil and water conservation practices.

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

Senate File 238, by committee on commerce, a bill for an act repealing the procedures for disposition of the contents of a decedent's safe deposit box and providing an effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello on request of Cataldo of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 226, a bill for an act relating to computation of time by which criminal sentences may be reduced for good behavior, was taken up for consideration.

Sukup of Franklin offered the following amendment H-1140 filed by him and Kreiman of Davis and moved its adoption:

H-1140

- 1 Amend House File 226, as follows:
- 2 1. Page 3, by inserting after line 19, the
- 3 following:
- 4 "Sec. ____ RETROACTIVE APPLICABILITY. This Act
- 5 shall apply retroactively to the computation of
- 6 reductions in criminal sentences for good behavior for
- 7 persons sentenced to category "B" sentences on or
- 8 after July 1, 1996."
- 9 2. Title page, line 2, by inserting after the
- 10 word "behavior" the following: "and providing for
- 11 limited retroactive applicability".
- 12 3. By numbering as necessary.

Amendment H-1140 was adopted.

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

On the question "Shall the bill pass?" (H.F. 226)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg

Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Corbett, Spkr.	Millage	Moreland	Rants
Schrader			

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

House File 227, a bill for an act relating to the designation of certain correctional facilities, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 227)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer

Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Corbett, Spkr.	Millage	Moreland	Rants
Schrader			

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

House File 307, a bill for an act relating to the definition of an owner of a mercantile establishment for purposes of recovery of merchandise or damages, was taken up for consideration.

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. 307)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzlér	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord

Martin	Mascher	May	Mertz
Metcalf	Meyer	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Corbett, Spkr.	Millage	Moreland	Rants
Schrader			

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 212, House File 226, House File 227 and House File 307.**

On motion by Siegrist of Pottawattamie, the House was recessed at 9:22 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 480, by Greig, a bill for an act relating to the repair and reconstruction of state property, and establishing oversight councils.

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

House File 481, by Larkin, a bill for an act relating to the loss of good conduct time by inmates of correctional institutions who file certain frivolous lawsuits.

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

House File 482, by Wise, a bill for an act relating to school vertical infrastructure funding.

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

House File 483, by Larkin, a bill for an act to permit the imposition of jail time of up to thirty days as part of an intermediate criminal sanctions program.

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

House File 484, by Mertz, a bill for an act relating to installment payments for assessments by drainage districts.

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

House File 485, by Mertz, a bill for an act relating to drainage districts by eliminating notice by petitioning landowners regarding the establishment of subdistricts.

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

House File 486, by Foege, a bill for an act requiring registration of family day care homes, providing a penalty, and providing an effective date.

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

House File 487, by Doderer and Jochum, a bill for an act concerning gender balance for appointive committees of political subdivisions of the state.

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

House File 488, by Mertz, a bill for an act relating to levee and drainage districts by providing for the assessment of lands owned by the department of natural resources.

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

House File 489, by Grundberg, a bill for an act relating to licensing sanctions against persons who default on obligations owed to or collected by the college student aid commission.

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

House File 490, by Ford, a bill for an act relating to a grant for the procurement of a landmark listed on the national historic registry and making an appropriation.

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

House File 491, by Lamberti, a bill for an act relating to the penalty for commission of an offense pertaining to voting.

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

House File 492, by committee on human resources, a bill for an act relating to supplemental needs trusts for persons with disabilities.

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

House File 493, by Kremer, a bill for an act relating to requirements for county management plans for mental health, mental retardation, and developmental disabilities services, and including an effective date and an applicability provision.

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

House File 494, by Weigel, a bill for an act relating to the minimum liability limits under the state's motor vehicle financial responsibility law.

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

House File 495, by committee on ways and means, a bill for an act relating to certain machinery, equipment, and computers for purposes of property taxation and providing an applicability date.

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

House File 496, by Grundberg, a bill for an act relating to school finance by providing for retention of special education support services, media services, and educational services funds by a school district, authorization of school districts to contract with independent agencies, including other area education agencies, regarding these funds, and containing an applicability provision.

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

House File 497, by committee on human resources, a bill for an act relating to immunizations under the family investment program and providing an effective date.

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

House File 498, by Grundberg, a bill for an act relating to school finance providing for additional funding for at-risk students, restructuring the method for determining state aid for special education students, providing a unified regular program and special education state foundation level, providing an appropriation, and providing an effective date.

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

House File 499, by Dotzler, a bill for an act relating to highway construction area safety.

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

House File 500, by Murphy, a bill for an act relating to the purchase, possession, or sale of alcohol to and by persons under the age of twenty-one and providing penalties.

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

House File 501, by Shoultz, a bill for an act relating to providing health care coverage to qualifying unemployed individuals in this state and devoting and appropriating certain premium taxes to fund the health care coverage.

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

House File 502, by Bradley, a bill for an act relating to the inspection of boilers and unfired steam pressure vessels.

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

House File 503, by Rants and Wise, a bill for an act relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

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

House File 504, by committee on ways and means, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

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

House File 505, by Martin, a bill for an act relating to the testing of certain individuals for contagious or infectious disease, providing for notification of exposure to the contagious or infectious disease, and providing penalties.

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

House File 506, by committee on education, a bill for an act relating to community college operations including the duties of the board of directors of each community college.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schrader of Marion on request of Myers of Johnson.

SPECIAL PRESENTATION

Prior to the House convening, Kremer of Buchanan introduced to the House, members of the Iowa State Federation of Square Dance and Round Dance Clubs. The dancers gave a demonstration.

The House rose and expressed its appreciation.

PRESENTATION OF VISITORS

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

Fifteen High School students from Mt. Pleasant Christian School, Mt. Pleasant. By Heaton of Henry.

Fourth grade students from Terrace Elementary School, Ankeny, accompanied by Mrs. Buckles, Mrs. Gronemeyer and Mrs. Williams. By Lamberti of Polk.

SUBCOMMITTEE ASSIGNMENTS

House File 417

Environmental Protection: Drake, Chair; Boggess and Shoultz.

House File 430

Natural Resources: Hahn, Chair; Frevert and Tyrrell.

House File 434

Education: Brunkhorst, Chair; Gries and Wise.

House File 437

Natural Resources: Hahn, Chair; Frevert and Tyrrell.

House File 459

Education: Van Maanen, Chair; Rants and Thomas.

House File 461

Agriculture: Greig, Chair; Frevert and Teig.

House File 467

Education: Van Maanen, Chair; Cohoon and Rants.

House File 477

Education: Van Maanen, Chair; Rants and Warnstadt.

House File 491

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

House Concurrent Resolution 16

State Government: Gipp, Chair; Holmes and Jochum.

Senate File 16

Judiciary: Churchill, Chair; Kreiman and Lamberti.

Senate File 214

Environmental Protection: Drake, Chair; Boggess and Shoultz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 204**

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

House Study Bill 205

Labor and Industrial Relations: Sukup, Chair; Dix and Murphy.

House Study Bill 206

State Government: Hansen, Chair; Bradley and Cataldo.

House Study Bill 207

State Government: Van Fossen, Chair; Cataldo and Churchill.

House Study Bill 209

Transportation: Heaton, Chair; Eddie and Ford.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 213 Agriculture**

Relating to statutory references to the Iowa beef industry council and increasing an excise tax on beef cattle upon a referendum.

H.S.B. 214 Local Government

Relating to the issuance of marriage licenses by county registrars and providing an effective date.

H.S.B. 215 Local Government

Relating to the definition and location of a land-leased community.

H.S.B. 216 Local Government

Relating to the property tax levy allowed certain fire districts.

H.S.B. 217 Economic Development

Relating to medical malpractice actions by modifying the statute of limitations for minors.

H.S.B. 218 Environmental Protection

Relating to financial assurance requirements for waste tire collection and processing sites.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House Concurrent Resolution 12, a concurrent resolution supporting and encouraging the diligent efforts by the United States Department of Agriculture in cooperation with Iowa State University and the Iowa Pork Producers Association to establish a research farm site as part of the National Swine Research Center.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1146** March 5, 1997.

Committee Bill (Formerly House Study Bill 156), relating to cooperative associations by providing for operations and procedures of the associations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1997.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House File 375), relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1997.

Recommended **Do Pass** March 5, 1997.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 129), relating to children's benefits, immunizations, and school attendance under the family investment program and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1997.

COMMITTEE ON JUDICIARY

Senate File 117, a bill for an act eliminating the restitution limit for the offense of operating while intoxicated.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1997.

Committee Bill (Formerly House File 39), to prohibit the intentional tossing, throwing, or expelling of bodily fluids or material on correctional employees by inmates, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1997.

Committee Bill (Formerly House File 245), allowing a judge to order a defendant convicted of operating a motor vehicle while intoxicated to participate in a reality education substance abuse prevention program.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1997.

Committee Bill (Formerly House Study Bill 76), relating to work programs for inmates and criminal defendants.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 118, a bill for an act relating to workers' compensation coverage for employment outside of the state.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

COMMITTEE ON LOCAL GOVERNMENT

House File 333, a bill for an act relating to contracts between city officers or employees and cities.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1997.

Committee Bill (Formerly House Study Bill 81), relating to the determina-

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1997.

Committee Bill (Formerly House Study Bill 109), relating to the fee charged by the county auditor for transfers of property made in the transfer records.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1997.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 60), relating to pari-mutuel racing and excursion boat gambling, by striking limits on administrative fines and outdated loan provisions, by providing for the administration of lasix to race horses, by specifying the age for gambling at racetrack enclosures, by providing for other properly related matters and by subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1997.

Committee Bill (Formerly House Study Bill 106), relating to personnel procedures and investment policy requirements for state government employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1997.

RESOLUTION FILED

HCR 16, by Shoultz, Witt, Jochum, Bukta, Scherrman, Warnstadt, Cohoon, Bell, Huser, O'Brien, Dotzler, Larkin, Whitead, Mundie, Reynolds-Knight, Connors, Richardson, Ford, Frevert, Chapman, Foege, Falck, Bernau, Wise, Cataldo, Kreiman, Chiodo, Mascher, Burnett, Murphy, Koenigs, Brand, Drees, Taylor, May, Fallon, Kinzer, Osterhaus, Weigel, Doderer, Thomas, Mertz, Myers, Moreland, Schrader, and Holveck, a concurrent resolution relating to the formation of a temporary bipartisan commission to recommend reforms in the laws relating to the financing of political campaigns.

Referred to committee on state government.

AMENDMENTS FILED

H—1146	H.C.R. 12	Committee on Agriculture
H—1147	S.F. 129	Huser of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 1:10 p.m., until 1:00 p.m., Monday, March 10, 1997.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 10, 1997

The House met pursuant to adjournment at 1:15 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Mike Hovda, Fellowship Bible Church, Oskaloosa.

The Journal of Thursday, March 6, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by sixty 6th grade students from Centennial Elementary School, Altoona.

PETITIONS FILED

The following petitions were received and placed on file:

By Arnold of Lucas, from one hundred twenty-nine constituents of the 91st District, favoring the "Enrich Iowa: Fund Libraries."

By Huser of Polk, from sixty constituents of the 66th District favoring the "Enrich Iowa: Fund Libraries."

By Kremer of Buchanan, from sixty-four constituents favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 507, by Van Maanen, a bill for an act relating to the issuance or renewal of liquor control licenses and wine and beer permits by local authorities.

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

House File 508, by Sukup and Grundberg, a bill for an act relating to animal feeding operations, by providing authority to counties to regulate anaerobic lagoons, earthen manure storage basins, and the use of spray irrigation equipment, and providing penalties.

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

House File 509, by Sukup and Gipp, a bill for an act providing for county building code requirements for confinement swine feeding operations.

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

House File 510, by Warnstadt, a bill for an act concerning the issuance of permits and licenses by state agencies.

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

House File 511, by Shoultz, a bill for an act relating to investigating certain motor vehicle law violations and the penalty for overweight vehicle loads.

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

House File 512, by Barry, a bill for an act relating to maximum amounts allowed to be garnisheed from an employee's earnings.

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

House File 513, by committee on judiciary, a bill for an act allowing a judge to order a defendant convicted of operating a motor vehicle while intoxicated to participate in a reality education substance abuse prevention program.

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

House File 514, by committee on commerce-regulation, a bill for an act relating to the offense of driving a motor vehicle when a license has been revoked or denied for driving while intoxicated, financial liability coverage and registration requirements for motor vehicles in this state, providing for the seizure of motor vehicle registration plates, and providing penalties and effective dates.

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

House File 515, by committee on local government, a bill for an act relating to the determination of annual salaries for deputy sheriffs.

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

House File 516, by Mertz, a bill for an act relating to the legal settlement duties of county auditors.

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

House File 517, by Drake, a bill for an act providing for township trustees, by providing for their representation by county attorneys.

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

House File 518, by Larson, a bill for an act relating to the denial of federal benefits to persons convicted of drug-related offenses.

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

House File 519, by Kreiman, a bill for an act relating to the recording of interviews of witnesses and suspects in criminal cases.

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

House File 520, by Frevert, a bill for an act relating to the value of door prizes at game or raffle events.

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

House File 521, by Kreiman, a bill for an act requiring safety belts in school buses and providing a contingent effective date.

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

House File 522, by Van Fossen, Churchill, Larson, Barry, Teig, and Millage, a bill for an act relating to the establishment of tax-free renaissance zones in urban and rural areas for economic development and providing an applicability date.

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

House File 523, by Weigel, a bill for an act relating to the Iowa occupational safety and health law concerning the imposition of certain civil penalties on certain governmental employers for emergencies.

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

House File 524, by Rants, a bill for an act relating to the regulation of employment agencies.

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

House File 525, by Grundberg, a bill for an act relating to the required attachment of an evaluation of a proposed ward to a petition to appoint a guardian or conservator.

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

House File 526, by Blodgett, a bill for an act providing coverage for certain dental-related expenses under a policy or contract providing for third-party payment or prepayment of health or medical expenses.

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

House File 527, by Mundie, a bill for an act making truancy by a child who has reached the age of twelve and is under the age of sixteen a delinquent act, and providing for contingent effectiveness of the Act.

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

House File 528, by Mundie, a bill for an act relating to liens placed against certain property for unpaid property taxes and providing an effective date.

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

House File 529, by Mundie, a bill for an act providing penalties for violations of domestic abuse protection orders, and making related and other technical changes.

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

House File 530, by committee on human resources, a bill for an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

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

House File 531, by committee on education, a bill for an act relating to the transportation of public and nonpublic school students and other properly related matters.

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

House File 532, by Holveck, a bill for an act relating to motor vehicle pollution and providing a penalty.

Read first time and referred to committee on **environmental protection**.

House File 533, by Witt, a bill for an act directing the state board of regents to establish criteria by which an institution under its control may discontinue annual evaluations of the oral communication competence of a specific person providing instruction.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 373, a bill for an act to legalize certain unified law enforcement district tax levies and providing an effective date.

Also: That the Senate has on March 6, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 232, a bill for an act relating to notarial acts and providing an effective date.

Also: That the Senate has on March 6, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 251, a bill for an act relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date.

Also: That the Senate has on March 6, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 253, a bill for an act relating to the practice of veterinary medicine and providing a penalty.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGES CONSIDERED

Senate File 232, by committee on local government, a bill for an act relating to notarial acts and providing an effective date.

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

Senate File 251, by committee on judiciary, a bill for an act relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date.

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

Senate File 253, by committee on state government, a bill for an act relating to the practice of veterinary medicine and providing a penalty.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lamberti of Polk on request of Weidman of Cass; Moreland of Wapello on request of Cataldo of Polk; Osterhaus of Jackson on request of Schrader of Marion.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 330, a bill for an act relating to the state income tax checkoff for domestic abuse services and providing a retroactive applicability date, was taken up for consideration.

Jenkins 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. 330)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson	O'Brien	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were none.

Absent or not voting, 5:

Heaton	Lamberti	Moreland	Osterhaus
Taylor			

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 330 be immediately messaged to the Senate.

Regular Calendar

House File 383, a bill for an act relating to information centers and rest areas on interstate or primary highways and providing effective and retroactive applicability dates, was taken up for consideration.

May of Worth offered the following amendment H-1135 filed by him and moved its adoption:

H-1135

- 1 Amend House File 383 as follows:
- 2 1. Page 1, line 13, by striking the words "An
- 3 interstate rest area shall be" and inserting the
- 4 following: "The department shall not enter into any
- 5 new agreements for the establishment of information
- 6 centers in rest areas under this section until July 1,
- 7 2000. The department shall file a report with the
- 8 general assembly on January 15, 2000, which shall
- 9 include a cost analysis of the effectiveness of
- 10 entering into agreements under this section and the
- 11 impact information centers established under this
- 12 section have on businesses in the state located within
- 13 a thirty mile radius from the information center."
- 14 2. Page 1, by striking lines 14 through 21.

Chiodo of Polk in the chair at 1:35 p.m.

Amendment H-1135 lost.

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

Under the provision of Rule 76, conflict in interest, Myers of Johnson refrained from voting.

On the question "Shall the bill pass?" (H.F. 383)

The ayes were, 82:

Arnold	Barry	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Churchill	Cohon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins

Jochum	Kinzer	Klemme	Kreiman
Kremer	Larkin	Larson	Lord
Martin	Mascher	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson
O'Brien	Rants	Rayhons	Schrader
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrréll	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Chiodo, Presiding		

The nays were, 14:

Bell	Brand	Chapman	Falck
Fallon	Foege	Koenigs	May
Murphy	Reynolds-Knight	Richardson	Scherrman
Shultz	Whitead		

Absent or not voting, 4:

Lamberti	Moreland	Myers	Osterhaus
----------	----------	-------	-----------

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 383** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 10, 1997. Had I been present, I would have voted "aye" on House File 330.

TAYLOR of Linn

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 6, 1997, he approved and transmitted to the Secretary of State the following bill:

Senate File 145, an act relating to the county mental health, mental retardation, and developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the services fund levy and other levies, and providing an effective date.

Also: That on March 7, 1997, he approved and transmitted to the Secretary of State the following bill:

House File 191, an act relating to the establishment of the drinking water facilities financing program, the drinking water treatment revolving loan fund, the drinking water facilities administration fund, and providing an effective date.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF PUBLIC HEALTH
Council on Chemically Exposed Infants and Children

The Annual Report, pursuant to Chapter 235C.3(7), Code of Iowa.

OHIO HOUSE OF REPRESENTATIVES

House Concurrent Resolution 6, to memorialize the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states, to require that the federal budget be balanced.

STATE HEALTH REGISTRY OF IOWA

The 1997 Annual Report on Cancer in Iowa, pursuant to Chapter 144C.4(8), 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

- 1997\221 Gladys and Charles Wheeler, Norwalk – For celebrating their 58th wedding anniversary.
- 1997\222 Lois and Robert Boggs, Sioux City – For celebrating thier 50th wedding anniversary.
- 1997\223 Connie and Ruthie Callahan, Sioux City – For celebrating their 50th wedding anniversary.
- 1997\224 Verona Bowlin, Indianola – For celebrating her 92nd birthday.
- 1997\225 Eldon Miller, University of Northern Iowa, Cedar Falls – For being selected Coach of the Year at the Missouri Valley Conference.
- 1997\226 Jason Daisy, University of Northern Iowa, Cedar Falls – For being selected Player of the Year at the Missouri Valley Conference.
- 1997\227 Cedar Falls Senior High Wrestling Team and Coach Gene Doyle, Cedar Falls – For winning the Class 3-A division of the Iowa High School State Wrestling Tournament.

SUBCOMMITTEE ASSIGNMENTS

House File 468

Judiciary: Ford, Chair; Kremer and Lamberti.

House File 480

Natural Resources: Greig, Chair; Dolecheck and Mertz.

House File 482

Appropriations: Millage, Chair; Sukup and Wise.

House File 489

Education: Brunkhorst, Chair; Boddicker and Brand.

House File 490

Appropriations: Millage, Chair; Murphy and Sukup.

House File 496

Education: Gries, Chair; Cohoon and Lord.

House File 498

Education: Grundberg, Chair; Cohoon and Gries.

Senate File 229

Transportation: Cormack, Chair; Chiodo and Welter.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 158

Judiciary: Millage, Chair; Churchill and Holveck.

House Study Bill 208

Judiciary: Millage, Chair; Lamberti and Moreland.

House Study Bill 213

Agriculture: Boggess, Chair; Greig and Kreiman.

House Study Bill 214

Local Government: Welter, Chair; Mundie and Weidman.

House Study Bill 215

Local Government: Carroll, Chair; Dix and Mundie.

House Study Bill 216

Local Government: Weidman, Chair; Connors and Martin.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 219 Economic Development**

Relating to investments in counties and cities by providing for the establishment of enterprisé zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone.

H.S.B. 220 Human Resources

Relating to the number of children authorized for child day care providers.

H.S.B. 221 Local Government

Relating to taxable property located in an urban renewal area and assessment of such property for purposes of property taxation, and including an applicability provision.

H.S.B. 222 Judiciary

Relating to substance abuse evaluation and education, use of ignition interlock devices, criminal penalties and administrative revocations and payment of restitution by persons convicted of operating a motor vehicle while intoxicated; to certain operating privileges; to civil liability, forfeiture, and criminal penalties arising from operation of a motor vehicle by a person whose license is suspended, denied, revoked, or barred; and providing for technical changes, and certain effective and applicability dates.

H.S.B. 223 Transportation

Relating to motor vehicle damage disclosure statements.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 181), relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1997.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House File 98), relating to the relationship between a real estate broker or salesperson and parties to residential property real estate transactions.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

Committee Bill (Formerly House File 291), defining the crime of theft to include the utterance of a financial instrument for the use of property which knowingly will not be paid when presented to a financial institution and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

Committee Bill (Formerly House Study Bill 71), relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1997.

Committee Bill (Formerly House Study Bill 140), eliminating notice requirements relating to the location of certain electric transmission lines, wires, or cables.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

Committee Bill (Formerly House Study Bill 178), relating to the operation and regulation of certain insurance companies and mutual associations, and the regulatory authority of the insurance division of the department of commerce.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1997.

Committee Bill (Formerly House Study Bill 186), relating to the review of the reorganization of a public utility and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

COMMITTEE ON EDUCATION

House File 230, a bill for an act relating to school finance, by providing for on-time funding for new students based upon increased student enrollment, making an appropriation, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 3, 1997.

Pursuant to Rule 31.7, House File 230 was referred to the committee on appropriations.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 162), relating to placements for adoption and foster care by providing for a family rights and responsibilities plan and agreement.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

Committee Bill (Formerly House Study Bill 183), relating to child support recovery, providing penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 205), relating to workers' compensation coverage for injuries occurring outside of the state.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

COMMITTEE ON NATURAL RESOURCES

House File 223, a bill for an act relating to the hunting area for persons with free deer hunting licenses and free wild turkey hunting licenses.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

Committee Bill (Formerly House File 359), relating to the development and use of certain public lands for multipurpose trails.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1997.

Committee Bill (Formerly House Study Bill 65), relating to granting easements on certain property by the department of natural resources.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 147), increasing the minimum value of property damage required for the filing of a motor vehicle accident report.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1997.

Committee Bill (Formerly House File 190), relating to snowmobiles by requiring certificates of title, providing for point of sale registration, and increasing snowmobile registration fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1997.

AMENDMENTS FILED

H—1148	H.F.	230	Committee on Education
H—1149	H.F.	416	Welter of Jones
H—1150	H.F.	504	Richardson of Warren
H—1151	H.F.	309	Rants of Woodbury
H—1152	H.F.	378	Kreiman of Davis
H—1153	H.F.	448	Millage of Scott
H—1154	H.F.	458	O'Brien of Boone
H—1155	H.F.	121	Boddicker of Cedar
H—1156	H.F.	504	Blodgett of Cerro Gordo

On motion by Siegrist of Pottawattamie, the House adjourned at 2:00 p.m., until 8:45 a.m., Tuesday, March 11, 1997.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 11, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Emery Gillespie, First Presbyterian Church, Mt. Vernon.

The Journal of Monday, March 10, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Brunkhorst of Bremer, from one hundred thirteen constituents favoring House File 262, removing exemptions from the obscenity laws.

By Shoultz of Black Hawk, from thirty-eight residents of the 25th District favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House Joint Resolution 17, by Mascher and Vande Hoef, a joint resolution recognizing the fossil crinoid as the state fossil.

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

House File 534, by Falck, a bill for an act relating to partition fences on land used to keep in livestock.

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

House File 535, by Martin, Bradley, Van Fossen, and Holmes, a bill for an act requiring use of safety belts in truck beds by minors sixteen years of age and younger, making existing penalties applicable, and providing an effective date.

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

House File 536, by Blodgett, a bill for an act relating to the operating location of excursion gambling boats.

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

House File 537, by Carroll, a bill for an act relating to and making an appropriation to the department for the blind and the department of education to establish statewide access to newslines for the blind.

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

House File 538, by committee on agriculture, a bill for an act relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution.

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

House File 539, by committee on natural resources, a bill for an act relating to granting easements on certain property by the department of natural resources.

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

House File 540, by committee on state government, a bill for an act relating to personnel procedures and investment policy requirements for state government employees.

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

House File 541, by Shoultz, a bill for an act establishing neighborhood development initiative pilot projects for neighborhood development, and providing an appropriation.

Read first time and referred to committee on **economic development**.

House File 542, by committee on judiciary, a bill for an act to prohibit the intentional tossing, throwing, or expelling of bodily fluids or material on jail and correctional employees by inmates, and providing penalties.

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

House File 543, by Grundberg, Holveck, Cataldo, Lamberti, Churchill, Chiodo, Ford, Huser, Jacobs, Metcalf, Connors, and Fallon, a bill for an act relating to possible payment by the state for police and fire protection provided by the city of Des Moines for state-owned property located within the city.

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

House File 544, by committee on human resources, a bill for an act relating to placements for adoption and foster care by providing for a family rights and responsibilities plan and agreement.

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

House File 545, by committee on human resources, a bill for an act relating to the criteria for placement of delinquent children, for whom guardianship has been transferred to the director of human services, in certain facilities.

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

House File 546, by committee on judiciary, a bill for an act relating to work programs for inmates and criminal defendants.

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

House File 547, by Boddicker, a bill for an act establishing requirements for church and Christian schools.

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

House File 548, by Bell, a bill for an act allowing a deduction under the individual income tax of interest paid on student loans and including an applicability date provision.

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

House File 549, by committee on local government, a bill for an act relating to the fee charged by the county auditor for transfers of property made in the transfer records.

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

House File 550, by committee on commerce-regulation, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

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

House File 551, by committee on labor and industrial relations, a bill for an act relating to workers' compensation coverage for injuries occurring outside of the state.

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

House File 552, by committee on commerce-regulation, a bill for an act eliminating notice requirements relating to the location of certain electric transmission lines, wires, or cables.

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

House File 553, by committee on commerce-regulation, a bill for an act amending the uniform securities Act relating to the registration of securities and the registration of broker-dealers and agents, establishing fees, and providing an effective date.

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

House File 554, by committee on appropriations, a bill for an act establishing a community college vocational-technical technology improvement program for community college technology funding and making an appropriation.

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

House File 555, by Myers, a bill for an act relating to and making property tax relief fund appropriations and providing an effective date.

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

House File 556, by committee on transportation, a bill for an act increasing the minimum value of property damage required for the filing of a motor vehicle accident report.

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

House File 557, by committee on commerce-regulation, a bill for an act relating to the operation and regulation of certain insurance companies and mutual associations, and the regulatory authority of the insurance division of the department of commerce.

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

House File 558, by Rants, a bill for an act relating to the Iowa higher education loan authority by eliminating the limit on the amount of its obligations that may be outstanding for purposes of funding capital projects and allowing the authority to issue tuition anticipation notes and obligations to finance projects to be leased to an institution.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 10, a concurrent resolution relating to a biennial memorial session.

Also: That the Senate has on March 10, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 11, a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on March 10, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 299, a bill for an act relating to cooperative associations and corporations by providing for operations and procedures, including providing for mergers, and providing an effective date.

MARY PAT GUNDERSON, Secretary

MEMORIAL COMMITTEE APPOINTED

Speaker Corbett announced the appointment of the following members to serve on the memorial committee in accordance with House Concurrent Resolution 10: The Honorable Richard Vande Hoef, Chair; the Honorable Ralph Klemme, the Honorable Dolores Mertz and the Honorable Dennis Cohoon.

CONSIDERATION OF BILLS Regular Calendar

House File 309, a bill for an act relating to review and oversight of actions of the ozone transport assessment group, was taken up for consideration.

Rants of Woodbury offered the following amendment H-1151 filed by him and moved its adoption:

H-1151

- 1 Amend House File 309 as follows:
- 2 1. Page 5, by striking lines 9 and 10 and
- 3 inserting the following: "within the state of Iowa
- 4 contribute significantly to nonattainment of an ozone
- 5 standard".

Amendment H-1151 was adopted.

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. 309)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer

Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foega
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

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

House File 335, a bill for an act relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, and providing a contingent effective date, with report of committee recommending passage, was taken up for consideration.

Lamberti of Polk offered the following amendment H-1125 filed by him and Boddicker of Cedar and moved its adoption:

H-1125

- 1 Amend House File 335 as follows:
- 2 1. Page 2, by striking lines 3 through 15 and
- 3 inserting the following:
- 4 "**NEW SUBSECTION.** 7. A person who releases or
- 5 discloses confidential data, records, or any other
- 6 type of information in violation of this section is
- 7 guilty of a serious misdemeanor."
- 8 2. Title page, line 5, by inserting after the
- 9 word "providing" the following: "a penalty and".

Amendment H-1125 was adopted.

Hahn of Muscatine asked and received unanimous consent to withdraw amendment H-1143 filed by Hahn, et al., on March 5, 1997.

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?" (H.F. 335)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Foegen

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 309 and 335.**

House File 416, a bill for an act relating to regulation of trucks and certain other large motor vehicles, including maximum vehicle weights, defining terms, providing effective dates, and making penalties applicable, was taken up for consideration.

Welter of Jones offered the following amendment H-1149 filed by him and moved its adoption:

H-1149

- 1 Amend House File 416 as follows:
- 2 1. Page 9, lines 3 and 4, by striking the words
- 3 "the formula under this section which is used for
- 4 travel" and inserting the following: "~~the formula~~
- 5 ~~under this section which is used for travel subsection~~
- 6 4. paragraph "a".

Amendment H-1149 was adopted.

Brunkhorst of Bremer in the chair at 9:30 a.m.

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

On the question "Shall the bill pass?" (H.F. 416)

The ayes were, 86:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Bukta	Carroll	Cataldo
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Scherrman
Schrader	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Brunkhorst,		
	Presiding		

The nays were, 11:

Bernau	Burnett	Chapman	Doderer
Fallon	Garman	Jochum	Murphy
Richardson	Shoultz	Witt	

Absent or not voting, 3:

Corbett, Spkr.	Grundberg	Thomson
----------------	-----------	---------

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 416** be immediately messaged to the Senate.

HOUSE FILE 507 REREFERRED

The Speaker announced that House File 507, previously referred to committee on **state government**, was rereferred to committee on **local government**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of March, 1997: House File 125.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

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 resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State for his approval on this 11th day of March, 1997: House Joint Resolution 10.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 5 and 6, and March 10, 1997. Had I been present, I would have voted "aye" on House Files 212, 226, 227, 307, 330, 383 and Senate File 160.

MORELAND of Wapello

PRESENTATION OF VISITORS

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

Several 4-H groups from Benton, Iowa, Poweshiek and Tama Counties, accompanied by Nancy Allen. By Brand of Tama, Carroll of Poweshiek and Tyrrell of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 17**

State Government: Gipp, Chair; Connors and Nelson.

House File 154

Judiciary: Lamberti, Chair; Kreiman and Larson.

House File 186

Judiciary: Sukup, Chair; Bell and Churchill.

House File 353

State Government: Jacobs, Chair; Chiodo, Houser, Nelson and Whitead.

House File 360

Judiciary: Larson, Chair; Kreiman and Lamberti.

House File 412

Judiciary: Lamberti, Chair; Boddicker and Doderer.

House File 453

Human Resources: Boddicker, Chair; Barry and Thomas.

House File 484

Local Government: Huseman, Chair; Mertz and Mundie.

House File 485

Local Government: Huseman, Chair; Mertz and Mundie.

House File 488

Local Government: Huseman, Chair; Mertz and Mundie.

House File 507

State Government: Tyrrell, Chair; Burnett and Hansen.

House File 508

Agriculture: Grieg, Chair; Boggess and Frevert.

House File 509

Agriculture: Klemme, Chair; Huseman and Mertz.

House File 510

State Government: Drake, Chair; Nelson and Taylor.

House File 518

Judiciary: Churchill, Chair; Larson and Moreland.

House File 523

Labor and Industrial Relations: Veenstra, Chair; Dix and Falck.

House File 531

Appropriations: Millage, Chair; Murphy and Sukup.

House File 532

Environmental Protection: Teig, Chair; Greiner and Holveck.

House File 533

Education: Thomson, Chair; Lord and Mascher.

House File 534

Agriculture: Boggess, Chair; May and Rayhons.

House File 536

State Government: Tyrrell, Chair; Chiodo and Gipp.

House File 543

State Government: Churchill, Chair; Connors and Jacobs.

Senate File 126

State Government: Gipp, Chair; Bradley and Connors.

Senate File 219

Agriculture: Greig, Chair; Frevert and Teig.

Senate File 231

Agriculture: Huseman, Chair; Hahn and Mundie.

Senate File 235

Agriculture: Heaton, Chair; May and Welter.

Senate File 253

State Government: Holmes, Chair; Houser and Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 142

Economic Development: Bradley, Chair; Jenkins and Warnstadt.

House Study Bill 157

Economic Development: Thomson, Chair; Larson and Witt.

House Study Bill 217

Economic Development: Bradley, Chair; Larson and Warnstadt.

House Study Bill 218

Environmental Protection: Gipp, Chair; Jenkins and Witt.

House Study Bill 219

Economic Development: Jenkins, Chair; Boggess, Larson, Scherrman and Warnstadt.

House Study Bill 220

Human Resources: Barry, Chair; Boddicker and Falck.

House Study Bill 221

Local Government: Carroll, Chair; Dix and Huser.

House Study Bill 222

Judiciary: Lamberti, Chair; Kreiman and Larson.

House Study Bill 223

Transportation: Weidman, Chair; Arnold, Chiodo, Heaton and May.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 224 Local Government

Relating to and making property tax relief fund appropriations and providing an effective date.

H.S.B. 225 State Government

Relating to certain procedures of the ethics and campaign disclosure board and filing requirements and certain requirements for use of campaign funds.

H.S.B. 226 Judiciary

Relating to the disposition of property forfeited to the state.

H.S.B. 227 Ways and Means

Providing for the creation of the Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

H.S.B. 228 Local Government

Relating to local government budget practices and property tax statements, and including an applicability date provision.

H.S.B. 229 Judiciary

Relating to the defense of criminal charges, by making changes in the provisions and procedures applicable to the appointment of counsel for indigent persons, providing for the establishment of an indigent defense commission and indigent defense fee account, making changes in the penalties applicable to certain offenses for which appointment of counsel is required, providing county attorneys or their designees with access to the centralized employee registry for purposes of collection of restitution, providing for the distribution of certain proceeds from forfeited property, making changes relating to the determination of a person's indigency, prohibiting the submission of false information on an affidavit of financial status, requiring the state to enforce liens for restitution in criminal cases, and providing penalties.

H.S.B. 230 Judiciary

Relating to the Iowa administrative procedure Act and providing an effective and applicability date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 402, a bill for an act providing for research regarding the production and marketing of industrial hemp.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 154), providing authority to soil and water conservation district commissioners to allocate moneys for the emergency restoration of permanent soil and water conservation practices.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1997.

COMMITTEE ON EDUCATION

House File 269, a bill for an act extending the regular program district cost guarantee for school districts for one year and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-1161** March 11, 1997.

House File 405, a bill for an act relating to the sale, lease, or other disposition of property belonging to a school district or area education agency and providing an immediate effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1162** March 11, 1997.

Committee Bill (Formerly House Study Bill 177), relating to the activities of the department of education, vocational education, community colleges, special educational programs provided by area education agencies, dual enrollment, payment of claims for nonpublic school pupil transportation; the school budget review committee, the enrollment of certain students, and annual audits of school districts.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 184), establishing the enrich Iowa program for eligible public libraries and making an appropriation.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 1997.

COMMITTEE ON HUMAN RESOURCES

House File 453, a bill for an act relating to the grounds for termination of parental rights of a putative father.

Fiscal Note is not required.

Recommended Do Pass March 10, 1997.

Committee Bill (Formerly House Study Bill 195), relating to the membership of the medical assistance advisory council.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 1997.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 327), relating to dispositional orders pertaining to certain delinquent children by expanding the criteria for state training school placements and providing for extension of dispositional orders to allow completion of sexual abusers treatment programs.

Fiscal Note is not required.

Recommended Do Pass March 10, 1997.

Committee Bill (Formerly House File 385), relating to notification of school officials of citations of juveniles for certain criminal offenses.

Fiscal Note is not required.

Recommended Do Pass March 10, 1997.

Committee Bill (Formerly House Study Bill 158), relating to corporations by providing for the call of special meetings of shareholders, for the combination of a corporation and certain shareholders, and for certain merger and share acquisitions.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 58, a bill for an act relating to fees charged by an employer for copies of items in an employee's personnel file.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1159 March 11, 1997.

House File 167, a bill for an act relating to eligibility requirements for workers' compensation.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1160 March 11, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 160), relating to the financial and regulatory procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 164), authorizing rural water districts to enter into agreements with other governmental entities to provide for the acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1997.

COMMITTEE ON STATE GOVERNMENT

Senate Concurrent Resolution 5, a concurrent resolution designating March 1997 as Iowa Women's History Month.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 124), relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 128), providing for the continued operation of the department of human rights and including an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 207), relating to continuing education requirements of real estate appraisers.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1997.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 175), providing for maintenance and repair of out-of-state commercial vehicles and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1997.

AMENDMENTS FILED

H—1157	H.F.	370	Lamberti of Polk
H—1158	H.F.	354	Shoultz of Black Hawk
H—1159	H.F.	58	Committee on Labor and Industrial Relations
H—1160	H.F.	167	Committee on Labor and Industrial Relations
H—1161	H.F.	269	Committee on Education
H—1162	H.F.	405	Committee on Education

On motion by Siegrist of Pottawattamie, the House adjourned at 9:48 a.m., until 8:45 a.m., Wednesday, March 12, 1997.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 12, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Brother Paul Goossen, Amana Community Church, Amana Colonies.

The Journal of Tuesday, March 11, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Kremer of Buchanan, from two hundred forty constituents favoring Governor Branstad's proposal to raise the tuition tax credit from \$100 to \$200 per dependent student.

By Mertz of Kossuth, from forty constituents favoring the "Enrich Iowa: Fund Libraries."

By Rayhons of Hancock, from thirty constituents of the 10th District favoring House File 192, relating to articulated sequential elementary-secondary guidance programs in schools and school districts.

By Weidman of Cass, from six hundred ninety-eight constituents from Red Oak, favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House Joint Resolution 18, by Doderer and Welter, a joint resolution to nullify administrative rules of the state department of transportation relating to certain motor vehicle dealers and providing an effective date.

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

House File 559, by Fallon, a bill for an act prohibiting cable or satellite television in jails and corrections institutions.

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

House File 560, by Brand, a bill for an act relating to the reimbursement of certain providers of services under the medical assistance program.

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

House File 561, by Chiodo and Richardson, a bill for an act allowing certain elections to be conducted by mail ballots and providing penalties.

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

House File 562, by Arnold, a bill for an act providing distance requirements for animal feeding operation structures and making penalties applicable.

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

House File 563, by committee on agriculture, a bill for an act relating to cooperative associations by providing for operations and procedures of the associations and providing an effective date.

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

House File 564, by committee on commerce-regulation, a bill for an act relating to the review of the reorganization of a public utility and providing an effective date.

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

House File 565, by Garman, a bill for an act requiring the board of directors of a school district to include in rules adopted by the board provisions relating to a complaint process and providing technical provisions.

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

House File 566, by Meyer, a bill for an act relating to certain bonds issued by a school district and authorizing school districts to make transfers from the general fund or to impose an income surtax to partially fund the bonds, and providing for the Act's applicability.

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

House File 567, by Murphy, a bill for an act relating to optometrist licensure requirement exemptions for out-of-state volunteers.

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

House File 568, by Arnold, a bill for an act providing for special regulations for animal feeding operations and related practices within certain watershed areas and making penalties applicable.

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

House File 569, by Hahn, a bill for an act relating to hunting of deer in parties of hunters.

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

House File 570, by Mundie, a bill for an act relating to child day care by providing for a fee for abuse registry checks of child day care providers and requiring registration of certain family day care homes and making a penalty applicable.

Read first time and referred to committee on **human resources**.

House File 571, by Jochum, Witt, and Mascher, a bill for an act relating to the formation of a bipartisan commission to recommend reforms in the laws relating to the financing of political campaigns.

Read first time and referred to committee on **state government**.

House File 572, by Holveck, a bill for an act relating to the assignment of unemployment compensation for payment of child support.

Read first time and referred to committee on **human resources**.

House File 573, by Reynolds-Knight, a bill for an act exempting surfactants used in agricultural production from the sales tax.

Read first time and referred to committee on **ways and means**.

House File 574, by Reynolds-Knight, a bill for an act relating to referendum by petition to approve or reject certain county zoning ordinances.

Read first time and referred to committee on **local government**.

House File 575, by Osterhaus, a bill for an act relating to financing E911-related expenses through the Iowa finance authority.

Read first time and referred to committee on **local government**.

House File 576, by Schrader, a bill for an act exempting from the state sales, services, and use taxes the sales of tangible property and services furnished to privately owned or operated hospitals.

Read first time and referred to committee on **ways and means**.

House File 577, by committee on state government, a bill for an act relating to continuing education requirements of real estate appraisers.

Read first time and placed on the **calendar**.

House File 578, by committee on state government, a bill for an act providing for the continued operation of the department of human rights and including an effective date.

Read first time and placed on the **calendar**.

House File 579, by committee on human resources, a bill for an act relating to the membership of the medical assistance advisory council.

Read first time and placed on the **calendar**.

House File 580, by committee on state government, a bill for an act relating to pari-mutuel racing and excursion boat gambling, by striking limits on administrative fines and outdated loan provisions, by providing for the administration of lasix to race horses, by specifying the age for gambling at racetrack enclosures, by providing for other properly related matters, and by subjecting violators to a penalty.

Read first time and placed on the **calendar**.

House File 581, by committee on local government, a bill for an act authorizing rural water districts to enter into agreements with other governmental entities to provide for the acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects.

Read first time and placed on the **calendar**.

House File 582, by Falck, Scherrman, Dotzler, and Thomas, a bill for an act to provide a tax rate range for fire protection and related services for benefited fire districts and townships.

Read first time and referred to committee on **ways and means**.

House File 583, by Arnold, Sukup, Teig, and Rayhons, a bill for an act providing for the inspection of earthen storage structures associated with animal feeding operations.

Read first time and referred to committee on **agriculture**.

House File 584, by Warnstadt, a bill for an act eliminating the inclusion in a support obligation of payment for postsecondary educational expenses and providing for modification of certain support orders.

Read first time and referred to committee on **human resources**.

House File 585, by Warnstadt, a bill for an act concerning the manufacture of beer for family or personal use.

Read first time and referred to committee on **state government**.

House File 586, by Warnstadt, a bill for an act relating to the definition of "income" for purposes of the homestead property tax credit and providing for the Act's applicability.

Read first time and referred to committee on **ways and means**.

House File 587, by committee on agriculture, a bill for an act providing authority to soil and water conservation district commissioners to allocate moneys for the emergency restoration of permanent soil and water conservation practices.

Read first time and placed on the **calendar**.

House File 588, by Eddie and Osterhaus, a bill for an act relating to the establishment of an E911 commission and establishing a surcharge.

Read first time and referred to committee on **local government**.

House File 589, by Connors and Tyrrell, a bill for an act relating to professional boxing and wrestling matches, providing for properly related matters, and providing for a tax and for penalties.

Read first time and referred to committee on **labor and industrial relations**.

House File 590, by Holveck, a bill for an act relating to the establishment of a gambling treatment program, creating an advisory committee, and applying a penalty.

Read first time and referred to committee on **state government**.

House File 591, by Doderer, a bill for an act relating to dissolution actions involving domestic abuse assault and providing for a jury trial on the issue of damages as part of the dissolution proceeding.

Read first time and referred to committee on **judiciary**.

House File 592, by Mascher, a bill for an act relating to loan reimbursement payments to a person who is employed as a guidance counselor at an accredited public or nonpublic school in this state or at the Iowa braille and sight saving school or Iowa school for the deaf.

Read first time and referred to committee on **education**.

House File 593, by Mascher, a bill for an act relating to the establishment of a school attendance task force pilot project program and making an appropriation.

Read first time and referred to committee on **education**.

House File 594, by Reynolds-Knight, a bill for an act relating to the property tax exemption for certain hospitals owned by a city or county or other political subdivision and including an applicability provision.

Read first time and referred to committee on ways and means.

SENATE MESSAGE CONSIDERED

Senate File 299, by committee on agriculture, a bill for an act relating to cooperative associations and corporations by providing for operations and procedures, including providing for mergers, and providing an effective date.

Read first time and passed on file.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar, until his arrival, on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS

Regular Calendar

House File 178, a bill for an act relating to joint billing or collection of combined service accounts for sanitary districts and a city utility or combined utility system and to discontinue service for delinquency, and providing for the establishment of benefited districts and fees from the connection of property to the sanitary facilities of a sanitary district, with report of committee recommending amendment and passage, was taken up for consideration.

Mertz of Kossuth in the chair at 9:20 a.m.

Koenigs of Mitchell offered the following amendment H-1123 filed by the committee on commerce-regulation and moved its adoption:

H-1123

- 1 Amend House File 178 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "or" the following: "water".
- 4 2. Page 3, line 9, by inserting after the word
- 5 "city" the following: "water".

The committee amendment H-1123 was adopted.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 178)

The ayes were, 98:

Arnold
Blodgett

Barry
Bogess

Bell
Bradley

Bernau
Brand

Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mertz,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Boddicker Grundberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 265, a bill for an act relating to the affirmation and reenactment of certain provisions affecting the criminal and juvenile laws, and providing an effective date, 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?" (H.F. 265)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo

Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mertz, Presiding		

The nays were, none.

Absent or not voting, 2:

Boddicker Grundberg

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 305, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date, was taken up for consideration.

SENATE FILE 129 SUBSTITUTED FOR HOUSE FILE 305

Jenkins of Black Hawk asked and received unanimous consent to substitute Senate File 129 for House File 305.

Senate File 129, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date, was taken up for consideration.

Huser of Polk offered the following amendment H-1147 filed by her and moved its adoption:

H-1147

- 1 Amend Senate File 129, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 14 the
 4 following:
 5 "Sec. ____ Section 422.9, subsection 2, Code 1997,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH f. Add the amount of the mortgage
 8 interest credit allowable for the tax year under
 9 section 25 of the Internal Revenue Code to the extent
 10 the credit decreased the amount of interest deductible
 11 under section 163(g) of the Internal Revenue Code."

Amendment H-1147 was adopted.

Jenkins 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. 129)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mertz,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Boddicker Grundberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 305 WITHDRAWN

Jenkins of Black Hawk asked and received unanimous consent to withdraw House File 305 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: **House Files 178, 265 and Senate File 129.**

House File 354, a bill for an act relating to activities of a foreign corporation which do not constitute doing business in or deriving income from the state for state tax purposes and including effective and retroactive applicability date provisions, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-1158 filed by him and moved its adoption:

H-1158

- 1 Amend House File 354 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "employees" the following: "who reside in Iowa".
- 4 2. Page 1, line 4, by inserting after the word
- 5 "employees" the following: "who reside in Iowa".

Amendment H-1158 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. 354)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege

Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mertz, Presiding			

The nays were, 2:

Fallon Holveck

Absent or not voting, 1:

Grundberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 117 WITHDRAWN

Rants of Woodbury asked and received unanimous consent to withdraw House File 117 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 354** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Bell of Jasper presented to the House "Varbena", the Bandura Trio from Cherkasy, Oblast, Ukraine. Addressing the House was Victor Sobchenko, director of the Culture Department, Cherkasy, Oblast.

The group's trip to Iowa is sponsored by O.P.E.N. (Organization Promoting Everlasting Neighbors), Newton's sister city organization in conjunction with Iowa Sister States and Oskaloosa Sister City Committee.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eight people from OSACS Women's Center, Des Moines, accompanied by Kristin Senty Brown. By Fallon of Polk.

Seven students from Indian Hills Community College of Ottumwa and Centerville. By Moreland of Wapello.

Five students from North Iowa Area Community College, Mason City, accompanied by Rachael McGuire. By Koenigs of Mitchell.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports a certificate of recognition has been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1997\228 University of Iowa College of Law Journal of Gender, Race and Justice, Iowa City – For their efforts to clarify and ultimately end economic and social injustice in the legal profession.

SUBCOMMITTEE ASSIGNMENTS

House File 419

Commerce-Regulation: Jacobs, Chair; Doderer and Metcalf.

House File 507 Reassigned

Local Government: Van Maanen, Chair; Reynolds-Knight and Weidman.

House File 517

Local Government: Dix, Chair; Weidman and Whitead.

House File 537

Education: Brunkhorst, Chair; Brand and Metcalf.

House File 547

Education: Garman, Chair; Bukta and Dolecheck.

House File 555

Appropriations: Millage, Chair; Kreiman and Sukup.

House File 569

Natural Resources: Hahn, Chair; Arnold and Drees.

House File 575

Local Government: Huseman, Chair; Huser and Weidman.

House File 588

Local Government: Huseman, Chair; Huser and Weidman.

House File 589

Labor and Industrial Relations: Connors, Chair; Barry and Dix.

House Concurrent Resolution 17

Local Government: Fallon, Chair; Brauns and Welter.

Senate File 83

Ways and Means: Hansen, Chair; Chapman and Dinkla.

Senate File 222

Ways and Means: Dinkla, Chair; Bernau and Dix.

Senate File 238

Commerce-Regulation: Churchill, Chair; Chapman and Dix.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 199

Ways and Means: Blodgett, Chair; Dix and Jochum.

House Study Bill 211

Ways and Means: Lamberti, Chair; Doderer and Teig.

House Study Bill 212

Ways and Means: Dinkla, Chair; Holmes and Weigel.

House Study Bill 224

Local Government: Houser, Chair; Mundie and Vande Hoef.

House Study Bill 225

State Government: Gipp, Chair; Chiodo, Holmes, Jochum and Martin.

House Study Bill 226

Judiciary: Lamberti, Chair; Dinkla and Holveck.

House Study Bill 228

Local Government: Vande Hoef, Chair; Klemme and Myers.

House Study Bill 229

Judiciary: Millage, Chair; Lamberti and Moreland.

House Study Bill 230

Judiciary: Dinkla, Chair; Doderer, Kreiman, Lamberti and Millage.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 231 Environmental Protection**

Relating to financial assurance instruments for sanitary disposal projects.

H.S.B. 232 Human Resources

Relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable.

H.S.B. 233 Human Resources

Relating to child abuse information and the central registry for child abuse information maintained by the department of human services and providing an effective date.

H.S.B. 234 Human Resources

Relating to hospital privileges for physician assistants and advanced registered nurse practitioners.

H.S.B. 235 Commerce-Regulation

Relating to the requirements for portability and continuity of health care coverage for individuals among certain types of health care coverage, and related matters.

H.S.B. 236 Ways and Means

To reduce the barrel tax on beer.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 411, a bill for an act changing election and appointment provisions relating to the secretary of agriculture.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 11, 1997.

COMMITTEE ON COMMERCE-REGULATION

Senate File 238, a bill for an act repealing the procedures for disposition of the contents of a decedent's safe deposit box and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

Committee Bill (Formerly House File 381), relating to transfers of real property by providing that certain disclosures regarding psychologically impacted property are not required and by amending the definition of transfer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House File 419), relating to acts which constitute dealing in real estate.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 104), relating to the regulation of municipal utilities providing telecommunications services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 191), relating to the general operation of corporations, partnerships, and associations, including provisions relating to certain filings made by corporations and associations, the filing of biennial reports by certain corporations and cooperative associations, and establishing fees.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1997.

Committee Bill (Formerly House Study Bill 210), relating to linked deposit investment programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1997.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 205), providing for great-grandparent visitation rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1997.

Committee Bill (Formerly House File 211), relating to the possession of curio or relic firearms by members of certain organizations.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

Committee Bill (Formerly House File 347), appropriating funds to the judicial department to establish a pilot court information project.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 198), relating to limited partnerships and the rights and duties of limited partners, partnership agreements, duties of the secretary of state with respect to limited partnerships, and other related matters affecting foreign and domestic limited partnerships, and establishing fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 208), relating to state reimbursement for expenses of attorneys provided to indigent persons in juvenile court.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 123), relating to instruments filed or recorded with the county recorder.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 173), relating to responses to hazardous conditions by the director of the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 196), relating to city ordinances and other official actions of a city council and mayor.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 214), relating to the issuance of marriage licenses by county registrars and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 215), relating to the definition and location of a land-leased community.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 216), relating to the property tax levy allowed certain fire districts.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

COMMITTEE ON NATURAL RESOURCES

House File 480, a bill for an act relating to the repair and reconstruction of state property, and establishing oversight councils.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997:

Committee Bill (Formerly House Study Bill 172), relating to abandoned coal mines expenditures, including reclamation of land and drainage abatement.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1997.

COMMITTEE ON WAYS AND MEANS

Senate File 222, a bill for an act relating to the use tax on motor vehicle leasing.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

RESOLUTIONS FILED

HR 11, by Reynolds-Knight, a resolution requesting an interim study of the use of transcendental meditation as a rehabilitative technique in correctional institutions.

Referred to committee on **judiciary**.

HCR 17, by Fallon, a concurrent resolution establishing a special com-

mission to study and make recommendations concerning urban planning, growth management of cities, and protection of farmland and natural resources.

Referred to committee on local government.

AMENDMENTS FILED

H—1163	H.F.	554	Warnstadt of Woodbury
H—1164	H.F.	118	Murphy of Dubuque

On motion by Siegrist of Pottawattamie, the House adjourned at 10:22 a.m., until 8:45 a.m., Thursday, March 13, 1997.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 13, 1997

The House met pursuant to adjournment at 8:53 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Paul von Ebers, Churches United of Des Moines, Des Moines.

The Journal of Wednesday, March 12, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Bernau of Story, from thirty-one constituents of the 62nd District favoring "Enrich Iowa: Fund Libraries."

By Bernau of Story, from fifty-four constituents of the 62nd District opposing the death penalty.

By Shoultz of Black Hawk, from four hundred thirty-one bus patrons and drivers favoring adequate funding for mass transit.

By Wise of Lee, from fifty-two constituents of the 98th District favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 595, by Sukup, a bill for an act concerning compliance with the terms of an employee pension plan and providing a penalty.

Read first time and referred to committee on **judiciary**.

House File 596, by committee on commerce-regulation, a bill for an act authorizing the utilities board to issue certificates of public convenience and necessity to municipal telecommunications utilities, regulating certain municipal utilities as competitive local exchange service providers, and including effective date and retroactive applicability provisions.

Read first time and placed on the **calendar**.

House File 597, by committee on education, a bill for an act relating to school attendance and interagency efforts to address children's problems by applying school attendance requirements under the family investment program, providing for interagency agreements, and providing a civil penalty for truancy.

Read first time and placed on the **calendar**.

House File 598, by committee on education, a bill for an act establishing the enrich Iowa program for eligible public libraries and making an appropriation.

Read first time and referred to committee on **appropriations**.

House File 599, by committee on judiciary, a bill for an act relating to dispositional orders pertaining to certain delinquent children by expanding the criteria for state training school placements and providing for extension of dispositional orders to allow completion of sexual abusers treatment programs.

Read first time and placed on the **calendar**.

House File 600, by committee on judiciary, a bill for an act relating to notification of school officials of citations of juveniles for certain criminal offenses.

Read first time and placed on the **calendar**.

House File 601, by committee on natural resources, a bill for an act relating to the development and use of certain public lands for multipurpose trails.

Read first time and placed on the **calendar**.

House File 602, by Reynolds-Knight, a bill for an act relating to the profession of naturopathy and making penalties applicable.

Read first time and referred to committee on **state government**.

House File 603, by Mertz, a bill for an act relating to the state sales tax exemption for the purchase of horses.

Read first time and referred to committee on **ways and means**.

House File 604, by Nelson, a bill for an act relating to the renewal and suspension or revocation of liquor control licenses and wine and beer permits by local authorities.

Read first time and referred to committee on **local government**.

House File 605, by Witt, a bill for an act providing for mandatory licensure for marital and family therapists and mental health counselors.

Read first time and referred to committee on **state government**.

House File 606, by Doderer, a bill for an act defining domestic abuse to include acts of harassment, and permitting the issuance of no-contact orders for acts of harassment in domestic abuse circumstances.

Read first time and referred to committee on **judiciary**.

House File 607, by Heaton, a bill for an act relating to the process for creation of aviation authorities.

Read first time and referred to committee on **ways and means**.

House File 608, by Greig, a bill for an act relating to the appraisal of land and real estate being negotiated for purchase by the department of natural resources.

Read first time and referred to committee on **natural resources**.

House File 609, by Fallon, a bill for an act relating to joint tenancy for real property owned by spouses.

Read first time and referred to committee on **commerce-regulation**.

House File 610, by Fallon, a bill for an act relating to the liability for unpaid rates or charges of a city utility or enterprise service for water, sewage, and solid waste services.

Read first time and referred to committee on **commerce-regulation**.

House File 611, by committee on commerce-regulation, a bill for an act relating to permissible charges which may be contracted for and received with respect to open-end credit.

Read first time and placed on the **calendar**.

House File 612, by committee on human resources, a bill for an act relating to child support recovery, providing penalties, and providing effective dates.

Read first time and placed on the **calendar**.

House File 613, by committee on commerce-regulation, a bill for an act relating to linked deposit investment programs.

Read first time and placed on the **calendar**.

House File 614, by committee on local government, a bill for an act relating to the issuance of marriage licenses by county registrars and providing an effective date.

Read first time and placed on the **calendar**.

House File 615, by committee on natural resources, a bill for an act relating to abandoned coal mines expenditures, including reclamation of land and drainage abatement.

Read first time and placed on the **calendar**.

House File 616, by committee on local government, a bill for an act relating to instruments filed or recorded with the county recorder.

Read first time and placed on the **calendar**.

House File 617, by committee on judiciary, a bill for an act relating to the possession of curio or relic firearms by members of certain organizations.

Read first time and placed on the **calendar**.

House File 618, by committee on judiciary, a bill for an act relating to state reimbursement for expenses of attorneys provided to indigent persons in juvenile court.

Read first time and placed on the **calendar**.

House File 619, by Reynolds-Knight, a bill for an act providing for the exemption of barber and beauty services from the tax imposed on gross taxable services.

Read first time and referred to committee on **ways and means**.

House File 620, by Larson, a bill for an act relating to establishing a prepaid tuition program that provides for individual savings accounts to be used for higher education tuition expenses, providing income tax exemptions for earnings of the account, and including an effective and retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 621, by Larson, a bill for an act relating to an exemption from the sales, services, and use taxes for nonprofit hospitals licensed in the state.

Read first time and referred to committee on **ways and means**.

House File 622, by Rayhons and Bukta, a bill for an act prohibiting the scheduling of extracurricular activities after a certain hour on Wednesday evenings and providing an applicability date.

Read first time and referred to committee on **education**.

House File 623, by Mundie, a bill for an act providing for the levy of assessments and related tax deductibility, and the creation and administration of a fund to support the financing of improvements within drainage districts.

Read first time and referred to committee on **agriculture**.

House File 624, by committee on judiciary, a bill for an act appropriating funds to the judicial department to establish a pilot court information project.

Read first time and referred to committee on **appropriations**.

House File 625, by committee on education, a bill for an act relating to the activities of the department of education, vocational education, community colleges, special educational programs provided by area education agencies, payment of claims for nonpublic school pupil transportation, the school budget review committee, the enrollment of certain students, and annual audits of school districts.

Read first time and placed on the **calendar**.

House File 626, by committee on local government, a bill for an act relating to the property tax levy allowed certain fire districts.

Read first time and referred to committee on **ways and means**.

House File 627, by Falck, a bill for an act relating to loan reimbursement payments to a person who teaches in a designated teacher shortage area.

Read first time and referred to committee on **education**.

House File 628, by committee on judiciary, a bill for an act relating to corporations by providing for the call of special meetings of shareholders, for the combination of a corporation and certain shareholders, and for certain merger and share acquisitions.

Read first time and placed on the **calendar**.

House File 629, by Taylor, a bill for an act relating to drug testing of certain employees and applicants for employment, providing for employer reporting of testing, and making remedies applicable.

Read first time and referred to committee on **labor and industrial relations**.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 82, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 82)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chiodo Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 370, a bill for an act relating to workers' compensation benefits for professional athletes and providing an effective date, was taken up for consideration.

Lamberti of Polk offered the following amendment H-1157 filed by him and moved its adoption:

H-1157

- 1 Amend House File 370 as follows:
- 2 1. Page 1, by striking lines 9 through 10 and
- 3 inserting the following: "performed."
- 4 2. Page 1, by striking lines 28 through 31.

Amendment H-1157 was adopted.

Lamberti of Polk asked and received unanimous consent to withdraw amendment H-1134 filed by him on March 4, 1997.

Lamberti of Polk offered the following amendment H-1139 filed by him and moved its adoption:

H-1139

- 1 Amend House File 370 as follows:
- 2 1. Page 1, line 14, by striking the words "this
- 3 section" and inserting the following: "subsection 2,
- 4 paragraph "u".

Amendment H-1139 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. 370)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons

Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Kremer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 198 WITHDRAWN

Siegrist of Pottawattamie asked and received unanimous consent to withdraw House File 198 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 File 82** and **House File 370**.

House File 320, a bill for an act increasing the exceptions to the registration requirements for postsecondary schools, and eliminating an exemption for nondegree specialty vocational training programs from the accreditation requirement for postsecondary schools, was taken up for consideration.

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. 320)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevret	Garman

Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 384, a bill for an act to include certain products containing ephedrine as schedule V controlled substances, 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?" (H.F. 384)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman

Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title 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 320 and 384.**

HOUSE FILE 516 REREFERRED

The Speaker announced that House File 516, previously referred to committee on **human resources** was rereferred to committee on **local government**.

SPECIAL PRESENTATIONS

Osterhaus of Jackson presented to the House, Mr. and Mrs. John Ware from Melbourne, Australia. Mr. Ware is the Past National President of the Pharmaceutical Society of Australia and the present Director Regional of Continuing Pharmacy Education of the Pharmaceutical Society of Australia.

Mr. Lee Ping Koh, the National Manager of Retail Services for the Faulding Healthcare Services Party Limited, from Adelaide, Australia, addressed the House.

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. Grundberg of Polk presented the following winners of the contest:

Sixth and Seventh Grade Category

First Place — Abby Cox, Sidney Community School, Sidney, for her essay about Evelyn Birkby a popular radio personality from Shenandoah.

Second Place — Asche Rider, Harmony Middle School, Farmington, for her essay about her great-grandmother, Mary Nancy Lanman who championed the education of girls, women-owned businesses and the right for women to vote.

Third Place — Kimberly Park, Eisenhower Middle School, Dubuque, for her essay about Pamela Park, her mother who is a breast cancer survivor who voluntarily counsels women who have been diagnosed with breast cancer.

Eighth and Ninth Grade Category

First Place — Jeannette Neumann, Central Academy, Des Moines, for her essay about her grandmother, Phoebe Jackson Montgomery, who devised nutritional standards for a children's home in Cedar Rapids and helped start the local school lunch program.

Second Place — Nathan Uelner, Jefferson Junior High School, Dubuque, for his essay about Nancy Van Milligan, who after being a foster parent for nearly ten years helped by volunteering on the Iowa Citizen's Foster Care Review Board.

Third Place — Amanda Jo Miller, Red Oak Middle School, Red Oak, for her essay about Flossie Jacks who dedicated her life to helping others. She volunteered for the American Red Cross for 24 years.

The Edith Rose Murphy Sackett Award—Brynne Leah Howard of Van Meter, for her essay about Sister Gwen Hennessey who worked with migrant farm workers on peace and justice issues.

Also: David White, Central Academy, Des Moines for his essay on Nadean Hamilton who served on the board of the League of Women Voters of Iowa and has been appointed to numerous Des Moines and State Boards and commissions.

The Women in Science and Engineering Award Sixth and Seventh Grade Category

First Place — Bridget Kearney, Theodore Roosevelt Elementary School, Iowa City, for her essay on Mildred Adams Fenton, a paleontologist who wrote books for children in an effort to stimulate them into becoming paleontologists, geologists, and biologists.

Second Place — Josiah Ditzler, Washington Township Elementary School, Kalona, for his essay on Mae C. Jemison who was accepted into the NASA program, and as a science mission specialist was the first African-American woman to go into space.

Third Place — Alison Henderson, Kirn Junior High School, Council Bluffs, for her essay on Jeanne Burns who taught science for 19 years and advises, and works with many extracurricular activities.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 13, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 125, an act appropriating federal block grant funds and amending appropriations from the general fund of the state to the Department of Human Services for the state fiscal year beginning July 1, 1996, and providing an effective date.

Senate File 160, an act relating to funds held by life insurance companies and providing an effective date.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

The 4-H County Council from Jackson County, accompanied by Wanda Cornelius, wife of the former Representative Jerry Cornelius. By Osterhaus of Jackson.

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

- 1997\229 John Herman Solomon, Sioux City — For celebrating his 96th birthday.
- 1997\230 David Mead, Storm Lake — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\231 Arlene Hopkins, Camanche — For celebrating her 85th birthday.
- 1997\232 Doris and Roman Jungen, Clinton — For celebrating their 50th wedding anniversary.
- 1997\233 Lois and Jim Birely, Camanche — For celebrating their 50th wedding anniversary.

- 1997\234 Evelyn and Johnie Witt, Goose Lake – For celebrating their 50th wedding anniversary.
- 1997\235 Mr. and Mrs. Orville Hicks, Dunlap – For celebrating their 50th wedding anniversary.
- 1997\236 Elaine and Marion Coberly, Missouri Valley – For celebrating their 60th wedding anniversary.
- 1997\237 Darlene and Glenn McKimpson, Osceola – For celebrating their 50th wedding anniversary.
- 1997\238 Helen and Dale McKnight, Osceola – For celebrating their 50th wedding anniversary.
- 1997\239 Phyllis and Neal Stump, Osceola – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 562

Agriculture: Bogges, Chair; Huseman and Kreiman.

House File 568

Agriculture: Huseman, Chair; Klemme and Scherrman.

House File 583

Agriculture: Greig, Chair; Frevert and Hahn.

House File 623

Agriculture: Mundie, Chair; Mertz and Teig.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 231

Environmental Protection: Meyer, Chair; Drake and Fallon.

House Study Bill 232

Human Resources: Boddicker, Chair; Lord and Murphy.

House Study Bill 233

Human Resources: Boddicker, Chair; Carroll and Murphy.

House Study Bill 234

Human Resources: Boddicker, Chair; Brand and Lord.

House Study Bill 235

Commerce-Regulation: Dix, Chair; Holveck and Metcalf.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 336, a bill for an act providing for the assessment of lands owned by the department of natural resources within levee and drainage districts.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

Committee Bill (Formerly House File 411), changing election and appointment provisions relating to the secretary of agriculture.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House File 461), extending the provisions relating to the eradication of brucellosis to apply to animals other than bovine animals, and making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 213), relating to statutory references to the Iowa beef industry council and increasing an excise tax on beef cattle upon a referendum.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

COMMITTEE ON APPROPRIATIONS

Committee Bill, appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making statutory changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 46), to establish separate recycling funds for each prison institution within the state treasury and making related changes.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 197), relating to an alternative price regulation plan for certain local exchange carriers, providing for related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 235), relating to the requirements for portability and continuity of health care coverage for individuals among certain types of health care coverage, and related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 157), providing a waiver of capital investment requirements under the new jobs and income program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 219), relating to investments in counties and cities by providing for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

COMMITTEE ON EDUCATION

House File 319, a bill for an act expanding the age range of the employees to whom the board of directors of a school district may offer a retirement incentive program, expanding the conditions under which the district may utilize the district management levy to pay for the program, and providing effective and retroactive applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** March 12, 1997.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 216), creating an environmental audit privilege and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House File 417), relating to the collection and recycling of motor oil filters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 218), relating to financial assurance requirements for waste tire collection and processing sites.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 420), relating to health care facilities by requiring employment checks of health care facility employees.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 11, 1997.

Committee Bill (Formerly House Study Bill 194), creating a caregiver recruitment and retention pilot program, and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 232), relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 233), relating to child abuse information and the central registry for child abuse information maintained by the department of human services and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

COMMITTEE ON JUDICIARY

House Resolution 7, a resolution to request an interim study regarding the use of community service in Iowa's criminal and juvenile justice system.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

Committee Bill (Formerly House File 276), to consider the use of less lethal munitions by peace officers not a use of deadly force.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

Committee Bill (Formerly House File 468), relating to the adjudication and sentencing of certain criminal offenders, by providing for notice and hearings on reconsiderations of sentence, and eliminating certain sexual offenders from eligibility for suspended or deferred sentences or deferred judgments.

Fiscal Note is not required.

Recommended Amend and Do Pass March 12, 1997.

Committee Bill (Formerly House Study Bill 229), relating to the defense of criminal charges, by making changes in the provisions and procedures applicable to the appointment of counsel for indigent persons, providing for the establishment of an indigent defense commission and indigent defense fee account, making changes in the penalties applicable to certain offenses for which appointment of counsel is required, providing county attorneys or their designees with access to the centralized employee registry for purposes of collection of restitution, providing for the distribution of certain proceeds from forfeited property, making changes relating to the determination of a person's indigency, prohibiting the submission of false information on an affidavit of financial status, requiring the state to enforce liens for restitution in criminal cases, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass March 12, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 523, a bill for an act relating to the Iowa occupational safety and health law concerning the imposition of certain civil penalties on certain governmental employers for emergencies.

Fiscal Note is not required.

Recommended Do Pass March 12, 1997.

House File 589, a bill for an act relating to professional boxing and wrestling matches, providing for properly related matters, and providing for a tax and for penalties.

Fiscal Note is not required.

Recommended Do Pass March 12, 1997.

Committee Bill (Formerly House Study Bill 202), relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund, including the imposition of an employer surcharge, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 12, 1997.

COMMITTEE ON LOCAL GOVERNMENT

House File 332, a bill for an act concerning the condemnation of private property by owners of land without a public way to the land.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1166 March 12, 1997.

House File 392, a bill for an act relating to the extension of time during which an alternative surcharge may be imposed for E911.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

House File 484, a bill for an act relating to installment payments for assessments by drainage districts.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

House File 485, a bill for an act relating to drainage districts by eliminating notice by petitioning landowners regarding the establishment of subdistricts.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

House File 507, a bill for an act relating to the issuance or renewal of liquor control licenses and wine and beer permits by local authorities.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 79), relating to the joint financing of public works and facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

COMMITTEE ON NATURAL RESOURCES

House File 569, a bill for an act relating to hunting of deer in parties of hunters.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

Committee Bill (Formerly House File 312), relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

COMMITTEE ON STATE GOVERNMENT

House File 439, a bill for an act relating to the development of a repository for criminal history, abuse and sex offender registries, and nurse aide and other health profession certification and licensing information.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1168** March 12, 1997.

House File 543, a bill for an act relating to possible payment by the state for police and fire protection provided by the city of Des Moines for state-owned property located within the city.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 206), relating to the regulation of the practice of respiratory care.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 225), relating to certain procedures of the ethics and campaign disclosure board and filing requirements and certain requirements for use of campaign funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 102), relating to special minors' licenses and transportation to and from school and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 170), relating to county regulation of road rights-of-way.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 209), relating to handicapped parking permits by providing for nonexpiring removable windshield placards for persons with a lifelong disability, eliminating the requirement that physicians or chiropractors sign removable windshield placards, and eliminating certain identification requirements for handicapped persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

Committee Bill (Formerly House Study Bill 223), relating to motor vehicle damage disclosure statements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1997.

COMMITTEE ON WAYS AND MEANS

Senate File 83, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-1172 March 12, 1997.

RESOLUTION FILED

HCR 18, by Mascher, Blodgett, Bradley, Chapman, Cohoon, Doderer, Drake, Foege, Ford, Grundberg, Hansen, Holveck, Jenkins, Kreiman, Larson, Martin, Millage, Moreland, Myers, Nelson, Richardson, Weigel, and Wise, a concurrent resolution recognizing the 150th anniversary of the founding of the University of Iowa.

Laid over under Rule 25.

AMENDMENTS FILED

H—1165	H.F.	334	Kremer of Buchanan
H—1166	H.F.	332	Committee on Local Government
H—1167	S.F.	58	Warnstadt of Woodbury Whitead of Woodbury
H—1168	H.F.	439	Committee on State Government
H—1169	H.F.	223	Kreiman of Davis
H—1170	H.F.	546	Kreiman of Davis
H—1171	S.F.	128	Grundberg of Polk Connors of Polk Mascher of Johnson Jacobs of Polk Nelson of Marshall Jochum of Dubuque
			Burnett of Story Metcalf of Polk Brand of Tama Doderer of Johnson Martin of Scott
H—1172	S.F.	83	Committee on Ways and Means

On motion by Siegrist of Pottawattamie, the House adjourned at 9:36 a.m., until 10:00 a.m., Friday, March 14, 1997.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 14, 1997

The House met pursuant to adjournment at 10:00 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Craig Schoenfeld, Legislative Research Analyst for the House of Representatives.

The Journal of Thursday, March 13, 1997 was approved.

INTRODUCTION OF BILLS

House File 630, by Thomas, a bill for an act relating to compensation of landowners or tenants for agricultural crop damage caused by deer, wild turkey, and other wildlife.

Read first time and referred to committee on **natural resources**.

House File 631, by Warnstadt, a bill for an act relating to the allocation of tax revenue from gambling games authorized on excursion gambling boats and at pari-mutuel racetrack enclosures for educational infrastructure purposes.

Read first time and referred to committee on **state government**.

House File 632, by Frevert, a bill for an act relating to the state's reimbursement of local governments for the value of the homestead tax credits allowed and providing an applicability date provision.

Read first time and referred to committee on **appropriations**.

House File 633, by Vande Hoef, a bill for an act relating to the definition of veteran, veterans' benefits, veterans preference, and veterans' claims.

Read first time and referred to committee on **ways and means**.

House File 634, by committee on human resources, a bill for an act relating to child and dependent adult abuse records checks by requiring checks for employment in health care facilities and the department of inspections and appeals.

Read first time and placed on the **calendar**.

House File 635, by committee on judiciary, a bill for an act to

consider the use of less lethal munitions by peace officers not a use of deadly force.

Read first time and placed on the **calendar**.

House File 636, by committee on state government, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

Read first time and placed on the **calendar**.

House File 637, by committee on commerce-regulation, a bill for an act relating to the general operation of corporations, partnerships, and associations, including provisions relating to certain filings made by corporations and associations, the filing of biennial reports by certain corporations and cooperative associations, and establishing fees.

Read first time and placed on the **calendar**.

House File 638, by committee on commerce-regulation, a bill for an act relating to acts which constitute dealing in real estate.

Read first time and placed on the **calendar**.

House File 639, by committee on labor and industrial relations, a bill for an act relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund, including the imposition of an employer surcharge, and providing an effective date.

Read first time and placed on the **calendar**.

House File 640, by committee on local government, a bill for an act relating to the definition and location of a land-leased community.

Read first time and placed on the **calendar**.

House File 641, by committee on transportation, a bill for an act relating to motor vehicle damage disclosure statements.

Read first time and placed on the **calendar**.

House File 642, by committee on judiciary, a bill for an act relating to limited partnerships and the rights and duties of limited partners, partnership agreements, duties of the secretary of state with respect to limited partnerships, and other related matters affecting foreign and domestic limited partnerships, and establishing fees and penalties.

Read first time and placed on the **calendar**.

House File 643, by committee on judiciary, a bill for an act providing for grandparent and great-grandparent visitation rights.

Read first time and placed on the **calendar**.

House File 644, by committee on commerce-regulation, a bill for an act relating to the relationship between a real estate broker or salesperson and parties to residential property real estate transactions.

Read first time and placed on the **calendar**.

House File 645, by committee on local government, a bill for an act relating to the financial and regulatory procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers and including an effective date provision.

Read first time and placed on the **calendar**.

House File 646, by committee on local government, a bill for an act relating to a study on responses to hazardous conditions by the director of transportation.

Read first time and placed on the **calendar**.

House File 647, by committee on commerce-regulation, a bill for an act defining the crime of theft to include the utterance of a financial instrument for the use of property which knowingly will not be paid when presented to a financial institution and making a penalty applicable.

Read first time and placed on the **calendar**.

House File 648, by Jacobs, Churchill, Heaton, Metcalf, Teig, Boggess, Dolecheck, Drake, Martin, Myers, Wise, Jochum, and Van Fossen, a bill for an act relating to housing development.

Read first time and referred to committee on **ways and means**.

House File 649, by Reynolds-Knight, a bill for an act relating to funding for emergency medical services equipment.

Read first time and referred to committee on **appropriations**.

House File 650, by Arnold, a bill for an act relating to the possession and use of slot machines for personal or noncommercial purposes.

Read first time and referred to committee on **state government**.

House File 651, by committee on appropriations, a bill for an act to establish separate recycling funds for each prison institution within the state treasury and making related changes.

Read first time and placed on the **appropriations calendar**.

House File 652, by committee on economic development, a bill for an act relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 653, by committee on environmental protection, a bill for an act relating to financial assurance requirements for waste tire collection and processing sites.

Read first time and placed on the **calendar**.

House File 654, by Fallon, a bill for an act relating to the partial financing of campaigns for state office from income tax revenues, providing limitations on the amounts that candidates for state office may expend on campaigns, providing for public matching funds for state campaigns and a standing appropriation, providing penalties, and providing effective dates.

Read first time and referred to committee on **state government**.

House File 655, by committee on appropriations, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making statutory changes, and providing an effective date.

Read first time and placed on the **appropriations calendar**.

House File 656, by Siegrist, a bill for an act relating to the date before which the existence of a physical or medical condition cannot be used to disqualify a commercial vehicle operator.

Read first time and referred to committee on **transportation**.

House File 657, by committee on economic development, a bill for an act relating to investments in counties and cities by providing for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone.

Read first time and referred to committee on **ways and means**.

House File 658, by committee on local government, a bill for an act relating to city ordinances and other official actions of a city council and mayor.

Read first time and placed on the calendar.

House File 659, by committee on state government, a bill for an act relating to the regulation of the practice of respiratory care.

Read first time and placed on the calendar.

House File 660, by committee on economic development, a bill for an act providing a waiver of capital investment requirements under the new jobs and income program.

Read first time and placed on the calendar.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14th day of March, 1997: House File 373.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

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

- 1997\240 Ryan Friedrich, Riceville – For winning 1st place in the 119 lb., Class 1-A 1997 Iowa High School State Wrestling Tournament.
- 1997\241 Nabeel Yehyaw, Keokuk – For receiving 2nd place in the Heavyweight Division, Class 3-A 1997 Iowa High School State Wrestling Tournament.
- 1997\242 Bobby Gonshorowski, Washington – For winning 1st place in the 145 lb., Class 2-A 1997 Iowa High School State Wrestling Tournament.
- 1997\243 Bondurant-Farrar Wrestling Team, Bondurant – For winning the Class 1-A Dual Championship at the 1997 Iowa High School State Wrestling Tournament.

- 1997\244 Nichollette Rider, Waverly – For receiving the Outstanding Junior Achievement Officer Scholarship.
- 1997\245 Bonnie and Bill Bleeker, Iowa City – For celebrating their 50th wedding anniversary.
- 1997\246 Cindy Redig, Evansdale – For her heroic actions in saving the life of an individual.
- 1997\247 Sister Mary Lee Cox, O. S. F., Dubuque – For celebrating her 50th birthday, and a heartfelt thank you for her inspiration and contributions to the community as a teacher, counselor, social activist, role model, and police chaplain.
- 1997\248 Scott Swain, Appanoose County – For receiving a National Water Safety Congress Award of Merit for outstanding work on the Appanoose County Water Rescue Team.
- 1997\249 Sarah Sidwell, Iowa City – For being named to the Dean's List at the University of Iowa for the fall semester with a 4.0 grade-point average.
- 1997\250 Andrea E. Doering, Iowa City – For being named to the Dean's List for the 1996 fall semester at Randolph-Macon Woman's College.
- 1997\251 Aaron Wieland, North Liberty – For being named to the College of Arts and Sciences' Dean's List at Loyola University Chicago for the fall semester.
- 1997\252 Mac John Daggy, Des Moines – For winning 1st place in the Heavyweight Division, Class 3-A 1997 Iowa High School State Wrestling Tournament.
- 1997\253 Virginia and Max Miltner, Solon – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

House File 595

Judiciary: Sukup, Chair; Kreiman and Lamberti.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 198

Judiciary: Dinkla, Chair; Holveck and Larson.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 108), relating to household hazardous materials and retail labeling requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

COMMITTEE ON TRANSPORTATION

House File 409, a bill for an act allowing teaching parents to provide driver's education instruction.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 152), providing for the sale of unused highway right-of-way and other real property by the state department of transportation to past or present owners of adjacent property.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 179), relating to substantive and other provisions affecting the department of transportation and driver, motor vehicle, and highway regulation, including the definition of road work zones, regulation of certain persons who sell vehicles, providing grounds for refusing renewal of vehicle registrations, regulation of intrastate motor carriers, creating, eliminating, or enhancing penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 200), relating to the required business hours of a motorcycle dealer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

AMENDMENTS FILED

H-1173	H.F.	392	Richardson of Warren
H-1174	H.F.	403	Richardson of Warren
H-1175	H.F.	557	Hansen of Pottawattamie
H-1176	H.F.	557	Doderer of Johnson

H—1177	H.F.	403	Warnstadt of Woodbury
H—1178	H.F.	403	Fallon of Polk

On motion by Heaton of Henry, the House adjourned at 10:10 a.m., until 1:00 p.m., Monday, March 17, 1997.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 17, 1997

The House met pursuant to adjournment at 1:07 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was sung by Kellie R. Barry, Woodbine.

The Journal of Friday, March 14, 1997 was approved.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Donna Barry, state representative from Harrison County.

PETITIONS FILED

The following petitions were received and placed on file:

By Brauns of Muscatine, from nineteen constituents of the 47th District favoring the "Enrich Iowa: Fund Libraries."

By Rayhons of Hancock, from two hundred sixteen constituents of the 16th District favoring Senate File 400, an act establishing the enrich Iowa program for eligible public libraries and making an appropriation.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brand of Tama, until his arrival, on request of Schrader of Marion; Brauns of Muscatine and Sukup of Franklin, until their arrival, on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILLS

House File 661, by committee on judiciary, a bill for an act relating to the adjudication and sentencing of certain criminal offenders, by providing for notice and hearings on reconsiderations of sentence, permitting the presentation of oral victim impact statements at reconsideration of sentence hearings, and eliminating certain sexual offenders from eligibility for suspended or deferred sentences or deferred judgments.

Read first time and placed on the **calendar**.

House File 662, by committee on judiciary, a bill for an act relating to the defense of criminal charges, by making changes in the penalties

applicable to certain offenses for which appointment of counsel is required, providing county attorneys or their designees with access to the centralized employee registry for purposes of collection of restitution, making changes relating to the determination of a person's indigency, prohibiting the submission of false information on an affidavit of financial status, requiring the state to enforce liens for restitution in criminal cases, and providing penalties.

Read first time and placed on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 218, a bill for an act relating to service of notices of appraisal of property for state inheritance tax purposes, with report of committee recommending amendment and passage, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-1133 filed by the committee on local government and moved its adoption:

H-1133

- 1 Amend House File 218 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "ordinary" and inserting the following: "certified".

The committee amendment H-1133 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 218)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum

Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brand	Brauns	Chiodo	Eddie
Sukup			

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 218** be immediately messaged to the Senate.

House File 371, a bill for an act relating to the issuing of temporary orders for support, custody, or visitation of a child born outside of marriage, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 371)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser

Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Brand	Brauns	Eddie	Sukup
-------	--------	-------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 87 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House File 87 from further consideration by the House.

House File 368, a bill for an act relating to the establishment of the entrepreneurial ventures assistance program and allocating funds from the Iowa strategic investment fund for the administration and operation of the program, was taken up for consideration.

Teig of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 368)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner

Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Brand	Brauns	Eddie	Sukup
-------	--------	-------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 376, a bill for an act relating to child welfare provisions involving juvenile justice dispositional orders, hearings, and placements and providing an effective date, was taken up for consideration.

The following amendment H-1183, filed by Garman of Story from the floor, was adopted by unanimous consent:

H-1183

- 1 Amend House File 376, as follows:
- 2 1. Page 3, line 14, by striking the word "lease"
- 3 and inserting the word "least".

Thomson of Linn asked and received unanimous consent that **House File 376** be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 368 and 371**.

House File 167, a bill for an act relating to eligibility requirements for workers' compensation, with report of committee recommending amendment and passage, was taken up for consideration.

Barry of Harrison offered the following amendment H-1160 filed by the committee on labor and industrial relations and moved its adoption:

H-1160

- 1 Amend House File 167 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "thousand" the following: "five hundred".
- 4 2. Page 1, line 19, by inserting after the word
- 5 "thousand" the following: "five hundred".

The committee amendment H-1160 was adopted.

Barry of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 167)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiado	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Brand

Brauns

Richardson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 398, a bill for an act relating to subject matter under the regulatory authority of the labor commissioner, including the construction contractors law, and making nonsubstantive Code corrections relating to the child labor law, was taken up for consideration.

Holmes 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. 398)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brand Brauns

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 313, a bill for an act requiring criminal and child abuse record checks of persons receiving state funding for providing child day care, and making a penalty applicable, with report of committee recommending passage, was taken up for consideration.

Barry of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 313)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Brand Brauns

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 495, a bill for an act relating to certain machinery, equipment, and computers for purposes of property taxation and providing an applicability date, 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. 495)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Brand	Brauns	Chapman	Schrader
-------	--------	---------	----------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 399, a bill for an act relating to inspections of unfired steam pressure vessels, was taken up for consideration.

Holmes 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. 399)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Brand Brauns Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 167, 398, 313, 495 and 399.**

House File 545, a bill for an act relating to the criteria for placement of delinquent children, for whom guardianship has been transferred to the director of human services, in certain facilities, was taken up for consideration.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 545)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, 1:

Kreiman

Absent or not voting, 1:

Brand

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 545** be immediately messaged to the Senate.

House File 552, a bill for an act eliminating notice requirements relating to the location of certain electric transmission lines, wires, or cables, 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. 552)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Bloodgett	Boddicker	Boguess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brand Falck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 308, a bill for an act relating to notification requirements for communications between a debt collector and a debtor, was taken up for consideration.

Bernau of Story offered the following amendment H-1081 filed by him and moved its adoption:

H-1081

- 1 Amend House File 308 as follows:
- 2 1. Page 1, line 3, by striking the word
- 3 "clearly", and inserting the following: "clearly".

Roll call was requested by Holveck of Polk and Chiodo of Polk.

On the question "Shall amendment H-1081 be adopted?" (H.F. 308)

The ayes were, 45:

Bell	Bernau	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 3:

Brand	Dinkla	Jenkins
-------	--------	---------

Amendment H-1081 lost.

Carroll of Poweshiek in the chair at 2:55 p.m.

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. 308)

The ayes were, 57:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst

Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Carroll, Presiding			

The nays were, 42:

Bell	Bernau	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Larkin	Mascher
May	Moreland	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 1:

Brand

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Corbett in the chair at 3:00 p.m.

House File 553, a bill for an act amending the uniform securities Act relating to the registration of securities and the registration of broker-dealers and agents, establishing fees, and providing an effective date, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 553)

The ayes were, 96:

Arnold	Barry	Bell	Blodgett
Bogges	Bradley	Brauns	Brunkhorst

Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker, Corbett

The nays were, none.

Absent or not voting, 4:

Bernau

Boddicker

Brand

Bukta

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 552, 308, and 553.**

House File 403, a bill for an act increasing the speed limit on interstate and fully controlled-access, divided, multilaned highways for certain motor vehicles, was taken up for consideration.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-1142 filed by him on March 5, 1997.

Richardson of Warren offered amendment H-1174 filed by him as follows:

H-1174

1 Amend House File 403 as follows:

- 2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. NEW SECTION. 321.232A RADAR OR OTHER
5 SPEED-MEASURING DEVICE DETECTORS – POSSESSION, USE,
6 OR SALE PROHIBITED.
7 1. A person commits a simple misdemeanor by doing
8 either of the following:
9 a. Operating a vehicle on a highway of this state
10 while using or possessing a device designed to detect
11 emissions from a radar, laser, or other speed-
12 measuring device and signal the existence of those
13 emissions.
14 b. Offering for sale or selling in this state a
15 device designed to detect emissions from a radar,
16 laser, or other speed-measuring device and signal the
17 existence of those emissions.
18 2. It is an affirmative defense to a charge of
19 violating subsection 1 that the device, at the time of
20 the alleged offense, had no power source and was not
21 readily accessible for use by the driver or an
22 occupant of the vehicle.
23 3. A device prohibited by this section may be
24 seized as evidence under chapter 809 and shall be
25 disposed of or returned to the person from whom it was
26 seized in accordance with section 809.5. Upon request
27 and payment of the costs of shipment, the seizing
28 agency shall ship the device to an address specified
29 by the person from whom the device was seized.
30 4. This section does not apply to the following:
31 a. A device designed exclusively to receive radio
32 signals on frequencies lawfully licensed by a state or
33 federal agency.
34 b. A device used by a peace officer in the
35 performance of the official duties of the peace
36 officer."
37 2. Title page, line 1, by inserting after the
38 word "Act" the following: "relating to the
39 enforcement of speed limits by prohibiting the
40 possession or use of radar detectors, providing a
41 penalty, and by".
42 3. By renumbering as necessary.

Blodgett of Cerro Gordo rose on a point of order that amendment H-1174 was not germane.

The Speaker ruled the point well taken and amendment H-1174 not germane.

Rayhons of Hancock offered the following amendment H-1141 filed by him and moved its adoption:

H-1141

- 1 Amend House File 403 as follows:

- 2 1. Page 1, line 4, by striking the words "except
 3 commercial vehicles".
 4 2. Page 1, lines 7 and 8, by striking the words
 5 "and for commercial vehicles is sixty-five miles per
 6 hour".

A non-record roll call was requested.

The ayes were 42, nays 38.

Amendment H-1141 was adopted.

Warnstadt of Woodbury offered amendment H-1177 filed by him as follows:

H-1177

- 1 Amend House File 403 as follows:
 2 1. Page 1, by inserting after line 21 the
 3 following:
 4 "Sec. ____ Section 805.8, subsection 2, paragraph
 5 g, subparagraph (4), Code 1997, is amended to read as
 6 follows:
 7 (4) Notwithstanding subparagraphs (1) and (3), for
 8 excessive speed violations in speed zones greater than
 9 fifty-five miles per hour when in excess of the limit
 10 by five miles per hour or less the fine is ten
 11 dollars, by more than five and not more than ten miles
 12 per hour the fine is twenty dollars, by more than ten
 13 and not more than fifteen miles per hour the fine is
 14 ~~forty~~ eighty dollars, by more than fifteen and not
 15 more than twenty miles per hour the fine is ~~sixty one~~
 16 hundred twenty dollars, and by more than twenty miles
 17 per hour the fine is ~~sixty one hundred twenty~~ dollars
 18 plus two dollars for each mile per hour of excessive
 19 speed over twenty miles per hour over the limit.
 20 Notwithstanding section 602.8108, the clerk of the
 21 district court shall allocate ninety-five percent of
 22 funds received pursuant to this section to the
 23 emergency medical services fund created in section
 24 135.25, and the remaining funds shall be allocated to
 25 the enhanced court collections fund created in section
 26 602.1304."
 27 2. Title page, line 3, by inserting after the
 28 word "vehicles" the following: "and providing a
 29 penalty".
 30 3. By renumbering as necessary.

Warnstadt of Woodbury offered the following amendment H-1182, to amendment H-1177, filed by him from the floor, and moved its adoption:

H-1182

- 1 Amend the amendment, H-1177, to House File 403 as
 2 follows:

3 1. Page 1, by striking lines 4 through 26 and
 4 inserting the following:
 5 "Sec. ____ Section 805.8, subsection 2, paragraph
 6 g, subparagraph (4), Code 1997, is amended to read as
 7 follows:

8 (4) (a) Notwithstanding subparagraphs (1) and
 9 (3), for excessive speed violations in speed zones
 10 greater than fifty-five miles per hour when in excess
 11 of the limit by, the fine shall be as follows:

12 (i) By five miles per hour or less, the fine is
 13 ten dollars, by.

14 (ii) By more than five and not more than ten miles
 15 per hour, the fine is twenty dollars, by.

16 (iii) By more than ten and not more than fifteen
 17 miles per hour the fine is ~~forty eighty~~ dollars, by.

18 (iv) By more than fifteen and not more than twenty
 19 miles per hour the fine is ~~sixty~~ dollars, and by more
 20 than twenty miles per hour the fine is ~~sixty one~~
 21 hundred dollars plus two dollars for each mile per
 22 hour of excessive speed over twenty miles per hour
 23 over the limit.

24 (b) The clerk of the district court shall
 25 distribute one hundred percent of the receipts under
 26 subparagraph subdivision (a), subparagraph subdivision
 27 parts (i) and (ii), according to section 602.8108.
 28 The clerk of the district court shall distribute fifty
 29 percent of the receipts under subparagraph subdivision
 30 (a), subparagraph subdivision parts (iii) and (iv)
 31 according to section 602.8108. Notwithstanding
 32 section 602.8108, the clerk shall allocate ninety-five
 33 percent of the remaining receipts under subparagraph
 34 subdivision (a), subparagraph subdivision parts (iii)
 35 and (iv) to the emergency medical services fund
 36 created in section 135.25, and the balance shall be
 37 retained by the district court for administrative
 38 costs."

Amendment H-1182 was adopted.

Blodgett of Cerro Gordo rose on a point of order that amendment H-1177, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1177 not germane.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-1178 filed by him on March 14, 1997.

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. 403)

The ayes were, 47:

Arnold	Barry	Blodgett	Boddicker
Bradley	Brauns	Brunkhorst	Cataldo
Chiodo	Churchill	Cohoon	Cormack
Dinkla	Dix	Dotzler	Eddie
Gipp	Greig	Hansen	Holmes
Jacobs	Jenkins	Kremer	Lamberti
Larkin	Larson	Martin	May
Meyer	Millage	Mundie	Murphy
Nelson	Rants	Rayhons	Siegrist
Sukup	Taylor	Teig	Thomson
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Welter	Wise	Mr. Speaker	
		Corbett	

The nays were, 52:

Bell	Bernau	Bogges	Bukta
Burnett	Carroll	Chapman	Connors
Doderer	Dolecheck	Drake	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Greiner	Gries
Grundberg	Hahn	Heaton	Holveck
Houser	Huseman	Huser	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Lord	Mascher	Mertz	Metcalf
Moreland	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Thomas	Tyrrell	Warnstadt
Weidman	Weigel	Whitead	Witt

Absent or not voting, 1:

Brand

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

House File 236, a bill for an act relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm, was taken up for consideration.

Taylor of Linn offered the following amendment H-1036 filed by him and moved its adoption:

H-1036

¹ Amend House File 236 as follows:

² 1. Page 1, line 8, by inserting after the word

- 3 "days" the following: ", or within a reasonable time
4 thereafter if good cause is shown,".

Amendment H-1036 lost.

Dotzler of Black Hawk offered the following amendment H-1075 filed by him:

H-1075

- 1 Amend House File 236 as follows:
2 1. Page 1, line 8, by striking the word "three"
3 and inserting the following: "five".

Holveck of Polk asked for unanimous consent that House File 236 be deferred and that the bill retain its place on the calendar.

Objection was raised.

Holveck of Polk moved to defer action on House File 236.

A non-record roll call was requested.

The ayes were 33, nays 46.

The motion to defer lost.

Dotzler of Black Hawk moved the adoption of amendment H-1075.

Amendment H-1075 lost.

Murphy of Dubuque offered amendment H-1037 filed by him as follows:

H-1037

- 1 Amend House File 236 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "assignment." the following: "The notification
4 requirements of this paragraph do not apply to an
5 individual who is continuously employed pursuant to an
6 employment assignment for a period of two or more
7 years."

Amendment H-1037 lost.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 236)

The ayes were, 58:

Bogges	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Koenigs	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Scherrman	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

The nays were, 41:

Bell	Bernau	Bukta	Burnett
Chapman	Chiodo	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Kreiman	Larkin	Mascher	May
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 1:

Brand

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that House File 236 be immediately messaged to the Senate.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 155.1 (Revised) Ways and Means

Requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 301), providing for interests by persons owning or leasing agricultural land, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

COMMITTEE ON EDUCATION

House File 498, a bill for an act relating to school finance providing for additional funding for at-risk students, restructuring the method for determining state aid for special education students, providing a unified regular program and special education state foundation level, providing an appropriation, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1198** March 13, 1997.

Pursuant to Rule 31.7, House File 498 was referred to the committee on ways and means.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 129), to increase the penalties for the manufacture, delivery, or possession with intent to manufacture or deliver amphetamine or any substance containing amphetamine.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

Committee Bill (Formerly House File 154), relating to an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House File 272), providing a cause of action against the state for wrongful imprisonment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House File 339), relating to the recording of hearings and proceedings before a magistrate.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House File 518), relating to the denial of federal benefits to persons convicted of drug-related offenses.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

Committee Bill (Formerly House File 595), concerning compliance with the terms of an employee pension plan and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 149), relating to civil actions and statutes of limitations in civil actions, the rate of interest on judgments and decrees, testimony by expert witnesses, procedures for furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, joint and several liability, and disclosure of psychological test material.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 222), relating to substance abuse evaluation and education, use of ignition interlock devices, criminal penalties and administrative revocations and payment of restitution by persons convicted of operating a motor vehicle while intoxicated; to certain operating privileges; to civil liability, forfeiture, and criminal penalties arising from operation of a motor vehicle by a person whose license is suspended, denied, revoked, or barred; and providing for technical changes, and certain effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 226), relating to the disposition of property forfeited to the state.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1997.

Committee Bill (Formerly House Study Bill 230), relating to the Iowa administrative procedure Act and providing an effective and applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1997.

COMMITTEE ON LOCAL GOVERNMENT

House File 289, a bill for an act providing for drug testing of public safety employees and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1179** March 13, 1997.

Pursuant to Rule 31.7, House File 289 was referred to the committee on labor and industrial relations.

House File 428, a bill for an act relating to licensing and certification of certain occupations relating to real estate, by providing for appraiser certification, discipline of brokers and salespersons, and related matters, and making a penalty applicable

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1181 March 13, 1997.

Committee Bill (Formerly House File 234), relating to election of mayors in certain cities and providing an immediate effective date.

Fiscal Note is not required.

Recommended Do Pass March 13, 1997.

Committee Bill (Formerly House Study Bill 189), relating to refunds for tonnage fees paid by operators of sanitary landfills and solid waste management techniques.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 1997.

Committee Bill (Formerly House Study Bill 224), relating to and making property tax relief fund appropriations and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 13, 1997.

Committee Bill (Formerly House Study Bill 228), relating to local government budget practices and property tax statements, and including an applicability date provision.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 1997.

AMENDMENTS FILED

H—1179	H.F.	289	Committee on Local Government
H—1180	H.F.	306	Grundberg of Polk Larson of Linn
H—1181	H.F.	428	Committee on Local Government
H—1184	H.F.	636	Jochum of Dubuque
H—1185	H.F.	334	Heaton of Henry Weigel of Chickasaw
H—1186	H.F.	334	Heaton of Henry

H—1187	H.F.	334	Weigel of Chickasaw
H—1188	H.F.	334	Weigel of Chickasaw
H—1189	H.F.	334	Weigel of Chickasaw Garman of Story
H—1190	H.F.	334	Weigel of Chickasaw
H—1191	H.F.	334	Heaton of Henry Weigel of Chickasaw
H—1192	H.F.	334	Heaton of Henry
H—1193	H.F.	334	Heaton of Henry
H—1194	H.F.	334	Heaton of Henry
H—1195	H.F.	334	Heaton of Henry
H—1196	H.F.	504	Blodgett of Cerro Gordo
H—1197	H.F.	564	Wise of Lee
H—1198	H.F.	498	Committee on Education
H—1199	H.F.	405	Dolecheck of Ringgold
H—1200	H.F.	327	Grundberg of Polk
H—1201	H.F.	564	Vande Hoef of Osceola
H—1202	H.F.	306	Richardson of Warren
H—1203	H.F.	625	Gries of Crawford
H—1204	H.F.	636	Chiodo of Polk
H—1205	H.F.	121	Boddicker of Cedar Burnett of Story
H—1206	H.F.	514	Bradley of Clinton
H—1207	H.F.	334	Richardson of Warren
H—1208	H.F.	544	Vande Hoef of Osceola
H—1209	H.F.	334	Metcalf of Polk Chapman of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 5:50 p.m., until 8:45 a.m., Tuesday, March 18, 1997.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 18, 1997

The House met pursuant to adjournment at 8:52 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Father Eugene Murray, Holy Family Parish, Emmetsburg.

The Journal of Monday, March 17, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Osterhaus of Jackson, from thirty-five constituents of the Lost Nation Library favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 663, by committee on judiciary, a bill for an act relating to the disposition of property forfeited to the state.

Read first time and placed on the **calendar**.

House File 664, by committee on judiciary, a bill for an act concerning compliance with the terms of an employee pension plan and providing a penalty.

Read first time and placed on the **calendar**.

House File 665, by committee on judiciary, a bill for an act relating to the denial of federal benefits to persons convicted of drug-related offenses.

Read first time and placed on the **calendar**.

House File 666, by committee on judiciary, a bill for an act to increase the penalties for the manufacture, delivery, or possession with intent to manufacture or deliver amphetamine or any substance containing amphetamine.

Read first time and placed on the **calendar**.

House File 667, by committee on judiciary, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date.

Read first time and placed on the **calendar**.

House File 668, by Kinzer, a bill for an act relating to health care facility requirements involving licensees, employees, nursing home administrators, suspension of a nursing home administrator license, and public access to information.

Read first time and referred to committee on **human resources**.

House File 669, by Shoultz and Ford, a bill for an act relating to juvenile justice, by expanding the criteria for placement of juveniles in the state training school or other facility, declaring a child in need of assistance to be a truant by requesting a study of the creation of a state agency on juvenile services, by making additional appropriations to certain programs and services provided to juveniles, and providing penalties.

Read first time and referred to committee on **judiciary**.

House File 670, by committee on commerce-regulation, a bill for an act relating to transfers of real property by providing that certain disclosures regarding psychologically impacted property are not required and by amending the definition of transfer.

Read first time and placed on the **calendar**.

House File 671, by committee on transportation, a bill for an act relating to snowmobiles and all-terrain vehicles by requiring certificates of title, providing for point of sale registration, increasing snowmobile and all-terrain vehicle registration fees, and providing an effective date.

Read first time and placed on the **calendar**.

House File 672, by committee on agriculture, a bill for an act changing election and appointment provisions relating to the secretary of agriculture.

Read first time and placed on the **calendar**.

House File 673, by committee on environmental protection, a bill for an act relating to the collection and recycling of motor oil filters.

Read first time and placed on the **calendar**.

House File 674, by committee on judiciary, a bill for an act providing a cause of action against the state for wrongful imprisonment.

Read first time and placed on the **calendar**.

House File 675, by committee on local government, a bill for an act relating to and making property tax relief fund appropriations and providing an effective date.

Read first time and referred to committee on **appropriations**.

House File 676, by committee on transportation, a bill for an act relating to special minors' licenses and transportation to and from school and providing an effective date.

Read first time and placed on the **calendar**.

House File 677, by committee on judiciary, a bill for an act relating to an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

Read first time and placed on the **calendar**.

House File 678, by committee on judiciary, a bill for an act relating to the recording of trials before a magistrate.

Read first time and placed on the **calendar**.

House File 679, by committee on natural resources, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Read first time and placed on the **calendar**.

House File 680, by committee on local government, a bill for an act relating to election of mayors in certain cities and providing an immediate effective date.

Read first time and placed on the **calendar**.

House File 681, by committee on environmental protection, a bill for an act creating an environmental audit privilege and providing penalties.

Read first time and placed on the **calendar**.

House File 682, by committee on local government, a bill for an act relating to refunds for and remittances of tonnage fees paid by operators of sanitary landfills and solid waste management techniques.

Read first time and placed on the **calendar**.

House File 683, by committee on human resources, a bill for an act creating a caregiver recruitment and retention pilot program, and making an appropriation.

Read first time and referred to committee on **appropriations**.

House File 684, by committee on transportation, a bill for an act relating to county regulation of road rights-of-way.

Read first time and placed on the **calendar**.

House File 685, by committee on transportation, a bill for an act relating to the required business hours of a motorcycle dealer.

Read first time and placed on the **calendar**.

House File 686, by committee on transportation, a bill for an act providing for the sale of unused highway right-of-way and other real property by the state department of transportation to past or present owners of affected property.

Read first time and placed on the **calendar**.

House File 687, by committee on agriculture, a bill for an act relating to statutory references to the Iowa beef industry council and increasing an excise tax on beef cattle upon a referendum.

Read first time and placed on the **calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 30, a bill for an act relating to the exemption from sales, services, and use taxes of adjuvants and surfactants used to enhance the application of fertilizers, limestone, herbicides, pesticides, and insecticides in agricultural production and providing effective and retroactive applicability date provisions.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 40, a bill for an act prohibiting the use of official law enforcement warning devices or signals in the attempt or commission of a public offense, and providing penalties.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act relating to continued eligibility under the new jobs and income program concerning the ownership of land by nonresident aliens and certain capital investment and job creation provisions.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 236, a bill for an act relating to the certificate of need program.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 280, a bill for an act providing immunity from civil liability for an employer or employer's representative who acts reasonably in providing work-related information about a current or former employee of the employer.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 292, a bill for an act relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 293, a bill for an act increasing the property damage limit for mandatory reporting of motor vehicle accidents.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 300, a bill for an act relating to the prohibited sale of home testing kits for the human immunodeficiency virus.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 316, a bill for an act relating to the probationary period for deputy sheriffs.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 354, a bill for an act relating to the kinds of city utility or enterprise services for which a landlord may be exempted from a lien for delinquent payments by a tenant.

Also: That the Senate has on March 17, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 379, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 111, a bill for an act relating to eligibility for unemployment compensation benefits concerning suitable work offered by the individual's employer, with report of committee recommending passage, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 111)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 475, a bill for an act relating to the acquisition of a branch of a savings association by a newly chartered bank and providing an effective date, was taken up for consideration.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 475)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggeß	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 596, a bill for an act authorizing the utilities board to issue certificates of public convenience and necessity to municipal telecommunications utilities, regulating certain municipal utilities as competitive local exchange service providers, and including 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?" (H.F. 596)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title 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 111, 475 and 596.**

House File 611, a bill for an act relating to permissible charges which may be contracted for and received with respect to open-end credit, 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?" (H.F. 611)

The ayes were, 59:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Cataldo	Chapman	Chiodo	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Huseman	Huser	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Wise	Van Maanen, Presiding	

The nays were, 41:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Holveck	Houser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Witt			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 611** be immediately messaged to the Senate.

House File 405, a bill for an act relating to the sale, lease, or other disposition of property belonging to a school district or area education agency and providing an immediate effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Dolecheck of Ringgold asked and received unanimous consent that the committee amendment H-1162 be deferred.

Dolecheck of Ringgold offered the following amendment H-1199 filed by him and moved its adoption:

H-1199

- 1 Amend House File 405 as follows:
- 2 1. Page 2, line 2, by inserting after the words
- 3 "~~property.~~" the following: "If the real property
- 4 contains less than two acres, is located outside of a
- 5 city, is not adjacent to a city, and was previously
- 6 used as a schoolhouse site, the procedure contained in
- 7 sections 297.15 through 297.20 shall be followed in
- 8 lieu of this section."

Amendment H-1199 was adopted.

Dolecheck of Ringgold asked and received unanimous consent to withdraw the committee amendment H-1162, filed by the committee on education on March 11, 1997.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 405)

The ayes were, 99:

Arnold	Barry	Ball	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevort	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman

Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 256 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 256 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 405** be immediately messaged to the Senate.

House File 514, a bill for an act relating to the offense of driving a motor vehicle when a license has been revoked or denied for driving while intoxicated, financial liability coverage and registration requirements for motor vehicles in this state, providing for the seizure of motor vehicle registration plates, and providing penalties and effective dates, was taken up for consideration.

Bradley of Clinton offered the following amendment H-1206 filed by him and moved its adoption:

H-1206

- 1 Amend House File 514 as follows:
- 2 1. Page 2, by inserting after line 13 the
- 3 following:
- 4 "The insurance division shall adopt rules regarding
- 5 the contents of a financial liability coverage card to
- 6 be issued pursuant to this section. Notwithstanding
- 7 the provisions of this section, a fleet owner shall
- 8 not be required to maintain in each vehicle a
- 9 liability coverage card with the individual
- 10 registration number of the vehicle included on the
- 11 card. Such fleet owner shall be required to maintain
- 12 a liability coverage card in each vehicle in the fleet

- 13 including information deemed appropriate by the
 14 commissioner of insurance.”
- 15 2. Page 2, line 23, by striking the word
 16 “citation” and inserting the following: “memorandum”.
- 17 3. Page 2, by striking lines 27 through 31 and
 18 inserting the following: “liability coverage being in
 19 effect for the motor vehicle. Upon removing the
 20 license plates and”.
- 21 4. Page 2, lines 32 and 33 by striking the words
 22 “issue a temporary registration permit and”.
- 23 5. Page 2, lines 34 and 35 by striking the words
 24 “along with a copy of the citation issued by the peace
 25 officer”.
- 26 6. Page 3, line 18, by striking the words “county
 27 treasurer” and inserting the following: “clerk of
 28 court”.
- 29 7. Page 3, by striking lines 19 through 23 and
 30 inserting the following: “fifty dollars. Upon
 31 payment of the fine, payment of a fifteen dollar
 32 administrative fee to the county treasurer, and
 33 providing proof of financial liability coverage to the
 34 county treasurer, the treasurer shall issue new
 35 license plates and registration to the person.”
- 36 8. Page 3, line 31, by striking the words “return
 37 the” and inserting the following: “issue new”.
- 38 9. Page 4, by striking lines 6 through 10 and
 39 inserting the following: “person’s license plates or
 40 registration returned.”
- 41 10. Page 4, by striking lines 15 through 17 and
 42 inserting the following: “the motor vehicle. If the
 43 motor vehicle is not”.
- 44 11. Page 4, by striking lines 20 through 28 and
 45 inserting the following: “section 321.89.”
- 46 12. Page 4, by inserting after line 32 the
 47 following:
 48 “5A. This section does not apply to a motor
 49 vehicle owned by a motor vehicle dealer licensed
 50 pursuant to chapter 322.”

Page 2

- 1 13. Page 6, line 13, by inserting after the word
 2 “dealer” the following: “if subject to section
 3 321.20B.”
- 4 14. By striking page 6, line 35, through page 7,
 5 line 6, and inserting the following: “vehicle.”
- 6 15. By striking page 7, line 7, through page 8,
 7 line 11.
- 8 16. By striking page 11, line 33, through page
 9 12, line 21 and inserting the following:
 10 “Sec. 1001. Section 322.4, Code 1997, is amended
 11 by adding the following new subsection:
 12 NEW SUBSECTION. 7A. Proof that the applicant has

- 13 financial liability coverage as defined in section
 14 321.1, except that such coverage shall be in limits of
 15 not less than one hundred thousand dollars because of
 16 bodily injury to or death of one person in any one
 17 accident and, subject to the limit for one person,
 18 three hundred thousand dollars because of bodily
 19 injury to or death of two or more persons in any one
 20 accident, and fifty thousand dollars because of injury
 21 to or destruction of property of others in any one
 22 accident.
- 23 Sec. 1002. Section 322.8, Code 1997, is amended by
 24 adding the following new unnumbered paragraph:
 25 NEW UNNUMBERED PARAGRAPH. A supplemental statement
 26 shall include any change in the licensee's financial
 27 liability coverage."
- 28 17. By striking page 12, line 33, through page
 29 13, line 8.
- 30 18. Page 13, line 24, by striking the word and
 31 figures "11 and 13" and inserting the following: "11,
 32 1001, 1002, 13,".
- 33 19. Page 13, by striking line 28 and inserting
 34 the following: "under this Act."
- 35 20. Page 14, by striking line 5.
- 36 21. Title page, by striking lines 1 through 3 and
 37 inserting the following: "An Act relating to
 38 financial liability coverage and registration".
 39 22. By renumbering as necessary.

Amendment H-1206 was adopted.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 514)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer

Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 2:

Koenigs Murphy

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 514** be immediately messaged to the Senate.

House File 334, a bill for an act relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that House File 334 be deferred and that the bill retain its place on the calendar.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:47 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:26 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Regular Calendar

House File 551, a bill for an act relating to workers' compensation coverage for injuries occurring outside of the state, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 551)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Larkin	Taylor	Veenstra
--------	--------	----------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 280 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 280 from further consideration by the House.

The House resumed consideration of **House File 334**, a bill for an act relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for

venue and choice of law, and repealing existing franchise provisions, previously deferred.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H-1209 filed by her and Chapman of Linn on March 17, 1997, placing out of order amendment H-1211 filed by Richardson of Warren from the floor.

Richardson of Warren asked and received unanimous consent that amendment H-1207 be deferred.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1193 filed by him on March 17, 1997.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1192 filed by him on March 17, 1997.

Gipp of Winneshiek asked and received unanimous consent that House File 334 be deferred and that the bill retain its place on the calendar.

House File 544, a bill for an act relating to placements for adoption and foster care by providing for a family rights and responsibilities plan and agreement, was taken up for consideration.

Vande Hoef of Osceola offered amendment H-1208 filed by him as follows:

H-1208

1 Amend House File 544 as follows:

2 1. By striking page 1, line 10, through page 3,
3 line 22, and inserting the following:

4 "Section __. Section 232.88, Code 1997, is

5 amended to read as follows:

6 232.88 SUMMONS, NOTICE, SUBPOENAS, AND SERVICES.

7 After a petition has been filed the court shall
8 issue and serve summons, notice, subpoenas, and other

9 process in the same manner as for adjudicatory
10 hearings in cases of juvenile delinquency as provided

11 in section 232.37. In addition to the persons
12 required to be provided notice under section 232.37,

13 notice for any hearing under this division shall be
14 provided to the agency, facility, institution, or

15 person, including a foster parent or an individual
16 providing preadoptive care, with whom a child has been

17 ~~placed for the purposes of foster care.~~

18 Sec. __. Section 232.91, subsection 2, Code 1997,
19 is amended to read as follows:

20 2. An agency, facility, institution, or person,

21 including a foster parent or an individual providing

22 preadoptive care, may petition the court to be made a
23 party to proceedings under this division.
24 Sec. ____ Section 232.147, subsection 3, Code
25 1997, is amended by adding the following new
26 paragraph:
27 NEW PARAGRAPH. g. The child's foster parent or an
28 individual providing preadoptive care to the child.
29 Sec. ____ Section 237.3, subsection 2, Code 1997,
30 is amended by adding the following new paragraph:
31 NEW PARAGRAPH. k. Elements of a foster care
32 placement agreement or preadoptive care agreement
33 outlining the rights and responsibilities of a
34 licensee.
35 Sec. ____ Section 237.20, subsection 1, Code 1997,
36 is amended by adding the following new paragraph:
37 NEW PARAGRAPH. e. The compliance of the
38 interested parties with the decision-making rights and
39 responsibilities contained in the foster care or
40 preadoptive care agreement applicable to a child.
41 Sec. ____ FOSTER AND PREADOPTIVE CARE. The
42 department of human services, in conjunction with the
43 foster and adoptive parents association, the state
44 citizen foster care review board, and providers of
45 foster care and adoption services, shall develop
46 clear, concise, and consistent written standards
47 relating to the rights and responsibilities of
48 families who provide foster or preadoptive care.
49 1. The standards shall include but are not limited
50 to identification of the decision-making

Page 2

- 1 responsibility for all of the following:
- 2 a. Food.
- 3 b. Clothing.
- 4 c. Housing.
- 5 d. Education.
- 6 e. Medical care.
- 7 f. Dental care.
- 8 g. Mental health care.
- 9 h. Cultural activities.
- 10 i. Recreational activities.
- 11 j. Child day care.
- 12 k. Family activities.
- 13 l. Life skill training.
- 14 2. The standards developed in accordance with this
15 section shall be incorporated into the department's
16 placement agreements for foster care and preadoptive
17 care on or before January 1, 1998."
- 18 2. By renumbering as necessary.

Vande Hoef of Osceola offered the following amendment H-1210, to amendment H-1208, filed by him from the floor and moved its adoption:

H-1210

- 1 Amend the amendment, H-1208, to House File 544, as
- 2 follows:
- 3 1. Page 1, by striking lines 31 through 34 and
- 4 inserting the following:
- 5 "NEW PARAGRAPH. k. Elements of a foster care
- 6 placement agreement outlining rights and
- 7 responsibilities associated with an individual
- 8 providing child foster care.
- 9 Sec. ____ Section 237.3, Code 1997, is amended by
- 10 adding the following new subsection:
- 11 NEW SUBSECTION. 9. The department shall adopt
- 12 rules specifying the elements of a preadoptive care
- 13 agreement outlining the rights and responsibilities
- 14 associated with a person providing preadoptive care,
- 15 as defined in section 232.2."

Amendment H-1210 was adopted.

Vande Hoef of Osceola moved the adoption of amendment H-1208, as amended.

Amendment H-1208, as amended, was adopted.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 544)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader

Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley	Veenstra	Warnstadt
---------	----------	-----------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 557, a bill for an act relating to the operation and regulation of certain insurance companies and mutual associations, and the regulatory authority of the insurance division of the department of commerce, was taken up for consideration.

Hansen of Pottawattamie offered the following amendment H-1175 filed by him and moved its adoption:

H-1175

- 1 Amend House File 557 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 87.22, unnumbered paragraph 1,
- 5 Code 1997, is amended to read as follows:
- 6 The president, vice president, secretary, and
- 7 treasurer of a corporation other than a family farm
- 8 corporation, but not to exceed four officers per
- 9 corporation, may exclude themselves from workers'
- 10 compensation coverage under chapters 85, 85A, and 85B
- 11 by knowingly and voluntarily rejecting workers'
- 12 compensation coverage by signing, and attaching to the
- 13 workers' compensation or employers' liability policy,
- 14 ~~initially and upon renewal of the policy,~~ a written
- 15 rejection, or if such a policy is not issued, by
- 16 signing a written rejection which is witnessed by two
- 17 disinterested individuals who are not, formally or
- 18 informally, affiliated with the corporation and which
- 19 is filed by the corporation with the industrial
- 20 commissioner, in substantially the following form:"
- 21 2. By renumbering as necessary.

Amendment H-1175 was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-1176 filed by her on March 14, 1997.

Hansen 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. 557)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

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 Files 544 and 557 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide for certain rights for victims of crimes.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 189, a bill for an act extending the regular program district cost guarantee for school districts for two years, and providing an effective date.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 240, 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.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 295, a bill for an act relating to finance charges upon refinancing and consolidation of debts involving consumer credit transactions.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates.

MARY PAT GUNDERSON, Secretary

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed session at 3:10 p.m., Van Maanen of Marion in the chair.

The House resumed consideration of House File 334, previously deferred.

Kremer of Buchanan offered amendment H-1165 filed by him as follows:

H-1165

- 1 Amend House File 334 as follows:
- 2 1. Page 3, by inserting after line 14 the
- 3 following:
- 4 "6. a. A franchisee may transfer the franchised
- 5 business and franchise to a transferee, provided that
- 6 the transferee satisfies the reasonable current
- 7 qualifications of the franchisor for new franchisees.
- 8 For the purposes of this subsection, a reasonable
- 9 current qualification for a new franchisee is a
- 10 qualification based upon a legitimate business reason.
- 11 If the proposed transferee does not meet the
- 12 reasonable current qualifications of the franchisor,
- 13 the franchisor may refuse to permit the transfer,
- 14 provided that the refusal of the franchisor to consent
- 15 to the transfer is not arbitrary or capricious.
- 16 b. Except as otherwise provided in this
- 17 subsection, a franchisor may exercise a right of first
- 18 refusal contained in a franchise agreement after
- 19 receipt of a proposal from the franchisee to transfer
- 20 the franchise.
- 21 c. A franchisor may require as a condition of a
- 22 transfer any of the following:
- 23 (1) That the transferee successfully complete a
- 24 reasonable training program.
- 25 (2) That a reasonable transfer fee be paid to
- 26 reimburse the franchisor for the franchisor's
- 27 reasonable and actual expenses directly attributable
- 28 to the transfer.
- 29 (3) That the franchisee pay or make provision
- 30 reasonably acceptable to the franchisor to pay any
- 31 amount due the franchisor or the franchisor's
- 32 affiliate.
- 33 (4) That the financial terms of the transfer
- 34 comply at the time of the transfer with the
- 35 franchisor's current financial requirements for
- 36 franchisees.
- 37 d. A franchisee may transfer the franchisee's
- 38 interest in the franchise, for the unexpired term of
- 39 the franchise agreement, and a franchisor shall not
- 40 require the franchisee or the transferee to enter into
- 41 a new or different franchise agreement as a condition
- 42 of the transfer.
- 43 e. A franchisee shall give the franchisor no less
- 44 than sixty days' written notice of a transfer which is
- 45 subject to the provisions of this subsection, and on
- 46 request from the franchisor shall provide in writing
- 47 the ownership interests of all persons holding or
- 48 claiming an equitable or beneficial interest in the
- 49 franchise subsequent to the transfer or the
- 50 franchisee, as appropriate. A franchisee shall not

Page 2

1 circumvent the intended effect of a contractual
2 provision governing the transfer of the franchise or
3 an interest in the franchise by means of a management
4 agreement, lease, profit-sharing agreement,
5 conditional assignment, or other similar device.

6 f. A franchisor shall not transfer its interest in
7 a franchise unless the franchisor makes reasonable
8 provision for the performance of the franchisor's
9 obligations under the franchise agreement by the
10 transferee. For purposes of this paragraph,
11 "reasonable provision" means that upon the transfer,
12 the entity assuming the franchisor's obligations has
13 the financial means to perform the franchisor's
14 obligations in the ordinary course of business, but
15 does not mean that the franchisor transferring the
16 franchise is required to guarantee obligations of the
17 underlying franchise agreement.

18 g. A transfer by a franchisee is deemed to be
19 approved sixty days after the franchisee submits the
20 request for consent to the transfer unless the
21 franchisor withholds consent to the transfer as
22 evidenced in writing, specifying the reason or reasons
23 for withholding the consent. The written notice must
24 be delivered to the franchisee prior to the expiration
25 of the sixty-day period. Any such notice is
26 privileged and is not actionable based upon a claim of
27 defamation.

28 h. A franchisor shall not discriminate against a
29 proposed transferee of a franchise on the basis of
30 race, color, national origin, religion, sex, or
31 disability.

32 i. A franchisor, as a condition to a transfer of a
33 franchise, shall not obligate a franchisee to
34 undertake obligations or relinquish any rights
35 unrelated to the franchise proposed to be transferred,
36 or to enter into a release of claims broader than a
37 similar release of claims by the franchisor against
38 the franchisee which is entered into by the
39 franchisor.

40 j. A franchisor, after a transfer of a franchise,
41 shall not seek to enforce any covenant of the
42 transferred franchise against the transferor which
43 prohibits the transferor from engaging in any lawful
44 occupation or enterprise. However, this paragraph
45 does not prohibit the franchisor from enforcing a
46 contractual covenant against the transferor not to
47 exploit the franchisor's trade secrets or intellectual
48 property rights, unless otherwise agreed to by the
49 parties.

50 k. For purposes of this subsection, "transfer"

Page 3

1 means any change in ownership or control of a
2 franchise, franchised business, or a franchisee.
3 1. The following occurrences shall not be
4 considered transfers requiring the consent of the
5 franchisor under a franchise agreement, and shall not
6 result in the imposition of any penalties or make
7 applicable any right of first refusal by the
8 franchisor:

9 (1) The succession of ownership of a franchise
10 upon the death or disability of a franchisee, or of an
11 owner of a franchise, to the surviving spouse, heir,
12 or a partner active in the management of the
13 franchisee unless the successor fails to meet within
14 one year the then current reasonable qualifications of
15 the franchisor for franchisees and the enforcement of
16 the reasonable current qualifications is not arbitrary
17 or capricious.

18 (2) Incorporation of a proprietorship franchisee,
19 provided that such incorporation does not prohibit a
20 franchisor from requiring a personal guaranty by the
21 franchisee of obligations related to the franchise.

22 (3) A transfer within an existing ownership group
23 of a franchise provided that more than fifty percent
24 of the franchise is held by persons who meet the
25 franchisor's reasonable current qualifications for
26 franchisees. If less than fifty percent of the
27 franchise would be owned by persons who meet the
28 franchisor's reasonable current qualifications, the
29 franchisor may refuse to authorize the transfer,
30 provided that enforcement of the reasonable current
31 qualifications is not arbitrary or capricious.

32 (4) A transfer of less than a controlling interest
33 in the franchise to the franchisee's spouse or child
34 or children, provided that more than fifty percent of
35 the entire franchise is held by those who meet the
36 franchisor's reasonable current qualifications. If
37 less than fifty percent of the franchise would be
38 owned by persons who meet the franchisor's reasonable
39 current qualifications, the franchisor may refuse to
40 authorize the transfer, provided that enforcement of
41 the reasonable current qualifications is not arbitrary
42 or capricious.

43 (5) A transfer of less than a controlling interest
44 in the franchise of an employee stock ownership plan,
45 or employee incentive plan, provided that more than
46 fifty percent of the entire franchise is held by those
47 who meet the franchisor's reasonable current
48 qualifications for franchisees. If less than fifty
49 percent would be owned by persons who meet the
50 franchisor's reasonable current qualifications, the

Page 4

1 franchisor may refuse to authorize the transfer,
2 provided that enforcement of the reasonable current
3 qualifications is not arbitrary or capricious.

4 (6) A grant or retention of a security interest in
5 the franchised business or its assets, or an ownership
6 interest in the franchisee, provided the security
7 agreement establishes an obligation on the part of the
8 secured party enforceable by the franchisor to give
9 the franchisor notice of the secured party's intent to
10 foreclose on the collateral simultaneously with notice
11 to the franchisee, and a reasonable opportunity to
12 redeem the interests of the secured party and recover
13 the secured party's interest in the franchise or
14 franchised business by paying the secured obligation.

15 m. A franchisor shall not interfere or attempt to
16 interfere with any disposition of an interest in a
17 franchise or franchised business as described in
18 paragraph "l", subparagraphs (1) through (6).

19 7. a. Except as otherwise provided by this
20 section, a franchisor shall not terminate a franchise
21 prior to the expiration of its term except for good
22 cause. For purposes of this subsection, "good cause"
23 is cause based upon a legitimate business reason.
24 "Good cause" includes the failure of the franchisee to
25 comply with any material lawful requirement of the
26 franchise agreement, provided that the termination by
27 the franchisor is not arbitrary or capricious when
28 compared to the actions of the franchisor in other
29 similar circumstances. The burden of proof of showing
30 that action of the franchisor is arbitrary or
31 capricious shall rest with the franchisee.

32 b. Prior to termination of a franchise for good
33 cause, a franchisor shall provide a franchisee with
34 written notice stating the basis for the proposed
35 termination. After service of written notice, the
36 franchisee shall have a reasonable period of time to
37 cure the default, which in no event shall be less than
38 thirty days or more than ninety days. In the event of
39 nonpayment of moneys due under the franchise
40 agreement, the period to cure need not exceed thirty
41 days.

42 c. Notwithstanding paragraph "b", a franchisor may
43 terminate a franchisee upon written notice and without
44 an opportunity to cure if any of the following apply:

45 (1) The franchisee or the business to which the
46 franchise relates is declared bankrupt or judicially
47 determined to be insolvent.

48 (2) All or a substantial part of the assets of the
49 franchise or the business to which the franchisee
50 relates are assigned to or for the benefit of any

Page 5

1 creditor which is subject to chapter 681. An
2 assignment for the benefit of any creditor pursuant to
3 this subparagraph does not include the granting of a
4 security interest in the normal course of business.

5 (3) The franchisee voluntarily abandons the
6 franchise by failing to operate the business for five
7 consecutive business days during which the franchisee
8 is required to operate the business under the terms of
9 the franchise, or any shorter period after which it is
10 not unreasonable under the facts and circumstances for
11 the franchisor to conclude that the franchisee does
12 not intend to continue to operate the franchise,
13 unless the failure to operate is due to circumstances
14 beyond the control of the franchisee.

15 (4) The franchisor and franchisee agree in writing
16 to terminate the franchise.

17 (5) The franchisee knowingly makes any material
18 misrepresentations or knowingly omits to state any
19 material facts relating to the acquisition or
20 ownership or operation of the franchise business.

21 (6) After three material breaches of a franchise
22 agreement occurring within a twelve-month period, for
23 which the franchisee has been given notice and an
24 opportunity to cure, the franchisor may terminate upon
25 any subsequent material breach within the twelve-month
26 period without providing an opportunity to cure,
27 provided that the action is not arbitrary and
28 capricious.

29 (7) The franchised business or business premises
30 of the franchisee are lawfully seized, taken over, or
31 foreclosed by a government authority or official.

32 (8) The franchisee is convicted of a felony or any
33 other criminal misconduct which materially and
34 adversely affects the operation, maintenance, or
35 goodwill of the franchise in the relevant market.

36 (9) The franchisee operates the franchised
37 business in a manner that imminently endangers the
38 public health and safety.

39 8. a. A franchisor shall not refuse to renew a
40 franchise unless both of the following apply:

41 (1) The franchisee has been notified of the
42 franchisor's intent not to renew at least six months
43 prior to the expiration date or any extension of the
44 franchise agreement.

45 (2) Any of the following circumstances exist:

46 (a) Good cause exists, provided that the refusal
47 of the franchisor to renew is not arbitrary or
48 capricious. For purposes of this subsection, "good
49 cause" means cause based on a legitimate business
50 reason.

Page 6

1 (b) The franchisor and franchisee agree not to
2 renew the franchise.

3 (c) The franchisor completely withdraws from
4 directly or indirectly distributing its products or
5 services in the geographic market served by the
6 franchisee, provided that upon expiration of the
7 franchise, the franchisor agrees not to seek to
8 enforce any covenant of the nonrenewed franchisee not
9 to compete with the franchisor or franchisees of the
10 franchisor.

11 b. As a condition of renewal of the franchise, a
12 franchise agreement may require that the franchisee
13 meet the then current requirements for franchisees and
14 that the franchisee execute a new agreement
15 incorporating the then current terms and fees for new
16 franchises.

17 9. A franchisor shall not restrict a franchisee
18 from associating with other franchisees or from
19 participating in a trade association, and shall not
20 retaliate against a franchisee for engaging in these
21 activities.

22 10. A franchisor shall not prohibit a franchisee
23 from, or enforce a prohibition against a franchisee,
24 engaging in any lawful business at any location after
25 a termination or refusal to renew by a franchisor,
26 unless it is one which relies on a substantially
27 similar marketing program as the terminated or
28 nonrenewed franchise or unless the franchisor offers
29 in writing no later than ten business days before
30 expiration of the franchise to purchase the assets of
31 the franchised business for its fair market value as a
32 going concern. The value of the assets shall not
33 include the goodwill of the business attributable to
34 the trademark licensed to the franchisee in the
35 franchise agreement. The offer may be conditioned
36 upon the ascertainment of a fair market value by an
37 impartial appraiser. This subsection does not apply
38 to assets of the franchised business which the
39 franchisee did not purchase from the franchisor, or
40 the agent of the franchisor.

41 11. a. Except as provided in paragraph "b", a
42 franchisor shall allow a franchisee to obtain
43 equipment, fixtures, supplies, and services used in
44 the establishment and operation of the franchised
45 business from sources of the franchisee's choosing,
46 provided that such goods and services meet standards
47 as to their nature and quality promulgated by the
48 franchisor.

49 b. Paragraph "a" does not apply to reasonable
50 quantities of inventory goods or services, including

Page 7

1 display and sample items, that the franchisor requires
2 the franchisee to obtain from the franchisor or its
3 affiliate, but only if the goods or services are
4 central to the franchised business and either are
5 actually manufactured or produced by the franchisor or
6 its affiliate, or incorporate a trade secret owned by
7 the franchisor or its affiliate.

8 12. This section does not limit any liability that
9 may exist under another statute or at common law.
10 Prior law governs all actions based on facts occurring
11 before July 1, 1997.

12 13. This section shall be liberally construed to
13 effectuate its purposes.

14 14. If any provision or clause of this section or
15 any application of this section to any person or
16 circumstances is held invalid, such invalidity shall
17 not affect other provisions or applications of the
18 section which can be given effect without the invalid
19 provision or application, and to this end the
20 provisions of this section are declared to be
21 severable."

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-1221, to amendment H-1165, filed by him from the floor.

Kremer of Buchanan asked and received unanimous consent that amendment H-1165 be deferred.

Heaton of Henry asked and received unanimous consent that amendment H-1185 be deferred.

Heaton of Henry asked and received unanimous consent that amendment H-1186 be deferred.

Weigel of Chickasaw asked and received unanimous consent that amendment H-1187 be deferred.

Weigel of Chickasaw asked and received unanimous consent that amendment H-1188 be deferred.

Weigel of Chickasaw offered the following amendment H-1189 filed by him and Garman of Story and moved its adoption:

H-1189

1 Amend House File 334 as follows:

2 1. Page 3, by inserting after line 14 the
3 following:

4 "6. a. A franchisee may transfer the franchised

5 business and franchise to a transferee, provided that
6 the transferee satisfies the reasonable current
7 qualifications of the franchisor for new franchisees.
8 For the purposes of this subsection, a reasonable
9 current qualification for a new franchisee is a
10 qualification based upon a legitimate business reason.
11 If the proposed transferee does not meet the
12 reasonable current qualifications of the franchisor,
13 the franchisor may refuse to permit the transfer,
14 provided that the refusal of the franchisor to consent
15 to the transfer is not arbitrary or capricious.

16 b. Except as otherwise provided in this
17 subsection, a franchisor may exercise a right of first
18 refusal contained in a franchise agreement after
19 receipt of a proposal from the franchisee to transfer
20 the franchise.

21 c. A franchisor may require as a condition of a
22 transfer any of the following:

23 (1) That the transferee successfully complete a
24 reasonable training program.

25 (2) That a reasonable transfer fee be paid to
26 reimburse the franchisor for the franchisor's
27 reasonable and actual expenses directly attributable
28 to the transfer.

29 (3) That the franchisee pay or make provision
30 reasonably acceptable to the franchisor to pay any
31 amount due the franchisor or the franchisor's
32 affiliate.

33 (4) That the financial terms of the transfer
34 comply at the time of the transfer with the
35 franchisor's current financial requirements for
36 franchisees.

37 d. A franchisee may transfer the franchisee's
38 interest in the franchise, for the unexpired term of
39 the franchise agreement, and a franchisor shall not
40 require the franchisee or the transferee to enter into
41 a new or different franchise agreement as a condition
42 of the transfer.

43 e. A franchisee shall give the franchisor no less
44 than sixty days' written notice of a transfer which is
45 subject to the provisions of this subsection, and on
46 request from the franchisor shall provide in writing
47 the ownership interests of all persons holding or
48 claiming an equitable or beneficial interest in the
49 franchise subsequent to the transfer or the
50 franchisee, as appropriate. A franchisee shall not

Page 2

1 circumvent the intended effect of a contractual
2 provision governing the transfer of the franchise or
3 an interest in the franchise by means of a management
4 agreement, lease, profit-sharing agreement,

- 5 conditional assignment, or other similar device.
- 6 f. A franchisor shall not transfer its interest in
- 7 a franchise unless the franchisor makes reasonable
- 8 provision for the performance of the franchisor's
- 9 obligations under the franchise agreement by the
- 10 transferee. For purposes of this paragraph,
- 11 "reasonable provision" means that upon the transfer,
- 12 the entity assuming the franchisor's obligations has
- 13 the financial means to perform the franchisor's
- 14 obligations in the ordinary course of business, but
- 15 does not mean that the franchisor transferring the
- 16 franchise is required to guarantee obligations of the
- 17 underlying franchise agreement.
- 18 g. A transfer by a franchisee is deemed to be
- 19 approved sixty days after the franchisee submits the
- 20 request for consent to the transfer unless the
- 21 franchisor withholds consent to the transfer as
- 22 evidenced in writing, specifying the reason or reasons
- 23 for withholding the consent. The written notice must
- 24 be delivered to the franchisee prior to the expiration
- 25 of the sixty-day period. Any such notice is
- 26 privileged and is not actionable based upon a claim of
- 27 defamation.
- 28 h. A franchisor shall not discriminate against a
- 29 proposed transferee of a franchise on the basis of
- 30 race, color, national origin, religion, sex, or
- 31 disability.
- 32 i. A franchisor, as a condition to a transfer of a
- 33 franchise, shall not obligate a franchisee to
- 34 undertake obligations or relinquish any rights
- 35 unrelated to the franchise proposed to be transferred,
- 36 or to enter into a release of claims broader than a
- 37 similar release of claims by the franchisor against
- 38 the franchisee which is entered into by the
- 39 franchisor.
- 40 j. A franchisor, after a transfer of a franchise,
- 41 shall not seek to enforce any covenant of the
- 42 transferred franchise against the transferor which
- 43 prohibits the transferor from engaging in any lawful
- 44 occupation or enterprise. However, this paragraph
- 45 does not prohibit the franchisor from enforcing a
- 46 contractual covenant against the transferor not to
- 47 exploit the franchisor's trade secrets or intellectual
- 48 property rights, unless otherwise agreed to by the
- 49 parties.
- 50 k. For purposes of this subsection, "transfer"

Page 3

- 1 means any change in ownership or control of a
- 2 franchise, franchised business, or a franchisee.
- 3 l. The following occurrences shall not be
- 4 considered transfers requiring the consent of the

5 franchisor under a franchise agreement, and shall not
6 result in the imposition of any penalties or make
7 applicable any right of first refusal by the
8 franchisor:

9 (1) The succession of ownership of a franchise
10 upon the death or disability of a franchisee, or of an
11 owner of a franchise, to the surviving spouse, heir,
12 or a partner active in the management of the
13 franchisee unless the successor fails to meet within
14 one year the then current reasonable qualifications of
15 the franchisor for franchisees and the enforcement of
16 the reasonable current qualifications is not arbitrary
17 or capricious.

18 (2) Incorporation of a proprietorship franchisee,
19 provided that such incorporation does not prohibit a
20 franchisor from requiring a personal guaranty by the
21 franchisee of obligations related to the franchise.

22 (3) A transfer within an existing ownership group
23 of a franchise provided that more than fifty percent
24 of the franchise is held by persons who meet the
25 franchisor's reasonable current qualifications for
26 franchisees. If less than fifty percent of the
27 franchise would be owned by persons who meet the
28 franchisor's reasonable current qualifications, the
29 franchisor may refuse to authorize the transfer,
30 provided that enforcement of the reasonable current
31 qualifications is not arbitrary or capricious.

32 (4) A transfer of less than a controlling interest
33 in the franchise to the franchisee's spouse or child
34 or children, provided that more than fifty percent of
35 the entire franchise is held by those who meet the
36 franchisor's reasonable current qualifications. If
37 less than fifty percent of the franchise would be
38 owned by persons who meet the franchisor's reasonable
39 current qualifications, the franchisor may refuse to
40 authorize the transfer, provided that enforcement of
41 the reasonable current qualifications is not arbitrary
42 or capricious.

43 (5) A transfer of less than a controlling interest
44 in the franchise of an employee stock ownership plan,
45 or employee incentive plan, provided that more than
46 fifty percent of the entire franchise is held by those
47 who meet the franchisor's reasonable current
48 qualifications for franchisees. If less than fifty
49 percent would be owned by persons who meet the
50 franchisor's reasonable current qualifications, the

Page 4

1 franchisor may refuse to authorize the transfer,
2 provided that enforcement of the reasonable current
3 qualifications is not arbitrary or capricious.

4 (6) A grant or retention of a security interest in

5 the franchised business or its assets, or an ownership
 6 interest in the franchisee, provided the security
 7 agreement establishes an obligation on the part of the
 8 secured party enforceable by the franchisor to give
 9 the franchisor notice of the secured party's intent to
 10 foreclose on the collateral simultaneously with notice
 11 to the franchisee, and a reasonable opportunity to
 12 redeem the interests of the secured party and recover
 13 the secured party's interest in the franchise or
 14 franchised business by paying the secured obligation.
 15 m. A franchisor shall not interfere or attempt to
 16 interfere with any disposition of an interest in a
 17 franchise or franchised business as described in
 18 paragraph "l", subparagraphs (1) through (6)."

Roll call was requested by Murphy of Dubuque and Shoultz of Black Hawk.

On the question "Shall amendment H-1189 be adopted?" (H.F. 334)

The ayes were, 49:

Bell	Bernau	Boddicker	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cohoon	Connors	Cormack	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Frevert	Garman	Heaton
Holveck	Houser	Huser	Jochum
Kinzer	Koenigs	Kreiman	Kremer
Larkin	Mascher	May	Mertz
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 49:

Arnold	Barry	Blodgett	Bogges
Bradley	Carroll	Cataldo	Chapman
Chiodo	Churchill	Corbett, Spkr.	Dinkla
Dix	Dolecheck	Drake	Eddie
Ford	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Holmes	Huseman	Jacobs	Jenkins
Klemme	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 2:

Lamberti	Moreland
----------	----------

Amendment H-1189 lost.

Weigel of Chickasaw offered the following amendment H-1190 filed by him and moved its adoption:

H-1190

1 Amend House File 334 as follows:

2 1. Page 3, by inserting after line 14 the
3 following:

4 6. a. Except as otherwise provided by this
5 section, a franchisor shall not terminate a franchisee
6 prior to the expiration of its term except for good
7 cause. For purposes of this subsection, "good cause"
8 is cause based upon a legitimate business reason.
9 "Good cause" includes the failure of the franchisee to
10 comply with any material lawful requirement of the
11 franchise agreement, provided that the termination by
12 the franchisor is not arbitrary or capricious when
13 compared to the actions of the franchisor in other
14 similar circumstances. The burden of proof of showing
15 that action of the franchisor is arbitrary or
16 capricious shall rest with the franchisee.

17 b. Prior to termination of a franchise for good
18 cause, a franchisor shall provide a franchisee with
19 written notice stating the basis for the proposed
20 termination. After service of written notice, the
21 franchisee shall have a reasonable period of time to
22 cure the default, which in no event shall be less than
23 thirty days or more than ninety days. In the event of
24 nonpayment of moneys due under the franchise
25 agreement, the period to cure need not exceed thirty
26 days.

27 c. Notwithstanding paragraph "b", a franchisor may
28 terminate a franchisee upon written notice and without
29 an opportunity to cure if any of the following apply:

30 (1) The franchisee or the business to which the
31 franchise relates is declared bankrupt or judicially
32 determined to be insolvent.

33 (2) All or a substantial part of the assets of the
34 franchise or the business to which the franchisee
35 relates are assigned to or for the benefit of any
36 creditor which is subject to chapter 681. An
37 assignment for the benefit of any creditor pursuant to
38 this subparagraph does not include the granting of a
39 security interest in the normal course of business.

40 (3) The franchisee voluntarily abandons the
41 franchise by failing to operate the business for five
42 consecutive business days during which the franchisee
43 is required to operate the business under the terms of
44 the franchise, or any shorter period after which it is
45 not unreasonable under the facts and circumstances for
46 the franchisor to conclude that the franchisee does

47 not intend to continue to operate the franchise,
48 unless the failure to operate is due to circumstances
49 beyond the control of the franchisee.
50 (4) The franchisor and franchisee agree in writing

Page 2

1 to terminate the franchise.

2 (5) The franchisee knowingly makes any material
3 misrepresentations or knowingly omits to state any
4 material facts relating to the acquisition or
5 ownership or operation of the franchise business.

6 (6) After three material breaches of a franchise
7 agreement occurring within a twelve-month period, for
8 which the franchisee has been given notice and an
9 opportunity to cure, the franchisor may terminate upon
10 any subsequent material breach within the twelve-month
11 period without providing an opportunity to cure,
12 provided that the action is not arbitrary and
13 capricious.

14 (7) The franchised business or business premises
15 of the franchisee are lawfully seized, taken over, or
16 foreclosed by a government authority or official.

17 (8) The franchisee is convicted of a felony or any
18 other criminal misconduct which materially and
19 adversely affects the operation, maintenance, or
20 goodwill of the franchise in the relevant market.

21 (9) The franchisee operates the franchised
22 business in a manner that imminently endangers the
23 public health and safety."

A non-record roll call was requested.

The ayes were 39, nays 52.

Amendment H-1190 lost.

Heaton of Henry asked and received unanimous consent that amend-
ment H-1191 be deferred.

Heaton of Henry asked and received unanimous consent that amend-
ment H-1194 be deferred.

Heaton of Henry asked and received unanimous consent that amend-
ment H-1195 be deferred.

Richardson of Warren offered the following amendment H-1207,
previously deferred, filed by him and moved its adoption:

H-1207

1 Amend House File 334 as follows:

2 1. Page 1, by inserting before line 1 the

- 3 following:
- 4 "Section 1. Section 523H.1, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 2A. "Food establishment" means
- 7 food establishment, as defined by section 137A.1, or
- 8 food service establishment, as defined by section
- 9 137B.2, including outlets and carry-out stores.
- 10 Sec. ____ Section 523H.1, subsection 3, paragraph
- 11 a, Code 1997, is amended to read as follows:
- 12 a. "Franchise" means either of the following:
- 13 (1) An oral or written agreement with respect to a
- 14 food establishment, either express or implied, which
- 15 provides all of the following:
- 16 (a) Grants the right to ~~distribute goods or~~
- 17 ~~provide services~~ operate a food establishment under a
- 18 marketing plan prescribed or suggested in substantial
- 19 part by the franchisor.
- 20 (b) Requires payment of a franchise fee to a
- 21 franchisor or its affiliate.
- 22 (c) Allows the franchise food establishment
- 23 business to be substantially associated with a
- 24 trademark, service mark, trade name, logotype,
- 25 advertisement, or other commercial symbol of or
- 26 designating the franchisor or its affiliate.
- 27 (2) A master food establishment franchise.
- 28 Sec. ____ Section 523H.1, subsection 3, paragraph
- 29 c, Code 1997, is amended by striking the paragraph."
- 30 2. Page 1, by inserting after line 13 the
- 31 following: "'Franchise" does not include a food
- 32 establishment franchise subject to chapter 523H."
- 33 3. Page 3, by striking line 15.
- 34 4. Title page, by striking line 4 and inserting
- 35 the following: "providing for the regulation of
- 36 certain food franchise establishments."
- 37 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 52.

Amendment H-1207 lost.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-1165 filed by him on March 13, 1997.

Heaton of Henry asked and received unanimous consent to withdraw amendments H-1185 and H-1186, filed by him on March 17, 1997.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendments H-1187 and H-1188, filed by him on March 17, 1997.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1191 filed by him and Weigel of Chickasaw on March 17, 1997.

Heaton of Henry asked and received unanimous consent to withdraw amendments H-1194 and H-1195, filed by him on March 17, 1997.

Chiodo of Polk in the chair at 4:50 p.m.

Speaker Corbett in the chair at 5:40 p.m.

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.

Under the provisions of Rule 76, conflict of interest, Lamberti of Polk refrained from voting.

On the question "Shall the bill pass?" (H.F. 334)

The ayes were, 62:

Arnold	Barry	Bell	Blodgett
Bogges	Bradley	Brunkhorst	Carroll
Cataldo	Chiodo	Churchill	Cohoon
Cormack	Dinkla	Dix	Dolecheck
Drees	Eddie	Ford	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Larkin	Larson	Lord	Martin
May	Metcalf	Meyer	Millage
Moreland	Mundie	Myers	Nelson
Osterhaus	Rants	Rayhons	Reynolds-Knight
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Mr. Speaker Corbett		

The nays were, 36:

Bernau	Boddicker	Brand	Brauns
Bukta	Burnett	Connors	Doderer
Dotzler	Drake	Falck	Fallon
Foege	Frevert	Garman	Heaton
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Kremer	Mascher
Mertz	Murphy	O'Brien	Richardson

Scherrman
Thomas

Schrader
Weigel

Shoultz
Whitead

Taylor
Witt

Absent or not voting, 2:

Chapman

Lamberti

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 334** be immediately messaged to the Senate.

Ways and Means Calendar

House File 306, a bill for an act relating to the individual income tax by extending the special method of computation of tax for value-added S corporation shareholders to all S corporation shareholders and eliminating the refund limitation and including effective and retroactive applicability date provisions, was taken up for consideration.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-1128 filed by him on February 27, 1997.

Van Maanen of Marion in the chair at 5:50 p.m.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1180 filed by her and Larson of Linn on March 17, 1997.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-1202 filed by him on March 17, 1997.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 306)

The ayes were, 88:

Arnold
Blodgett
Brand
Burnett
Churchill
Dix
Eddie
Gipp

Barry
Boddicker
Brauns
Carroll
Cohoon
Dolecheck
Falck
Greig

Bell
Boggess
Brunkhorst
Cataldo
Cormack
Dotzler
Foege
Greiner

Bernau
Bradley
Bukta
Chiodo
Dinkla
Drake
Frevort
Gries

Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Shoultz	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, 10:

Connors	Doderer	Drees	Fallon
Ford	Garman	Holveck	Kinzer
Schrader	Taylor		

Absent or not voting, 2:

Chapman Corbett, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 306** be immediately messaged to the Senate.

MOTION TO RECONSIDER (House File 551)

I move to reconsider the vote by which House File 551 passed the House on March 18, 1997.

RANTS of Woodbury

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 17, 1997. Had I been present, I would have voted "aye" on House Files 167, 218, 313, 368, 371, 398, 399 and 495.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on March 17, 1997. Had I been present, I would have voted "aye" on House Files 218, 368 and 371.

EDDIE of Buena Vista

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 18, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 373, an act to legalize certain unified law enforcement district tax levies and providing an effective date.

Senate File 59, an act relating to the disposition of emergency medical care provider certification fees.

SPECIAL PRESENTATIONS

Prior to convening, Frevert of Palo Alto presented to the House, Irish dancers who are sponsored by the St. Pat's Association and directed by Kelly Vanoosbree. The dancers are students from West Bend-Mallard, Emmetsburg Middle School and Emmetsburg Catholic School. Their names are: Amanda Brown, Laura Fog, Melissa Hinners, Abbie Lang, Valerie Mattice, Stephanie Peterson, Brie Ann Reedy, and Denise Stafford. The group performed authentic Irish dances.

The House rose and expressed its appreciation.

Presentation of Irish Dignitary

Frevert of Palo Alto presented to the House, Colm Hilliard, T.D., member of the Irish Parliament. He is from Kilmessan, Navan, County Meath, Ireland. Mr. Hilliard is assistant Chief Whip, Vice Chairperson of the Oireachtas (congress) Joint Services Committee, Associate Member of the British Irish Inter-Parliamentary Body and member of the Oireachtas Small Business Committee. Mr. Hilliard was escorted to the Speaker's station where he addressed the House.

The House rose and expressed its welcome.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Chido of Polk presented to the House, Mac John Daggy who has accumulated 102 varsity career victories and had a 38-0 senior season in winning the 3A State Championship as a heavyweight wrestler for Dowling High School.

Fifty 6th grade students from East Union Intermediate Center, Afton, accompanied by Lynette Yossi. By Dolecheck of Ringgold.

Nine 4th grade students from Pack 36, St. Augustine School, Des Moines, accompanied by Marcia Baumhover, Amy Harris, and Luke Roth. By Grundberg of Polk.

The 3rd grade class from Williamsburg Elementary School, accompanied by Donna Kirkpatrick, Joyce Sandersfeld, Barb Maas, Shannon Musser, Don Kirkpatrick, Doyle Geyer, Margo Grolmus, and Faye Gerig. By Tyrrell of Iowa.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1997\254 Head Coach Scott DeJong, Assistant Coaches Dennis Albertson and Kim Florke, and the Hawkettes Girls Basketball Team, Ankeny
- For winning the 1997 Girls State 4A Basketball Championship.

SUBCOMMITTEE ASSIGNMENTS

House File 230

Appropriations: Millage, Chair; Sukup and Wise.

House File 231

Ways and Means: Greig, Chair; Chapman and Larson.

House File 292

Ways and Means: Teig, Chair; Dix and Richardson.

House File 393

Ways and Means: Lamberti, Chair; Lord and Richardson.

House File 431

Ways and Means: Greig, Chair; Chapman and Larson.

House File 445

Ways and Means: Chapman, Chair; Greig and Larson.

House File 446

Ways and Means: Teig, Chair; Drake and Shultz.

House File 576

Ways and Means: Greig, Chair; Chapman and Larson.

House File 598

Appropriations: Brunkhorst, Chair; Meyer and Wise.

House File 603

Ways and Means: Larson, Chair; Chapman and Greig.

House File 619

Ways and Means: Chapman, Chair; Greig and Larson.

House File 621

Ways and Means: Greig, Chair; Chapman and Larson.

House File 624

Appropriations: Garman, Chair; Gipp and Moreland.

House File 632

Appropriations: Millage, Chair; Murphy and Sukup.

House File 648

Ways and Means: Drake, Chair; Jochum, Myers, Teig and Van Fossen.

House File 649

Appropriations: Millage, Chair; Murphy and Sukup.

House File 652

Ways and Means: Teig, Chair; Larson and Weigel.

House File 657

Ways and Means: Jenkins, Chair; Greig, Shultz, Teig and Weigel.

House File 675

Appropriations: Millage, Chair; Reynolds-Knight and Sukup.

House File 683

Appropriations: Nelson, Chair; Brand and Gipp.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 227

Ways and Means: Dinkla, Chair; Dix, Frevert, Jochum and Larson.

House Study Bill 236

Ways and Means: Van Fossen, Chair; Bernau and Dinkla.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 423), relating to the establishment of an abstinence education pilot program.

Fiscal Note is not required.

Recommended Amend and Do Pass March 12, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 329), relating to the operating requirements of an intermediate care facility for persons with mental retardation.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 1997.

RESOLUTION FILED

HR 12, by Garman, Vande Hoef, Welter, Heaton, Larkin, Richardson, Myers, Cormack, and Bell, a resolution honoring Mr. Harry Cannon upon his retirement as the Deputy Director for Prison Industries of the Iowa Department of Corrections.

Laid over under Rule 25.

AMENDMENTS FILED

H-1212	H.F.	121	Boddicker of Cedar Burnett of Story
H-1213	H.F.	448	Larson of Linn
H-1214	H.F.	581	Arnold of Lucas
H-1215	H.F.	13	Brunkhorst of Bremer

H—1216	H.F.	372	Vande Hoef of Osceola Welter of Jones
H—1217	H.F.	578	Brunkhorst of Bremer
H—1220	H.F.	530	Brunkhorst of Bremer
H—1222	H.F.	504	Dix of Butler
H—1223	H.F.	121	Moreland of Wapello
H—1224	H.F.	563	Huseman of Cherokee
H—1225	H.F.	655	Reynolds-Knight of Van Buren Rayhons of Hancock Dotzler of Black Hawk Wise of Lee
H—1226	H.F.	121	Fallon of Polk
H—1227	H.F.	121	Connors of Polk
H—1228	H.F.	121	Jacobs of Polk Grundberg of Polk Foege of Linn Mascher of Johnson Moreland of Wapello Brand of Tama
			Burnett of Story Connors of Polk Metcalf of Polk Martin of Scott Ford of Polk Nelson of Marshall
H—1229	H.F.	121	Brand of Tama
H—1230	H.F.	121	Martin of Scott Grundberg of Polk Jacobs of Polk Metcalf of Polk Moreland of Wapello Nelson of Marshall
			Burnett of Story Connors of Polk Ford of Polk Foege of Linn Mascher of Johnson Brand of Tama
H—1231	H.F.	121	Connors of Polk
H—1232	H.F.	597	Warnstadt of Woodbury
H—1233	H.F.	658	Brauns of Muscatine
H—1234	H.F.	121	Connors of Polk
H—1235	H.F.	121	Doderer of Johnson
H—1236	H.F.	121	Moreland of Wapello Brand of Tama Mascher of Johnson
			Martin of Scott Grundberg of Polk Jacobs of Polk
H—1237	H.F.	121	Moreland of Wapello
H—1238	H.F.	530	Brunkhorst of Bremer
H—1239	H.F.	625	Cohoon of Des Moines
H—1240	H.F.	554	Millager of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 6:17 p.m., until 8:45 a.m., Wednesday, March 19, 1997.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 19, 1997

The House met pursuant to adjournment at 8:47 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Kopacek, Saint Mary's Catholic Church, Marshalltown.

The Journal of Tuesday, March 18, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Kreiman of Davis, from ninety-seven constituents favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILLS

House File 688, by committee on transportation, a bill for an act relating to handicapped parking permits by providing for nonexpiring removable windshield placards for persons with a lifelong disability, eliminating the requirement that physicians or chiropractors sign removable windshield placards, and eliminating certain identification requirements for handicapped persons and providing an effective date.

Read first time and placed on the **calendar**.

House File 689, by committee on local government, a bill for an act relating to the joint financing of public works and facilities.

Read first time and referred to committee on **commerce-regulation**.

House File 690, by Huseman, a bill for an act relating to economic development block grants and establishing a revolving loan fund.

Read first time and referred to committee on **economic development**.

House File 691, by committee on human resources, a bill for an act relating to abstinence education programs including the establishment of an abstinence education pilot program.

Read first time and placed on the **calendar**.

House File 692, by committee on human resources, a bill for an act relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable.

Read first time and placed on the **calendar**.

House File 693, by committee on judiciary, a bill for an act relating to civil actions and statutes of limitations in civil actions, the rate of interest on judgments and decrees, procedures for furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, and joint and several liability.

Read first time and placed on the **calendar**.

House File 694, by committee on agriculture, a bill for an act extending the provisions relating to the eradication of brucellosis to apply to animals other than bovine animals, making penalties applicable, and providing an effective date.

Read first time and placed on the **calendar**.

House File 695, by committee on environmental protection, a bill for an act relating to household hazardous materials and retail labeling requirements.

Read first time and placed on the **calendar**.

House File 696, by committee on commerce-regulation, a bill for an act relating to an alternative price regulation plan for certain local exchange carriers, providing for related matters, and providing an effective date.

Read first time and placed on the **calendar**.

House File 697, by committee on state government, a bill for an act relating to certain procedures of the ethics and campaign disclosure board and filing requirements and certain requirements for use of campaign funds.

Read first time and placed on the **calendar**.

House File 698, by committee on human resources, a bill for an act relating to child abuse information and the central registry for child abuse information maintained by the department of human services and providing an effective date.

Read first time and placed on the **calendar**.

House File 699, by Jenkins, a bill for an act providing a partial exemption for retirement income for purposes of state individual income tax and providing a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

House File 700, by Cormack, a bill for an act relating to the time of holding an election on the question of imposition of a local sales and services tax after such question was previously defeated.

Read first time and referred to committee on **state government**.

House File 701, by committee on commerce-regulation, a bill for an act relating to the requirements for portability and continuity of health care coverage for individuals among certain types of health care coverage, and related matters.

Read first time and placed on the **calendar**.

House File 702, by committee on local government, a bill for an act relating to human services and facility requirements-involving the single entry point process for mental health and developmental disabilities services, regional planning councils, human services institution employee record checks, decategorization of adult disability services funding, and the operating requirements of an intermediate care facility for persons with mental retardation.

Read first time and placed on the **calendar**.

House File 703, by committee on local government, a bill for an act relating to local government budget practices and property tax statements, and including an applicability date provision.

Read first time and placed on the **calendar**.

House File 704, by committee on transportation, a bill for an act relating to substantive and other provisions affecting the state department of transportation and driver, motor vehicle, and highway regulation, including the definition of road work zones, providing grounds for refusing renewal of vehicle registrations, regulation of intrastate motor carriers, imposing fees, providing for an electronic titling and registration program, creating, eliminating, or enhancing penalties, and providing effective dates.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 9, by Halvorson, a joint resolution

proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

Read first time and referred to committee on **state government**.

Senate Joint Resolution 12, by committee on judiciary, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide for certain rights for victims of crimes.

Read first time and referred to committee on **judiciary**.

Senate File 30, by Iverson, a bill for an act relating to the exemption from sales, services, and use taxes of adjuvants and surfactants used to enhance the application of fertilizers, limestone, herbicides, pesticides, and insecticides in agricultural production and providing effective and retroactive applicability date provisions.

Read first time and **passed on file**.

Senate File 40, by Rensink, a bill for an act prohibiting the use of official law enforcement warning devices or signals in the attempt or commission of a public offense, and providing penalties.

Read first time and referred to committee on **judiciary**.

Senate File 189, by committee on education, a bill for an act extending the regular program district cost guarantee for school districts for two years, and providing an effective date.

Read first time and **passed on file**.

Senate File 205, by committee on small business, economic development and tourism, a bill for an act relating to continued eligibility under the new jobs and income program concerning the ownership of land by nonresident aliens and certain capital investment and job creation provisions.

Read first time and referred to committee on **economic development**.

Senate File 236, by committee on human resources, a bill for an act relating to the certificate of need program.

Read first time and referred to committee on **human resources**.

Senate File 240, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time and referred to committee on **appropriations**.

Senate File 280, by committee on judiciary, a bill for an act providing immunity from civil liability for an employer or employer's representative who acts reasonably in providing work-related information about a current or former employee of the employer.

Read first time and referred to committee on **judiciary**.

Senate File 292, by committee on agriculture, a bill for an act relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution.

Read first time and referred to committee on **agriculture**.

Senate File 293, by committee on commerce, a bill for an act increasing the property damage limit for mandatory reporting of motor vehicle accidents.

Read first time and referred to committee on **transportation**.

Senate File 295, by committee on commerce, a bill for an act relating to finance charges upon refinancing and consolidation of debts involving consumer credit transactions.

Read first time and referred to committee on **commerce-regulation**.

Senate File 300, by committee on human resources, a bill for an act relating to the prohibited sale of home testing kits for the human immunodeficiency virus.

Read first time and referred to committee on **human resources**.

Senate File 316, by committee on local government, a bill for an act relating to the probationary period for deputy sheriffs.

Read first time and **passed on file**.

Senate File 354, by committee on commerce, a bill for an act relating to the kinds of city utility or enterprise services for which a landlord may be exempted from a lien for delinquent payments by a tenant.

Read first time and referred to committee on **commerce-regulation**.

Senate File 379, by committee on transportation, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles.

Read first time and **passed on file**.

Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates.

Read first time and referred to committee on **appropriations**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 212, a bill for an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 190, a bill for an act relating to granting easements on certain property by the department of natural resources.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 221, a bill for an act providing for the termination of farm tenancies.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 272, a bill for an act relating to the implementation of certain assistance programs of the department of economic development.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 358, a bill for an act relating to the adoption of the interstate emergency management assistance compact.

Also: That the Senate has on March 18, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 432, a bill for an act relating to the disposition of private property condemned under eminent domain.

MARY PAT GUNDERSON, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Wise of Lee.

CONSIDERATION OF BILLS

Regular Calendar

House File 646, a bill for an act relating to a study on responses to hazardous conditions by the director of transportation, was taken up for consideration.

Welter of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 646)

The ayes were, 95:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foeg	Ford	Frevort
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Rants	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Bernau
Rayhons

Chiodo

Holveck

Nelson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 372, a bill for an act establishing a county issuance of motor vehicle licenses a study and providing effective dates, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-1216 filed by him and Welter of Jones and moved its adoption:

H-1216

- 1 Amend House File 372 as follows:
- 2 1. Page 1, line 6, by striking the word "fifteen"
- 3 and inserting the following: "thirteen".
- 4 2. Page 1, line 7, by striking the word "Six" and
- 5 inserting the following: "Five".
- 6 3. Page 1, by inserting after line 10, the
- 7 following:
- 8 " —. The director of the office of driver
- 9 services of the state department of transportation or
- 10 the director's designee.
- 11 —. The director of audits for the state
- 12 department of transportation.
- 13 —. The executive director of the Iowa motor
- 14 truck association or the executive director's
- 15 designee.
- 16 —. The executive director of the American
- 17 automobile association of Minnesota/Iowa or the
- 18 executive director's designee.
- 19 —. The auditor of state or the auditor's
- 20 designee."
- 21 4. Page 1, line 11, by inserting after the word
- 22 "The" the following: "certified public accountant and
- 23 the operations research analyst who are".
- 24 5. Page 1, line 18, by inserting after the word
- 25 "transportation" the following: ", customers in the
- 26 six counties,".
- 27 6. Page 1, by striking lines 21 through 27 and
- 28 inserting the following: "driver's licenses.
- 29 The committee shall also do the following:
- 30 1. Make a comparison of the costs related to the
- 31 issuance of driver's licenses by the department and
- 32 the six counties and methods for tracking costs of
- 33 issuance of driver's licenses on a statewide basis,
- 34 including the length of time necessary to track the
- 35 costs to ensure the results provide an accurate

36 representation of the costs incurred by the counties
 37 and the department. The committee shall also provide
 38 an analysis of transition and future costs of
 39 operation if statewide county issuance of driver's
 40 licenses is recommended.
 41 2. Consider the need for and recommend
 42 comprehensive and consistent guidelines for all
 43 driver's license activities.
 44 3. Conduct a customer survey in the six counties
 45 currently issuing driver's licenses and at selected
 46 driver's license stations operated by the department.
 47 4. Make a recommendation on whether the issuance
 48 of driver's licenses by county treasurers should be
 49 expanded, whether the department should provide more
 50 hours of operation at some or all driver's license

Page 2

1 stations, whether the current law should remain
 2 unchanged, or whether other changes should be made.
 3 The recommendations shall include an analysis of the
 4 potential impact upon the continued quality,
 5 consistency, effectiveness, and services provided by
 6 current driver's licensing operations for commercial
 7 and noncommercial drivers.
 8 Following".
 9 7. Page 1, line 31, by striking the word
 10 "dissolve" and inserting the following: "report to
 11 the general assembly not later than January 1, 1998,
 12 and shall be dissolved".

Amendment H-1216 was adopted.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 372)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Churchill
Cohoon	Connors	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foegen	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser

Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 2:

Brauns Cormack

Absent or not voting, 3:

Chiodo Holveck Rayhons

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 653, a bill for an act relating to financial assurance requirements for waste tire collection and processing sites, was taken up for consideration.

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. 653)'

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Falck	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes

Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker Corbett	

The nays were, none.

Absent or not voting, 1:

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: **House Files 646, 372 and 653.**

House File 121, a bill for an act relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and applicable penalties, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 10:25 a.m., Speaker Corbett in the chair.

Boddicker of Cedar offered amendment H-1035 filed by the committee on human resources as follows:

H-1035

- 1 Amend House File 121 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "manner." the following: "The rules shall require

4 that the hearing on the petition shall be held and the
5 court shall rule on the petition within forty-eight
6 hours of the filing of the petition."

7 2. Page 2, line 13, by inserting after the word
8 "obtained." the following: "A person who knowingly
9 violates the confidentiality provisions of this
10 subparagraph is guilty of a serious misdemeanor."

11 3. Page 2, by inserting after line 17 the
12 following:

13 "Sec. ____ Section 135L.3, subsection 3, Code
14 1997, is amended by adding the following new
15 paragraph:

16 NEW PARAGRAPH. o. A person who knowingly violates
17 the confidentiality requirements of this section
18 relating to court proceedings and documents is guilty
19 of a serious misdemeanor."

Boddicker of Cedar offered the following amendment H-1155, to the committee amendment H-1035, filed by him and moved its adoption:

H-1155

1 Amend the amendment, H-1035, to House File 121 as
2 follows:

3 1. Page 1, by inserting after line 1, the
4 following:

5 "____ Page 1, by inserting after line 2 the
6 following:

7 "Sec. ____ Section 135L.2, subsections 3 and 6,
8 Code 1997, are amended to read as follows:

9 3. During the initial appointment between a
10 licensed physician from whom a pregnant minor is
11 seeking the performance of an abortion and a pregnant
12 minor, a the licensed physician, who is providing
13 medical services to a pregnant minor, shall offer the
14 viewing of the video and the written decision-making
15 materials to the pregnant minor, and shall obtain the
16 signed and dated certification form from the pregnant
17 minor. If the pregnant minor has previously been
18 offered the viewing of the video and the written
19 decision-making materials by another source, the
20 licensed physician shall obtain the completed
21 certification form from the other source to verify
22 that the pregnant minor has been offered the viewing
23 of the video and the written decision-making
24 materials. A licensed physician shall not perform an
25 abortion on a pregnant minor prior to obtaining the
26 completed certification form from a pregnant minor.
27 6. Following the offering of the viewing of the
28 video and of the written decision-making materials,
29 the pregnant minor shall sign and date the
30 certification form attached to the materials, and

31 shall submit the completed form to the licensed
 32 physician ~~or provide the person making the offer with~~
 33 ~~information to send the completed form to the pregnant~~
 34 ~~minor's attending physician.~~ The person offering the
 35 ~~viewing of the video and the decision-making materials~~
 36 licensed physician shall also provide a copy of the
 37 completed certification form to the pregnant minor.
 38 Sec. ____ Section 135L.3, subsections 1 and 2,
 39 Code 1997, are amended to read as follows:
 40 1. A person licensed physician shall not perform
 41 an abortion on a pregnant minor until at least forty-
 42 eight hours' prior notification is provided to a
 43 parent of the pregnant minor.
 44 2. The person licensed physician who will perform
 45 the abortion shall provide notification in person or
 46 by mailing the notification by restricted certified
 47 mail to the a parent of the pregnant minor at the
 48 usual place of abode of the parent. For the purpose
 49 of delivery by restricted certified mail, the time of
 50 delivery is deemed to occur at twelve o'clock noon on

Page 2

1 the next day on which regular mail delivery takes
 2 place, subsequent to the mailing.”
 3 2. Page 1, by inserting after line 10 the
 4 following:
 5 “____. Page 2, line 16, by striking the word
 6 “person” and inserting the following: “person
 7 licensed physician.”
 8 3. Page 1, by inserting after line 19 the
 9 following:
 10 “____. Page 2, line 18, by striking the word and
 11 figure “subsection 2,”.
 12 “____. Page 2, by inserting after line 19 the
 13 following:
 14 “135L.6 FRAUDULENT PRACTICE.
 15 A person who does any of the following is guilty of
 16 a fraudulent practice in the fourth degree pursuant to
 17 section 714.12:
 18 1. Knowingly tenders a false original or copy of
 19 the signed and dated certification form described in
 20 section 135L.2, to be retained by the licensed
 21 physician ~~or to be sent to the pregnant minor's~~
 22 ~~attending physician.”~~
 23 4. By renumbering as necessary.

Amendment H-1155 was adopted.

Moreland of Wapello asked and received unanimous consent to with-
 draw amendment H-1223, to the committee amendment H-1035, filed
 by him on March 18, 1997.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1205, to the committee amendment H-1035, filed by him on March 17, 1997.

Boddicker of Cedar offered the following amendment H-1212, to the committee amendment H-1035, filed by him and Burnett of Story:

H-1212

- 1 Amend the amendment, H-1035, to House File 121, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "petition." the following: "If the court fails to
- 5 hold the hearing and rule on the petition within
- 6 forty-eight hours of the filing of the petition and an
- 7 extension is not requested, the petition is deemed
- 8 granted and waiver of the notification requirements is
- 9 deemed authorized. The court shall immediately
- 10 provide documentation to the pregnant minor and to the
- 11 pregnant minor's legal counsel if the pregnant minor
- 12 is represented by legal counsel demonstrating that the
- 13 petition is deemed granted and that waiver of the
- 14 notification requirements is deemed authorized."
- 15 2. Page 1, by inserting after line 6 the
- 16 following:
- 17 "__. Page 1, line 21, by striking the word
- 18 "seventeen" and inserting the following: "ten."
- 19 3. By renumbering as necessary.

Veenstra of Sioux in the chair at 10:37 a.m.

Boddicker of Cedar moved the adoption of amendment H-1212, to the committee amendment H-1035.

Amendment H-1212 was adopted.

Moreland of Wapello offered the following amendment H-1236, to the committee amendment H-1035, filed by Moreland, et al., and moved its adoption:

H-1236

- 1 Amend the amendment, H-1035, to House File 121, as
- 2 follows:
- 3 1. Page 1, by inserting after line 6 the
- 4 following:
- 5 "__. Page 1, line 19, by striking the word
- 6 "Resolution" and inserting the following:
- 7 "Immediately providing documentation" means providing
- 8 documentation no later than seventy-two hours from the
- 9 filing of the petition. Resolution."
- 10 2. By renumbering as necessary.

Amendment H-1236 lost.

Boddicker of Cedar moved the adoption of the committee amendment H-1035, as amended.

The committee amendment H-1035, as amended, was adopted.

Martin of Scott offered amendment H-1230 filed by Martin, et al., as follows:

H-1230

- 1 Amend House File 121 as follows:
- 2 1. Page 1, by striking lines 1 and 2 and
- 3 inserting the following:
- 4 "Section 1. Section 135L.1, subsection 3, Code
- 5 1997, is amended by striking the subsection."
- 6 2. Page 1, by striking lines 25 and 26 and
- 7 inserting the following: "subparagraph (2), Code
- 8 1997, is amended to read as follows:
- 9 (2) (a) The pregnant minor declares, in a written
- 10 statement submitted to the attending physician, a
- 11 reason for not notifying a parent and a reason for
- 12 notifying a grandparent ~~or an aunt or uncle~~ of the
- 13 pregnant minor in lieu of the notification of a
- 14 parent. Upon receipt of the written statement from
- 15 the pregnant minor, the attending physician shall
- 16 provide notification to a grandparent ~~or an aunt or~~
- 17 ~~uncle~~ of the pregnant minor, specified by the pregnant
- 18 minor, in the manner in which notification is provided
- 19 to a parent.
- 20 (b) The notification form shall be in duplicate
- 21 and shall include both of the following:
- 22 (i) A declaration which informs the grandparent ~~or~~
- 23 ~~the aunt or uncle~~ of the pregnant minor that the
- 24 grandparent ~~or aunt or uncle~~ of the pregnant minor may
- 25 be subject to civil action if the grandparent ~~or aunt~~
- 26 ~~or uncle~~ accepts notification.
- 27 (ii) A provision that the grandparent ~~or aunt or~~
- 28 ~~uncle~~ of the pregnant minor may refuse acceptance of
- 29 notification."
- 30 3. Page 2, by striking lines 21 and 22 and
- 31 inserting the following: "notification document
- 32 mailed to a parent, ~~or grandparent, or aunt or uncle~~
- 33 of the pregnant minor under this chapter, a false".
- 34 4. Page 2, by striking lines 31 through 33 and
- 35 inserting the following:
- 36 "1. With the exception of the civil liability
- 37 which may apply to a grandparent ~~or aunt or uncle~~ of a
- 38 pregnant minor who accepts notification under this
- 39 chapter, a person is".
- 40 5. Page 3, by striking lines 12 and 13 and
- 41 inserting the following: "necessary for notification

- 42 of a parent, ~~or grandparent, or aunt or uncle~~ of a
43 pregnant minor who is designated to receive".
44 6. By renumbering as necessary.

Gipp of Winneshiek asked and received unanimous consent that House File 121 be deferred and that the bill retain its place on the calendar.

On motion by Gipp of Winneshiek, the House was recessed at 12:00 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:47 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-four members present, thirty-six absent.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 473, a bill for an act requiring owners of agricultural drainage wells to prevent surface water intake into the wells, providing for the closure of certain wells and the construction of alternative drainage systems, providing state assistance for closing agricultural drainage wells, prohibiting the construction and use of certain structures located in agricultural drainage well areas, providing for the assessment and collection of certain drainage district expenses, providing penalties, and providing an effective date.

MARY PAT GUNDERSON, Secretary

HOUSE FILE 531 REREFERRED

The Speaker announced that House File 531, previously referred to committee on **appropriations** was rereferred to committee on **ways and means**.

HOUSE FILE 675 REREFERRED

The Speaker announced that House File 675, previously referred to committee on **appropriations** was rereferred to committee on **ways and means**.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 121**, a bill for an act relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and applicable penalties, previously deferred, and amendment H-1230 found on pages 690-691 of the House Journal.

Martin of Scott moved the adoption of amendment H-1230.

Roll call was requested by Garman of Story and Lord of Dallas.

On the question "Shall amendment H-1230 be adopted?" (H.F. 121)

The ayes were, 57:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dinkla	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Greig
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huser
Jacobs	Jenkins	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Martin
Mascher	May	Metcalf	Meyer
Moreland	Myers	Nelson	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weidman	Weigel	Whitead	Wise
Witt			

The nays were, 43:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greiner	Gries	Huseman
Klemme	Kremer	Lamberti	Larson
Lord	Mertz	Millage	Mundie
Murphy	O'Brien	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, none.

Amendment H-1230 was adopted, placing amendment H-1237 out of order.

Cormack of Webster in the chair at 2:33 p.m.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H-1228 filed by Jacobs, et al., on March 18, 1997.

Connors of Polk offered the following amendment H-1227 filed by him and moved its adoption:

H-1227

- 1 Amend House File 121 as follows:
- 2 1. Page 1, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ Section 135L.2, subsection 5, Code
- 5 1997, is amended to read as follows:
- 6 5. ~~To the extent possible and at the discretion of~~
- 7 ~~the pregnant minor, the~~ The person responsible for
- 8 impregnating the pregnant minor shall also be involved
- 9 in the viewing of the video and in the receipt of
- 10 written decision-making materials."
- 11 2. By renumbering as necessary.

Amendment H-1227 lost.

Connors of Polk offered amendment H-1231 filed by him as follows:

H-1231

- 1 Amend House File 121 as follows:
- 2 1. Page 1, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ **NEW SECTION. 135L.2A NOTIFICATION OF**
- 5 **PARENT BY MINORS FOLLOWING SEXUAL INTERCOURSE.**
- 6 Following the performance of sexual intercourse
- 7 involving a minor, any minor involved shall do all of
- 8 the following:
- 9 1. Notify a parent of the dates and times of the
- 10 performance of sexual intercourse.
- 11 2. Notify a parent of whether or not a
- 12 contraceptive was used during sexual intercourse and
- 13 the type of contraceptive used."
- 14 2. By renumbering as necessary.

Connors of Polk offered the following amendment H-1249, to amend-
ment H-1231, filed by him from the floor and moved its adoption:

H-1249

- 1 Amend the amendment, H-1231 to House File 121 as
- 2 follows:
- 3 1. Page 1, by inserting after line 13, the
- 4 following:
- 5 "____ Page 3, by inserting after line 14, the
- 6 following:
- 7 "Sec. ____ **NEW SECTION. 599.7 VASECTOMY -**
- 8 **MINORS.**
- 9 1. As used in this section, unless the context
- 10 otherwise requires:

- 11 a. "Medical emergency" means a condition that,
 12 based on a physician's clinical judgment, so
 13 complicates the health of a minor as to require
 14 immediate medical intervention.
- 15 b. "Minor" means a person under eighteen years of
 16 age who has not been and is not married.
- 17 c. "Parent" means one parent or a legal guardian
 18 or custodian of a minor.
- 19 d. "Vasectomy" means the surgical excision of part
 20 or all of the vas deferens to effect sterility in
 21 males.
- 22 2. A medical provider shall not perform a
 23 vasectomy on a minor until a parent of the minor has
 24 been notified of the minor's request for the
 25 performance of the procedure. This requirement does
 26 not apply if the medical provider certifies, in
 27 writing, that a medical emergency exists which
 28 necessitates the immediate performance of the
 29 procedure."
- 30 __. Title page, line 1, by inserting after the
 31 words "prior to" the following: "certain procedures
 32 and processes relating to minors, including prior to a
 33 vasectomy on a minor, and prior to".
- 34 2. By renumbering as necessary.

Amendment H-1249 was adopted.

Connors of Polk moved the adoption of amendment H-1231, as amended.

Amendment H-1231 lost.

Fallon of Polk offered the following amendment H-1226 filed by him and moved its adoption:

H-1226

- 1 Amend House File 121 as follows:
 2 1. Page 2, by inserting after line 17 the
 3 following:
 4 "Sec. __. Section 135L.3, subsection 3, Code
 5 1997, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. O. A person who performs an
 8 abortion on a pregnant minor under this section shall
 9 maintain the confidentiality of the pregnant minor's
 10 medical file including any documents relating to the
 11 abortion, and shall only provide access to the
 12 pregnant minor's medical file to a health care
 13 provider providing medical services to the pregnant
 14 minor which necessitate access to the file and to any
 15 person for whom the pregnant minor requests access."

Amendment H-1226 lost.

Doderer of Johnson offered the following amendment H-1235 filed by her and moved its adoption:

H-1235

1 Amend House File 121 as follows:

2 1. Page 2, by inserting after line 17 the
3 following:

4 "Sec. ____ Section 135L.3, subsection 3, Code
5 1997, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. o. All records and files of a
8 court proceeding maintained under this section shall
9 be destroyed by the clerk of court when six months
10 have elapsed from any of the following, as applicable:

11 (1) The date that the court issues an order
12 waiving the notification requirements.

13 (2) The date after which the court denies the
14 petition for waiver of notification and the decision
15 is not appealed.

16 (3) The date after which the court denies the
17 petition for waiver of notification, the decision is
18 appealed, and all appeals are exhausted."

19 2. Page 3, by inserting after line 16 the
20 following:

21 "Sec. ____ Section 602.8102, Code 1997, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 31. Destroy all records and files
24 of a court proceeding maintained under section 135L.3
25 in accordance with section 135L.3, subsection 3,
26 paragraph "o."

27 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 49, nays 47.

Amendment H-1235 was adopted.

Brand of Tama offered the following amendment H-1229 filed by him and moved its adoption:

H-1229

1 Amend House File 121 as follows:

2 1. Page 3, by inserting after line 14 the
3 following:

4 "Sec. ____ NEW SECTION. 135L.9 SCHOOL DISTRICTS
5 - PROVISION OF INFORMATION.

6 1. The board of directors of each school district
7 shall ensure that each child in grades sixth through
8 twelfth enrolled in a public or nonpublic school,
9 which receives state funding, within the school

- 10 district is provided with all of the following,
 11 annually, at the beginning of the school year:
 12 a. Information regarding the existence and
 13 requirements of this chapter.
 14 b. The address and telephone number of each
 15 agency, in the county in which the school is located,
 16 which provides opportunities for viewing of the video.
 17 c. Instructions for accessing the court for
 18 assistance in complying with this chapter.
 19 2. The department of education shall develop and
 20 distribute to all school districts a standardized
 21 information form which shall be used by the school
 22 district in administering this section."
 23 2. By renumbering as necessary.

Amendment H-1229 lost.

Connors of Polk offered the following amendment H-1234 filed by him and moved its adoption:

H-1234

- 1 Amend House File 121 as follows:
 2 1. Page 3, by inserting after line 14 the
 3 following:
 4 "Sec. ____ NEW SECTION. 135L.9 PREGNANT MINOR -
 5 RETENTION OF PARENTAL RIGHTS.
 6 If a pregnant minor decides to continue the
 7 pregnancy to term and retain parental rights to the
 8 child following the child's birth, and if the pregnant
 9 minor and the father of the child do not marry, the
 10 pregnant minor and the child shall live in the home of
 11 the pregnant minor's parent following the birth of the
 12 child."
 13 2. Title page, line 1, by striking the words
 14 "notification procedures prior to".
 15 3. By renumbering as necessary.

Amendment H-1234 lost.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 121)

The ayes were, 72:

Arnold	Barry	Blodgett	Boddicker
Boggett	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Chiodo	Churchill
Corbett, Spkr.	Dinkla	Dix	Dolecheck
Drake	Drees	Eddie	Falck

Frevert	Garman	Gipp	Greig
Greiner	Gries	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larson	Lord	May
Mertz	Meyer	Millage	Mundie
Murphy	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Scherrman
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Cormack, Presiding

The nays were, 28:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Cohoon	Connors
Doderer	Dotzler	Fallon	Foege
Ford	Grundberg	Holveck	Jacobs
Larkin	Martin	Mascher	Metcalf
Moreland	Myers	Richardson	Schrader
Shultz	Taylor	Whitead	Witt

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House File 705, by Doderer, a bill for an act relating to the holding of delinquent property tax sales.

Read first time and referred to committee on **ways and means**.

House File 706, by committee on agriculture, a bill for an act providing for interests by persons owning or leasing agricultural land, and providing penalties.

Read first time and placed on the **calendar**.

House File 707, by committee on judiciary, a bill for an act relating to substance abuse evaluation and education, use of ignition interlock devices, motor vehicle license revocations and payment of restitution by certain drivers; to civil liability, forfeiture, and criminal penalties arising from operation of a motor vehicle by a person whose license is suspended, denied, revoked, or barred; and providing penalties.

Read first time and placed on the **calendar**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 121** be immediately messaged to the Senate.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty-three 11th grade students from Underwood High School, Underwood, accompanied by Nick Benzeng. By Drake of Pottawattamie.

The boys' basketball team from Mt. Pleasant High School, Mt. Pleasant, accompanied by their coaches. By Heaton of Henry.

Twenty-seven government students from English Valley School, North English, accompanied by Brian Neal. By Tyrrell of Iowa.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA ENERGY CENTER

The 1996 Annual Report, pursuant to Chapter 1252, 1990 Acts of the Seventy-third General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1997\255 Rohit Thomas, Coralville – For being a member of the team that received 3rd place in the State Math Competition.
- 1997\256 Mingxi Wu, Coralville – For being a member of the team that received 3rd place in the State Math Competition.
- 1997\257 Kevin Nielson, Coralville – For being a member of the team that received 3rd place in the State Math Competition.
- 1997\258 Susan Marie Shunk, Coralville – For being named to the Dean's List at the University of Wisconsin, Madison College of Letters and Science.
- 1997\259 Lesley Happel, Waterloo – For winning the Outstanding Junior Achievement Employee Scholarship.

- 1997\260 Derek A. Binneboese, Hinton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\261 Christopher Richey, Iowa City – For receiving a scholarship to Space Camp.
- 1997\262 Kent Stuart Bell, Iowa City – For being named to the Dean's List for outstanding achievement at Vanderbilt University for the College of Arts and Science.
- 1997\263 Carroll Tigers, Carroll – For winning the Class 3A Girls State Basketball Championship.
- 1997\264 Mike Moreno, Clarinda – For being named Iowa 2A Coach of the Year by the Iowa Coaches Association.
- 1997\265 Coach Ed Hansen and the Solon High School Girls Basketball Team, Solon – For winning the Class 2A Girls State Basketball Championship.
- 1997\266 Ruth and Dell O'Day, Dunlap – For celebrating their 60th wedding anniversary.
- 1997\267 Trent Lafrentz, Mapleton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\268 Daniel A. Sohl, Hinton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\269 Alma Jones, Missouri Valley – For celebrating her 95th birthday.
- 1997\270 Lyle Carrigan, Pisgah – For celebrating his 90th birthday.
- 1997\271 Bridget Kearney, Iowa City – For winning 1st place and receiving the Women in Science and Engineering Award in the 6th and 7th grade category in the "Write Women Back Into History" Essay Contest.
- 1997\272 Richard Roepsch, Dubuque – For 32 years of service to the city of Dubuque and the Dubuque Fire Department.
- 1997\273 Lt. Michael Fitschen, Dubuque – For 26 years of service to the city of Dubuque and the Dubuque Fire Department.
- 1997\274 Captain Robert Waddick, Dubuque – For 29 years of service to the city of Dubuque and the Dubuque Fire Department.
- 1997\275 David Kluesner, Dubuque – For 30 years of service to the city of Dubuque and the Dubuque Fire Department.
- 1997\276 Michael Gartner, Ames – For being honored with the Scripps Howard Foundation's National Journalism Award.

1997\277 Frances McLarnand, Indianola – For celebrating her 90th birthday.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Resolution, relating to an annual budget for the daily operations of the House of Representatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1997.

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1997.

Committee Bill (Formerly House Study Bill 192), relating to agriculture and natural resources by providing for appropriations, related statutory changes, and providing an effective date

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1997.

RESOLUTION FILED

HCR 19, by Bukta and Bradley, a concurrent resolution congratulating Clinton Community College for 50 years of service to the people of Clinton County.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1241

H.F. 655

Whitead of Woodbury

Falck of Fayette

O'Brien of Boone

Drees of Carroll

Warnstadt of Woodbury

Kinzer of Scott

Dotzler of Black Hawk

Bukta of Clinton

Scherrman of Dubuque

	Cohoon of Des Moines		Mertz of Kossuth
	Reynolds-Knight of Van Buren		Bell of Jasper
	Taylor of Linn		Bernau of Story
	Mascher of Johnson		Witt of Black Hawk
H-1242	H.F.	492	Witt of Black Hawk
H-1243	H.F.	564	Rants of Woodbury
			Kremer of Buchanan
			Drake of Pottawattamie
H-1244	H.F.	595	Millage of Scott
H-1245	H.F.	634	Brunkhorst of Bremer
			Hahn of Muscatine
H-1246	H.F.	223	Dotzler of Black Hawk
H-1247	H.F.	223	Dotzler of Black Hawk
H-1248	H.F.	458	Dotzler of Black Hawk
H-1250	H.F.	655	Fallon of Polk
H-1251	H.F.	636	Jacobs of Polk
H-1252	H.F.	456	Murphy of Dubuque
H-1253	H.F.	523	Weigel of Chickasaw
	Veenstra of Sioux		Falck of Fayette
	Warnstadt of Woodbury		Sukup of Franklin
	Kremer of Buchanan		
H-1254	H.F.	625	Rants of Woodbury
H-1255	H.F.	449	Grundberg of Polk
H-1256	H.F.	636	Chiodo of Polk
			Jacobs of Polk
H-1257	H.F.	655	Weigel of Chickasaw
H-1258	H.F.	655	Shoultz of Black Hawk
H-1259	H.F.	641	Brauns of Muscatine
	Weidman of Cass		Nelson of Marshall
	Chiodo of Polk		Huser of Polk
H-1260	H.F.	625	Rants of Woodbury
H-1261	H.F.	655	Murphy of Dubuque
H-1262	H.F.	538	Huseman of Cherokee
H-1263	H.F.	655	Churchill of Polk
			Boggess of Taylor
H-1264	H.F.	599	Grundberg of Polk
H-1265	H.F.	554	Millage of Scott
H-1266	H.F.	597	Thomson of Linn
			Wise of Lee

On motion by Siegrist of Pottawattamie, the House adjourned at 5:08 p.m., until 8:45 a.m., Thursday, March 20, 1997.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 20, 1997

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend David C. Dornack, Presbyterian Church, Sac City.

The Journal of Wednesday, March 19, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Eddie of Buena Vista, from forty-two constituents of District 10 opposing commercial harvesting of trees on state lands.

INTRODUCTION OF BILL

House File 708, by committee on appropriations, a bill for an act relating to agriculture and natural resources by providing for appropriations, related statutory changes, and providing an effective date.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate File 190, by committee on natural resources and environment, a bill for an act relating to granting easements on certain property by the department of natural resources.

Read first time and **passed on file**.

Senate File 221, by committee on agriculture, a bill for an act providing for the termination of farm tenancies.

Read first time and referred to committee on **agriculture**.

Senate File 272, by committee on small business, economic development and tourism, a bill for an act relating to the implementation of certain assistance programs of the department of economic development.

Read first time and **passed on file**.

Senate File 358, by committee on state government, a bill for an

act relating to the adoption of the interstate emergency management assistance compact.

Read first time and referred to committee on **state government**.

Senate File 432, by committee on local government, a bill for an act relating to the disposition of private property condemned under eminent domain.

Read first time and referred to committee on **transportation**.

Senate File 473, by committee on agriculture, a bill for an act requiring owners of agricultural drainage wells to prevent surface water intake into the wells, providing for the closure of certain wells and the construction of alternative drainage systems, providing state assistance for closing agricultural drainage wells, prohibiting the construction and use of certain structures located in agricultural drainage well areas, providing for the assessment and collection of certain drainage district expenses, providing penalties, and providing an effective date.

Read first time and referred to committee on **agriculture**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek, until his arrival, on request of Siegrist of Pottawattamie.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Eddie of Buena Vista offered the following House Memorial Resolution 6 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 6

Whereas, The Honorable Ruhl Maulsby of Calhoun County, Iowa, who was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, Seventy-third, Seventy-fourth and Seventy-fourth Extra general assemblies, passed away February 24, 1996; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Eddie of Buena Vista, Mundie of Webster and Meyer of Sac.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Greig of Emmet offered the following House Memorial Resolution 7 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 7

Whereas, The Honorable Bill Salton of Palo Alto County, Iowa, who was a member of the Seventy-sixth general assemblies, passed away February 2, 1997; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Greig of Emmet, Frevert of Palo Alto and Klemme of Plymouth.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 8

Van Maanen of Marion offered the following House Memorial Resolution 8 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 8

Whereas, The Honorable Hugo Schneklath of Scott County, Iowa, who was a member of the Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra and Seventy-third general assemblies, passed away June 21, 1996; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Van Maanen of Marion, Bukta of Clinton and Millage of Scott.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 9

Arnold of Lucas offered the following House Memorial Resolution 9 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 9

Whereas, The Honorable Neil Pierce of Lucas County, Iowa, who was a member of the Fifty-seventh, Fifty-eighth and Fifty-ninth general assemblies, passed away June 21, 1996; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Arnold of Lucas, Schrader of Marion and Dolecheck of Ringgold.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 10

Weidman of Cass offered the following House Memorial Resolution 10 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 10

Whereas, The Honorable Wendell C. Pellett of Cass County, Iowa, who was a member of the Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, Seventy-third general assemblies, passed away January 9, 1996; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Weidman of Cass, Connors of Polk and Van Maanen of Marion.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 11

Brunkhorst of Bremer offered the following House Memorial Resolution 11 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 11

Whereas, The Honorable Luvern W. Kehe of Bremer County, Iowa, who was a member of the Sixty-third and Sixty-fourth general assemblies, passed away July 28, 1995; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Brunkhorst of Bremer, Weigel of Chickasaw and Dix of Butler.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 12

Hahn of Muscatine offered the following House Memorial Resolution 12 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 12

Whereas, The Honorable Clarence F. Schmarje of Muscatine County, Iowa, who was a member of the Sixty-second general assembly, passed away September 1, 1995; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Hahn of Muscatine, Myers of Johnson and Brauns of Muscatine.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 15

Gries of Crawford asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 401, a bill for an act relating to state government personnel procedures including job classifications, pay plans, employee recall from layoff, and abolishing the personnel commission, was taken up for consideration.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 401)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Chiodo

Churchill	Cohoon	Corbett, Spkr.	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevort
Garman	Gipp	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Carroll	Connors	Dinkla	Greig
---------	---------	--------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 628, a bill for an act relating to corporations by providing for the call of special meetings of shareholders, for the combination of a corporation and certain shareholders, and for certain merger and share acquisitions, was taken up for consideration.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 628)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer

Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Garman	Gipp	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 2:

Connors

Greig

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 625, a bill for an act relating to the activities of the department of education, vocational education, community colleges, special educational programs provided by area education agencies, payment of claims for nonpublic school pupil transportation, the school budget review committee, the enrollment of certain students, and annual audits of school districts, was taken up for consideration.

Gries of Crawford offered the following amendment H-1203 filed by him and moved its adoption:

H-1203

- 1 Amend House File 625 as follows:
- 2 1. Page 1, by striking lines 3 through 8 and
- 3 inserting the following:
- 4 "NEW PARAGRAPH. d. The school budget review
- 5 committee receives, pursuant to section 11.14, a
- 6 report of an examination of a school district that

- 7 includes an undesignated deficit in a fund specified
 8 in chapter 298A, and the school budget review
 9 committee requests in writing that the auditor of
 10 state cause a complete or partial reaudit of the
 11 school district. If the school".
 12 2. Page 9, line 18, by striking the words
 13 "statutory fund" and inserting the following: "fund
 14 specified in chapter 298A".

Amendment H-1203 was adopted.

Cohoon of Des Moines offered the following amendment H-1239
 filed by him and moved its adoption:

H-1239

- 1 Amend House File 625 as follows:
 2 1. Page 16, by striking lines 25 through 28 and
 3 inserting the following: "and each regularly
 4 established elementary and secondary school shall
 5 begin no sooner than a day during the calendar week in
 6 which ~~the first day of September~~ August 25 falls, but
 7 no later than the first Monday in December. ~~However,~~
 8 ~~if the first day of~~".
 9 2. Page 17, by striking lines 18 and 19.
 10 3. By striking page 22, line 15 through page 23,
 11 line 4.
 12 4. Page 23, line 5, by striking the figure
 13 "257.17,".
 14 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 44, nays 51.

Amendment H-1239 lost.

Rants of Woodbury asked and received unanimous consent to with-
 draw amendment H-1254 filed by him on March 19, 1997.

Rants of Woodbury offered amendment H-1260 filed by him as fol-
 lows:

H-1260

- 1 Amend House File 625 as follows:
 2 1. Page 18, by inserting after line 34 the
 3 following:
 4 "Sec. ____ Section 282.30, subsection 1, Code
 5 1997, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. c. (1) In lieu of the educational
 8 programs provided for under paragraph "b", a facility
 9 specified in paragraph "a", which is a publicly funded

10 facility or which is a nonprofit corporation organized
11 under chapter 504A and exempt from taxation pursuant
12 to section 501(c) of the Internal Revenue Code, may
13 submit a plan and proposed budget for the education of
14 a child living in the facility to the department of
15 education by January 1 annually. The department of
16 education shall notify the facility of its approval or
17 denial of the plan in writing by February 1.
18 Notification, if the plan is denied, shall identify
19 any areas of noncompliance with the education
20 standards provided in section 256.11, and shall
21 contain recommendations for corrective action
22 necessary for compliance.

23 (2) Notwithstanding section 282.31, if the plan is
24 approved, the department of education shall direct the
25 department of revenue and finance to pay the approved
26 budget amount provided for in the plan to the facility
27 in monthly installments beginning September 15 and
28 ending June 15 of the next succeeding school year.
29 The installments shall be as nearly equal as possible
30 as determined by the department of management, taking
31 into consideration the relative budget and cash
32 position of the state's resources. The department of
33 revenue and finance shall transfer the approved budget
34 amount for the facility from the moneys appropriated
35 under section 257.16 and make the payments to the
36 facility. The facility shall submit an accounting for
37 the actual cost of the plan to the department of
38 education by August 1 of the following school year.
39 The department shall review and approve or modify all
40 expenditures incurred in compliance with rules adopted
41 by the state board of education pursuant to section
42 256.7, subsection 10, and shall notify the department
43 of revenue and finance of the approved accounting
44 amount. The approved accounting amount shall be
45 compared with any amounts paid by the department of
46 revenue and finance to the facility and any
47 differences added to or subtracted from the October
48 payment made under this paragraph for the next school
49 year. Any amount paid by the department of revenue
50 and finance shall be deducted monthly from the state

Page 2

1 foundation aid paid under section 257.16 to all school
2 districts in the state during the subsequent fiscal
3 year. The portion of the total amount of the approved
4 budget that shall be deducted from the state aid of a
5 school district shall be the same as the ratio that
6 the budget enrollment for the budget year of the
7 school district bears to the total budget enrollment
8 in the state for that budget year in which the
9 deduction is made. Not more than ten percent of the
10 moneys received under this paragraph shall be used for

- 11 administrative costs.
 12 (3) A facility may appeal a decision by the
 13 department of education to deny the plan submitted
 14 pursuant to this paragraph, to the state board of
 15 education. The decision of the state board is final."
 16 2. By renumbering as necessary.

Cohon of Des Moines rose on a point of order that amendment H-1260 was not germane.

The Speaker ruled the point well taken and amendment H-1260 not germane.

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. 625)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Doeg	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Mascher

Rants

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 Concurrent Resolution 15, House Files 401, 628 and 625.**

INTRODUCTION OF BILLS

House File 709, by committee on transportation, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles and providing an effective date.

Read first time and placed on the **calendar**.

House File 710, by committee on appropriations, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing an effective date.

Read first time and placed on the **appropriations calendar**.

Appropriations Calendar

House File 655, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making statutory changes, and providing an effective date, was taken up for consideration.

The House stood at ease at 10:30 a.m., until the fall of the gavel.

The House resumed session at 11:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomson of Linn on request of Gipp of Winneshiek.

Schrader of Marion asked and received unanimous consent that amendments H-1225 and H-1258 be temporarily deferred.

Murphy of Dubuque offered the following amendment H-1261 filed by him and moved its adoption:

H-1261

- 1 Amend House File 655 as follows:
- 2 1. Page 14, by inserting after line 30 the
- 3 following:
- 4 "It is the intent of the general assembly that each
- 5 regional workforce development center designate a
- 6 business liaison outreach officer. The business
- 7 liaison outreach officer shall actively seek input
- 8 from area businesses regarding actual labor needs of
- 9 businesses within the region, determine the extent to
- 10 which area businesses have utilized or are utilizing
- 11 job placement services to meet these labor needs,
- 12 examine the past and current record of job placement
- 13 services regarding the ability to respond to these
- 14 labor needs through the referral of qualified job
- 15 applicants, and develop a plan for implementing
- 16 necessary changes for improving the level of business
- 17 utilization of job placement services and the ability
- 18 to refer qualified job applicants in the future."

Amendment H-1261 lost.

Reynolds-Knight of Van Buren offered the following amendment H-1225, previously deferred, filed by Reynolds-Knight, et al., and moved its adoption:

H-1225

- 1 Amend House File 655 as follows:
- 2 1. Page 4, line 24, by striking the figure
- 3 "150,000" and inserting the following: "178,000".
- 4 2. Page 17, by striking lines 13 through 16 and
- 5 inserting the following: "any fund, notwithstanding
- 6 section 8.33. ~~Unobligated~~ Of the unobligated funds
- 7 remaining on June 30, 1997, the first \$28,000 shall
- 8 revert to the general fund of the state community
- 9 development program of the department of economic
- 10 development for purposes of Iowa's councils of
- 11 governments and all remaining moneys shall revert to
- 12 the strategic investment fund created in section
- 13 15.313."

Roll call was requested by Weigel of Chickasaw and Siegrist of Pottawattamie.

On the question "Shall amendment H-1225 be adopted?" (H.F. 655)

Rule 75 was invoked.

The ayes were, 47:

Bell
Burnett

Bernau
Cataldo

Brand
Chapman

Bukta
Chiodo

Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Vandé Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 1:

Thomson

Amendment H-1225 lost.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 7, a concurrent resolution to suspend Joint Rule 20, subsection 3, to allow consideration of House File 388.

MARY PAT GUNDERSON, Secretary

Siegrist of Pottawattamie asked and received unanimous consent that House File 655 be temporarily deferred and that the bill retain its place on the calendar.

ADOPTION OF SENATE CONCURRENT RESOLUTION 7

Siegrist of Pottawattamie asked for unanimous consent for the immediate consideration of Senate Concurrent Resolution 7, a concurrent

resolution to suspend Joint Rule 20, subsection 3, to allow consideration of House File 388.

Objection was raised.

Siegrist of Pottawattamie moved to suspend the rules to immediately consider Senate Concurrent Resolution 7.

Roll call was requested by Shoultz of Black Hawk and Reynolds-Knight of Van Buren.

On the question "Shall the rules be suspended?" (S.C.R. 7)

The ayes were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 1:

Thomson

The motion prevailed and the rules were suspended.

Speaker Corbett in the chair at 1:04 p.m.

Siegrist of Pottawattamie moved the adoption of Senate Concurrent Resolution 7.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall the resolution be adopted?" (S.C.R. 7)

The ayes were, 52:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frévert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 1:

Thomson

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 7** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 1:15 p.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 1:50 p.m., Rants of Woodbury in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

The House stood at ease at 2:00 p.m., until the fall of the gavel.

The House resumed session at 2:30 p.m., Rants of Woodbury in the chair.

CONSIDERATION OF BILLS Appropriations Calendar

The House resumed consideration of **House File 655**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making statutory changes, and providing an effective date, previously deferred.

Shultz of Black Hawk offered amendment H-1258, previously deferred, filed by him as follows:

H-1258

1 Amend House File 655 as follows:

2 1. Page 11, by inserting after line 24 the
3 following:

4 "From moneys appropriated under this subsection,
5 the institute of decision making shall allocate
6 \$50,000 for purposes of the neighborhood development
7 initiative program created in chapter 272E."

8 2. Page 16, by inserting after line 28 the
9 following:

10 "Sec. ____ NEW SECTION. 272E.1 TITLE.

11 This chapter shall be known and may be cited as the
12 "Neighborhood Development Initiative Act".

13 Sec. ____ NEW SECTION. 272E.2 PURPOSE.

14 The purpose of the neighborhood development
15 initiative is to facilitate community development in
16 neighborhoods through engaging and training
17 volunteers.

18 Sec. ____ NEW SECTION. 272E.3 NEIGHBORHOOD
19 DEVELOPMENT INITIATIVE PROGRAM.

20 1. A neighborhood development initiative program
21 shall be undertaken and implemented through a
22 collaborative effort by board of regents institutions.

23 The lead institution in the program shall be the
24 institute of decision making at the university of
25 northern Iowa. The program shall include pilot
26 projects on all of the following:

27 a. In an existing neighborhood without a formal

28 neighborhood organization, a pilot project shall
 29 develop a formal neighborhood organization, determine
 30 neighborhood needs and priorities, identify community
 31 resources available to the neighborhood, develop
 32 leadership, recommend changes, develop an action plan,
 33 and develop a budget.

34 b. In a newly organized neighborhood organization,
 35 a pilot project shall assess the effectiveness of the
 36 organization, identify or review priorities and new
 37 issues, assess plans and progress, recommend changes,
 38 develop an action plan, develop a budget, and develop
 39 a fund-raising plan.

40 c. In a mature and established neighborhood
 41 organization, a pilot project shall assess past
 42 success, assess the organizational organization,
 43 assess the plans and programs, develop an action plan,
 44 develop a budget and identify or seek community
 45 resources, recommend public policy updates, recommend
 46 changes, and develop a communication plan.

47 2. The pilot projects shall result in the
 48 development of program requirements, program
 49 qualifications, and a recommended approach for a
 50 neighborhood development initiative program for

Page 2

1 neighborhoods at any stage of development.
 2 3. By January 1, 1998, the board of regents
 3 institutions participating in the pilot projects shall
 4 submit a joint report to the general assembly
 5 regarding the results of the pilot projects and a
 6 recommended approach for the full implementation of a
 7 neighborhood development initiative program."

8 3. Page 17, by striking lines 13 through 16 and
 9 inserting the following: "any fund, notwithstanding
 10 section 8.33. ~~Unobligated~~ Of the unobligated funds
 11 remaining on June 30, 1997, the first \$50,000 shall
 12 revert to the ~~general fund of the state university of~~
 13 northern Iowa for purposes of the institute of
 14 decision making and all remaining moneys shall revert
 15 to the strategic investment fund created in section
 16 15.313."

17 4. By renumbering as necessary.

Churchill of Polk rose on a point of order that amendment H-1258 was not germane.

The Speaker ruled the point not well taken and amendment H-1258 germane.

Shultz of Black Hawk moved the adoption of amendment H-1258.

Amendment H-1258 lost.

Fallon of Polk offered amendment H-1250 filed by him as follows:

H-1250

1 Amend House File 655 as follows:

2 1. Page 16, by inserting before line 8 the
3 following:

4 "Sec. ____ Section 15A.1, subsection 3, Code 1997,
5 is amended to read as follows:

6 3. In addition to the requirements of subsection
7 2, a state agency or community college shall not
8 provide a grant, loan, or other financial assistance
9 to a private person or on behalf of a private person
10 unless the business for whose benefit the financial
11 assistance is to be provided meets, to the
12 satisfaction of the state agency or community college,
13 all of the following:

14 Sec. ____ Section 15A.1, subsection 3, paragraph
15 a, Code 1997, is amended to read as follows:

16 a. The business makes a report detailing the
17 circumstances of its violations, if any, of a federal
18 or state statute, regulation, or rule including an
19 environmental protection or a worker protection
20 statute, regulation, or rule within the previous five
21 ten years. The state agency shall take into
22 consideration before allowing financial assistance
23 this report of the business. If the state agency or
24 community college finds a business has a record of
25 such violations over a period of time of more than one
26 year that demonstrates a consistent pattern of
27 disregard for federal or state laws and regulations,
28 the business shall be disqualified for economic
29 development assistance under this chapter for a period
30 of ten years from the date of disqualification.
31 Disqualification shall not occur if the state agency
32 or community college finds mitigating circumstances
33 which may include the absence of a serious threat to
34 the environment, to workers, or to the general public.
35 In considering mitigating circumstances, the state
36 agency or community college shall only examine the
37 circumstances which apply to past violations. The
38 state agency or community college shall provide the
39 business with written notice of the disqualification
40 decision within one month of making the decision. The
41 state agency or community college shall include in the
42 notification a stated reason for disqualification,
43 violations used to support the violation, and the date
44 upon which the business will be eligible for
45 assistance in the future.

46 Sec. ____ Section 15A.1, subsection 3, Code 1997,
47 is amended by adding the following new paragraphs:
48 NEW PARAGRAPH. c. A business which receives
49 economic development assistance shall report the

50 circumstances of future violations occurring after the

Page 2

1 receipt of the assistance, if any, of a federal or
2 state statute, regulation, or rule including an
3 environmental protection or worker protection statute,
4 regulation, or rule for a period of ten years from the
5 date the assistance is received. If the state agency
6 or community college finds a business has developed a
7 record of such violations over a period of time of
8 more than one year that demonstrates a consistent
9 pattern of disregard for federal or state laws and
10 regulations, the business shall repay all economic
11 development assistance received during the previous
12 ten years. Disqualification shall not occur if the
13 state agency or community college finds mitigating
14 circumstances, which may include the absence of a
15 serious threat to the environment, to workers, or to
16 the general public. In considering mitigating
17 circumstances, the state agency or community college
18 shall only examine the circumstances which apply to
19 past violations. The state agency or community
20 college shall provide the business with written notice
21 of the disqualification decision within one month of
22 making the decision. The state agency or community
23 college shall include in the notification a stated
24 reason for disqualification, violations used to
25 support the violation, the amount of economic
26 assistance to be repaid, the terms of repayment, and
27 the date upon which repayment is due. Repayment of
28 economic assistance shall be paid over the same number
29 of years in which the business received the
30 assistance.

31 NEW PARAGRAPH. d. A business seeking economic
32 development assistance involving worker training shall
33 report the rate of turnover in its workforce for the
34 type of jobs for which worker training assistance is
35 sought. For purposes of this section, rate of
36 turnover means the number of workers who had to be
37 replaced in a given position over a one-year period.
38 Worker training assistance shall not be awarded to a
39 business if a state agency or community college finds
40 that the business seeking worker training assistance
41 has a history of high turnover in its workforce. High
42 turnover includes a rate of turnover which is
43 substantially higher than the rate of turnover for a
44 similar position at a similar business.

45 NEW PARAGRAPH. e. A business which receives
46 economic development assistance involving worker
47 training shall report the rate of turnover in its
48 workforce for the type of jobs for which worker
49 training is received for a period of five years from

50 the date the assistance is received. If a state

Page 3

1 agency or community college determines a business
2 receiving worker training assistance develops a high
3 turnover in its workforce, the business shall repay
4 all worker training assistance received. High
5 turnover includes a rate of turnover which is
6 substantially higher than the rate of turnover for a
7 similar position at a similar business.
8 NEW PARAGRAPH. f. In making the findings and
9 determinations regarding violations, mitigating
10 circumstances, turnover rate, and whether the business
11 is disqualified for or must repay economic development
12 assistance under this chapter, a state agency or
13 community college shall be exempt from the
14 requirements of chapter 17A.

15 Sec. ____ Section 15A.3, Code 1997, is amended to
16 read as follows:

17 15A.3 PUBLIC ECONOMIC DEVELOPMENT ASSISTANCE -
18 VIOLATIONS - CRIMINAL PENALTIES.

19 A person who engages in deception and knowingly
20 makes or causes to be made, directly or indirectly, a
21 false statement in writing, for the purpose of
22 procuring economic development assistance from a state
23 agency or political subdivision, for the benefit of
24 the person or for whom the person is acting, is guilty
25 of a fraudulent practice in the first degree as
26 defined in section 714.9 and subject to triple the
27 monetary fine provided for in section 902.9. For
28 purposes of this section, "deception" means deception
29 as defined in section 702.9."

30 2. Title page, line 4, by inserting after the
31 word "changes," the following: "providing a
32 penalty,".

33 3. By renumbering as necessary.

Fallon of Polk offered the following amendment H-1267, to amend-
ment H-1250, filed by him from the floor and moved its adoption:

H-1267

1 Amend the amendment, H-1250, to House File 655 as
2 follows:

3 1. Page 3, by striking lines 12 through 14 and
4 inserting the following: "assistance under this
5 chapter, a community college shall be exempt from the
6 requirements of chapter 17A. However, the board of
7 trustees of a community college shall adopt a written
8 policy regarding the method of making determinations
9 under this paragraph. The written policy shall ensure
10 that payments to retire certificates issued under

11 chapter 260E will continue until the certificates are
12 retired.”

Amendment H-1267, to amendment H-1250, lost.

Fallon of Polk moved the adoption of amendment H-1250.

Amendment H-1250 lost.

Churchill of Polk offered the following amendment H-1263 filed by
him and Boggess of Taylor and moved its adoption:

H-1263

- 1 Amend House File 655 as follows:
2 1. Page 17, by inserting after line 4 the
3 following:
4 “Sec. ____ 1996 Iowa Acts, chapter 1218, section
5 55, subsection 3, is amended to read as follows:
6 3. The moneys appropriated in this section shall
7 be used only for providing assistance in ~~the form of~~
8 ~~loan guarantees, irrevocable letters of credit, and~~
9 ~~accordance with section 15E.175, subsection 3.~~
10 paragraph “b”. However, to be eligible for funding an
11 indemnification for liability agreements agreement
12 shall be entered into prior to October 15, 1996 June
13 30, 1998.”
14 2. Page 18, by striking line 20 and inserting the
15 following:
16 “Sec. ____ IOWA HOUSING CORPORATION. By July 15,
17 1997.”
18 3. By renumbering as necessary.

Amendment H-1263 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo on request of Siegrist of Pottawattamie; Teig of
Hamilton on request of Eddie of Buena Vista.

Weigel of Chickasaw offered the following amendment H-1257 filed
by him and moved its adoption:

H-1257

- 1 Amend House File 655 as follows:
2 1. Page 17, by striking lines 13 through 16 and
3 inserting the following: “any fund, notwithstanding
4 section 8.33. ~~Unobligated~~ Of the unobligated funds
5 remaining on June 30, 1997, ~~the first \$100,000~~ shall
6 revert to the ~~general fund of the state~~ community
7 development division of the department of economic
8 development for purposes of the microbusiness rural

- 9 enterprise assistance program created in section
 10 15.114 and all remaining moneys shall revert to the
 11 strategic investment fund created in section 15.313."

Roll call was requested by Weigel of Chickasaw and Siegrist of Pottawattamie.

On the question "Shall amendment H-1257 be adopted?" (H.F. 655)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dötzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 50:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rayhons	Siegrist	Sukup	Van Fossen
Van Maanen	Vande Hoef.	Veenstra	Weidman
Welter	Rants, Presiding		

Absent or not voting, 5:

Blodgett	Koenigs	Teig	Thomson
Tyrrell			

Amendment H-1257 lost.

Barry of Harrison in the chair at 3:27 p.m.

Warnstadt of Woodbury offered the following amendment H-1241 filed by Warnstadt, et al., and moved its adoption:

H-1241

- 1 Amend House File 655 as follows:

2 1. Page 18, by inserting after line 19 the
3 following:
4 "Sec. ____ ECONOMIC DEVELOPMENT INTERIM STUDY.
5 The legislative council is requested to establish an
6 interim committee to conduct a comprehensive study of
7 programs administered by the department of economic
8 development and make recommendations for future
9 actions to be taken to improve the competitive
10 economic position of the state. The study shall
11 include all of the following:
12 1. Develop a list of procedures for use by the
13 department of economic development for the evaluation
14 of existing and future economic development programs
15 and prepare recommended guidelines for the
16 administration and monitoring of each economic
17 development program by the department.
18 2. Identify the best means for ensuring the growth
19 and stability of the state. This identification shall
20 include an analysis of the state taxation structure as
21 applied to businesses operating in the state.
22 3. Conduct a program analysis of each of the
23 business assistance programs in the state including
24 loans, grants, tax incentives, training, technology
25 assistance, and all other state and local business
26 assistance programs.
27 4. Compare the economic health of the state and
28 its economic development programs with the economic
29 health and economic development programs of all
30 neighboring states.
31 5. Prepare recommendations for actions needed to
32 strengthen the competitive economic position of this
33 state among other states.
34 The interim committee shall be composed of members
35 of both political parties and both houses of the
36 general assembly who are members of the senate
37 standing committee on small business, economic
38 development and tourism and the house of
39 representatives standing committee on economic
40 development and members who represent the department
41 of economic development, the Iowa federation of labor,
42 economic development interest groups, and other
43 organizations and associations interested in economic
44 development.
45 The committee shall be staffed by the legislative
46 service bureau and the legislative fiscal bureau. The
47 committee shall begin its deliberations following the
48 adjournment of the 1997 Session of the general
49 assembly and shall issue its report of recommendations
50 by January 1, 1998."

Page 2

1 2. By renumbering as necessary.

Amendment H-1241 lost.

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. 655)

The ayes were, 95:

Arnold	Bell	Bernau	Boddicker
Bogges	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Barry,	
		Presiding	

The nays were, 2:

Fallon Kreiman

Absent or not voting, 3:

Blodgett Teig Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 655** be immediately messaged to the Senate.

House File 554, a bill for an act establishing a community college vocational-technical technology improvement program for community college technology funding and making an appropriation, was taken up for consideration.

Warnstadt of Woodbury offered the following amendment H-1163 filed by him and moved its adoption:

H-1163

- 1 Amend House File 554 as follows:
- 2 1. Page 1, by striking lines 3 through 5 and
- 3 inserting the following:
- 4 "1. There is appropriated from the general fund of
- 5 the state to the".

Roll call was requested by Warnstadt of Woodbury and Schrader of Marion.

On the question "Shall amendment H-1163 be adopted?" (H.F. 554)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 51:

Arnold	Boddicker	Boguess	Bradley
Brauns	Brunkhorst	Carrroll	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Barry,	
		Presiding	

Absent or not voting, 3:

Blodgett	Teig	Thomson
----------	------	---------

Amendment H-1163 lost.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1240 filed by him on March 18, 1997.

Millage of Scott offered the following amendment H-1265 filed by him and moved its adoption:

H-1265

- 1 Amend House File 554 as follows:
- 2 1. Page 1, by striking lines 13 through 17 and
- 3 inserting the following: "proportion that is based
- 4 upon the number of eligible hours for which students
- 5 are enrolled in credit programs at each community
- 6 college compared to the total number of eligible hours
- 7 for which students are enrolled in credit programs at
- 8 all community colleges."
- 9 2. Page 1, line 19, by striking the word "full-
- 10 time".
- 11 3. Page 1, by striking lines 20 and 21 and
- 12 inserting the following: "eligible hours for which
- 13 students are enrolled in credit programs at the
- 14 community college. The state board of".
- 15 4. Page 1, lines 22 and 23, by striking the words
- 16 "full-time equivalent students" and inserting the
- 17 following: "'eligible hours'".

Amendment H-1265 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. 554)

The ayes were, 95:

Arnold	Bell	Bernau	Boddicker
Bogess	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer

Millage	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Barry, Presiding	

The nays were, none.

Absent or not voting, 5:

Blodgett	Doderer	Moreland	Teig
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 554** be immediately messaged to the Senate.

HOUSE FILE 703 REREFERRED

The Speaker announced that House File 703, previously placed on the **calendar** was rereferred to committee on **ways and means**.

SPECIAL PRESENTATION

Drake of Pottawattamie presented to the House Cary Cochran, Iowa's all time leading basketball scorer with 2,650 points during his career at the Neola, Tri-Center School. Also accompanying him were his teammates, his father and coach Carl Cochran, assistant coach Brad Armstrong and Superintendent Ed Rastovskvi.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1997, he approved and transmitted to the Secretary of State the following bill:

Senate File 82, an act relating to energy conservation including making appropriations of petroleum overcharge funds.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Six high school students from South Tama High School, Tama, accompanied by Dawn Schulte. By Brand of Tama.

Six students from Johnston Middle School, Johnston, accompanied by Connie Skow and Kaye Smock. By Churchill of Polk.

Eighty 4th grade students from Westwood Elementary School, Ankeny, accompanied by Mr. Carlton. By Lamberti 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

- 1997\278 Mary McNie, Clinton – For celebrating her 90th birthday.
- 1997\279 Evelyn and Harry Thomsen, Camanche – For celebrating their 60th wedding anniversary.
- 1997\280 Clara and Robert Maedge, Clinton – For celebrating their 60th wedding anniversary.
- 1997\281 West Des Moines Community School District, West Des Moines – For receiving a FINE Foundation Recognition Award for the FLES – Elementary Spanish Program.
- 1997\282 Bert Hanson, Indianola – For being named Coach of the Year at the Des Moines Register's All-CIML Boys' Basketball American Conference.
- 1997\283 Edmund Johnson, Indianola – For being named to the Des Moines Register's All-CIML Boys' Basketball Team in the American Conference.
- 1997\284 Josh Cerveny, Indianola – For being named to the Des Moines Register's All-CIML Boys' Basketball Team in the American Conference.

SUBCOMMITTEE ASSIGNMENTS

House File 498

Ways and Means: Lord, Chair; Rants and Shoultz.

House File 531

Ways and Means: Lord, Chair; Frevert and Rants.

House File 626

Ways and Means: Dix, Chair; Myers and Richardson.

House File 657 Reassigned

Ways and Means: Jenkins, Chair; Larson, Shoultz, Teig and Weigel.

House File 675

Ways and Means: Myers, Chair; Dinkla and Greig.

Senate File 176

Human Resources: Boddicker, Chair; Ford and Veenstra.

Senate File 236

Human Resources: Blodgett, Chair; Falck and Veenstra.

Senate File 240

Appropriations: Nelson, Chair; Brand and Brunkhorst.

Senate File 300

Human Resources: Blodgett, Chair; Barry and Fallon.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 237 Ways and Means**

Relating to an increase in the physical plant and equipment property tax levy.

RESOLUTIONS FILED

HR 13, by committee on administration and rules, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Placed on the calendar.

HR 14, by Lamberti and Ford, a resolution requesting that the Legislative Council establish an interim study committee to consider creation of a separate state department for youth services.

Laid over under **Rule 25**.

HCR 20, by Kremer, a concurrent resolution proclaiming the creation of the Iowa Veterans Foundation.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1268	H.F.	664	Millage of Scott
H—1269	H.F.	691	Murphy of Dubuque
H—1270	H.F.	612	Boddicker of Cedar
H—1271	H.F.	550	Churchill of Polk Myers of Johnson Weigel of Chickasaw Lamberti of Polk Dix of Butler
H—1272	H.F.	118	Murphy of Dubuque
H—1273	H.F.	642	Dinkla of Guthrie

On motion by Siegrist of Pottawattamie, the House adjourned at 4:30 p.m., until 1:00 p.m., Monday, March 24, 1997.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 24, 1997

The House met pursuant to adjournment at 1:05 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Jerald Swanberg, First United Methodist Church, Marshalltown.

The Journal of Thursday, March 20, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Tiger Cub Pack #38, from Windsor Elementary School, accompanied by Troop Leader Ty Larson.

INTRODUCTION OF BILL

House File 711, by Heaton, a bill for an act establishing an income tax deduction for certain volunteer emergency medical personnel and volunteer fire fighters and providing a retroactive applicability date.

Read first time and 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 March 20, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 388, a bill for an act reducing the state individual income tax rates by fifteen percent and including an effective date provision.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 686, a bill for an act providing for the sale of unused highway right-of-way and other real property by the state department of transportation to past or present owners of affected property, was taken up for consideration.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 686)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Chapman Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 687, a bill for an act relating to statutory references to the Iowa beef industry council and increasing an excise tax on beef cattle upon a referendum, was taken up for consideration.

Bogges 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?" (H.F. 687)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carrall	Cataldo	Chiodo
Churchill	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Chapman Connors Foegel

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 687 be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 1:35 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:08 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 367, a bill for an act relating to the transfer of job training withholding payments to the workforce development fund account, making an appropriation, and providing effective and retroactive applicability date provisions, 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. 367)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiado
Churchill	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Brand	Connors	Drees
-------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 539, a bill for an act relating to granting easements on certain property by the department of natural resources, was taken up for consideration.

SENATE FILE 190 SUBSTITUTED FOR HOUSE FILE 539

Arnold of Lucas asked and received unanimous consent to substitute Senate File 190 for House File 539.

Senate File 190, a bill for an act relating to granting easements on certain property by the department of natural resources, 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. 190)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 539 WITHDRAWN

Arnold of Lucas asked and received unanimous consent to withdraw House File 539 from further consideration by the House.

House File 661, a bill for an act relating to the adjudication and sentencing of certain criminal offenders, by providing for notice and hearings on reconsiderations of sentence, permitting the presentation of oral victim impact statements at reconsideration of sentence hearings, and eliminating certain sexual offenders from eligibility for suspended or deferred sentences or deferred judgments, was taken up for consideration.

Ford of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 661)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Connors

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 468 WITHDRAWN

Ford of Polk asked and received unanimous consent to withdraw House File 468 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: **House Files 367, 661 and Senate File 190.**

The House stood at ease at 2:35 p.m., until the fall of the gavel.

The House resumed session at 4:27 p.m., Speaker Corbett in the chair.

House File 645, a bill for an act relating to the financial and regulatory procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers and including an effective date provision, was taken up for consideration.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 645)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer

Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 642, a bill for an act relating to limited partnerships and the rights and duties of limited partners, partnership agreements, duties of the secretary of state with respect to limited partnerships, and other related matters affecting foreign and domestic limited partnerships, and establishing fees and penalties, was taken up for consideration.

Dinkla of Guthrie offered amendment H-1273 filed by him as follows:

H-1273

- 1 Amend House File 642 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "a" the following: "registered limited partnership."
- 4 2. Page 1, line 24, by inserting after the word
- 5 "a" the following: "foreign registered limited
- 6 partnership."
- 7 3. Page 1, line 28, by inserting after the words
- 8 "of the" the following: "registered limited
- 9 partnership."
- 10 4. Page 1, by inserting after line 31 the
- 11 following:
- 12 "Sec. ____ Section 487.102, Code 1997, is amended
- 13 by adding the following new subsection:
- 14 NEW SUBSECTION. 6. This chapter does not control
- 15 the use of fictitious names. However, a limited
- 16 partnership which uses a fictitious name in this state
- 17 shall deliver to the secretary of state for filing a
- 18 copy of the resolution of the limited partnership
- 19 certified by its general partners, adopting the
- 20 fictitious name."

- 21 5. Page 1, by inserting after 31, the following:
 22 "Sec. ____ Section 487.103, subsection 2, Code
 23 1997, is amended to read as follows:
 24 2. The reservation shall be made by filing with
 25 the secretary of state an application to reserve a
 26 specified name. If the secretary of state finds that
 27 the name is available for use by a domestic or foreign
 28 limited partnership, the secretary shall reserve the
 29 name for the exclusive use of the applicant for a
 30 period of ninety one hundred twenty days. The right
 31 to the exclusive use of a reserved name may be
 32 transferred to any other person by filing in the
 33 office of the secretary of state a notice of the
 34 transfer, executed by the applicant for whom the name
 35 was reserved and specifying the name and address of
 36 the transferee."
 37 6. Page 4, line 26, by striking the figure "20"
 38 and inserting the following: "100".
 39 7. Page 4, line 28, by striking the figure "20"
 40 and inserting the following: "100".
 41 8. Page 5, by striking lines 1 and 2.
 42 9. Page 5, line 15, by striking the word
 43 "corporation" and inserting the following: "limited
 44 partnership".
 45 10. Page 6, lines 24 and 25, by striking the
 46 words "and issue any necessary certificate".
 47 11. Page 25, by inserting after line 14 the
 48 following:
 49 "Sec. ____ Section 487.904, Code 1997, is amended
 50 by striking the section and inserting in lieu thereof

Page 2

- 1 the following:
 2 487.904 AMENDED REGISTRATION.
 3 1. A foreign limited partnership registered to
 4 transact business in this state shall obtain an
 5 amended certificate of registration from the secretary
 6 of state if either of the following conditions exist:
 7 a. A statement in the application for registration
 8 was false when made.
 9 b. An arrangement or other fact described in the
 10 application for registration has changed making the
 11 application inaccurate in any respect.
 12 2. The requirements of section, 487.902 for
 13 obtaining an original certificate of registration
 14 apply to obtaining an amended certificate under this
 15 section."
 16 12. Page 26, line 11, by inserting after the
 17 figure "487.206" the following: ", 487.905".
 18 13. By renumbering as necessary.

Dinkla of Guthrie offered the following amendment H-1275, to amendment H-1273, filed by him from the floor and moved its adoption:

H-1275

1 Amend the amendment, H-1273, to House File 642, as
2 follows:

3 1. Page 1, line 3, by inserting after the word
4 "limited" the following: "liability".

5 2. Page 1, line 5, by inserting after the word
6 "limited" the following: "liability".

7 3. Page 1, line 8, by inserting after the word
8 "limited" the following: "liability".

9 4. Page 1, by inserting after line 46 the
10 following:

11 " . Page 13, line 4, by striking the word "NEW"
12 and inserting the following: "NEW".

13 . Page 25, by inserting after line 2 the
14 following:

15 "Sec. NEW SECTION. 487.810 GROUNDS FOR
16 ADMINISTRATIVE DISSOLUTION.

17 The secretary of state may commence a proceeding
18 under section 487.811 to administratively dissolve a
19 limited partnership if any of the following apply:

20 1. The limited partnership is without a registered
21 agent or registered office in this state for sixty
22 days or more.

23 2. The limited partnership does not notify the
24 secretary of state within sixty days that its
25 registered agent or registered office has been
26 changed, that its registered agent has resigned, or
27 that its registered office has been discontinued.

28 Sec. NEW SECTION. 487.811 PROCEDURE FOR AND
29 EFFECT OF ADMINISTRATIVE DISSOLUTION.

30 1. If the secretary of state determines that one
31 or more grounds exist under section 487.810 for
32 dissolving a limited partnership, the secretary of
33 state shall serve the limited partnership with written
34 notice of the secretary of state's determination under
35 section 487.104.

36 2. If the limited partnership does not correct
37 each ground for dissolution or demonstrate to the
38 reasonable satisfaction of the secretary of state that
39 each ground determined by the secretary of state to
40 exist does not exist within sixty days after service
41 of the notice is perfected under section 487.104, the
42 secretary of state shall administratively dissolve the
43 limited partnership by signing a certificate of
44 dissolution that recites the ground or grounds for
45 dissolution and its effective date. The secretary of
46 state shall file the original of the certificate and
47 serve a copy on the limited partnership under section
48 487.104.

49 3. A limited partnership administratively
50 dissolved continues its existence but shall not carry

Page 2

1 on any business except that necessary to wind up and
2 liquidate its business and affairs under section
3 487.803.

4 4. The administrative dissolution of a limited
5 partnership does not terminate the authority of its
6 registered agent.

7 5. The secretary of state's administrative
8 dissolution of a limited partnership pursuant to this
9 section appoints the secretary of state the limited
10 partnership's agent for service of process in any
11 proceeding based on a cause of action which arose
12 during the time the limited partnership was authorized
13 to transact business in this state. Service of
14 process on the secretary of state under this
15 subsection is service on the limited partnership.
16 Upon receipt of process, the secretary of state shall
17 serve a copy of the process on the limited partnership
18 as provided in section 487.104. This subsection does
19 not preclude service on the limited partnership's
20 registered agent, if any.

21 Sec. ____ NEW SECTION. 487.812 REINSTATEMENT
22 FOLLOWING ADMINISTRATIVE DISSOLUTION.

23 1. A limited partnership administratively
24 dissolved under section 487.811 may apply to the
25 secretary of state for reinstatement within two years
26 after the effective date of dissolution. The
27 application must meet all of the following
28 requirements:

29 a. Recite the name of the limited partnership at
30 its date of dissolution and the effective date of its
31 administrative dissolution.

32 b. State that the ground or grounds for
33 dissolution have been eliminated.

34 c. State a name that satisfies the requirements of
35 section 487.102.

36 2. If the secretary of state determines that the
37 application contains the information required by
38 subsection 1, and that the information is correct, the
39 secretary of state shall cancel the certificate of
40 dissolution and prepare a certificate of reinstatement
41 that recites the secretary of state's determination
42 and the effective date of reinstatement, file the
43 original of the certificate, and serve a copy on the
44 limited partnership under section 487.104. If the
45 limited partnership's name in subsection 1, paragraph
46 "c", is different than the limited partnership's name
47 in subsection 1, paragraph "a", the certificate of
48 reinstatement shall constitute an amendment to the
49 articles of limited partnership insofar as it pertains
50 to the limited partnership's name.

Page 3

- 1 3. When the reinstatement is effective, it relates
2 back to and takes effect as of the effective date of
3 the administrative dissolution as if the
4 administrative dissolution had never occurred.
5 Sec. ____ NEW SECTION. 487.813 APPEAL FROM
6 DENIAL OF REINSTATEMENT.
7 1. If the secretary of state denies a limited
8 partnership's application for reinstatement following
9 administrative dissolution, the secretary of state
10 shall serve the limited partnership under section
11 487.104 with a written notice that explains the reason
12 or reasons for denial.
13 2. The limited partnership may appeal the denial
14 of reinstatement to the district court within thirty
15 days after service of the notice of denial is
16 perfected. The limited partnership appeals by
17 petitioning the court to set aside the dissolution and
18 attaching to the petition copies of the secretary of
19 state's certificate of dissolution, the limited
20 partnership's application for reinstatement, and the
21 secretary of state's notice of denial.
22 3. The court may summarily order the secretary of
23 state to reinstate the dissolved limited partnership
24 or may take other action the court considers
25 appropriate.
26 4. The court's final decision may be appealed as
27 in other civil proceedings."
28 5. Page 1, line 49, by striking the figure
29 "487.904" and inserting the following: "487.905".
30 6. Page 2, line 2, by striking the figure
31 "487.904" and inserting the following: "487.905".
32 7. Page 2, by inserting after line 15 the
33 following:
34 " ____ Page 25, line 35, by inserting after the
35 word "withdrawal" the following: "of a general
36 partner."
37 8. Page 2, line 17, by striking the figure
38 "487.905" and inserting the following: "487.903".
39 9. By renumbering as necessary.

Amendment H-1275 was adopted.

Dinkla of Guthrie moved the adoption of amendment H-1273, as amended.

Amendment H-1273, 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. 642)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 447, a bill for an act relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date, was taken up for consideration.

SENATE FILE 251 SUBSTITUTED FOR HOUSE FILE 447

Churchill of Polk asked and received unanimous consent to substitute Senate File 251 for House File 447.

Senate File 251, a bill for an act relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date, was taken up for consideration.

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. 251)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foega
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 447 WITHDRAWN

Churchill of Polk asked and received unanimous consent to withdraw House File 447 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: **House Files 645, 642 and Senate File 251.**

SENATE AMENDMENT CONSIDERED

Rants of Woodbury called up for consideration **House File 388**, a bill for an act reducing the state individual income tax rates by fifteen

percent and including an effective date provision, amended by the Senate amendment H-1274 as follows:

H-1274

- 1 Amend House File 388, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 3 through 28 and
 4 inserting the following:
 5 "a. On all taxable income from zero through one
 6 thousand dollars, ~~four-tenths~~ thirty-six hundredths of
 7 one percent.
 8 b. On all taxable income exceeding one thousand
 9 dollars but not exceeding two thousand dollars, ~~eight-~~
 10 ~~tenths~~ seventy-two hundredths of one percent.
 11 c. On all taxable income exceeding two thousand
 12 dollars but not exceeding four thousand dollars, two
 13 and ~~seven-tenths~~ forty-three hundredths percent.
 14 d. On all taxable income exceeding four thousand
 15 dollars but not exceeding nine thousand dollars, ~~five~~
 16 ~~four and one-half~~ percent.
 17 e. On all taxable income exceeding nine thousand
 18 dollars but not exceeding fifteen thousand dollars,
 19 six and ~~eight-tenths~~ twelve hundredths percent.
 20 f. On all taxable income exceeding fifteen
 21 thousand dollars but not exceeding twenty thousand
 22 dollars, ~~seven and two-tenths~~ six and forty-eight
 23 hundredths percent.
 24 g. On all taxable income exceeding twenty thousand
 25 dollars but not exceeding thirty thousand dollars,
 26 ~~seven and fifty-five hundredths~~ six and eight-tenths
 27 percent.
 28 h. On all taxable income exceeding thirty thousand
 29 dollars but not exceeding forty-five thousand dollars,
 30 ~~eight and eight-tenths~~ seven and ninety-two hundredths
 31 percent.
 32 i. On all taxable income exceeding forty-five
 33 thousand dollars, ~~nine~~ eight and ninety-eight
 34 hundredths percent."
 35 2. Title page, line 1, by striking the word
 36 "fifteen" and inserting the following: "ten".

Carroll of Poweshiek in the chair at 5:05 p.m.

Speaker Corbett in the chair at 5:15 p.m.

Rants of Woodbury moved that the House concur in the Senate amendment H-1274.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall the House concur in the Senate amendment H-1274?" (H.F. 388)

The ayes were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggett	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Dinkla	Dix
Dolecheck	Drake	Eddie	Fallon
Garman	Gipp	Greig	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cchoon	Connors	Cormack	Doderer
Dotzler	Drees	Falck	Foegé
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 1:

Greiner

The motion prevailed and the House concurred in the Senate amendment H-1274.

Rants 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.

Rule 75 was invoked.

On the question, "Shall the bill pass?" (H.F. 388)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Dolecheck
Drake	Drees	Eddie	Falck
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, 3:

Doderer Dotzler Fallon

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 388** be immediately messaged to the Senate.

Regular Calendar

House File 597, a bill for an act relating to school attendance and interagency efforts to address children's problems by applying school attendance requirements under the family investment program, providing for interagency agreements, and providing a civil penalty for truancy, was taken up for consideration.

Van Maanen of Marion in the chair at 6:08 p.m.

Thomson of Linn offered amendment H-1266 filed by her and Wise of Lee as follows:

H-1266

1 Amend House File 597 as follows:

- 2 1. Page 1, line 8, by inserting after the word
3 "grade." the following: "As a further condition of
4 eligibility, an applicant or recipient shall provide
5 written authorization for release of information to a
6 school concerning the receipt of assistance and for
7 release of information by a school concerning the
8 child's compliance with attendance requirements."
9 2. Page 1, line 23, by inserting after the word
10 "designee," the following: "designee of the juvenile
11 court."
12 3. Page 2, line 33, by inserting after the word
13 "family." the following: "If more than one child in
14 the family is deemed to be truant, the sanction shall
15 continue to apply until the department receives
16 written notification from the school truancy officer,
17 as provided in subsection 4, concerning each child."
18 4. Page 3, line 1, by striking the word
19 "information" and inserting the following: "or make
20 information available".
21 5. Page 3, line 5, by inserting after the word
22 "section." the following: "The department shall
23 implement protocols restricting information access
24 under this section by region or other means to provide
25 for the minimum access to information necessary to
26 implement the purposes of this section."
27 6. By striking page 3, line 8, through page 4,
28 line 25.
29 7. Page 5, line 7, by inserting after the words
30 "In lieu of" the following: "a criminal".
31 8. Page 5, line 19, by inserting after the word
32 "established." the following: "However, if the court
33 finds that the parent, guardian, or legal or actual
34 custodian of the child has been subject to sanction
35 under section 239.5B as a result of the child's
36 truancy, the court may waive the civil penalty under
37 this section."
38 9. Page 6, line 3, by striking the word "may" and
39 inserting the following: "shall".
40 10. Page 6, by striking lines 15 through 17 and
41 inserting the following: "for family investment
42 program assistance."
43 11. Page 6, line 17, by inserting after the
44 figure "279A.9A." the following: "Release of
45 information under this section shall be restricted to
46 the minimum access to information necessary to achieve
47 the purposes of this section."
48 12. Page 6, by inserting after line 24 the
49 following:
50 "Sec. ____ EFFECTIVE DATE - APPLICABILITY -

- 2 1. a. Section 239.5B, as enacted by this Act,
3 being deemed of immediate importance, takes effect
4 upon enactment.
- 5 b. The department of human services shall begin
6 implementing the provisions of section 239.5B, as
7 enacted by this Act, which require written
8 authorization for release of information as a
9 condition of eligibility for family investment program
10 assistance, effective July 1, 1997, and shall complete
11 implementation not later than December 31, 1997.
- 12 c. The provisions of sections 239.5B and 299.12
13 authorizing information release or access between the
14 department of human services and school truancy
15 officers shall apply beginning January 1, 1998.
- 16 2. The department of human services may adopt
17 emergency rules under section 17A.4, subsection 2, and
18 section 17A.5, subsection 2, paragraph "b", to
19 implement the provisions of section 239.5B, as enacted
20 by this Act, in accordance with this section and the
21 rules shall be effective immediately upon filing,
22 unless the effective date is delayed by the
23 administrative rules review committee, notwithstanding
24 section 17A.4, subsection 5, and section 17A.8,
25 subsection 9, or a later effective date is specified
26 in the rules. Any rules adopted in accordance with
27 this subsection shall not take effect before the rules
28 are reviewed by the administrative rules review
29 committee. Any rules adopted in accordance with this
30 section shall also be published as a notice of
31 intended action as provided in section 17A.4.
- 32 3. If Senate File 516 or other legislation
33 providing for the repeal of chapters 239 and 249C and
34 codification of the family investment program in
35 chapter 239B is enacted by the Seventy-seventh General
36 Assembly, 1997 Session, the repeal of chapter 239
37 shall not be deemed to repeal section 239.5B, as
38 enacted by this Act, and the Code editor shall codify
39 section 239.5B, as enacted by this Act, as part of
40 chapter 239B and shall revise internal references to
41 that section necessary to conform with the designation
42 codified by the Code editor."
- 43 13. Title page, lines 1 and 2, by striking the
44 words "and interagency efforts to address children's
45 problems".
- 46 14. Title page, lines 3 and 4, by striking the
47 words "providing for interagency agreements,".
- 48 15. Title page, line 5, by inserting after the
49 word "truancy" the following: ", applicability
50 provisions, and an effective date".

Mascher of Johnson offered the following amendment H-1302, to amendment H-1266, filed by her from the floor and moved its adoption:

H-1302

1 Amend the amendment, H-1266, to House File 597 as
2 follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "_. Page 1, line 25, by inserting after the
6 word "meeting," the following: "The child's parent or
7 other specified relative may identify an advocate to
8 be present at the attendance cooperation meeting as
9 the family's support person."

10 2. Page 1, by inserting after line 26 the
11 following:

12 "_. Page 3, line 7, by inserting after the word
13 "section." the following: "The rules shall include
14 but are not limited to a process for notifying persons
15 required to participate in the attendance cooperation
16 meeting, a family advocate, and other persons required
17 to be invited to a meeting of the scheduling of the
18 meeting."

19 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H-1302 lost.

Mascher of Johnson offered the following amendment H-1303, to amendment H-1266, filed by her from the floor and moved its adoption:

H-1303

1 Amend the amendment, H-1266, to House File 597 as
2 follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "_. Page 2, line 1, by striking the words "the
6 child" and inserting the following: "any other
7 participant who is involved in the implementation of
8 the attendance agreement".

9 _. Page 2, line 2, by inserting after the word
10 "appropriate," the following: "the child and".

Amendment H-1303 lost.

Kreiman of Davis offered the following amendment H-1309, to amendment H-1266, filed by him from the floor and moved its adoption:

H-1309

- 1 Amend the amendment, H-1266, to House File 597 as
2 follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "___ Page 2, line 14, by striking the word "The"
6 and inserting the following: "If the parent or other
7 specified relative has entered into an attendance
8 cooperation agreement and has made every reasonable
9 effort to comply with the terms of the agreement but
10 would be subject to sanction because of the child's
11 failure to comply with the attendance policy
12 applicable to the child's school, the department may
13 grant a good cause exception and suspend the sanction.
14 Unless the sanction is suspended, the".
15 2. By renumbering as necessary.

Amendment H-1309 lost.

Foegen of Linn offered the following amendment H-1310, to amend
amendment H-1266, filed by him from the floor and moved its adoption:

H-1310

- 1 Amend the amendment, H-1266, to House File 597 as
2 follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "___ Page 2, line 30, by inserting after the
6 word "sanction" the following: "for the first time a
7 family is subject to sanction".
8 ___ Page 2, line 32, by striking the word
9 "twenty-five" and inserting the following: "ten".
10 2. Page 1, lines 13 and 14, by striking the words
11 "'If more than one child in the family is deemed to be
12 truant, the" and inserting the following: "'If a
13 sanction is applicable for an additional child or if a
14 second or subsequent sanction is applicable, the
15 sanction shall be a deduction from the cash assistance
16 grant payable to the child's family in an amount
17 equivalent to twenty-five percent of the family
18 investment program payment standard applicable to the
19 family. The".

Amendment H-1310 lost.

Mascher of Johnson offered the following amendment H-1304, to
amendment H-1266, filed by her from the floor and moved its adoption:

H-1304

- 1 Amend the amendment, H-1266, House File 597 as

2 follows:

3 1. Page 1, by inserting after line 26 the

4 following:

5 " __. Page 3, by inserting after line 7 the

6 following:

7 " __. This section shall not be construed so as to
8 cause an applicant for assistance under this chapter
9 to be determined to be ineligible for the assistance
10 solely because, at the time of application, a child in
11 the applicant's family is truant as defined in section
12 299.8."

13 2. By renumbering as necessary.

Amendment H-1304 lost.

Mascher of Johnson offered the following amendment H-1307, to amendment H-1266, filed by her from the floor and moved its adoption:

H-1307

1 Amend the amendment, H-1266, House File 597 as

2 follows:

3 1. Page 1, by inserting after line 28 the

4 following:

5 " __. Page 5, by inserting after line 4 the

6 following:

7 "Sec. __. Section 299.6, Code 1997, is amended by
8 adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. If a child's parent,
10 guardian, or legal or actual custodian who is found
11 guilty and is subject to a penalty as provided in this
12 section has been subject to a sanction under section
13 239.5B as a result of the child's truancy, the court
14 may waive the penalty under this section."

15 2. By renumbering as necessary.

Amendment H-1307 was adopted.

Mascher of Johnson offered the following amendment H-1319, to amendment H-1266, filed by her from the floor and moved its adoption:

H-1319

1 Amend the amendment, H-1266, to House File 597 as

2 follows:

3 1. Page 1, by inserting after line 26 the

4 following:

5 " __. Page 3, line 7, by inserting after the word
6 "section." the following: "Information shared as part
7 of an attendance cooperation meeting and the
8 attendance cooperation agreement itself shall be
9 considered a confidential record under section 22.7
10 and unless authorized under this section or section

11 299.12, dissemination of the information and the
 12 attendance cooperation agreement is subject to the
 13 provisions of chapter 22 applicable to confidential
 14 records.””

15 2. Page 1, by inserting after line 28 the
 16 following:

17 “_ Page 4, line 34, by inserting after the
 18 figure “239.5B.” the following: “Information shared
 19 as part of an attendance cooperation meeting and the
 20 attendance cooperation agreement itself shall be
 21 considered a confidential record under section 22.7
 22 and dissemination of the information and the
 23 attendance cooperation agreement is subject to the
 24 provisions of chapter 22 applicable to confidential
 25 records.””

26 3. By renumbering as necessary.

Amendment H-1319 was adopted.

Thomson of Linn moved the adoption of amendment H-1266, as amended.

Amendment H-1266, as amended, was adopted.

Warnstadt of Woodbury offered the following amendment H-1232 filed by him and moved its adoption:

H-1232

1 Amend House File 597 as follows:

2 1. Page 5, line 4, by inserting after the word
 3 “prosecution.” the following: “If a truancy matter is
 4 referred for mediation but fails to be resolved or is
 5 referred for prosecution, the county attorney shall
 6 proceed with the prosecution within a reasonable
 7 amount of time following the matter's failure to be
 8 resolved by mediation or following receipt of the
 9 referral for prosecution.”

Amendment H-1232 lost.

Thomson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 597)

The ayes were, 94:

Arnold
 Boddicker
 Brunkhorst
 Cataldo

Barry
 Boggess
 Bukta
 Chapman

Bell
 Bradley
 Burnett
 Chiodo

Blodgett
 Brauns
 Carroll
 Churchill

Cphoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 6:

Bernau	Brand	Fallon	Foegel
Ford	Shoultz		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the house and the title, as amended, was agreed to.

HOUSE FILE 146 WITHDRAWN

Wise of Lee asked and received unanimous consent to withdraw House File 146 from further consideration by the House.

HOUSE FILE 660 REREFERRED

The Speaker announced that House File 660, previously placed on the calendar was rereferred to committee on ways and means.

PASSED ON FILE

The Speaker announced that Senate File 293, previously referred to committee on transportation, has been passed on file.

SENATE FILE 432 REREFERRED

The Speaker announced that Senate File 432, previously referred to committee on transportation was rereferred to committee on local government.

MOTIONS TO RECONSIDER

(House File 597)

I move to reconsider the vote by which House File 597 passed the House on March 24, 1997.

THOMSON of Linn

(House File 597)

I move to reconsider the vote by which House File 597 passed the House on March 24, 1997.

SCHRADER of Marion

(House File 686)

I move to reconsider the vote by which House File 686 passed the House on March 24, 1997.

VANDE HOEF of Osceola

(House File 686)

I move to reconsider the vote by which House File 686 passed the House on March 24, 1997.

KOENIGS of Mitchell

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 24th day of March, 1997: House File 212.

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:

Senior class students from Nodaway Valley, Greenfield. By Dinkla of Guthrie.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

A report from the Center for Health Statistics, pursuant to Chapter 144.5(5), Code of Iowa.

A report entitled, "Organized Delivery Systems in Iowa," pursuant to Chapter 158, 1993 Acts of the Seventy-fifth General Assembly.

A report entitled, "Iowa Senior Health Program FY '96."

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

- 1997\285 Beau J. Hanson, Jesup – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\286 Albert Karns, Jr., Anita – For his 50 years of service to the Anita Volunteer Fire Department.
- 1997\287 Jason Edward Archer, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\288 Iilene Banowetz, Maquoketa – For being named to the Big Bend All Conference 1st Team.
- 1997\289 Dan Fleming, Maquoketa – For being named to the Big Bend All Conference 1st Team.
- 1997\290 Patrick Bentrrott, Maquoketa – For being named to the Big Bend All Conference 1st Team.
- 1997\291 Lee Hughes of KMA Radio, Shenandoah – For receiving the News Media Award from the Iowa High School Athletic Association.
- 1997\292 Aaron S. Anderson, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\293 Brandon Persuad Swinton, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\294 Helen and Paul Richardson, Modale – For celebrating their 50th wedding anniversary.
- 1997\295 Dorathy and Leo Curry, Camanche – For celebrating their 60th wedding anniversary.
- 1997\296 Wilma and Ullin Karn, Humeston – For celebrating their 60th wedding anniversary.

1997\297 Dortha and Granville Snuggs, Chariton – For celebrating their 68th wedding anniversary.

1997\298 Ruth Bice, Clinton – For celebrating her 95th birthday.

1997\299 Winifred Jorgensen, Clinton – For celebrating her 90th birthday.

1997\300 Cecile Johnson, Persia – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 12

Judiciary: Churchill, Chair; Kreiman and Larson.

Senate File 40

Judiciary: Greiner, Chair; Bell and Lamberti.

Senate File 58

State Government: Houser, Chair; Bernau and Bradley.

Senate File 177 Reassigned

Transportation: Weidman, Chair; Drees and Eddie.

Senate File 184

Local Government: Martin, Chair; Mundie and Vande Hoef.

Senate File 232

Local Government: Arnold, Chair; Dix and Richardson.

Senate File 280

Judiciary: Lamberti, Chair; Kreiman and Sukup.

Senate File 293

Transportation: Chiodo, Chair; Heaton and Welter.

Senate File 432

Transportation: Vande Hoef, Chair; Brauns and Scherrman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 155.1

Ways and Means: Dinkla, Chair; Greig, Myers, Richardson and Teig.

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 TRANSPORTATION

Senate File 177, a bill for an act relating to motor vehicle operator prohibitions and restrictions including exhibition driving, littering, blood alcohol test certificates, and handicapped parking, and by establishing or making existing penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1299 March 24, 1997.

AMENDMENTS FILED

H-1276	H.F.	658	Brauns of Muscatine
H-1277	H.F.	612	Boddicker of Cedar
H-1278	H.F.	612	Boddicker of Cedar
H-1279	H.F.	612	Tyrrell of Iowa
H-1280	H.F.	709	Vande Hoef of Osceola
H-1281	H.F.	636	Jacobs of Polk
H-1282	H.F.	612	Boddicker of Cedar
H-1283	S.F.	293	Chiodo of Polk
H-1284	H.F.	174	Brunkhorst of Bremer Arnold of Lucas
H-1285	H.F.	223	Kreiman of Davis
H-1286	H.F.	612	Boddicker of Cedar
H-1287	H.F.	636	Churchill of Polk
			Cataldo of Polk
			Jacobs of Polk
H-1288	H.F.	706	Drees of Carroll
H-1289	H.F.	706	Kreiman of Davis
H-1290	H.F.	706	Kreiman of Davis
H-1291	H.F.	708	Meyer of Sac
H-1292	S.F.	379	Vande Hoef of Osceola
H-1293	H.F.	140	Fallon of Polk
H-1294	H.F.	140	Fallon of Polk
H-1295	H.F.	612	Burnett of Story
			Doderer of Johnson
			Foegen of Linn

	Witt of Black Hawk			Jochum of Dubuque
	Moreland of Wapello			Mascher of Johnson
	Kreiman of Davis			
H—1296	H.F.	599		Kreiman of Davis
H—1297	H.F.	580		Fallon of Polk
H—1298	H.F.	662		Millage of Scott
H—1299	S.F.	177		Committee on Transportation
H—1300	H.F.	542		Sukup of Franklin
	Kreiman of Davis			Grundberg of Polk
	Bell of Jasper			Garman of Story
	Dinkla of Guthrie			Larkin of Lee
	Bradley of Clinton			Welter of Jones
	Heaton of Henry			
H—1301	H.F.	694		Greig of Emmet
H—1305	H.F.	708		Koenigs of Mitchell
H—1306	H.F.	689		Richardson of Warren
H—1308	H.F.	449		Grundberg of Polk
H—1311	H.F.	710		Murphy of Dubuque
	Moreland of Wapello			Kreiman of Davis
	Holveck of Polk			Huser of Polk
	Kinzer of Scott			Osterhaus of Jackson
	Falck of Fayette			Jochum of Dubuque
	Burnett of Story			Reynolds-Knight of Van Buren
	Ford of Polk			Larkin of Lee
	Myers of Johnson			Richardson of Warren
	Connors of Polk			Mascher of Johnson
	Fallon of Polk			Weigel of Chickasaw
H—1312	H.F.	707		Lamberti of Polk
H—1313	H.F.	550		Churchill of Polk
				Myers of Johnson
				Lamberti of Polk
H—1314	H.F.	612		Boddicker of Cedar
H—1315	H.F.	688		Heaton of Henry
				Doderer of Johnson
H—1316	H.F.	685		Doderer of Johnson
				Carroll of Poweshiek
H—1317	H.F.	706		Greiner of Washington
H—1318	H.F.	612		Heaton of Henry
				Lamberti of Polk
H—1320	H.F.	612		Boddicker of Cedar
				Burnett of Story

H—1321	H.F.	449	Kreiman of Davis
H—1322	H.F.	449	Grundberg of Polk
H—1323	H.F.	636	Chiodo of Polk Jacobs of Polk
H—1324	H.F.	672	Drees of Carroll
H—1325	H.F.	636	Jacobs of Polk Churchill of Polk Bernau of Story Cataldo of Polk
H—1326	H.F.	701	Dix of Butler

On motion by Siegrist of Pottawattamie, the House adjourned at 7:37 p.m., until 8:45 a.m., Tuesday, March 25, 1997.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 25, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Ray Stauffer, United Methodist Church, Ruthven.

The Journal of Monday, March 24, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Boddicker of Cedar, from one hundred twenty-eight citizens favoring reform of Iowa's child abuse laws.

INTRODUCTION OF BILL

House File 712, by Siegrist, a bill for an act relating to privileges and prohibitions for certain persons including those relating to motor vehicle licenses and to the regulation of tobacco, tobacco products, or cigarettes, and providing penalties.

Read first time and referred to committee on **local government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 236, a bill for an act relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 309, a bill for an act relating to review and oversight of actions of the ozone transport assessment group.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 320, a bill for an act increasing the exceptions to the registration requirements for postsecondary schools, and eliminating an exemption for nondegree specialty vocational training programs from the accreditation requirement for postsecondary schools.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 285, a bill for an act relating to household hazardous materials and retail labeling requirements.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 359, a bill for an act relating to the qualifications for the director of the department of corrections.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 395, a bill for an act relating to the department of workforce development concerning the offsetting of unemployment compensation benefits, unemployment compensation for inmates, departmental liability for the release of unemployment compensation records, the voluntary shared work program, and workforce development services employees, and providing for an effective date.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 398, a bill for an act relating to the disposition of certain lost property.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 420, a bill for an act relating to the information to be displayed on motor vehicle licenses and nonoperator identification cards.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 433, a bill for an act relating to the definition and location of a land-leased community.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 459, a bill for an act establishing a domestic abuse death review team and providing for membership, duties, immunity for members acting in their official capacity, and confidentiality.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 492, a bill for an act relating to unemployment compensation benefits concerning proof of whether a person has voluntarily quit employment.

Also: That the Senate has on March 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 497, a bill for an act prohibiting the possession or distribution of gamma-hydroxybutyric acid under certain circumstances, and providing a penalty.

On motion by Siegrist of Pottawattamie, the House was recessed at 8:55 a.m., until 10:00 a.m.

MORNING SESSION

The House reconvened at 10:02 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

SENATE MESSAGES CONSIDERED

Senate File 285, by committee on natural resources and environment, a bill for an act relating to household hazardous materials and retail labeling requirements.

Read first time and **passed on file**.

Senate File 359, by committee on state government, a bill for an act relating to the qualifications for the director of the department of corrections.

Read first time and referred to committee on **state government**.

Senate File 395, by committee on business and labor, a bill for an act relating to the department of workforce development concerning the offsetting of unemployment compensation benefits, unemployment compensation for inmates, departmental liability for the release of unemployment compensation records, the voluntary shared work program, and workforce development services employees, and providing for an effective date.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 398, by committee on commerce, a bill for an act relating to the disposition of certain lost property.

Read first time and referred to committee on **local government**.

Senate File 420, by committee on transportation, a bill for an act relating to the information to be displayed on motor vehicle licenses and nonoperator identification cards.

Read first time and referred to committee on **transportation**.

Senate File 433, by committee on local government, a bill for an act relating to the definition and location of a land-leased community.

Read first time and **passed on file**.

Senate File 459, by committee on human resources, a bill for an act establishing a domestic abuse death review team and providing for membership, duties, immunity for members acting in their official capacity, and confidentiality.

Read first time and referred to committee on **human resources**.

Senate File 497, by committee on judiciary, a bill for an act prohibiting the possession or distribution of gamma-hydroxybutyric acid under certain circumstances, and providing a penalty.

Read first time and referred to committee on **judiciary**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk, until his arrival, on request of Moreland of Wapello.

CONSIDERATION OF BILLS

Regular Calendar

House File 550, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date, was taken up for consideration.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-1271 filed by Churchill, et al., on March 20, 1997.

Churchill of Polk offered the following amendment H-1313 filed by Churchill, et al., and moved its adoption:

H-1313

1 Amend House File 550 as follows:

2 1. Page 1, line 3, by inserting after the figure

3 "10." the following: "a."

4 2. Page 1, line 8, by striking the word "a." and

5 inserting the following: "a. (1)".

6 3. Page 1, line 10, by striking the word "b." and

7 inserting the following: "b. (2)".

8 4. Page 1, line 13, by striking the word "c." and

9 inserting the following: "c. (3)".

10 5. Page 1, line 16, by striking the word "five"

11 and inserting the following: "ten".

12 6. Page 1, by inserting after line 17 the

13 following:

14 "(4) The arrangement registers with and obtains a

15 certificate of registration issued by the commissioner

16 of insurance.

17 (5) The arrangement is subject to the jurisdiction
 18 of the commissioner of insurance, including regulatory
 19 oversight and solvency standards as established by
 20 rules adopted by the commissioner of insurance
 21 pursuant to chapter 17A.

22 b. A multiple employer welfare arrangement
 23 registered with the commissioner of insurance which
 24 does not meet the solvency standards established by
 25 rule adopted by the commissioner of insurance is
 26 subject to chapter 507C."

27 7. Page 1, by inserting after line 23 the
 28 following:

29 "Sec. ____ Section 513A.8, Code 1997, is
 30 repealed."

31 8. By renumbering as necessary.

Amendment H-1313 was adopted.

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. 550)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Cataldo	Chapman	Jochum	Larson
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 166 WITHDRAWN

Lamberti of Polk asked and received unanimous consent to withdraw House File 166 from further consideration by the House.

House File 336, a bill for an act providing for the assessment of lands owned by the department of natural resources within levee and drainage districts, was taken up for consideration.

Teig of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 336)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Dotzler	Drake	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 4:

Drees	Fallon	Holveck	Shoultz
-------	--------	---------	---------

Absent or not voting, 2:

Doderer Schrader

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 251, a bill for an act relating to the implementation of certain assistance programs of the department of economic development, was taken up for consideration.

SENATE FILE 272 SUBSTITUTED FOR HOUSE FILE 251

Thomson of Linn asked and received unanimous consent to substitute Senate File 272 for House File 251.

Senate File 272, a bill for an act relating to the implementation of certain assistance programs of the department of economic development, 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. 272)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Churchill

Doderer

Schrader

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 251 WITHDRAWN

Thomson of Linn asked and received unanimous consent to withdraw House File 251 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: **House Files 550, 336 and Senate File 272.**

House File 636, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date, was taken up for consideration.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-1287 filed by Churchill, et al., on March 24, 1997.

Jacobs of Polk offered the following amendment H-1325 filed by Jacobs, et al., and moved its adoption:

H-1325

- 1 Amend House File 636 as follows:
- 2 1. Page 1, by inserting after line 8 the
- 3 following:
- 4 "This section does not prohibit the governing body
- 5 of a city or county from adopting an ordinance
- 6 providing for elections on matters under the
- 7 jurisdiction of the governing body."

Amendment H-1325 was adopted.

Jochum of Dubuque offered the following amendment H-1184 filed by her and moved its adoption:

H-1184

- 1 Amend House File 636 as follows:
- 2 1. Page 8, by striking lines 20 through 27.
- 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 48.

Amendment H-1184 lost.

Jacobs of Polk offered the following amendment H-1281 filed by her and moved its adoption:

H-1281

1 Amend House File 636 as follows:

2 1. Page 30, by inserting after line 3 the
3 following:

4 "Sec. ____ NEW SECTION. 50.50 ADMINISTRATIVE
5 RECOUNTS.

6 The commissioner who was responsible for conducting
7 an election may request an administrative recount when
8 the commissioner suspects that voting equipment used
9 in the election malfunctioned or, that programming
10 errors may have affected the outcome of the election.

11 An administrative recount shall be conducted by the
12 board of the special precinct established by section

13 53.23. Bond shall not be required for an
14 administrative recount. The state commissioner may
15 adopt rules for administrative recounts.

16 If the recount board finds that there is an error
17 in the programming of any voting equipment which may
18 have affected the outcome of the election for any
19 office or public measure on the ballot, the recount
20 board shall describe the errors in its report to the
21 commissioner. The commissioner shall notify the board
22 of supervisors. The supervisors shall determine
23 whether to order an administrative recount for any or
24 all of the offices and public measures on the ballot."

25 2. By renumbering as necessary.

Amendment H-1281 was adopted.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-1204 filed by him on March 17, 1997.

Chiodo of Polk offered the following amendment H-1256 filed by him and Jacobs of Polk and moved its adoption:

H-1256

1 Amend House File 636 as follows:

2 1. Page 33, by inserting after line 28 the
3 following:

4 "Sec. ____ Section 53.11, Code 1997, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. A petition requesting a
7 satellite absentee voting station must be filed by the

8 following deadlines:

- 9 1. For a primary or general election, no later
10 than five p.m. on the forty-seventh day before the
11 election.
12 2. For the regular city election, no later than
13 five p.m. on the thirtieth day before the election.
14 3. For the regular school election, no later than
15 five p.m. on the thirtieth day before the election.
16 4. For a special election, no later than thirty-
17 two days before the special election.

18 Sec. ____ Section 53.11, unnumbered paragraph 2,
19 Code 1997, is amended to read as follows:

20 Satellite absentee voting stations shall be
21 established throughout the cities and county at the
22 direction of the commissioner or upon receipt of a
23 petition signed by not less than one hundred eligible
24 electors requesting that a satellite absentee voting
25 station be established at a location to be described
26 on the petition. ~~A petition requesting a satellite
27 absentee voting station must be filed no later than
28 five p.m. on the eleventh day before the election.~~ A
29 satellite absentee voting station established by
30 petition must be open at least one day ~~from eight a.m.
31 until five p.m.~~ for a minimum of six hours. A
32 satellite absentee voting station established at the
33 direction of the commissioner or by petition may
34 remain open until five p.m. on the day before the
35 election."

36 2. By renumbering as necessary.

Amendment H-1256 was adopted.

Speaker Corbett in the chair at 11:02 a.m.

Chiodo of Polk offered the following amendment H-1323 filed by
him and Jacobs of Polk and moved its adoption:

H-1323

1 Amend House File 636 as follows:

2 1. Page 34, by inserting before line 8 the
3 following:

4 "Sec. ____ Section 53.23, subsection 3, Code 1997,
5 is amended to read as follows:

6 3. The commissioner shall set the convening time
7 for the board, allowing a reasonable amount of time to
8 complete counting all absentee ballots by ten p.m. on
9 election day. The commissioner may direct the board
10 to meet on the day ~~prior to~~ before the election solely
11 for the purpose of reviewing the absentee voters'
12 affidavits appearing on the sealed ballot envelopes
13 if If in the commissioner's judgment this procedure
14 is necessary due to the number of absentee ballots

15 received, the members of the board may open the sealed
 16 ballot envelopes and remove the secrecy envelope
 17 containing the ballot, but under no circumstances
 18 shall a sealed ballot secrecy envelope be opened
 19 before the board convenes on election day. If the
 20 ballot envelopes are opened before election day, two
 21 observers appointed by each of the two political
 22 parties referred to in section 49.13, subsection 2,
 23 shall witness the proceedings.
 24 If the board finds any ballot not enclosed in a
 25 secrecy envelope, the two special precinct election
 26 officials, one from each of the two political parties
 27 referred to in section 49.13, subsection 2, shall
 28 place the ballot in a secrecy envelope and seal the
 29 envelope. No one shall examine the ballot. Each of
 30 the special precinct election officials shall sign the
 31 secrecy envelope."

Amendment H-1323 was adopted.

Jacobs of Polk offered the following amendment H-1251 filed by her and moved its adoption:

H-1251

- 1 Amend House File 636 as follows:
- 2 1. Page 43, line 17, by inserting after the word
- 3 "section" the following: "347.11 or".

Amendment H-1251 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. 636)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer

Lamberti	Larkin	Larson	Lord
Martin	Mascher	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 2:

May Schrader

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 425 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 425 from further consideration by the House.

MOTION TO RECONSIDER WITHDRAWN

(House File 597)

Connors of Polk asked and received unanimous consent to withdraw the motion to reconsider **House File 597**, a bill for an act relating to school attendance and interagency efforts to address children's problems by applying school attendance requirements under the family investment program, providing for interagency agreements, and providing a civil penalty for truancy, filed by Schrader of Marion on March 24, 1997.

MOTION TO RECONSIDER WITHDRAWN

(House File 597)

Thomson of Linn asked and received unanimous consent to withdraw the motion to reconsider **House File 597**, a bill for an act relating to school attendance and interagency efforts to address children's problems by applying school attendance requirements under the family investment program, providing for interagency agreements, and providing a civil penalty for truancy, filed by her on March 24, 1997.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 597 and 636.

House File 410, a bill for an act relating to programs administered by the college student aid commission and establishing an osteopathic physician recruitment program, was taken up for consideration.

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?" (H.F. 410)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Drees

Schrader

Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 563, a bill for an act relating to cooperative associations by providing for operations and procedures of the associations and providing an effective date, was taken up for consideration.

Huseman of Cherokee offered the following amendment H-1224 filed by him and moved its adoption:

H-1224

- 1 Amend House File 563 as follows:
- 2 1. Page 5, line 9, by striking the words
- 3 "qualified corporation and".
- 4 2. Page 5, line 10, by inserting after the word
- 5 "association" the following: "and qualified
- 6 corporation".
- 7 3. Page 6, line 23, by striking the word
- 8 "cooperating" and inserting the following:
- 9 "cooperative".
- 10 4. Page 6, by striking line 26 and inserting the
- 11 following: "certificate of merger pursuant to section
- 12 499.68".
- 13 5. Page 6, line 28, by striking the word
- 14 "cooperation" and inserting the following:
- 15 "corporation".
- 16 6. Page 6, line 30, by inserting after the word
- 17 "state" the following: "pursuant to section
- 18 490.1105".
- 19 7. Title page, line 1, by inserting after the
- 20 word "associations" the following: "and
- 21 corporations".
- 22 8. Title page, line 2, by striking the words "of
- 23 the associations" and inserting the following: "
- 24 including providing for mergers,".

Amendment H-1224 was adopted.

SENATE FILE 299 SUBSTITUTED FOR HOUSE FILE 563

Huseman of Cherokee asked and received unanimous consent to substitute Senate File 299 for House File 563.

Senate File 299, a bill for an act relating to cooperative associations and corporations by providing for operations and procedures, including providing for mergers, and providing an effective date, was taken up for consideration.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 299)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cphoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Drees	Millage	Schrader	Van Fossen
-------	---------	----------	------------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SPECIAL PRESENTATION

Schrader of Marion presented to the House, Congressman Richard Gephardt who is the Minority Leader for the U.S. House of Representatives.

HOUSE FILE 563 WITHDRAWN

Huseman of Cherokee asked and received unanimous consent to withdraw House File 563 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: **House File 410 and Senate File 299.**

House File 449, a bill for an act to prohibit sex acts when one participant was prevented from resisting by flunitrazepam, by expanding the substances within schedule I controlled substances to include flunitrazepam, and providing penalties, was taken up for consideration.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1308 filed by her on March 24, 1997.

Grundberg of Polk offered amendment H-1322 filed by her and requested division as follows:

H-1322

1 Amend House File 449 as follows:

H-1322A

2 1. Page 1, by striking lines 1 through 5.

H-1322B

3 2. Page 1, line 9, by striking the word "both"

4 and inserting the following: "all".

5 3. Page 1, by inserting after line 10 the

6 following:

7 "_. Flunitrazepam has been consumed by or

8 administered to the other participant without the

9 other participant's knowledge."

H-1322A

10 4. Page 1, line 12, by striking the word

11 "resisting" and inserting the following: "consenting

12 to".

13 5. Title page, by striking lines 2 through 4 and

14 inserting the following: "from consenting by

15 flunitrazepam, and providing penalties."

16 6. By renumbering as necessary.

Grundberg of Polk moved the adoption of amendment H-1322A.

Amendment H-1322A was adopted.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1255 filed by her on March 19, 1997.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1322B.

Kreiman of Davis offered the following amendment H-1321 filed by Kreiman, et al., and moved its adoption:

H-1321

- 1 Amend House File 449 as follows:
- 2 1. Page 1, line 9, by striking the words
- 3 "flunitrazepam and both" and inserting the following:
- 4 "a controlled substance, which may include but is not
- 5 limited to flunitrazepam, and all".
- 6 2. Page 1, by inserting after line 10 the
- 7 following:
- 8 "___ The controlled substance which may include
- 9 but is not limited to flunitrazepam, has been consumed
- 10 by or administered to the other participant without
- 11 the other participant's knowledge."
- 12 3. Page 1, line 11, by striking the word
- 13 "Flunitrazepam" and inserting the following: "The
- 14 controlled substance, which may include but is not
- 15 limited to flunitrazepam,".
- 16 4. Page 1, line 15, by striking the word
- 17 "flunitrazepam" and inserting the following: "the
- 18 controlled substance, which may include but is not
- 19 limited to flunitrazepam,".
- 20 5. Title page, line 2, by striking the word
- 21 "flunitrazepam" and inserting the following: "a
- 22 controlled substance including flunitrazepam".
- 23 6. By relettering as necessary.

Amendment H-1321 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?" (H.F. 449)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland

Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Schrader

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 457, a bill for an act concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date, was taken up for consideration.

SENATE FILE 233 SUBSTITUTED FOR HOUSE FILE 457

Nelson of Marshall asked and received unanimous consent to substitute Senate File 233 for House File 457.

Senate File 233, a bill for an act concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date, was taken up for consideration.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 233)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greiner	Gries	Grundberg	Hahn

Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, 1:

Greig

Absent or not voting, 2:

Schrader

Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 457 WITHDRAWN

Nelson of Marshall asked and received unanimous consent to withdraw House File 457 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: **House File 449** and **Senate File 233**.

House File 507, a bill for an act relating to the issuance or renewal of liquor control licenses and wine and beer permits by local authorities, was taken up for consideration.

Van Maanen of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 507)

The ayes were, 93:

Arnold

Barry

Bell

Bernau

Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Shoultz
Siegrist	Sukup	Taylor	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, 6:

Cataldo	Cormack	Doderer	Heaton
Teig	Weigel		

Absent or not voting, 1:

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 507** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:55 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened at 1:18 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-four members present, thirty-six absent.

SENATE MESSAGE CONSIDERED

Senate File 492, by committee on business and labor, a bill for an act relating to unemployment compensation benefits concerning proof of whether a person has voluntarily quit employment.

Read first time and referred to committee on **labor and industrial relations**.

CONSIDERATION OF BILLS

Regular Calendar

House File 694, a bill for an act extending the provisions relating to the eradication of brucellosis to apply to animals other than bovine animals, making penalties applicable, and providing an effective date, was taken up for consideration.

Greig of Emmet offered the following amendment H-1301 filed by him and moved its adoption:

H-1301

- 1 Amend House File 694 as follows:
- 2 1. Page 6, by striking lines 23 through 26 and
- 3 inserting the following: "All Officially vaccinated
- 4 purebred registered cattle must be tattooed in the ear
- 5 either with receive a vaccination tattoo and either an
- 6 official vaccination tag or the a purebred
- 7 identification tattoo and the same. The vaccination
- 8 tattoo and the vaccination tag number or the purebred
- 9 identification tattoo shall be evidenced on the
- 10 official certificate of vaccination."

Amendment H-1301 was adopted.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 694)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla

Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Boddicker Bradley Churchill Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 578, a bill for an act providing for the continued operation of the department of human rights and including an effective date, was taken up for consideration.

Brunkhorst of Bremer offered amendment H-1217 filed by him as follows:

H-1217

- 1 Amend House File 578 as follows:
- 2 1. Page 1, by inserting after line 1 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 216A.18 REPEAL.
- 5 Sections 216A.11 through 216A.17, providing for the
- 6 creation, organization, and operation of the
- 7 commission of Latino affairs, is repealed effective
- 8 July 1, 2010, and the division of Latino affairs shall
- 9 no longer exist effective on that date.
- 10 Sec. ____ NEW SECTION. 216A.61 REPEAL.
- 11 Sections 216A.51 through 216A.60, providing for the
- 12 creation, organization, and operation of the
- 13 commission on the status of women, is repealed

- 14 effective July 1, 1997, and the division on the status
 15 of women shall no longer exist effective on that date.
 16 Sec. ____ NEW SECTION. 216A.150 REPEAL.
 17 Sections 216A.141 through 216A.149, providing for
 18 the creation, organization, and operation of the
 19 commission on the status of African-Americans, is
 20 repealed effective July 1, 2010, and the division on
 21 the status of African-Americans shall no longer exist
 22 effective on that date.”
 23 2. Page 1, line 2, by striking the word “This”
 24 and inserting the following: “Section 1 of this”.
 25 3. By renumbering as necessary.

Weigel of Chickasaw rose on a point of order that amendment H-1217 was not germane.

The Speaker ruled the point well taken and amendment H-1217 not germane.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 578)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, 4:

Brunkhorst	Eddie	Meyer	Tyrrell
------------	-------	-------	---------

Absent or not voting, 1:

Churchill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 506, a bill for an act relating to community college operations including the duties of the board of directors of each community college, was taken up for consideration.

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?" (H.F. 506)

The ayes were, 88:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dotzler	Drees	Eddie	Falck
Fallon	Foege	Ford	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Larkin	Larson	Lord
Martin	Mascher	May	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Veenstra	Warnstadt	Weidman
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, 6:

Dolecheck	Frevert	Lamberti	Mertz
Thomas	Weigel		

Absent or not voting, 6:

Churchill
Vande Hoef

Drake
Welter

Murphy

Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 694, 578 and 506.**

House File 542, a bill for an act to prohibit the intentional tossing, throwing, or expelling of bodily fluids or material on jail and correctional employees by inmates, and providing penalties, was taken up for consideration.

Sukup of Franklin offered the following amendment H-1300 filed by Sukup, et al., and moved its adoption:

H-1300

- 1 Amend House File 542 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 708.3B INMATE ASSAULTS
- 5 - BODILY FLUIDS OR SECRETIONS.
- 6 A person who, while confined in a jail or in an
- 7 institution or facility under the control of the
- 8 department of corrections, commits any of the
- 9 following acts commits a class "D" felony:
- 10 1. An assault, as defined under section 708.1,
- 11 upon an employee of the jail or institution or
- 12 facility under the control of the department of
- 13 corrections, which results in the employee's contact
- 14 with bodily fluids or secretions.
- 15 2. An act which is intended to cause pain or
- 16 injury or be insulting or offensive and which results
- 17 in bodily fluids or secretions being cast or expelled
- 18 upon an employee of the jail or institution or
- 19 facility under the control of the department of
- 20 corrections."
- 21 2. Title page, line 1, by striking the words "the
- 22 intentional tossing, throwing," and inserting the
- 23 following: "acts by inmates of jails or correctional
- 24 institutions which result in contact with bodily
- 25 fluids or secretions or the casting".
- 26 3. Title page, line 2, by striking the word
- 27 "material" and inserting the following: "secretions".
- 28 4. Title page, line 3, by striking the words "by
- 29 inmates".

Amendment H-1300 was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 542)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 599, a bill for an act relating to dispositional orders pertaining to certain delinquent children by expanding the criteria for state training school placements and providing for extension of dispositional orders to allow completion of sexual abusers treatment programs, was taken up for consideration.

Grundberg of Polk offered the following amendment H-1264 filed by her and moved its adoption:

H-1264

- 1 Amend House File 599 as follows:
- 2 1. Page 1, by striking lines 6 through 10.
- 3 2. By renumbering as necessary.

Amendment H-1264 was adopted.

Kreiman of Davis offered amendment H-1296 filed by him and requested division as follows:

H-1296

- 1 Amend House File 599 as follows:

H-1296A

- 2 1. Page 1, line 23, by inserting after the word
- 3 "ordered" the following: "by the court".

H-1296B

- 4 2. Page 1, line 23, by inserting after the word
- 5 "sexual" the following: "or substance".

H-1296A

- 6 3. Page 1, line 24, by striking the words
- 7 "commenced but".
- 8 4. Page 1, line 26, by inserting after the word
- 9 "terminate" the following: "upon the date of
- 10 "completion of the program or".
- 11 5. Page 1, line 27, by inserting after the word
- 12 "age" the following: "whichever first occurs".

Kreiman of Davis moved the adoption of amendment H-1296A.

Amendment H-1296A was adopted.

Kreiman of Davis moved the adoption of amendment H-1296B.

Speaker Corbett in the chair at 2:10 p.m.

Roll call was requested by Kreiman of Davis and Schrader of Marion.

On the question "Shall amendment H-1296B be adopted?" (H.F. 599)

The ayes were, 46:

Bell

Bernau

Brand

Bukta

Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, none.

Amendment H-1296B lost.

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?" (H.F 599)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck

Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Churchill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 635, a bill for an act to consider the use of less lethal munitions by peace officers not a use of deadly force, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 635)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunckhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin

Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Dotzler

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 542, 599 and 635.**

House File 666, a bill for an act to increase the penalties for the manufacture, delivery, or possession with intent to manufacture or deliver amphetamine or any substance containing amphetamine, was taken up for consideration.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 666)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins

Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 3:

Doderer Fallon Myers

Absent or not voting, 1:

Vande Hoef

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 701, a bill for an act relating to the requirements for portability and continuity of health care coverage for individuals among certain types of health care coverage, and related matters, was taken up for consideration.

Dix of Butler offered the following amendment H-1326 filed by him and moved its adoption:

H-1326

- 1 Amend House File 701 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ Section 513B.2, subsection 1, Code
- 5 1997, is amended to read as follows:
- 6 1. "Actuarial certification" means a written
- 7 statement by a member of the American academy of
- 8 actuaries or other individual acceptable to the
- 9 commissioner that a small employer carrier is in
- 10 compliance with the provisions of section 513B.4,
- 11 based upon the person's examination, including a
- 12 review of the appropriate records and of the actuarial
- 13 assumptions and methods utilized by the small employer
- 14 carrier in establishing premium rates for applicable
- 15 health benefit plans insurance coverages."
- 16 2. Page 1, by inserting after line 19 the
- 17 following:

18 "Sec. ____ Section 513B.2, subsection 6, paragraph
19 a, Code 1997, is amended to read as follows:

20 a. A distinct grouping may only be established by
21 the small employer carrier on the basis that the
22 applicable health ~~benefit plans~~ insurance coverages
23 meet one or more of the following requirements:

24 (1) The plans coverages are marketed and sold
25 through individuals and organizations which are not
26 participating in the marketing or sales of other
27 distinct groupings of small employers for the small
28 employer carrier.

29 (2) The plans coverages have been acquired from
30 another small employer carrier as a distinct grouping
31 of plans.

32 (3) The plans coverages are provided through an
33 association with membership of not less than fifty
34 small employers which has been formed for purposes
35 other than obtaining insurance.

36 Sec. ____ Section 513B.2, subsection 9, Code 1997,
37 is amended to read as follows:

38 9. "Eligible employee" means an employee who works
39 on a full-time basis and has a normal work week of
40 thirty or more hours. The term includes a sole
41 proprietor, a partner of a partnership, and an
42 independent contractor, if the sole proprietor,
43 partner, or independent contractor is included as an
44 employee under a ~~health benefit plan~~ health insurance
45 coverage of a small employer, but does not include an
46 employee who works on a part-time, temporary, or
47 substitute basis."

48 3. Page 2, lines 32 and 33, by striking the words
49 and figure "paragraph a, Code 1997, is" and inserting
50 the following: "paragraphs a, b, and c, Code 1997,

Page 2

1 are".

2 4. Page 3, by inserting after line 9 the
3 following:

4 "b. The individual is employed by an employer that
5 offers multiple health ~~benefit plans~~ insurance
6 coverages and the individual elects a different ~~plan~~
7 coverage during an open enrollment period.

8 c. A court has ordered that coverage be provided
9 for a spouse or minor or dependent child under a
10 covered employee's health ~~benefit plan~~ insurance
11 coverage and the request for enrollment is made within
12 thirty days after issuance of the court order."

13 5. Page 3, by inserting after line 18 the
14 following:

15 "Sec. ____ Section 513B.2, subsection 13, Code
16 1997, is amended to read as follows:

17 13. "New business premium rate" means, for each

18 class of business as to a rating period, the lowest
19 premium rate charged or offered by the small employer
20 carrier to small employers with similar case
21 characteristics for newly issued health ~~benefit plans~~
22 insurance coverages with the same or similar
23 coverage."

24 6. Page 4, by inserting after line 22 the
25 following:

26 "c. For purposes of this subsection, a partnership
27 which establishes and maintains a plan, fund, or
28 program to provide medical care to present or former
29 partners in the partnership or to their dependents
30 directly or through insurance, reimbursement, or other
31 method, which would not be an employee benefit welfare
32 plan but for this paragraph, shall be treated as an
33 employee benefit welfare plan which is a group health
34 plan.

35 (1) For purposes of a group health plan, an
36 employer includes the partnership in relation to any
37 partner.

38 (2) For purposes of a group health plan, the term
39 "participant" also includes both of the following:

40 (a) An individual who is a partner in relation to
41 a partnership which maintains a group health plan.

42 (b) An individual who is a self-employed
43 individual in connection with a group health plan
44 maintained by the self-employed individual where one
45 or more employees are participants, if the individual
46 is or may become eligible to receive a benefit under
47 the plan or the individual's beneficiaries may be
48 eligible to receive a benefit."

49 7. Page 4, by inserting after line 31 the
50 following:

Page 3

1 "Sec. ____ Section 513B.3, subsection 3, Code
2 1997, is amended to read as follows:

3 3. The health ~~benefit plan~~ insurance coverage is
4 treated by the employer or any of the eligible
5 employees or dependents as part of a ~~plan coverage~~ or
6 program for the purposes of section 106, 125, or 162
7 of the Internal Revenue Code as defined in section
8 422.3.

9 Sec. ____ Section 513B.3, subsection 4, paragraphs
10 a and c, Code 1997, are amended to read as follows:

11 a. Except as provided in paragraph "b", for
12 purposes of this subchapter, carriers that are
13 affiliated companies or that are eligible to file a
14 consolidated tax return shall be treated as one
15 carrier and any restrictions or limitations imposed by
16 this subchapter shall apply as if all health ~~benefit~~
17 plans insurance coverages delivered or issued for

18 delivery to small employers in this state by such
19 carriers were issued by one carrier.

20 c. Unless otherwise authorized by the
21 commissioner, a small employer carrier shall not enter
22 into one or more ceding arrangements with respect to
23 health ~~benefit plans~~ insurance coverages delivered or
24 issued for delivery to small employers in this state
25 if the arrangements would result in less than fifty
26 percent of the insurance obligation or risk for such
27 health ~~benefit plans~~ insurance coverages being
28 retained by the ceding carrier.

29 Sec. ____ Section 513B.4, subsection 1, paragraph
30 c, subparagraph (1), Code 1997, is amended to read as
31 follows:

32 (1) The percentage change in the new business
33 premium rate measured from the first day of the prior
34 rating period to the first day of the new rating
35 period. In the case of a class of business for which
36 the small employer carrier is not issuing new
37 policies, the small employer carrier shall use the
38 percentage change in the base premium rate, provided
39 that the change does not exceed, on a percentage
40 basis, the change in the new business premium rate for
41 the most similar health ~~benefit plan~~ insurance
42 coverage into which the small employer carrier is
43 actively enrolling new insureds who are small
44 employers.

45 Sec. ____ Section 513B.4, subsection 1, paragraph
46 d, Code 1997, is amended to read as follows:

47 d. In the case of health ~~benefit plans~~ insurance
48 coverages issued prior to July 1, 1991, a premium rate
49 for a rating period may exceed the ranges described in
50 subsection 1, paragraph "a" or "b", for a period of

Page 4

1 three years following July 1, 1992. In such case, the
2 percentage increase in the premium rate charged to a
3 small employer in such a class of business for a new
4 rating period may not exceed the sum of the following:

5 (1) The percentage change in the new business
6 premium rate measured from the first day of the prior
7 rating period to the first day of the new rating
8 period. In the case of a class of business for which
9 the small employer carrier is not issuing new
10 policies, the small employer carrier shall use the
11 percentage change in the base premium rate, provided
12 that the change does not exceed, on a percentage
13 basis, the change in the new business premium rate for
14 the most similar health ~~benefit plan~~ insurance
15 coverage into which the small employer carrier is
16 actively enrolling new insureds who are small
17 employers.

18 (2) Any adjustment due to change in coverage or
19 change in the case characteristics of the small
20 employer as determined from the small employer
21 carrier's rate manual for the class of business.

22 Sec. ____ Section 513B.4, subsection 3, unnumbered
23 paragraph 3, Code 1997, is amended to read as follows:

24 Rating factors shall produce premiums for identical
25 groups which differ only by amounts attributable to
26 plan coverage design and do not reflect differences
27 due to the nature of the groups assumed to select
28 particular health benefit plans. A small employer
29 carrier shall treat all health benefit plans insurance
30 coverages issued or renewed in the same calendar month
31 as having the same rating period.

32 Sec. ____ Section 513B.4, subsection 4, Code 1997,
33 is amended to read as follows:

34 4. For purposes of this section, a health benefit
35 plan insurance coverage that contains a restricted
36 network provision shall not be considered similar
37 coverage to a health benefit-plan insurance coverage
38 that does not contain such a provision, if the
39 restriction of benefits to network providers results
40 in substantial differences in claims costs.

41 Sec. ____ Section 513B.4A, Code 1997, is amended
42 to read as follows:

43 513B.4A EXEMPTION FROM PREMIUM RATE RESTRICTIONS.

44 A Taft-Hartley trust or a carrier with the written
45 authorization of such a trust may make a written
46 request to the commissioner for an exemption from the
47 application of any provisions of section 513B.4 with
48 respect to a ~~health benefit plan~~ health insurance
49 coverage provided to such a trust. The commissioner
50 may grant an exemption if the commissioner finds that

Page 5

1 application of section 513B.4 with respect to the
2 trust would have a substantial adverse effect on the
3 participants and beneficiaries of such trust, and
4 would require significant modifications to one or more
5 collective bargaining arrangements under which the
6 trust is established or maintained. An exemption
7 granted under this section shall not apply to an
8 individual if the individual participates in a trust
9 as an associate member of an employee organization."

10 8. Page 7, by inserting after line 19 the
11 following:

12 "Sec. ____ Section 513B.6, unnumbered paragraph 1,
13 Code 1997, is amended to read as follows:

14 A small employer carrier or organized delivery
15 system shall make reasonable disclosure in
16 solicitation and sales materials provided to small
17 employers of all of the following:

18 Sec. ____ Section 513B.6, subsection 2, Code 1997,
19 is amended to read as follows:

20 2. The provisions concerning the small employer
21 carrier's or organized delivery system's right to
22 change premium rates and factors, including case
23 characteristics, which affect changes in premium
24 rates.

25 Sec. ____ Section 513B.7, Code 1997, is amended to
26 read as follows:

27 513B.7 MAINTENANCE OF RECORDS.

28 1. A small employer carrier or organized delivery
29 system shall maintain at its principal place of
30 business a complete and detailed description of its
31 rating practices and renewal underwriting practices,
32 including information and documentation which
33 demonstrate that its rating methods and practices are
34 based upon commonly accepted actuarial assumptions and
35 are in accordance with sound actuarial principles.

36 2. A small employer carrier or organized delivery
37 system shall file each March 1 with the commissioner
38 or director an actuarial certification that the small
39 employer carrier or organized delivery system is in
40 compliance with this section and that the rating
41 methods of the small employer carrier or organized
42 delivery system are actuarially sound. A copy of the
43 certification shall be retained by the small employer
44 carrier or organized delivery system at its principal
45 place of business.

46 3. A small employer carrier or organized delivery
47 system shall make the information and documentation
48 described in subsection 1 available to the
49 commissioner or organized delivery system upon
50 request. The information is not a public record or

Page 6

1 otherwise subject to disclosure under chapter 22, and
2 is considered proprietary and trade secret information
3 and is not subject to disclosure by the commissioner
4 or director to persons outside of the division or
5 department except as agreed to by the small employer
6 carrier or organized delivery system or as ordered by
7 a court of competent jurisdiction."

8 9. Page 7, by striking lines 21 and 22 and
9 inserting the following:

10 "A carrier or organized delivery system offering
11 group health insurance coverage".

12 10. Page 7, line 25, by striking the word "plan"
13 and inserting the following: "coverage".

14 11. Page 8, by striking line 3, and inserting the
15 following:

16 "2. Subsection 1 does not require".

17 12. Page 8, line 5, by striking the words "plan

- 18 or".
- 19 13. Page 8, line 6, by striking the words "plan
20 or".
- 21 14. Page 8, line 9, by striking the words "plan
22 or".
- 23 15. Page 8, by striking lines 10 and 11 and
24 inserting the following:
- 25 "3. Rules for eligibility to enroll under group
26 health insurance coverage include rules defining".
- 27 16. Page 8, by striking lines 13 and 14 and
28 inserting the following:
- 29 "4. a. A carrier or organized delivery system
30 offering health insurance coverage".
- 31 17. Page 8, line 16, by striking the word "plan"
32 and inserting the following: "coverage".
- 33 18. Page 8, line 18, by striking the word "plan"
34 and inserting the following: "coverage".
- 35 19. Page 8, line 21, by striking the word "plan"
36 and inserting the following: "coverage".
- 37 20. Page 8, by striking line 25 and inserting the
38 following: "for health insurance coverage."
- 39 21. Page 9, line 6, by striking the words "group
40 health plan" and inserting the following: "health
41 insurance coverage".
- 42 22. Page 9, line 20, by striking the words ", if
43 required,".
- 44 23. Page 10, line 4, by striking the words ", if
45 required,".
- 46 24. Page 10, lines 17 and 18, by striking the
47 words "in connection with group health plans".
- 48 25. Page 10, line 19, by striking the words
49 "group health plans" and inserting the following:
50 "health insurance coverages".

Page 7

- 1 26. Page 10, lines 31 and 32, by striking the
2 words "in connection with a group health plan".
- 3 27. Page 11, line 12, by inserting after the word
4 "carrier" the following: "or organized delivery
5 system".
- 6 28. Page 12, line 8, by striking the words "group
7 health plan and a".
- 8 29. Page 15, by inserting after, line 19 the
9 following:
- 10 "Sec. ____ Section 513B.11, subsection 2, Code
11 1997, is amended to read as follows:
- 12 2. A reinsuring carrier that applies and is
13 approved to operate as a risk-assuming carrier shall
14 not be permitted to continue to reinsure any health
15 ~~benefit plan insurance coverage~~ with the program. The
16 carrier shall pay a prorated assessment based upon
17 business issued as a reinsuring carrier for any

18 portion of the year that the business was reinsured.
19 Sec. ____ Section 513B.13, subsection 7,
20 unnumbered paragraph 1, Code 1997, is amended to read
21 as follows:

22 The same general powers and authority granted under
23 the laws of this state to insurance companies and
24 health maintenance organizations licensed to transact
25 business in this state may be exercised by the board
26 under the program, except the power to issue health
27 ~~benefit plans~~ insurance coverages directly to either
28 groups or individuals. Additionally, the board is
29 granted the specific authority to do all or any of the
30 following:

31 Sec. ____ Section 513B.13, subsection 7, paragraph
32 d, Code 1997, is amended to read as follows:

33 d. Define the health ~~benefit plans~~ insurance
34 coverages for which reinsurance will be provided, and
35 issue reinsurance policies, pursuant to this
36 subchapter.

37 Sec. ____ Section 513B.13, subsection 8, paragraph
38 b, Code 1997, is amended to read as follows:

39 b. A small employer carrier may reinsure an entire
40 employer group within sixty days of the commencement
41 of the group's coverage under a ~~health benefit plan~~
42 health insurance coverage.

43 Sec. ____ Section 513B.13, subsection 9, paragraph
44 a, Code 1997, is amended to read as follows:

45 a. The board, as part of the plan of operation,
46 shall establish a methodology for determining premium
47 rates to be charged by the program for reinsuring
48 small employers and individuals pursuant to this
49 section. The methodology shall include a system for
50 classification of small employers that reflects the

Page 8

1 types of case characteristics commonly used by small
2 employer carriers in the state. The methodology shall
3 provide for the development of base reinsurance
4 premium rates, which shall be multiplied by the
5 factors set forth in paragraph "b" to determine the
6 premium rates for the program. The base reinsurance
7 premium rates shall be established by the board,
8 subject to the approval of the commissioner, and shall
9 be set at levels which reasonably approximate gross
10 premiums charged to small employers by small employer
11 carriers for health ~~benefit plans~~ insurance coverages
12 with benefits similar to the standard health benefit
13 plan.

14 Sec. ____ Section 513B.13, subsection 10, Code
15 1997, is amended to read as follows:

16 10. If a ~~health benefit plan~~ health insurance
17 coverage for a small employer is entirely or partially

18 reinsured with the program, the premium charged to the
19 small employer for any rating period for the coverage
20 issued shall meet the requirements relating to premium
21 rates set forth in section 513B.4.

22 Sec. ____ Section 513B.13, subsection 11,
23 paragraph b, subparagraphs (1), (2), and (3), Code
24 1997, are amended to read as follows:

25 (1) The board shall establish, as part of the plan
26 of operation, a formula by which to make assessments
27 against reinsuring carriers. The assessment formula
28 shall be based on both of the following:

29 (a) Each reinsuring carrier's share of the total
30 premiums earned in the preceding calendar year from
31 ~~health benefit plans~~ insurance coverages delivered or
32 issued for delivery to small employers in this state
33 by reinsuring carriers.

34 (b) Each reinsuring carrier's share of the
35 premiums earned in the preceding calendar year from
36 newly issued ~~health benefit plans~~ insurance coverages
37 delivered or issued for delivery during such calendar
38 year to small employers in this state by reinsuring
39 carriers.

40 (2) The formula established pursuant to
41 subparagraph (1) shall not result in any reinsuring
42 carrier having an assessment share that is less than
43 fifty percent nor more than one hundred fifty percent
44 of an amount which is based on the proportion of the
45 reinsuring carrier's total premiums earned in the
46 preceding calendar year from ~~health benefit plans~~
47 insurance coverages delivered or issued for delivery
48 to small employers in this state by reinsuring
49 carriers to total premiums earned in the preceding
50 calendar year from ~~health benefit plans~~ insurance

Page 9

1 coverages delivered or issued for delivery to small
2 employers in this state by all reinsuring carriers.

3 (3) The board, with approval of the commissioner,
4 may change the assessment formula established pursuant
5 to subparagraph (1) from time to time as appropriate.
6 The board may provide for the shares of the assessment
7 base attributable to premiums from all ~~health benefit~~
8 ~~plans~~ insurance coverages and to premiums from newly
9 issued ~~health benefit plans~~ insurance coverages to
10 vary during a transition period.

11 Sec. ____ Section 513B.13, subsection 11,
12 paragraph c, subparagraph (3), Code 1997, is amended
13 to read as follows:

14 (3) For any calendar year, the amount specified in
15 this subparagraph is five percent of total premiums
16 earned in the previous year from ~~health benefit plans~~
17 insurance coverages delivered or issued for delivery

18 to small employers in this state by reinsuring
19 carriers.

20 Sec. ____ Section 513B.15, Code 1997, is amended
21 to read as follows:

22 513B.15 PERIODIC MARKET EVALUATION.

23 The board shall study and report at least every
24 three years to the commissioner on the effectiveness
25 of this subchapter. The report shall analyze the
26 effectiveness of the subchapter in promoting rate
27 stability, product availability, and coverage
28 affordability. The report may contain recommendations
29 for actions to improve the overall effectiveness,
30 efficiency, and fairness of the small group health
31 insurance marketplace. The report shall address
32 whether carriers and producers are fairly and actively
33 marketing or issuing health benefit plans insurance
34 coverages to small employers in fulfillment of the
35 purposes of this subchapter. The report may contain
36 recommendations for market conduct or other regulatory
37 standards or action."

38 30. Page 15, by inserting after line 25 the
39 following:

40 "Sec. ____ Section 513B.17A, Code 1997, is amended
41 to read as follows:

42 513B.17A RESTORATION OF TERMINATED COVERAGE.

43 The commissioner may adopt rules to require small
44 employer carriers, as a condition of transacting
45 business with small employers in this state after July
46 1, 1993, to reissue a ~~health benefit plan~~ health
47 insurance coverage to any small employer whose health
48 ~~benefit plan~~ insurance coverage is terminated or not
49 renewed by a carrier after January 1, 1993, unless the
50 carrier's termination is pursuant to section 513B.5.

Page 10

1 The commissioner may prescribe such terms for the
2 reissuance of coverage as the commissioner finds are
3 reasonable and necessary to provide continuity of
4 coverage to such employers."

5 31. Page 18, by inserting after line 6 the
6 following:

7 "6. A carrier or organized delivery system
8 offering coverage through a bona fide association is
9 not required to renew a continue in force coverage or
10 to accept applications from an individual through an
11 association if the membership of the individual in the
12 association on which the basis of coverage is provided
13 ceases, but only if the coverage is not offered or
14 terminated under this paragraph uniformly without
15 regard to health status-related factors of a covered
16 individual."

17 32. Page 19, line 11, by striking the words "as

18 the same" and inserting the following: "the same as".
19 33. Page 20, line 3, by striking the words "any
20 of".
21 34. Page 21, line 35, by striking the words "in
22 the".
23 35. Page 22, line 1, by striking the words
24 "individual market".
25 36. Page 22, line 3, by striking the words
26 "Individual health" and inserting the following:
27 "Health".
28 37. Page 22, line 19, by striking the words
29 "Individual health" and inserting the following:
30 "Health".
31 38. Page 22, line 26, by striking the words
32 "Individual health" and inserting the following:
33 "Health".
34 39. Page 22, line 32, by striking the words
35 "Individual health" and inserting the following:
36 "Health".
37 40. Page 23, by inserting after line 33 the
38 following:
39 "Sec. ____ Section 514E.2, subsection 2,
40 unnumbered paragraph 1, Code 1997, is amended to read
41 as follows:
42 The board of directors of the association shall
43 consist of four members selected by the members of the
44 association, two of whom shall be representatives from
45 corporations operating pursuant to chapter 514 on July
46 1, 1989, or any successors in interest, and two of
47 whom shall be representatives of organized delivery
48 systems or insurers providing coverage pursuant to
49 chapter 509 or 514A; four public members selected by
50 the governor; the commissioner or the commissioner's

Page 11

1 designee from the division of insurance; and two
2 members of the general assembly, one of whom shall be
3 appointed by the speaker of the house and one of whom
4 shall be appointed by the president of the senate,
5 after consultation with the majority leader and the
6 minority leader of the senate, who shall be ex officio
7 and nonvoting members. The composition of the board
8 of directors shall be in compliance with sections
9 69.16 and 69.16A. The governor's appointees shall be
10 chosen from a broad cross-section of the residents of
11 this state.
12 Sec. ____ Section 514E.2, subsection 3, paragraph
13 f, Code 1997, is amended by striking the paragraph.
14 Sec. ____ Section 514E.2, subsection 7, Code 1997,
15 is amended to read as follows:
16 7. Following the close of each calendar year, the
17 association shall determine the net premiums and

18 payments, the expenses of administration, and the
19 incurred losses of the association for the year. The
20 association shall certify the amount of any net loss
21 for the preceding calendar year to the commissioner of
22 insurance and director of revenue and finance who
23 shall make payment to the association according to
24 procedures established under subsection 3, paragraph
25 "f". Any remaining loss, after payment to the
26 association from the health insurance trust fund,
27 shall be assessed by the association to all members in
28 proportion to their respective shares of total health
29 insurance premiums or payments for subscriber
30 contracts received in Iowa during the second preceding
31 calendar year, or with paid losses in the year,
32 coinciding with or ending during the calendar year or
33 on any other equitable basis as provided in the plan
34 of operation. In sharing losses, the association may
35 abate or defer in any part the assessment of a member,
36 if, in the opinion of the board, payment of the
37 assessment would endanger the ability of the member to
38 fulfill its contractual obligations. The association
39 may also provide for an initial or interim assessment
40 against members of the association if necessary to
41 assure the financial capability of the association to
42 meet the incurred or estimated claims expenses or
43 operating expenses of the association until the next
44 calendar year is completed. Net gains, if any, must
45 be held at interest to offset future losses or
46 allocated to reduce future premiums."
47 41. Page 23, by inserting after line 35 the
48 following:
49 "Sec. ____ Section 514E.5, subsection 2, Code
50 1997, is amended to read as follows:

Page 12

1 2. Services and charges made for benefits provided
2 under the laws of the United States, including
3 excluding Medicare and Medicaid, military service-
4 connected disabilities, but including medical services
5 provided for members of the armed forces and their
6 dependents or for employees of the armed forces of the
7 United States, and medical services financed on behalf
8 of all citizens by the United States.
9 However, the association policy shall pay benefits
10 as a primary payer in any case where benefit coverage
11 provided under the laws of the United States,
12 including Medicare and Medicaid, or under the laws of
13 this state is, by rule or statute, secondary to all
14 other coverages."
15 42. Page 24, line 19, by inserting after the word
16 "carrier" the following: "or organized delivery
17 system".

- 18 43. Page 24, line 20, by inserting after the word
 19 "carrier" the following: "or organized delivery
 20 system".
 21 44. Page 24, line 24, by inserting after the word
 22 "carrier" the following: "or organized delivery
 23 system".
 24 45. Page 27, by inserting after line 9 the
 25 following:
 26 "Sec. ____ Section 514E.3, Code 1997, is
 27 repealed."
 28 46. By renumbering as necessary.

Amendment H-1326 was adopted.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 701)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Bloodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunckhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 658, a bill for an act relating to city ordinances and other official actions of a city council and mayor, was taken up for consideration.

Brauns of Muscatine offered amendment H-1233 filed by him as follows:

H-1233

- 1 Amend House File 658 as follows:
- 2 1. Page 2, by striking lines 20 and 21 and
- 3 inserting the following: "However, the vote".
- 4 2. Page 2, by inserting before line 28 the
- 5 following:
- 6 "Sec. ____ Section 380.5, Code 1997, is amended to
- 7 read as follows:
- 8 380.5 MAYOR.
- 9 The mayor may sign, veto, or take no action on an
- 10 ordinance, amendment, or resolution passed by the
- 11 council. However, the mayor may not veto ~~a measure an~~
- 12 ordinance, amendment, or resolution if the mayor was
- 13 entitled to vote on the such measure at the time of
- 14 passage."
- 15 3. Page 3, line 20, by inserting after the word
- 16 "when" the following: "the ordinance or a summary of
- 17 the ordinance is".
- 18 4. Page 3, line 23, by striking the words "the
- 19 measure," and inserting the following: "~~the measure~~
- 20 an ordinance, amendment, or resolution".
- 21 5. By renumbering as necessary.

Brauns of Muscatine offered the following amendment H-1276, to amendment H-1233, filed by him and moved its adoption:

H-1276

- 1 Amend the amendment, H-1233, to House File 658 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the words
- 4 "~~However, the vote~~." and inserting the following:
- 5 "The vote".

Amendment H-1276 was adopted.

Brauns of Muscatine moved the adoption of amendment H-1233, as amended.

Amendment H-1233, 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?" (H.F. 658)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cphoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 666, 701 and 658.**

House File 688, a bill for an act relating to handicapped parking permits by providing for nonexpiring removable windshield placards

for persons with a lifelong disability, eliminating the requirement that physicians or chiropractors sign removable windshield placards, and eliminating certain identification requirements for handicapped persons and providing an effective date, was taken up for consideration.

Carroll of Poweshiek in the chair at 3:15 p.m.

Heaton of Henry offered the following amendment H-1315 filed by him and Doderer of Johnson and moved its adoption:

H-1315

1 Amend House File 688 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 15.286, subsection 4,
5 paragraph a, Code 1997, is amended to read as follows:

6 4. a. The Iowa finance authority shall develop
7 criteria to award assistance based upon the
8 applicant's financial need, the cost-benefit of the
9 project, the accessibility to the project by
10 ~~handicapped persons~~ with disabilities as defined in
11 section 321L.1, percent of private investment, percent
12 leveraged by other programs, assessment of local
13 housing situation, and ability to administer the
14 program.

15 Sec. ____ Section 321.23, subsection 4, Code 1997,
16 is amended to read as follows:

17 4. A vehicle which does not meet the equipment
18 requirements of this chapter due to the particular use
19 for which it is designed or intended, may be
20 registered by the department upon payment of
21 appropriate fees and after inspection and
22 certification by the department that the vehicle is
23 not in an unsafe condition. A person is not required
24 to have a certificate of title to register a vehicle
25 under this subsection. If the owner elects to have a
26 certificate of title issued for the vehicle, a fee of
27 ten dollars shall be paid by the person making the
28 application upon issuance of a certificate of title.
29 If the department's inspection reveals that the
30 vehicle may be safely operated only under certain
31 conditions or on certain types of roadways, the
32 department may restrict the registration to limit
33 operation of the vehicle to the appropriate conditions
34 or roadways. This subsection does not apply to
35 snowmobiles as defined in section 321G.1. Section
36 321.382 does not apply to a vehicle registered under
37 this subsection which is operated exclusively by a
38 ~~handicapped person~~ with a disability who has obtained
39 a ~~handicapped persons with disabilities~~ parking permit
40 as provided in section 321L.2, if the ~~handicapped~~

41 persons with disabilities parking permit is carried in
42 or on the vehicle and shown to a peace officer on
43 request.

44 Sec. ____ Section 321.34, subsection 14, Code
45 1997, is amended to read as follows:

46 14. HANDICAPPED PERSONS WITH DISABILITIES SPECIAL
47 PLATES. An owner referred to in subsection 12 who is
48 a handicapped person with a disability, or who is the
49 parent or guardian of a child who resides with the
50 parent or guardian owner and who is a handicapped

Page 2

1 person with a disability, as defined in section
2 321L.1, may, upon written application to the
3 department, order special registration plates with a
4 handicapped persons with disabilities processed emblem
5 designed by the department bearing the international
6 symbol of accessibility. The special registration
7 plates with a handicapped processed emblem shall only
8 be issued if the application is accompanied with a
9 statement from a physician licensed under chapter 148,
10 149, 150, or 150A, or a chiropractor licensed under
11 chapter 151, written on the physician's or
12 chiropractor's stationery, stating the nature of the
13 applicant's or the applicant's child's handicap
14 disability and such additional information as required
15 by rules adopted by the department, including proof of
16 residency of a child who is a handicapped person with
17 a disability. If the application is approved by the
18 department the special registration plates with a
19 handicapped persons with disabilities processed emblem
20 shall be issued to the applicant. There shall be no
21 fee in addition to the regular annual registration fee
22 for the special registration plates with a handicapped
23 persons with disabilities processed emblem. The
24 authorization for special registration plates with a
25 handicapped persons with disabilities processed emblem
26 shall not be renewed without the applicant furnishing
27 evidence to the department that the owner of the motor
28 vehicle or the owner's child is still a handicapped
29 person with a disability as defined in section 321L.1.
30 An owner who has a child who is a handicapped person
31 with a disability shall provide satisfactory evidence
32 to the department that the handicapped child with a
33 disability continues to reside with the owner. The
34 registration plates with a handicapped persons with
35 disabilities processed emblem shall be surrendered in
36 exchange for regular registration plates as provided
37 in subsection 12 when the owner of the motor vehicle
38 or the owner's child no longer qualifies as a
39 handicapped person with a disability as defined in
40 section 321L.1 or when the owner's child who is a

41 ~~handicapped person with a disability~~ no longer resides
42 with the owner.

43 Sec. ____ Section 321.166, subsection 6, Code
44 1997, is amended to read as follows:

45 6. Registration plates issued a disabled veteran
46 under the provisions of section 321.105, shall display
47 the alphabetical characters "DV" which shall precede
48 the registration plate number. The plates may also
49 display a ~~handicapped persons with disabilities~~
50 parking sticker if issued to the disabled veteran by

Page 3

1 the department under section 321L.2.

2 Sec. ____ Section 321.179, subsection 1,
3 unnumbered paragraph 1, Code 1997, is amended to read
4 as follows:

5 1. Notwithstanding the provisions of this chapter
6 or chapter 321L which grant sole authority to the
7 department for the issuance of motor vehicle licenses,
8 nonoperator's identification cards, and ~~handicapped~~
9 ~~persons with disabilities~~ identification devices, the
10 counties of Adams, Cass, Fremont, Mills, Montgomery,
11 and Page shall be authorized to issue motor vehicle
12 licenses, nonoperator's identification cards, and
13 ~~handicapped persons with disabilities~~ identification
14 devices on a permanent basis. However, a county shall
15 only be authorized to issue commercial driver's
16 licenses if certified to do so by the department. If
17 a county fails to meet the standards for certification
18 under this section, the department itself shall
19 provide for the issuance of commercial driver's
20 licenses in that county. The department shall certify
21 the county treasurers in the permanent counties to
22 issue commercial driver's licenses if all of the
23 following conditions are met:

24 Sec. ____ Section 321L.1, subsections 4 through 6,
25 Code 1997, are amended to read as follows:

26 4. "~~Handicapped Persons with disabilities~~ parking
27 permit" means a permit bearing the international
28 symbol of accessibility issued by the department which
29 allows the holder to park in a ~~handicapped persons~~
30 ~~with disabilities~~ parking space, and includes the
31 following:

32 a. A ~~handicapped persons with disabilities~~
33 registration plate issued to or for a ~~handicapped~~
34 ~~person with a disability~~ under section 321.34,
35 subsection 7.

36 b. A ~~handicapped persons with disabilities~~ parking
37 sticker affixed to a registration plate issued to a
38 disabled veteran under section 321.166, subsection 6,
39 or to an operator under section 321.34.

40 c. A ~~handicapped persons with disabilities~~

41 removable windshield placard which is a two-sided
42 placard for hanging from the rearview mirror when the
43 motor vehicle is parked in a handicapped persons with
44 disabilities parking space.

45 5. "Handicapped Persons with disabilities parking
46 sign" means a sign which bears the international
47 symbol of accessibility that meets the requirements
48 under section 321L.6.

49 6. "Handicapped Persons with disabilities parking
50 space" means a parking space, including the access

Page 4

1 aisle, designated for use by only motor vehicles
2 displaying a handicapped persons with disabilities
3 parking permit that meets the requirements of sections
4 321L.5 and 321L.6.

5 Sec. ____ Section 321L.1, subsection 7, unnumbered
6 paragraph 1, Code 1997, is amended to read as follows:

7 "Handicapped person Person with a disability" means
8 a person with a disability that limits or impairs the
9 person's ability to walk. A person shall be
10 considered handicapped a person with a disability for
11 purposes of this chapter under the following
12 circumstances:"

13 2. Page 1, by inserting after line 6 the
14 following:

15 "Sec. ____ Section 321L.2, subsection 1, paragraph
16 a, unnumbered paragraphs 1 and 2, Code 1997, are
17 amended to read as follows:

18 A handicapped resident of the state with a
19 disability desiring a handicapped persons with
20 disabilities parking permit shall apply to the
21 department upon an application form furnished by the
22 department providing the applicant's name, address,
23 date of birth, and social security number and shall
24 also provide a statement from a physician licensed
25 under chapter 148, 149, 150, or 150A, or a
26 chiropractor licensed under chapter 151, or a
27 physician or chiropractor licensed to practice in a
28 contiguous state, written on the physician's or
29 chiropractor's stationery, stating the nature of the
30 applicant's handicap disability and such additional
31 information as required by rules adopted by the
32 department under section 321L.8. If the person is
33 applying for a temporary handicapped persons with
34 disabilities parking permit, the physician's or
35 chiropractor's statement shall state the period of
36 time during which the person is expected to be
37 handicapped disabled and the period of time for which
38 the permit should be issued, not to exceed six months.
39 A handicapped person with a disability may apply
40 for one of the following handicapped persons with

41 disabilities parking permits."

42 3. Page 1, line 9, by striking the words
43 "handicapped person" and inserting the following:
44 "handicapped person with a disability".

45 4. Page 1, lines 22 and 23, by striking the words
46 "are temporarily handicapped" and inserting the
47 following: "are temporarily handicapped have a
48 temporary disability".

49 5. Page 1, line 24, by striking the word
50 "handicapped" and inserting the following:

Page 5

1 "handicapped disabled".

2 6. Page 1, line 30, by striking the words
3 "handicapped person" and inserting the following:
4 "handicapped person with a disability".

5 7. Page 2, line 1, by striking the words "the
6 handicapped or elderly" and inserting the following:
7 "the handicapped or elderly persons with disabilities
8 or elderly persons".

9 8. Page 2, lines 2 and 3, by striking the words
10 "the handicapped or elderly" and inserting the
11 following: "the handicapped or elderly persons with
12 disabilities or elderly persons".

13 9. Page 2, line 6, by striking the words "the
14 handicapped or elderly" and inserting the following:
15 "the handicapped or elderly persons with disabilities
16 or elderly persons".

17 10. Page 2, line 12 by striking the words
18 "handicapped or elderly" and inserting the following:
19 "handicapped or elderly persons with disabilities or
20 elderly persons".

21 11. Page 2, line 14, by striking the word
22 "handicapped" and inserting the following:
23 "handicapped persons with disabilities".

24 12. Page 2, line 32, by striking the word
25 "handicapped" and inserting the following:
26 "handicapped persons with disabilities".

27 13. Page 2, line 35, by striking the word
28 "handicapped" and inserting the following:
29 "handicapped persons with disabilities".

30 14. Page 3, line 1, by striking the word
31 "handicapped" and inserting the following:
32 "handicapped persons with disabilities".

33 15. Page 3, line 9, by striking the word
34 "handicapped" and inserting the following:
35 "handicapped persons with disabilities".

36 16. Page 3, line 11, by striking the word
37 "handicapped" and inserting the following:
38 "handicapped persons with disabilities".

39 17. Page 3, line 14, by striking the word
40 "handicapped" and inserting the following:

41 "handicapped persons with disabilities".

42 18. Page 3, line 17, by striking the word
43 "handicapped" and inserting the following:
44 "handicapped persons with disabilities".

45 19. Page 3, by inserting after line 17 the
46 following:

47 "Sec. ____ AMENDMENTS CHANGING TERMINOLOGY —
48 DIRECTIVES TO CODE EDITOR.

49 1. The Code editor shall substitute the words
50 "persons with disabilities" for the word "handicapped"

Page 6

1 wherever the word "handicapped" is used in the terms
2 "handicapped parking permit", "handicapped parking
3 permits", "handicapped parking space", "handicapped
4 parking spaces", "handicapped designation",
5 "handicapped designations", "handicapped
6 identification designation", "handicapped
7 identification designations", "handicapped parking
8 space", "handicapped parking spaces", "handicapped
9 parking", "handicapped parking review committee",
10 "handicapped parking sign", "handicapped parking
11 signs", "handicapped parking sticker", "handicapped
12 parking stickers", "handicapped registration plate",
13 "handicapped registration plates", "handicapped
14 identification device", and "handicapped
15 identification devices".

16 2. The Code editor shall substitute the word
17 "disability" for "handicap" where there appears to be
18 no doubt as to the intent to refer to a disability.

19 3. The Code editor shall substitute the words
20 "person with a disability" for the words "handicapped
21 person" and the words "persons with disabilities" for
22 the words "handicapped persons" where there appears to
23 be no doubt as to the intent to refer to a person with
24 a disability or persons with disabilities.

25 Sec. ____ Section 321L.6, subsection 3, Code 1997,
26 is amended by striking the subsection."

27 20. Page 3, by striking lines 18 and 19 and
28 inserting the following:

29 "Sec. ____ EFFECTIVE AND APPLICABILITY DATE

30 PROVISIONS. This Act, being deemed of immediate
31 importance, takes effect upon enactment. However,
32 state agencies, political subdivisions of the state,
33 and other persons which currently have signs or
34 windshield placards, stickers, or other devices which
35 bear the word "handicapped" or the statement required
36 by section 321L.6, subsection 3, Code 1997, may
37 continue to use the placards, stickers, or devices
38 until they would be replaced in the normal course of
39 business."

40 21. Title page, line 1, by inserting after the

- 41 word "permits" the following: "by changing the term
 42 handicapped to the term person with a disability and".
 43 22. Title page, line 6, by striking the word
 44 "handicapped persons" and inserting the following:
 45 "persons with disabilities".
 46 23. Title page, line 6, by inserting after the
 47 word "date" the following: "and applicability
 48 provisions".
 49 24. By renumbering as necessary.

Amendment H-1315 was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 688)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Thomson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 600, a bill for an act relating to notification of school officials of citations of juveniles for certain criminal offenses, was taken up for consideration.

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?" (H.F. 600)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 688 and 600.**

House File 113, a bill for an act relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function, was taken up for consideration.

Kreiman of Davis offered the following amendment H-1039 filed by him and moved its adoption:

H-1039

- 1 Amend House File 113 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "member." the following: "A failure to report the
- 4 intervention and relevant information, however, shall
- 5 not cause the intervention to be deemed an assault."

Amendment H-1039 was adopted.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 113)

The ayes were, 62:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Churchill	Connors	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Falck	Ford	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kreiman	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson
O'Brien	Rants	Rayhons	Reynolds-Knight
Richardson	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Weigel	Carroll,		
	Presiding		

The nays were, 36:

Bell	Bernau	Brand	Bukta
------	--------	-------	-------

Burnett	Cataldo	Chapman	Chiodo
Cohon	Doderer	Dotzler	Drees
Fallon	Foege	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Larkin	Mascher	May	Moreland
Murphy	Myers	Osterhaus	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Welter	Whitead	Wise	Witt

Absent or not voting, 2:

Dinkla Grundberg

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:

Koenigs of Mitchell, for the remainder of the day, on request of Schrader of Marion.

HOUSE FILE 5 WITHDRAWN

Kremer of Buchanan asked and received unanimous consent to withdraw House File 5 from further consideration by the House.

Van Maanen of Marion in the chair at 4:34 p.m.

House File 685, a bill for an act relating to the required business hours of a motorcycle dealer, was taken up for consideration.

Doderer of Johnson offered amendment H-1316 filed by her and Carroll of Poweshiek as follows:

H-1316

- 1 Amend House File 685 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "selling" the following: "automobiles under this
- 4 chapter or".
- 5 2. Page 1, by inserting after line 6 the
- 6 following:
- 7 "As used in this section "automobile" has the same
- 8 meaning as in section 321.1, subsection 42, paragraph
- 9 "d" and "motorcycle" has the same meaning as in
- 10 section 321.1, subsection 40, paragraph "a".
- 11 Sec. . NEW SECTION. 322C.13 TRAVEL TRAILER
- 12 DEALER BUSINESS HOURS.
- 13 A travel trailer dealer is not required to maintain
- 14 regular business hours at the dealer's principal place

15 of business or other place of business during the
 16 months of December, January, or February. The
 17 department may adopt rules applicable to such dealers
 18 requiring regular business hours during the months of
 19 March through November."

20 3. Title page, line 1, by inserting after the
 21 word "motorcycle" the following: ", automobile, or
 22 travel trailer".

23 4. By renumbering as necessary.

Doderer of Johnson offered the following amendment H-1336, to amendment H-1316, filed by her from the floor and moved its adoption:

H-1336

1 Amend amendment H-1316, to House File 685, as
 2 follows:

3 1. Page 1, by striking lines 11 through 19.

4 2. Page 1, by striking lines 21 and 22 and
 5 inserting the following: "word "motorcycle" the
 6 following: "and automobile"."

Amendment H-1336 was adopted.

Doderer of Johnson moved the adoption of amendment H-1316, as amended.

Roll call was requested by Kreiman of Davis and Doderer of Johnson.

On the question "Shall amendment H-1316 be adopted?" (H.F. 685)

The ayes were, 47:

Arnold	Bell	Bernau	Boddicker
Brand	Bukta	Burnett	Carroll
Chapman	Chiodo	Cohon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Grundberg	Holveck	Huser
Jenkins	Jochum	Kinzer	Kreiman
Larkin	Mascher	Millage	Moreland
Mundie	Murphy	Myers	O'Brien
Reynolds-Knight	Richardson	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 48:

Barry	Blodgett	Bradley	Brauns
Brunkhorst	Cataldo	Churchill	Corbett, Spkr.
Cormack	Dix	Dolecheck	Drake
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Klemme

Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Nelson	Osterhaus	Rants
Rayhons	Scherrman	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Welter	Van Maanen, Presiding

Absent or not voting, 5:

Boggess	Dinkla	Eddie	Koenigs
Weidman			

Amendment H-1316 lost.

Under the provision of Rule 76, conflict of interest, Myers of Johnson refrained from voting.

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. 685)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 52, 327 AND 385 WITHDRAWN

Grundberg of Polk asked and received unanimous consent to withdraw House Files 52, 327 and 385 from further consideration by the House.

MOTION TO RECONSIDER (House File 685)

I move to reconsider the vote by which House File 685 passed the House on March 25, 1997.

SCHRADER of Marion

RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations upon adjournment to consider LSB 1760JA.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Switchboard Operator	Howard S. Cowles	14-1 to 14-2	S- O	03/21/97
Clerk to Chief Clerk	Kathryn M. Farrell	16-1 to 16-2	S- O	03/07/97
Doorkeeper	Gerald V. Orman	11-1 to 11-2	S- O	03/21/97

Legislative Committee Secretary	Mark A. Anderson	17-1 to 17-2	S- O	03/21/97
Legislative Committee Secretary	Michele M. Blau	17-1 to 17-2	S- O	03/21/97
Legislative Secretary	Jeremy J. Carmichael	16-1 to 16-2	S- O	03/21/97
Legislative Secretary	David A. Cmelik	16-1 to 16-2	S- O	03/21/97
Legislative Secretary	Sarah L. Henderson	16-1 to 16-2	S- O	03/21/97
Legislative Secretary	John F. Kiernan	16-1 to 16-2	S- O	03/21/97
Legislative Secretary	Catherine M. Mabry	16-1 to 16-2	S- O	03/21/97
Legislative Committee Secretary	Meredith D. Olson	17-1 to 17-2	S- O	03/21/97
Legislative Secretary	Aaron S. Pickrell	16-1 to 16-2	S- O	03/07/97
Legislative Secretary	Carolyn J. Ramsay	15-3+2 to 15-4+2	S- O	03/07/97
Legislative Secretary	Janet R. Ramsay	16-1 to 16-2	S- O	03/21/97
Legislative Secretary	Wilma R. Scieszinski	16-3 to 16-4	S- O	03/07/97
Legislative Secretary	Danielle S. Shirley	16-1 to 16-2	S- O	03/21/97
Legislative Committee Secretary	Vinita J. Smith	17-2 to 17-3	S- O	03/21/97

RANTS of Woodbury, Chair

SENATE FILE 316 REREFERRED

The Speaker announced that Senate File 316, previously passed on file was rereferred to local government.

EXPLANATIONS OF VOTE

On the roll call on Senate File 233, I inadvertently voted "nay" when I meant to vote "aye."

GREIG of Emmet

I was necessarily absent from the House chamber on Thursday afternoon, March 20, 1997. Had I been present, I would have voted "aye" on House File 554.

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 25th day of March, 1997: House File 388.

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:

Twenty-six high school students from Grinnell Newburg High School, Grinnell, accompanied by Liz Hansen. By Carroll of Poweshiek.

Eight foreign exchange students from Germany, Russia and Argentina, accompanied by Jim Snyder, and Dean and Mary Ann Heckman. By Dinkla of Guthrie.

Thirty students from the Marion School Assistance Program. By Larson of Linn and Thomson of Linn.

Sixty senior students from Lake Mills High School, Lake Mills, accompanied by their instructors, Jim Boehmer and Jim Byrnes. By Rayhons of Hancock.

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

1997\301 Clifford T. Peterson, Sioux City - For celebrating his 80th birthday.

1997\302 Glenn Buresh, Ely - For receiving the 1997 Iowa Friends of Agriculture Award.

- 1997\303 Bondurant-Farrar Boys Basketball Team, Bondurant – For winning the 1997, Class 2A Boys State Basketball Tournament.
- 1997\304 Anna Ruth and Reuben Steenhoek, Prairie City – For celebrating their 50th wedding anniversary.
- 1997\305 Pauline and Phil Miller, Altoona – For celebrating their 60th wedding anniversary.
- 1997\306 Luke Gutzwiller, Council Bluffs – For winning the State Academic Decathlon Meet.
- 1997\307 Robert Bahl, Kingsley – For receiving the School Administrator Award from the I.H.S.A.A.
- 1997\308 Dick Point, Cherokee – For being inducted into the I.H.S.A.A. Coaches Hall of Fame.
- 1997\309 Kate Olesen, Nodaway Valley – For being selected to the Pride of Iowa All-Conference First Team.
- 1997\310 Dale Gray, Indianola – For celebrating his 92nd birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 408 Reassigned

Appropriations: Brunkhorst, Chair; Sukup and Taylor.

House File 660

Ways and Means: Drake, Chair; Larson and Weigel.

House File 703

Ways and Means: Dix, Chair; Hansen and Myers.

Senate File 221

Agriculture: Rayhons, Chair; Frevert and Klemme.

Senate File 316

Local Government: Weidman, Chair; Mundie and Van Maanen.

Senate File 398

Local Government: Brauns, Chair; Huser and Klemme.

Senate File 432

Local Government: Vande Hoef, Chair; Brauns and Myers.

Senate File 473

Agriculture: Teig, Chair; Eddie and Mertz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 238 Ways and Means

Exempting access charges for internet and other on-line computer services from the state sales, services, and use taxes.

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 STATE GOVERNMENT

Senate File 126, a bill for an act allowing a supervised, controlled burn for which a permit has been issued during an open burning ban.

Fiscal Note is not required.

Recommended Do Pass March 25, 1997.

AMENDMENTS FILED

H—1327	H.F.	236	Senate Amendment
H—1328	H.F.	612	Boddicker of Cedar
H—1329	H.F.	612	Tyrrell of Iowa
H—1330	H.F.	612	Boddicker of Cedar
H—1331	H.F.	706	Drees of Carroll
H—1332	H.F.	706	Scherrman of Dubuque
			Weigel of Chickasaw
H—1333	H.F.	612	Connors of Polk
			Boddicker of Cedar
H—1334	H.F.	710	Mundie of Webster
			Kreiman of Davis
			Osterhaus of Jackson
			Falck of Fayette
			Burnett of Story
			Ford of Polk
			Myers of Johnson
			Connors of Polk
			Richardson of Warren

H—1369	S.F.	391	Koenigs of Mitchell
H—1370	S.F.	391	Huser of Polk Koenigs of Mitchell Bukta of Clinton
H—1371	S.F.	433	Carroll of Poweshiek
H—1372	H.F.	681	Shoultz of Black Hawk
H—1373	H.F.	681	Mascher of Johnson
H—1374	H.F.	681	Shoultz of Black Hawk
H—1375	H.F.	681	Burnett of Story
H—1376	H.F.	681	Burnett of Story
H—1377	H.F.	681	Huser of Polk
H—1378	H.F.	707	Dinkla of Guthrie
H—1379	H.F.	612	Connors of Polk Boddicker of Cedar
H—1380	H.F.	681	Shoultz of Black Hawk
H—1381	H.F.	697	Doderer of Johnson
H—1382	H.F.	697	Doderer of Johnson
H—1383	H.F.	681	Bradley of Clinton Witt of Black Hawk
H—1384	H.F.	681	Holveck of Polk
H—1385	H.F.	681	Mascher of Johnson
H—1386	H.F.	448	Millage of Scott
H—1387	H.F.	448	Moreland of Wapello
H—1388	H.F.	448	Huser of Polk
H—1389	H.F.	697	Doderer of Johnson
H—1390	H.F.	644	Holveck of Polk
H—1391	H.F.	681	Shoultz of Black Hawk

On motion by Gipp of Winneshiek, the House adjourned at 5:14 p.m., until 8:45 a.m., Wednesday, March 26, 1997.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 26, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Steve Williams, United Methodist Church, Gladbrook. Harriet Vande Hoef of Osceola sang the Lord's Prayer.

The Journal of Tuesday, March 25, 1997 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 March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 281, a bill for an act relating to judicial administration.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 296, a bill for an act relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 341, a bill for an act prohibiting certain contracts for the delayed delivery and pricing of grain by agricultural producers and grain dealers.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 357, a bill for an act relating to the regulation of amusement devices and casino-type gambling and subjecting violators to an existing penalty.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 429, a bill for an act relating to the operation, regulation, and equipment of watercraft, and subjecting violators to a penalty.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 435, a bill for an act relating to the consideration by the court of a pattern of domestic abuse and of the identity of the primary physical aggressor in the determination of a history of domestic abuse pertaining to the awarding of child custody.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 449, a bill for an act relating to state programs dealing with citizen and consumer protection and advocacy.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 457, a bill for an act relating to the Iowa pharmacy practice Act by permitting qualified individuals to transport emergency medications; permitting more than one emergency drug box in a licensed health care facility; providing for electronic signatures on prescriptions; establishing programs to aid impaired pharmacists, pharmacist interns, and pharmacy technicians; and establishing a penalty.

Also: That the Senate has on March 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 519, a bill for an act relating to the authorized use and users of the Iowa communications network and providing an effective date.

MARY PAT GUNDERSON, Secretary

MOTION TO RECONSIDER WITHDRAWN (House File 551)

Rants of Woodbury asked and received unanimous consent to withdraw the motion to reconsider House File 551, a bill for an act relating to workers' compensation coverage for injuries occurring outside of the state, filed by him on March 18, 1997.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that House File 551 be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:00 a.m., until 10:00 a.m.

MORNING SESSION

The House reconvened at 10:00 a.m., Carroll of Poweshiek in the chair.

SENATE MESSAGES CONSIDERED

Senate File 281, by committee on judiciary, a bill for an act relating to judicial administration.

Read first time and referred to committee on **judiciary**.

Senate File 296, by committee on commerce, a bill for an act relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

Read first time and referred to committee on **commerce-regulation**.

Senate File 341, by committee on agriculture, a bill for an act prohibiting certain contracts for the delayed delivery and pricing of grain by agricultural producers and grain dealers.

Read first time and referred to committee on **agriculture**.

Senate File 357, by committee on state government, a bill for an act relating to the regulation of amusement devices and casino-type gambling and subjecting violators to an existing penalty.

Read first time and referred to committee on **state government**.

Senate File 429, by committee on natural resources and environment, a bill for an act relating to the operation, regulation, and equipment of watercraft, and subjecting violators to a penalty.

Read first time and referred to committee on **natural resources**.

Senate File 435, by committee on judiciary, a bill for an act relating to the consideration by the court of a pattern of domestic abuse and of the identity of the primary physical aggressor in the determination of a history of domestic abuse pertaining to the awarding of child custody.

Read first time and referred to committee on **judiciary**.

Senate File 457, by committee on human resources, a bill for an act relating to the Iowa pharmacy practice Act by permitting qualified individuals to transport emergency medications; permitting more than one emergency drug box in a licensed health care facility; providing for electronic signatures on prescriptions; establishing programs to aid impaired pharmacists, pharmacist interns, and pharmacy technicians; and establishing a penalty.

Read first time and referred to committee on **human resources**.

Senate File 519, by committee on commerce, a bill for an act relating to the authorized use and users of the Iowa communications network and providing an effective date.

Read first time and referred to committee on **commerce-regulation**.

CONSIDERATION OF BILLS

Regular Calendar

House File 615, a bill for an act relating to abandoned coal mines expenditures, including reclamation of land and drainage abatement, 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?" (H.F. 615)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brand	Dix	Hahn	Jochum
Meyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 647, a bill for an act defining the crime of theft to include the utterance of a financial instrument for the use of property which knowingly will not be paid when presented to a financial institution and making a penalty applicable, 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. 647)

The ayes were, 89:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Churchill	Cphoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Eddie	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Carroll, Presiding			

The nays were, 10:

Chapman	Chiodo	Drees	Falck
Fallon	Foego	Ford	Mascher
Myers	Taylor		

Absent or not voting, 1:

Brand

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 615 and 647.**

House File 538, a bill for an act relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution, was taken up for consideration.

Huseman of Cherokee offered the following amendment H-1262 filed by him and moved its adoption:

H-1262

1 Amend House File 538 as follows:

2 1. Page 1, by striking lines 13 through 25 and
3 inserting the following:

4 "Sec. ____ Section 501.502, subsection 5, Code
5 1997, is amended to read as follows:

6 5. The cooperative shall redeem, without interest,
7 all of the terminated member's allocated patronage
8 refunds and preferred stock originally issued as
9 allocated patronage refunds for the issue price. as
10 follows:

11 a. A If a terminated member's current equity is
12 less than two percent of the cooperative's total
13 members' equity, the cooperative shall make this
14 payment either redeem the terminated member's equity
15 within one year after the termination of the
16 membership or redeem the terminated member's equity in
17 annual amounts of not less than twenty percent of the
18 total amount provided that the entire amount must be
19 redeemed within five years after the termination of
20 the membership. However, if

21 b. If a terminated member's current equity equals
22 or exceeds two percent of the cooperative's total
23 members' equity, the cooperative shall redeem the
24 terminated member's equity in annual amounts of not
25 less than fifteen percent of the total amount provided
26 that the entire amount must be redeemed within seven
27 years after the termination of the membership."

Amendment H-1262 was adopted.

SENATE FILE 292 SUBSTITUTED FOR HOUSE FILE 538

Huseman of Cherokee asked and received unanimous consent to substitute Senate File 292 for House File 538.

Senate File 292, a bill for an act relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution, was taken up for consideration.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 292)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Brand

Lord

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 538 WITHDRAWN

Huseman of Cherokee asked and received unanimous consent to withdraw House File 538 from further consideration by the House.

HOUSE FILE 291 WITHDRAWN

Martin of Scott asked and received unanimous consent to withdraw House File 291 from further consideration by the House.

House File 707, a bill for an act relating to substance abuse evaluation and education, use of ignition interlock devices, motor vehicle license revocations and payment of restitution by certain drivers; to civil liability, forfeiture, and criminal penalties arising from operation

of a motor vehicle by a person whose license is suspended, denied, revoked, or barred; and providing penalties, was taken up for consideration.

Dinkla of Guthrie offered the following amendment H-1378 filed by him and moved its adoption:

H-1378

1 Amend House File 707 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 4.

4 2. Page 4, by striking lines 27 through 31, and
5 inserting the following:

6 "3. No conviction for, deferred judgment for, or
7 plea of guilty to, a violation of this section which
8 occurred more than ~~six~~ twelve years prior to the date
9 of the violation charged shall be considered in
10 determining that the violation charged is a second,
11 ~~third~~, or subsequent offense. For the purpose of".

12 3. Page 9, by striking lines 1 and 2 and
13 inserting the following: "conviction or revocation
14 under this chapter within the previous ~~six~~ twelve
15 years ~~and the~~. The defendant shall not be".

16 4. Page 9, line 18, by striking the words "~~within~~
17 ~~the previous six years~~" and inserting the following:
18 "within the previous ~~six~~ twelve years".

19 5. Page 22, line 22, by striking the words
20 "~~within the previous six years~~" and inserting the
21 following: "within the previous ~~six~~ twelve years".

22 6. Page 22, line 25, by striking the words
23 "~~within the previous six years~~" and inserting the
24 following: "within the previous ~~six~~ twelve years".

25 7. Page 23, line 13, by striking the words
26 "~~within the previous six years~~" and inserting the
27 following: "within the previous ~~six~~ twelve years".

28 8. Page 23, line 15, by striking the words
29 "~~within the previous six years~~" and inserting the
30 following: "within the previous ~~six~~ twelve years".

31 9. Page 23, by inserting before line 16 the
32 following:

33 "Sec. ____ Section 321J.12, subsection 5, Code
34 1997, is amended to read as follows:

35 5. Upon certification, subject to penalty of
36 perjury, by the peace officer that there existed
37 reasonable grounds to believe that the person had been
38 operating a motor vehicle in violation of section
39 321J.2A, that there existed one or more of the
40 necessary conditions for chemical testing described in
41 section 321J.6, subsection 1, and that the person
42 submitted to chemical testing and the test results
43 indicated an alcohol concentration as defined in

44 section 321J.1 of .02 or more but less than .10, the
 45 department shall revoke the person's motor vehicle
 46 license or operating privilege for a period of sixty
 47 days if the person has had no revocations within the
 48 previous ~~six~~ twelve years under section 321J.2A, and
 49 for a period of ninety days if the person has had one
 50 or more previous revocations within the previous ~~six~~

Page 2

1 twelve years under section 321J.2A."
 2 10. Page 24, lines 24 and 25, by striking the
 3 words "~~within the previous six years~~" and inserting
 4 the following: "within the previous ~~six~~ twelve
 5 years".
 6 11. By striking page 29, line 32, through page
 7 30, line 1, and inserting the following:
 8 "g. The offense is a violation of section 321J.2
 9 and, within the previous ~~six~~ twelve years, the person
 10 has been convicted of a violation of that section or
 11 the person's driver's license has been revoked
 12 ~~pursuant to section 321J.4, 321J.9, or 321J.12 under~~
 13 chapter 321J; a violation of section 707.6A,
 14 subsection 1; or a".
 15 12. By renumbering, relettering, redesignating,
 16 and correcting internal references as necessary.

Amendment H-1378 was adopted.

Lamberti of Polk offered amendment H-1312 filed by him and re-
 requested division as follows:

H-1312

1 Amend House File 707 as follows:

H-1312A

2 1. Page 4, line 6, by striking the word
 3 "chemical".
 4 2. Page 4, lines 10 and 11, by striking the words
 5 "pursuant to chapter 125".
 6 3. Page 9, lines 20 and 21, by striking the words
 7 "at least".

H-1312B

8 4. Page 23, by inserting before line 16 the
 9 following:
 10 "Sec. ____ Section 321J.12, subsection 5, Code
 11 1997, is amended to read as follows:
 12 5. Upon certification, subject to penalty of
 13 perjury, by the peace officer that there existed

14 reasonable grounds to believe that the person had been
 15 operating a motor vehicle in violation of section
 16 321J.2A, that there existed one or more of the
 17 necessary conditions for chemical testing described in
 18 section 321J.6, subsection 1, and that the person
 19 submitted to chemical testing and the test results
 20 indicated an alcohol concentration as defined in
 21 section 321J.1 of .02 or more but less than .10, the
 22 department shall revoke the person's motor vehicle
 23 license or operating privilege for a period of sixty
 24 days if the person has had no revocations ~~within the~~
 25 ~~previous six years~~ under section 321J.2A, and for a
 26 period of ninety days if the person has had ~~one or~~
 27 ~~more a previous revocations within the previous six~~
 28 ~~years~~ revocation under section 321J.2A."

H-1312A

- 29 5. Page 24, line 3, by striking the words "as
 30 provided in chapter 125".
 31 6. Page 28, line 11, by striking the words "as
 32 provided in chapter 125".
 33 7. Page 29, line 18, by striking the word
 34 "chemical".
 35 8. Page 30, line 17, by striking the word
 36 "chemical".
 37 9. Page 31, line 23, by striking the word
 38 "chemical".
 39 10. Page 32, line 33, by striking the word
 40 "chemical".
 41 11. By renumbering as necessary.

Amendment H-1312B was out of order.

Lamberti of Polk moved the adoption of amendment H-1312A.

Amendment H-1312A 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. 707)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie

Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Brand

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 129 WITHDRAWN

Larson of Linn asked and received unanimous consent to withdraw House File 129 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 File 292** and **House File 707**.

HOUSE JOINT RESOLUTION 18 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House Joint Resolution 18 from further consideration by the House.

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 1:20 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-four members present, thirty-six absent.

SENATE MESSAGE CONSIDERED

Senate File 449, by committee on state government, a bill for an act relating to state programs dealing with citizen and consumer protection and advocacy.

Read first time and referred to committee on **state government**.

CONSIDERATION OF BILLS

Regular Calendar

House File 589, a bill for an act relating to professional boxing and wrestling matches, providing for properly related matters, and providing for a tax and for penalties, with report of committee recommending passage, was taken up for consideration.

Barry of Harrison in the chair at 1:33 p.m.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 589)

The ayes were, 99:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons

Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Barry, Presiding	

The nays were, none.

Absent or not voting, 1:

Vande Hoef

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 577, a bill for an act relating to continuing education requirements of real estate appraisers, 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. 577)

The ayes were, 99:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Warnstadt

Weidman
Wise

Weigel
Witt

Welter
Barry,
Presiding

Whitead

The nays were, none.

Absent or not voting, 1:

Vande Hoef

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 589 and 577.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 451, a bill for an act relating to milk and milk products, providing for the issuance of licenses and permits, fees, and providing penalties.

MARY PAT GUNDERSON, Secretary

House File 697, a bill for an act relating to certain procedures of the ethics and campaign disclosure board and filing requirements and certain requirements for use of campaign funds, was taken up for consideration.

The House stood at ease at 2:00 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 697 at 3:25 p.m., Carroll of Poweshiek in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-five members present, forty-five absent.

Jochum of Dubuque offered the following amendment H-1381 filed by Doderer of Johnson and moved its adoption:

H-1381

1 Amend House File 697 as follows:

- 2 1. Page 7, lines 26 through 28, by striking the
 3 words "expenses that are reimbursed or paid by the
 4 client of the lobbyist and are reported by the client
 5 pursuant to section 68B.38, subsection 1, or".

A non-record roll call was requested.

The ayes were 40, nays 49.

Amendment H-1381 lost.

Doderer of Johnson offered amendment H-1382 filed by her as follows:

H-1382

- 1 Amend House File 697 as follows:
 2 1. Page 9, lines 4 and 5, by striking the words
 3 "and July 31" and inserting the following: "and July
 4 31".
 5 2. Page 9, by striking lines 7 through 11 and
 6 inserting the following: "that contains information
 7 on all salaries, fees, and retainers paid by the
 8 lobbyist's client to the lobbyist for lobbying
 9 purposes during the preceding six calendar months.
 10 Reports by lobbyists' clients shall be filed with
 11 the".

Jochum of Dubuque offered the following amendment H-1402, to amendment H-1382, filed by her from the floor and moved its adoption:

H-1402

- 1 Amend the amendment, H-1382, to House File 697 as
 2 follows:
 3 1. Page 1, by striking lines 5 through 11 and
 4 inserting the following:
 5 "Page 9, lines 10 and 11, by striking the
 6 words "six calendar months year," and inserting the
 7 following: "six calendar months.""
 8 2. By renumbering as necessary.

Amendment H-1402 was adopted.

Doderer of Johnson moved the adoption of amendment H-1382, as amended.

Roll call was requested by Doderer of Johnson and Jochum of Dubuque.

On the question "Shall amendment H-1382, as amended, be adopted?" (H.F. 697)

Rule 75 was invoked.

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Garman	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst.
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Carroll, Presiding

Absent or not voting, 1:

Lamberti

Amendment H-1382 lost.

Doderer of Johnson offered amendment H-1389 filed by her as follows:

H-1389

- 1 Amend House File 697 as follows:
- 2 1. Page 9, by inserting after line 20 the
- 3 following:
- 4 "Sec. 100. CAMPAIGN FINANCE COMMISSION
- 5 ESTABLISHED. The campaign finance commission is
- 6 established to study the laws relating to the
- 7 financing of elections for office and to recommend
- 8 reforms in these laws, according to the following:
- 9 1. Appointment. The commission shall be composed
- 10 of seven members, bipartisan and gender-balanced in
- 11 accordance with sections 69.16 and 69.16A, and

12 appointed as follows:

13 a. Three members shall be the state chairs of each
14 of the political parties, as defined in section 43.2,
15 or their designees.

16 b. Four members shall be jointly appointed by the
17 majority and minority leaders of the house and senate.
18 These members shall be appointed from nonpartisan
19 organizations which have researched, studied, and
20 advocated the issue of political campaign finance
21 reform for fifteen years or more, or who are specially
22 qualified to serve on the commission because of
23 training or experience.

24 c. The commission shall elect a chair and vice-
25 chair at its first meetings.

26 2. Terms. The members of the commission shall
27 serve for the life of the commission.

28 3. Vacancies. A vacancy in the commission shall
29 be filled in the manner in which the original
30 appointment was made.

31 Sec. 101. POWERS AND DUTIES OF THE COMMISSION.

32 1. Hearings. The commission may hold hearings
33 which shall be open and announced in advance to the
34 public, take testimony, and receive evidence as the
35 commission considers appropriate. Activities of the
36 commission shall be held in accordance with chapter
37 21.

38 The commission shall hold at least one hearing in
39 each congressional district within the state
40 specifically to obtain public input on the issue of
41 campaign finance reform.

42 2. Quorum. Four members of the commission shall
43 constitute a quorum, but a lesser number may hold
44 hearings.

45 3. Report. Not later than December 15, 1997, the
46 commission shall submit to the general assembly a
47 report of the activities of the commission, together
48 with a draft of legislation recommended by the
49 commission to reform the laws regarding the financing
50 of political campaigns for consideration by the

Page 2

1 general assembly in 1998 according to the provisions
2 of this Act.

3 4. Matters to be considered. In holding hearings
4 and preparing the report required under subsection 3,
5 the commission shall consider all issues related to
6 campaign finance reform, including, but not limited to
7 expenditure limits, expenditure and contribution
8 disclosure, contribution limits by individuals and
9 committees, soft money, independent expenditures, and
10 negative campaigning. The commission may secure
11 directly from any department or agency such

12 information as the commission considers necessary, and
13 the department or agency shall promptly furnish such
14 information to the commission.

15 5. Staffing. Assistance shall be provided to the
16 commission by the central nonpartisan legislative
17 staff bureaus. The commission may utilize the
18 services of the legislative service bureau in
19 formulating a draft of legislation. The attorney
20 general's office and the ethics and campaign
21 disclosure board shall serve as consultants, and
22 advise the commission as necessary.

23 Sec. 102. FAST-TRACK PROCEDURE.

24 1. The legislation drafted by the commission shall
25 be filed with each chamber on the first day of the
26 1998 legislative session, and immediately assigned to
27 the committee on state government in each chamber.

28 2. Each committee on state government shall have
29 no more than one week from the first day of the
30 legislative session to review the legislation. If
31 approved by the committee, the legislation shall
32 immediately be placed on the calendar for
33 consideration by the full chamber. The legislation
34 must be approved or rejected by both chambers within
35 thirty days of the first day of the 1998 legislative
36 session.

37 3. No amendment to the draft legislation shall be
38 in order in either chamber of the general assembly,
39 either in committee or on the floor. No motion to
40 suspend the application of these rules shall be in
41 order in either chamber of the general assembly,
42 either in committee or on the floor.

43 4. All time periods under this section shall be
44 calculated according to calendar days. Weekends and
45 days when the general assembly is not in session shall
46 be included in any calculation.

47 Sec. 103. TERMINATION. The commission shall cease
48 to exist one month after the submission of its report
49 under section 101 of this Act."

Gipp of Winneshiek rose on a point of order that amendment H-1389 was not germane.

The Speaker ruled the point well taken and amendment H-1389 not germane.

Jochum of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-1389.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amendment H-1389.

Roll call was requested by Jochum of Dubuque and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-1389?" (H.F. 697)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Carroll, Presiding		

Absent or not voting, none.

The motion to suspend the rules lost.

Jochum of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-1395.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amendment H-1395, filed by her from the floor as follows:

H-1395

1 Amend House File 697 as follows:

- 2 1. Page 5, by striking lines 21 through 33.
3 2. By renumbering as necessary.

Roll call was requested by Jochum of Dubuque and Myers of Johnson.

On the question "Shall the rules be suspended to consider amendment H-1395?" (H.F. 697)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Carroll, Presiding		

Absent or not voting, 1:

Cataldo

The motion to suspend the rules lost.

RULE 31.8 SUSPENDED

Jochum of Dubuque asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H-1393.

Jochum of Dubuque offered the following amendment H-1393 filed by her from the floor and moved its adoption:

H-1393

- 1 Amend House File 697 as follows:
- 2 1. Page 6, by striking lines 14 through 17 and
- 3 inserting the following:
- 4 "d. Return of contributions to contributors on a
- 5 pro rata basis, except that any contributor who
- 6 contributed ~~five~~ ten dollars or less may be excluded
- 7 from the distribution.
- 8 e. Contributions to another candidate's, committee
- 9 when".

Amendment H-1393 was adopted.

Jochum of Dubuque asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H-1392.

Jochum of Dubuque offered the following amendment H-1392 filed by her from the floor and moved its adoption:

H-1392

- 1 Amend House File 697 as follows:
- 2 1. Page 9, by inserting after line 20 the
- 3 following:
- 4 "Sec. ____ The legislative council is directed to
- 5 establish an interim study committee to review all
- 6 administrative rules adopted by the Iowa ethics and
- 7 campaign disclosure board."
- 8 2. By renumbering as necessary.

Amendment H-1392 was adopted.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 697)

The ayes were, 59:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Cataldo	Chiodo	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Drees	Eddie	Ford	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Mundie	Nelson

Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Carroll, Presiding	

The nays were, 41:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Churchill	Cohoon
Connors	Doderer	Dotzler	Falck
Fallon	Foege	Frevert	Garman
Holveck	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 188, a bill for an act relating to the allocation of gambling receipts for horse race purses.

MARY PAT GUNDERSON, Secretary

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 697** be immediately messaged to the Senate.

MOTIONS TO RECONSIDER WITHDRAWN

(House File 686)

Koenigs of Mitchell and Vande Hoef of Osceola asked and received unanimous consent to withdraw their motions to reconsider **House File 686**, a bill for an act providing for the sale of unused highway right-of-way and other real property by the state department of transportation to past or present owners of affected property, filed by them on March 24, 1997, placing out of order amendment H-1357, filed by Murphy, et al., on March 25, 1997.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Weigel of Chickasaw, for the remainder of the day, on request of Schrader of Marion.

House File 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates, was taken up for consideration.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1270 filed by him on March 20, 1997.

Boddicker of Cedar offered the following amendment H-1277 filed by him and moved its adoption:

H-1277

- 1 Amend House File 612 as follows:
- 2 1. Page 6, by striking lines 6 and 7 and
- 3 inserting the following: "rescinded by registration
- 4 by the state registrar of a completed and".
- 5 2. Page 6, line 14, by striking the word "(a)"
- 6 and inserting the following: "(1)".
- 7 3. Page 6, line 16, by striking the word "(b)"
- 8 and inserting the following: "(2)".
- 9 4. By striking page 6, line 21, through page 7,
- 10 line 1.
- 11 5. Page 7, line 2, by striking by striking the
- 12 word "c" and inserting the following: "b".
- 13 6. Page 7, line 10, by striking by striking the
- 14 word "d" and inserting the following: "c".
- 15 7. Page 7, line 11, by striking the words "and
- 16 the" and inserting the following: "and an
- 17 administrative process for rescission. The".
- 18 8. Page 7, line 15, by inserting after the word
- 19 "form," the following: "The Iowa department of public
- 20 health shall adopt rules which establish a fee, based
- 21 upon the average administrative cost, to be collected
- 22 for the registration of a rescission."
- 23 9. Page 7, by inserting after line 15 the
- 24 following:
- 25 "d. If an affidavit of paternity has been
- 26 rescinded under this subsection, the state registrar
- 27 shall not register any subsequent affidavit of
- 28 paternity signed by the same mother and putative
- 29 father relating to the same child."

Amendment H-1277 was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1286 filed by him on March 24, 1997.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1328 filed by him on March 25, 1997.

Boddicker of Cedar offered amendment H-1342 filed by him as follows:

H-1342

1 Amend House File 612 as follows:

2 1. Page 31, by inserting after line 31 the
3 following:

4 "Sec. NEW SECTION. 252B.6A EXTERNAL
5 SERVICES - OBSTRUCTION OF ACTIONS.

6 1. Provided that the action is consistent with
7 applicable federal law and regulation, an attorney
8 licensed to practice in this state may, for the
9 purposes of collecting support payments for cases
10 being enforced by the unit for which public assistance
11 is being provided to a dependent child and for which
12 no payment has been made in accordance with an
13 administrative or court order for more than one year
14 from the entering of the order, initiate proceedings
15 to collect the support.

16 2. The attorney initiating the action shall notify
17 the unit of the action, but shall not be subject to
18 prior consent of the unit, any party to the action, or
19 any other person to initiate the action.

20 3. The attorney may utilize any action or
21 proceeding authorized by law and available to a
22 private attorney or obligee to enforce the support
23 obligation.

24 4. All of the following are applicable to an
25 action initiated by an attorney under this section:

26 a. The attorney has a lien for compensation which
27 is an amount equal to thirty-three and one-third
28 percent of any amount collected due to the action.

29 b. The amount paid toward the lien and any court
30 costs incurred are in addition to the amount of the
31 support obligation to be paid under the support order.

32 c. Negotiation of a partial payment or settlement
33 of any action shall not be made without the approval
34 of the unit.

35 5. An obligor or payor of income who obstructs an
36 action to collect support under this section is
37 subject to a penalty, which is three times the amount
38 of the support obligation and which is in addition to
39 the amount of support owed. The attorney shall reduce
40 this amount to a judgment which may be collected
41 through any action or proceeding available to a
42 private attorney. Any penalty collected shall be
43 applied equally to the support obligation assigned to
44 the state and to payment of the lien established under
45 subsection 4.

46 6. An action initiated under this section
 47 constitutes a substantial change in circumstances.
 48 This basis for modification of the child support order
 49 is applicable to orders existing or entered on or
 50 after July 1, 1997."

Page 2

1 2. Page 117, by inserting after line 7 the
 2 following:
 3 "Sec. ____ Section 598.21, Code 1997, is amended
 4 by adding the following new subsection:
 5 NEW SUBSECTION. 9A. An action initiated under
 6 section 252B.6A constitutes a substantial change of
 7 circumstances. This basis for modification is'
 8 applicable to orders existing or entered on or after
 9 July 1, 1997."
 10 3. By renumbering as necessary.

The following amendment H-1434, to amendment H-1342, filed by Boddicker of Cedar from the floor was adopted by unanimous consent:

H-1434

1 Amend amendment H-1342, to House File 612, as
 2 follows:
 3 1. Page 1, line 35, by inserting after the word
 4 "who" the word "knowingly".

Gipp of Winneshiek in the chair at 6:50 p.m.

Boddicker of Cedar moved the adoption of H-1342, as amended.

A non-record roll call was requested.

The ayes were 41, nays 45.

Amendment H-1342 lost.

Boddicker of Cedar offered the following amendment H-1330 filed by Boddicker, et al., and moved its adoption:

H-1330

1 Amend House File 612 as follows:
 2 1. Page 41, by inserting after line 20 the
 3 following:
 4 "Sec. ____ NEW SECTION. 252B.17A IMAGING OR
 5 PHOTOGRAPHIC COPIES - ORIGINALS DESTROYED.
 6 1. If the unit, in the regular course of business
 7 or activity, has recorded or received any memorandum,
 8 writing, entry, print, document, representation, or
 9 combination thereof, of any act, transaction,
 10 occurrence, event, or communication from any source,

11 and in the regular course of business has caused any
12 or all of the same to be recorded, copied, or
13 reproduced by any photographic, photostatic,
14 microfilm, microcard, miniature photographic,
15 electronic imaging, electronic data processing, or
16 other process which accurately reproduces or forms a
17 durable medium for accurately and legibly reproducing
18 an unaltered image or reproduction of the original,
19 the original may be destroyed. Such reproduction,
20 when satisfactorily identified, is as admissible in
21 evidence as the original itself in any judicial or
22 administrative proceeding whether the original is in
23 existence or not and an enlargement or facsimile of
24 such reproduction is likewise admissible in evidence
25 if the original recording, copy, or reproduction is in
26 existence and available for inspection. The
27 introduction of a reproduced record, enlargement, or
28 facsimile, does not preclude admission of the
29 original.

30 2. The electronically imaged, copied, or otherwise
31 reproduced record or document maintained or received
32 by the unit, when certified over the signature of a
33 designated employee of the unit, shall be considered
34 to be satisfactorily identified. Certified documents
35 are deemed to have been imaged or copied or otherwise
36 reproduced accurately and unaltered in the regular
37 course of business, and such documents are admissible
38 in any judicial or administrative proceeding as
39 evidence. Additional proof of the official character
40 of the person certifying the record or authenticity of
41 the person's signature shall not be required.
42 Whenever the unit or an employee of the unit is served
43 with a summons, subpoena, subpoena duces tecum, or
44 order directing production of such records, the unit
45 or employee may comply by transmitting a copy of the
46 record certified as described above to the district
47 court."

48 2. By renumbering as necessary.

Amendment H-1330 was adopted.

Heaton of Henry offered amendment H-1318 filed by him and
Lamberti of Polk as follows:

H-1318

1 Amend House File 612, as follows:

2 1. Page 44, by inserting after line 11 the
3 following:

4 "Sec. ____ Section 252C.3, subsection 1, paragraph
5 f, and subsection 5, Code 1997, are amended to read as
6 follows:

7 f. A statement that, as soon as the order is
8 entered, unless the responsible person requests
9 judicial review of the financial responsibility order

10 pursuant to section 252C.5, the property of the
 11 responsible person is subject to collection action,
 12 including but not limited to wage withholding,
 13 garnishment, attachment of a lien, and execution.
 14 5. The responsible person shall be sent a copy of
 15 the order by regular mail addressed to the responsible
 16 person's last known address, or if applicable, to the
 17 last known address of the responsible person's
 18 attorney. The Unless the responsible person requests
 19 judicial review pursuant to section 252C.5, the order
 20 is final, and action by the administrator to enforce
 21 and collect upon the order, including arrearages and
 22 medical support, or both, may be taken from the date
 23 of issuance of the order.

24 Sec. ____ Section 252C.4, subsection 6, Code 1997,
 25 is amended to read as follows:

26 6. Actions initiated by the administrator under
 27 this chapter, with the exception of an action
 28 requesting judicial review of a financial
 29 responsibility order pursuant to section 252C.5, are
 30 not subject to chapter 17A and resulting court
 31 hearings following certification shall be an original
 32 hearing before the district court.

33 Sec. ____ Section 252C.5, Code 1997, is amended to
 34 read as follows:

35 252C.5 FILING AND DOCKETING OF FINANCIAL
 36 RESPONSIBILITY ORDER – ORDER EFFECTIVE AS DISTRICT
 37 COURT DECREE.

38 1. A true copy of any order entered by the
 39 administrator pursuant to this chapter, along with a
 40 true copy of the return of service, if applicable, may
 41 be filed in the office of the clerk of the district
 42 court in the manner established pursuant to section
 43 252C.4, subsection 1.

44 2. The administrator's order shall be presented,
 45 ex parte, to the district court for review and
 46 approval and the administrator shall serve notice of
 47 the presentation of the order to the responsible
 48 person in accordance with the rules of civil
 49 procedure. Unless defects appear on the face of the
 50 order or on the attachments, or unless the responsible

Page 2

1 person requests judicial review of the financial
 2 responsibility order, the district court shall approve
 3 the order. The approved order shall have all the
 4 force, effect, and attributes of a docketed order or
 5 decree of the district court.

6 3. A responsible person may request judicial
 7 review of a financial responsibility order presented
 8 by the administrator under this section, within forty-
 9 five days after being served notice pursuant to
 10 subsection 2. If the responsible person timely
 11 requests judicial review of the administrator's order,
 12 enforcement of the order shall be stayed until,

13 judicial review is completed. Judicial review shall
 14 determine if the amount of support established in the
 15 financial responsibility order is appropriate under
 16 the circumstances of the individual case and pursuant
 17 to section 598.21, subsection 4, and chapter 252E. If
 18 the court determines that the amount of support is
 19 appropriate, the administrator's order shall be
 20 approved by the court. If the court determines that
 21 the amount of support is not appropriate, the court
 22 shall establish the amount of support pursuant to
 23 section 598.21, subsection 4, and chapter 252E. If
 24 the court establishes the amount of support, the
 25 responsible person shall not be subject to payment of
 26 any amount which has accrued from the time that the
 27 notice was served under subsection 2 which is the
 28 difference between the amount under the
 29 administrator's order and the amount established by
 30 the court.

31 3. 4. Upon filing or upon completion of judicial
 32 review, the clerk shall enter the order in the
 33 judgment docket."

34 2. By renumbering as necessary.

Heaton of Henry offered the following amendment H-1433, to amendment H-1318, filed by him and Lamberti of Polk from the floor and moved its adoption:

H-1433

1 Amend the amendment, H-1318, to House File 612 as
 2 follows:

3 1. By striking page 1, line 4, through page 2,
 4 line 34, and inserting the following:

5 "Sec. ____ Section 252C.3, subsection 1, paragraph
 6 c, subparagraphs (2) and (4), Code 1997, are amended
 7 to read as follows:

8 (2) A statement that if a negotiation conference
 9 is requested, then the responsible person shall have
 10 ten days from the date set for the negotiation
 11 conference or ~~twenty~~ thirty days from the date of
 12 service of the original notice, whichever is later, to
 13 send a request for a hearing to the office of the
 14 child support recovery unit which issued the notice.

15 (4) A statement that if the administrator issues a
 16 new notice and finding of financial responsibility for
 17 child support or medical support, or both, then the
 18 responsible person shall have ~~ten~~ thirty days from the
 19 date of issuance of the new notice or ~~twenty days from~~
 20 ~~the date of service of the original notice, whichever~~
 21 ~~is later,~~ to send a request for a hearing to the
 22 office of the child support recovery unit which issued
 23 the notice. If the administrator does not issue a new
 24 notice and finding of financial responsibility for

25 child support or medical support, or both, the
26 responsible party shall have ten days from the date of
27 issuance of the conference report to send a request
28 for a hearing to the office of the child support
29 recovery unit which issued the conference report.

30 Sec. ____ Section 252C.3, subsection 1, paragraph
31 d, Code 1997, is amended to read as follows:

32 d. A statement that if the responsible person
33 objects to all or any part of the notice or finding of
34 financial responsibility for child support or medical
35 support, or both, and a negotiation conference is not
36 requested, the responsible person shall, within ~~twenty~~
37 thirty days of the date of service send to the office
38 of the child support recovery unit which issued the
39 notice a written response setting forth any objections
40 and requesting a hearing.

41 Sec. ____ Section 252C.3, subsection 5, Code 1997,
42 is amended to read as follows:

43 5. The responsible person shall be sent a copy of
44 the order by regular mail addressed to the responsible
45 person's last known address, or if applicable, to the
46 last known address of the responsible person's
47 attorney. The order is final, and action by the
48 administrator to enforce and collect upon the order,
49 including arrearages and medical support, or both, may
50 be taken from the date of ~~issuance~~ approval of the

-Page 2

1 order by the court pursuant to section 252C.5.

2 Sec. ____ Section 252C.5, Code 1997, is amended by
3 adding the following new subsection:

4 **NEW SUBSECTION.** 4. If the responsible party
5 appeals the order approved by the court under this
6 section, and the court on appeal establishes an amount
7 of support which is less than the amount of support
8 established under the approved order, the court, in
9 the order issued on appeal, shall reconcile the
10 amounts due and shall provide that any amount which
11 represents the difference between the amount under the
12 approved order and the amount under the order of the
13 court on appeal shall be applied to satisfy any unpaid
14 support obligations."

15 2. By renumbering as necessary.

Amendment H-1433 was adopted.

Heaton of Henry moved the adoption of H-1318, as amended.

Amendment H-1318, as amended, was adopted.

Moreland of Wapello offered the following amendment H-1343 filed
by him and moved its adoption:

H-1343

- 1 Amend House File 612 as follows:
- 2 1. Page 47, line 34, by inserting after the words
- 3 "these obligations." the following: "These
- 4 obligations may include support for a child who is
- 5 between the ages of eighteen and twenty-two years and
- 6 who is regularly attending an accredited school in
- 7 pursuance of a course of study leading to a high
- 8 school diploma or its equivalent, or regularly
- 9 attending a course of vocational-technical training
- 10 either as part of a regular school program or under
- 11 special arrangements adapted to the individual
- 12 person's needs, or is, in good faith, a full-time
- 13 student in a college, university, or community
- 14 college, or has been accepted for admission to a
- 15 college, university, or community college and the next
- 16 regular term has not yet begun."
- 17 2. Page 48, by striking lines 5 through 7, and
- 18 inserting the following: "foreign jurisdiction."
- 19 3. By striking page 113, line 6, through page
- 20 114, line 11.
- 21 4. Page 115, by striking lines 23 through 27.
- 22 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 51.

Amendment H-1343 lost.

Boddicker of Cedar offered the following amendment H-1314 filed by him and moved its adoption:

H-1314

- 1 Amend House File 612 as follows:
- 2 1. Page 69, by striking lines 7 through 9 and
- 3 inserting the following:
- 4 "5. "Financial institution" ~~includes a bank,~~
- 5 ~~credit union, or savings and loan association~~ means
- 6 "financial institution" as defined in 42 U.S.C. }
- 7 669A(d)(1). "Financial"."

Amendment H-1314 was adopted.

Millage of Scott offered the following amendment H-1335 filed by him and moved its adoption:

H-1335

- 1 Amend House File 612 as follows:
- 2 1. Page 113, by inserting after line 5 the

3 following:

4 "Sec. 101. Section 598.1, subsections 1, 3, and 5,

5 Code 1997, are amended to read as follows:

6 1. "Best interest of the child" includes, but is
7 not limited to, the opportunity for the maximum
8 possible continuous physical and emotional contact
9 possible with access by the child to both parents,
10 unless direct physical or significant emotional harm
11 to the child may result from this contact access.
12 Refusal by one parent to provide ~~this opportunity~~
13 access by the child to the other parent without just
14 cause shall be considered harmful to the best interest
15 of the child.

16 3. "Joint custody" or "joint legal custody" means
17 an award of legal custody of a minor child to both
18 parents jointly under which both parents have legal
19 custodial rights and responsibilities toward the child
20 and under which neither parent has legal custodial
21 rights superior to those of the other parent. ~~The~~
22 ~~court may award physical care to one parent only.~~
23 Rights and responsibilities of joint legal custody
24 include, but are not limited to, equal participation
25 in decisions affecting the child's legal status,
26 medical care, education, extracurricular activities,
27 third-party child care, and religious instruction.
28 5. "Physical care" means the right and
29 responsibility to maintain ~~the principal a home of for~~
30 the minor child and provide for the routine care of
31 the child.

32 Sec. 102. Section 598.1, Code 1997, is amended by
33 adding the following new subsections:

34 NEW SUBSECTION. 3A. "Joint physical care" means
35 an award of physical care of a minor child to both
36 joint legal custodial parents under which both parents
37 have rights and responsibilities toward the child
38 including, but not limited to, shared parenting time
39 with the child, maintaining homes for the child,
40 providing routine care for the child and under which
41 neither parent has physical care rights superior to
42 those of the other parent.

43 NEW SUBSECTION. 3B. "Legal custody" or "custody"
44 means an award of the rights of legal custody of a
45 minor child to a parent under which a parent has legal
46 custodial rights and responsibilities toward the
47 child. Rights and responsibilities of legal custody
48 include, but are not limited to, decision making
49 affecting the child's legal status, medical care,
50 education, extracurricular activities, third-party

Page 2

1 child care, and religious instruction."

2 2. Page 122, by inserting after line 35 the

3 following:

4 "Sec. 103. Section 598.41, subsection 1,
5 paragraphs a and c, Code 1997, are amended to read as
6 follows:

7 a. The court, insofar as is reasonable and in the
8 best interest of the child, shall order the custody
9 award, including liberal visitation rights where
10 appropriate, which will assure the child the
11 opportunity for the maximum possible continuing
12 physical and emotional ~~contact with~~ access to both
13 parents after the parents have separated or dissolved
14 the marriage, and which will encourage parents to
15 share the rights and responsibilities of raising the
16 child unless direct physical harm or significant
17 emotional harm to the child, other children, or a
18 parent is likely to result from such ~~contact with~~
19 access to one parent.

20 c. The court shall consider the denial by one
21 parent of the child's ~~opportunity for~~ right to the
22 maximum possible continuing ~~contact with~~ access to the
23 other parent, without just cause, a significant factor
24 in determining the proper custody arrangement. Just
25 cause may include a determination by the court
26 pursuant to subsection 3, paragraph "j", that a
27 history of domestic abuse exists between the parents.

28 Sec. 104. Section 598.41, subsection 3, paragraph
29 b, Code 1997, is amended to read as follows:

30 b. Whether the psychological and emotional needs
31 and development of the child will suffer due to lack
32 of ~~active contact with~~ access to and attention from
33 both parents.

34 Sec. 105. Section 598.41, subsections 5 and 6,
35 Code 1997, are amended to read as follows:

36 5. ~~Joint legal custody does not require joint~~
37 ~~physical care.~~ When the court determines such action
38 ~~would be in the best interest of~~ preserve the
39 relationship between each parent and the child, joint
40 physical care may be given awarded to both joint
41 custodial parents or physical care may be awarded to
42 one joint custodial parent and not to the other. If
43 one joint custodial parent is awarded physical care,
44 ~~the court shall hold that~~ parent responsible for
45 providing for the best interest of physical care shall
46 support the other parent's relationship with the
47 child. However, physical Physical care given awarded
48 to one parent does not affect the other parent's
49 rights and responsibilities as a joint legal custodian
50 of the child. Rights and responsibilities as joint

Page 3

1 legal custodian of the child include, but are not
2 limited to, equal participation in decisions affecting

- 3 the child's legal status, medical care, education,
 4 extracurricular activities, third-party child care,
 5 and religious instruction.
- 6 6. When ~~the a~~ parent awarded legal custody or
 7 physical care of ~~the a~~ child cannot act as custodian
 8 or caretaker because the parent has died or has been
 9 judicially adjudged incompetent, the court shall award
 10 legal custody including physical care of the child to
 11 the surviving parent unless the court finds that such
 12 an award is not in the child's best interest."
- 13 3. Page 124, by inserting after line 13 the
 14 following:
 15 "Sec. ____ EFFECTIVE DATE. Sections 101, 102,
 16 103, 104, and 105 of this Division XII, being deemed
 17 of immediate importance, are effective upon
 18 enactment."
 19 4. By renumbering as necessary.

Amendment H-1335 was adopted.

Boddicker of Cedar offered the following amendment H-1320 filed by him and Burnett of Story and moved its adoption:

H-1320

- 1 Amend House File 612 as follows:
 2 1. Page 114, line 27, by inserting after the
 3 figure "598.14." the following: "The three-month
 4 limitation applies to modification actions pending on
 5 or after July 1, 1997."
 6 2. Page 116, line 17, by inserting after the word
 7 "party." the following: "The three-month limitation
 8 applies to a modification action pending on or after
 9 July 1, 1997."

Amendment H-1320 was adopted.

Boddicker of Cedar asked and received unanimous consent that amendment H-1282 be deferred.

Connors of Polk asked and received unanimous consent to withdraw amendment H-1333 filed by him and Boddicker of Cedar on March 25, 1997.

Connors of Polk offered amendment H-1379 filed by him and Boddicker of Cedar as follows:

H-1379

- 1 Amend House File 612 as follows:
 2 1. Page 115, line 24, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".

5 2. Page 115, by inserting after line 27 the
6 following:
7 NEW SUBSECTION. 8A. If a parent awarded joint
8 legal custody and physical care or sole legal custody
9 is relocating the residence of the minor child to a
10 location which is less than one hundred fifty miles
11 from the residence of the minor child at the time that
12 custody was awarded, the court may consider the
13 relocation as a factor in determining whether to grant
14 an application for modification of a decree or a
15 petition for modification of an order regarding the
16 custody arrangements. If a parent awarded joint legal
17 custody and physical care or sole legal custody is
18 relocating the residence of the minor child to a
19 location which is one hundred fifty miles or more from
20 the residence of the minor child at the time that
21 custody was awarded, the relocation shall be
22 considered a substantial change in circumstances and
23 the court shall modify the custody order to, at a
24 minimum, preserve, as nearly as possible, the existing
25 relationship between the minor child and the
26 nonrelocating parent. If modified, the order may
27 include a provision for extended visitation during
28 summer vacations and school breaks and scheduled
29 telephone contact between the nonrelocating parent and
30 the minor child. The modification may include a
31 provision assigning the responsibility for
32 transportation of the minor child for visitation
33 purposes to either or both parents. If the court
34 makes a finding of past interference by the parent
35 awarded joint legal custody and physical care or sole
36 legal custody with the minor child's access to the
37 other parent, the court may order the posting of a
38 cash bond to assure future compliance with the
39 visitation provisions of the decree. The supreme
40 court shall prescribe guidelines for the forfeiting of
41 the bond and restoration of the bond following
42 forfeiting of the bond."

43 3. Page 121, by inserting after line 25 the
44 following:
45 "Sec. ____ Section 598.23, subsection 2, Code
46 1997, is amended by adding the following new
47 paragraphs:

48 NEW PARAGRAPH. c. Directs the parties to provide
49 access to the child through a neutral party or neutral
50 site or center.

Page 2

1 NEW PARAGRAPH. d. Imposes sanctions or specific
2 requirements or orders the parties to participate in
3 mediation to enforce the joint custody provisions of
4 the decree.

5 Sec. ____ Section 598.23, Code 1997, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 3. In addition to the provisions
 8 for punishment for contempt under this section, if the
 9 court finds a person in contempt for failing to comply
 10 with the visitation provisions of an order or decree
 11 without good cause, the court may enjoin the contemnor
 12 from engaging in the activity governed by a license to
 13 operate a motor vehicle through suspension or
 14 revocation of the license and may impose conditions
 15 for reinstatement of the license."
 16 4. By renumbering as necessary.

Kreiman of Davis offered amendment H-1400, to amendment H-1379, filed by him from the floor and requested division as follows:

H-1400

1 Amend the amendment, H-1379, to House File 612 as
 2 follows:

H-1400A

3 1. Page 1, line 33, by striking the words "If the
 4 court".
 5 2. Page 1, by striking lines 34 through 42.

H-1400B

6 3. Page 2, by striking lines 5 through 15.

H-1400A

7 4. By renumbering as necessary.

Kreiman of Davis moved the adoption of amendment H-1400A, to amendment H-1379.

Amendment H-1400A lost.

Kreiman of Davis moved the adoption of amendment H-1400B to amendment H-1379.

Roll call was requested by Kreiman of Davis and Doderer of Johnson.

On the question "Shall amendment H-1400B, to amendment H-1379, be adopted?" (H.F. 612)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Doderer	Dotzler	Drees

Falck	Foege	Ford	Frevert
Holveck	Huser	Jenkins	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Wise	Witt	

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Fallon	Garman
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Weidman	Welter
Whitead	Gipp, Presiding		

Absent or not voting, 3:

Siegrist	Vande Hoef	Weigel
----------	------------	--------

Amendment H-1400B lost.

Connors of Polk moved the adoption of amendment H-1379.

Amendment H-1379 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H-1279 filed by him on March 24, 1997.

Kreiman of Davis offered the following amendment H-1341 filed by him and moved its adoption:

H-1341

- 1 Amend House File 612 as follows:
- 2 1. By striking page 123, line 1, through page
- 3 124, line 13.
- 4 2. By striking page 129, line 15, through page
- 5 130, line 22.
- 6 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 54, nays 29.

Amendment H-1341 was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1278 filed by him on March 24, 1997.

Burnett of Story offered amendment H-1295 filed by Burnett, et al., as follows:

H-1295

- 1 Amend House File 612 as follows:
- 2 1. By striking page 131, line 26, through page
- 3 132, line 5.
- 4 2. By renumbering as necessary.

Roll call was requested by Moreland of Wapello and Doderer of Johnson.

On the question "Shall amendment H-1295 be adopted?" (H.F. 612)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Falck	Foege	Ford	Frevort
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Whitead	Wise	Witt

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Drees
Eddie	Fallon	Garman	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Weidman	Welter
Gipp, Presiding			

Absent or not voting, 3:

Dinkla

Vande Hoef

Weigel

Amendment H-1295 lost.

Tyrrell of Iowa asked and received unanimous consent that amendment H-1329 be deferred.

Boddicker of Cedar offered the following amendment H-1282, previously deferred, filed by him and moved its adoption:

H-1282

- 1 Amend House File 612 as follows:
2 1. Page 115, by inserting after line 22 the
3 following:
4 "Sec. ____ Section 598.21, subsection 4A,
5 paragraph c, Code 1997, is amended to read as follows:
6 c. Notwithstanding paragraph "a", in a pending
7 dissolution action under this chapter, a prior
8 determination of paternity by operation of law through
9 the marriage of the established father and mother of
10 the child may be overcome under this chapter if the
11 following conditions are met:
12 (1) The established father and mother of the child
13 file a written statement with the court that both
14 parties agree that the established father is not the
15 biological father of the child.
16 (2) The court finds that it is in the best
17 interest of the child to overcome the established
18 paternity. In determining the best interest of the
19 child, the court shall consider the criteria provided
20 in section 600B.41A, subsection 3, paragraph "g."
21 2. Page 131, by inserting before line 16 the
22 following:
23 "Sec. ____ Section 600B.41A, subsection 3,
24 paragraph e, subparagraph (1), Code 1997, is amended
25 to read as follows:
26 (1) Unless otherwise specified pursuant to
27 subsection 2 or 8, blood or genetic testing shall be
28 conducted in all cases prior to the determination by
29 the court of the best interest of the child in an
30 action to overcome the establishment of paternity."
31 3. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall amendment H-1282 be adopted?" (H.F. 612)

Rule 75 was invoked.

The ayes were, 51:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunckhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Eddie
Fallon	Garman	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Veenstra
Weidman	Welter	Gipp,	
		Presiding	

The nays were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drake	Drees	Falck	Foege
Ford	Frevert	Grundberg	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Metcalf	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Whitead	Wise	Witt	

Absent or not voting, 2:

Vande Hoef Weigel

Amendment H-1282 was adopted.

Tyrrell of Iowa offered the following amendment H-1329, previously deferred, filed by him and moved its adoption:

H-1329

- 1 Amend House File 612 as follows:
- 2 1. Page 132, by inserting after line 5, the
- 3 following:
- 4 "Sec. ____ Section 600B.41A, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 6A. a. If the court determines
- 7 that test results conducted in accordance with section
- 8 600B.41 or chapter 252F exclude the established father
- 9 as the biological father, but the court dismisses the
- 10 action to overcome paternity, and the criteria of
- 11 paragraph "b" are met, the court shall enter an order

- 12 which provides for all of the following:
- 13 (1) Relieves the established father of any or all
- 14 future support obligations owed on behalf of the
- 15 child, while preserving the paternity determination.
- 16 (2) Provides that any unpaid support due prior to
- 17 the date the order determining that the established
- 18 father is not the biological father is filed, is
- 19 satisfied.
- 20 b. The court shall issue an order pursuant to
- 21 paragraph "a" if all of the following criteria are
- 22 met:
- 23 (1) The mother represented the established father
- 24 as the biological father of the child in a court
- 25 proceeding or in any documents submitted to the court
- 26 or a state agency.
- 27 (2) The mother testified in court that a
- 28 possibility exists that the established father is not
- 29 the biological father of the child.
- 30 c. This subsection is applicable to any support
- 31 order existing or entered on or after July 1, 1997.
- 32 d. Any costs associated with the action to
- 33 overcome paternity under this section to which this
- 34 subsection applies shall be paid by the mother."
- 35 2. By renumbering as necessary.

Amendment H-1329 lost.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 612)

The ayes were, 58:

- | | | | |
|------------|------------|-----------|----------------|
| Arnold | Barry | Blodgett | Boddicker |
| Bogges | Bradley | Brauns | Brunkhorst |
| Carroll | Churchill | Connors | Corbett, Spkr. |
| Cormack | Dix | Dolecheck | Drake |
| Drees | Eddie | Falck | Fallon |
| Garman | Greig | Greiner | Gries |
| Grundberg | Hahn | Hansen | Heaton |
| Holmes | Houser | Huseman | Jacobs |
| Jenkins | Klemme | Kremer | Lamberti |
| Larson | Lord | Martin | Mertz |
| Metcalf | Meyer | Millage | Nelson |
| Rants | Rayhons | Siegrist | Sukup |
| Teig | Thomas | Thomson | Tyrrell |
| Van Fossen | Van Maanen | Veenstra | Weidman |
| Welter | Gipp, | | |
| | Presiding | | |

The nays were, 39:

- | | | | |
|------|--------|-------|-------|
| Bell | Bernau | Brand | Bukta |
|------|--------|-------|-------|

Burnett	Cataldo	Chapman	Chiodo
Cohoon	Doderer	Dotzler	Foegel
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Whitead	Wise	Witt	

Absent or not voting, 3:

Dinkla Vande Hoef Weigel

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 612** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 442, a bill for an act relating to the designation of certain correctional facilities.

Also: That the Senate has on March 26, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 472, a bill for an act prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure.

MARY PAT GUNDERSON, Secretary

SPONSORS WITHDRAWN

(House File 389)

Koenigs of Mitchell requested to be withdrawn as a sponsor of House File 389.

(House File 389)

Mertz of Kossuth requested to be withdrawn as a sponsor of House File 389.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday morning, March 25, 1997. Had I been present, I would have voted "aye" on House File 550.

CATALDO of Polk

On the roll call on House File 697, I inadvertently voted "aye" when I meant to vote "nay."

FORD of Polk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty fifth grade students from Winterset Middle School, Winterset, accompanied by Sharon Christopher. By Dinkla of Guthrie.

Fifth grade students from Winterset Middle School, Winterset, accompanied by Mrs. Olson. By Dinkla of Guthrie.

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

- 1997\311 Wyndi Gray, Central Lee High School – For being named Most Valuable Player on the varsity girls basketball team.
- 1997\312 Shannon Crozier, Central Lee High School – For being named Best Defensive Player on the varsity girls basketball team.
- 1997\313 Angie Schinstock, Central Lee High School – For being named Best Offensive Player on the varsity girls basketball team.
- 1997\314 Jacob Jarvis, Central Lee High School – For being named Most Valuable Wrestler.
- 1997\315 Jimmie Koller, Central Lee High School – For being named to the Southeast Iowa Super Conference First Team in boys basketball.
- 1997\316 Jim Hopp, Central Lee High School – For being named to the Southeast Iowa Super Conference Second Team in boys basketball.
- 1997\317 Laura Freitag, Central Lee High School – For being named to the Southeast Iowa Super Conference First Team in varsity girls basketball.

- 1997\318 Coach Merlyn Thorson and the Saints Boys Basketball Team, St. Ansgar – For winning the Sportsmanship Award for the Iowa State Class 2-A Boys Basketball Tournament.
- 1997\319 Coach Merlyn Thorson and the Saints Boys Basketball Team, St. Ansgar – For receiving 2nd place in the Iowa State Class 2-A Boys Basketball Tournament.
- 1997\320 Adam Means, Muscatine – For being named to the “MAC” All-Conference Basketball 1st Team.
- 1997\321 Jeffrey D. Vogler, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\322 Chuck Van Hecke, Muscatine – For being named National Athletic Director of the Year.
- 1997\323 Robbie Sieverding, Bellevue – For being named to the Class 1A All-State 1st Team.
- 1997\324 Jerry Arthur, Norwalk – For receiving the Jaycee Governorship Award.

SUBCOMMITTEE ASSIGNMENTS

Senate File 21

Commerce-Regulation: Van Fossen, Chair; Brunkhorst and Wise.

Senate File 354

Commerce-Regulation: Rants, Chair; Van Fossen and Weigel.

Senate File 358

State Government: Hansen, Chair; Connors and Van Fossen.

Senate File 395

Labor and Industrial Relations: Metcalf, Chair; Dix and Dotzler.

Senate File 420

Transportation: Weidman, Chair; May and Welter.

Senate File 492

Labor and Industrial Relations: Kremer, Chair; Falck and Klemme.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to appropriations 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, providing a penalty, and providing for effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 25, 1997.

Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 1997.

COMMITTEE ON HUMAN RESOURCES

Senate File 176, a bill for an act relating to child sexual abuse reporting.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1997.

Senate File 230, a bill for an act relating to child abuse provisions involving assessments performed by the department of human services in response to reports of child abuse and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1997.

Senate File 236, a bill for an act relating to the certificate of need program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1416** March 26, 1997.

COMMITTEE ON NATURAL RESOURCES

Senate File 95, a bill for an act relating to water and ice vessel accident reports filed with the natural resource commission of the department of natural resources and providing for an effective date and the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1997.

COMMITTEE ON WAYS AND MEANS

House File 626, a bill for an act relating to the property tax levy allowed certain fire districts.

Fiscal Note is required.

Recommended **Do Pass** March 26, 1997.

Committee Bill (Formerly House File 531), relating to the transportation of public and nonpublic school students and other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1997.

Committee Bill (Formerly House File 675), relating to and making property tax relief fund appropriations and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 25, 1997.

Committee Bill (Formerly House Study Bill 199), relating to hospitals and health care facilities, including licensing and license fees, inspections and inspection fees and fines.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 1997.

AMENDMENTS FILED

H—1394	H.F.	681	Bradley of Clinton Witt of Black Hawk
H—1396	H.F.	644	Holveck of Polk
H—1397	H.F.	644	Holveck of Polk
H—1398	H.F.	644	Holveck of Polk
H—1399	H.F.	644	Holveck of Polk
H—1401	H.F.	448	Moreland of Wapello
H—1403	H.F.	58	Barry of Harrison
H—1404	H.F.	613	Warnstadt of Woodbury Whitead of Woodbury
H—1405	H.F.	693	Moreland of Wapello
H—1406	H.F.	706	Koenigs of Mitchell
H—1407	H.F.	708	Koenigs of Mitchell
H—1408	H.F.	708	Koenigs of Mitchell
H—1409	H.F.	708	Koenigs of Mitchell
H—1410	H.F.	708	Kreiman of Davis
H—1411	H.F.	710	Van Fossen of Scott Millage of Scott

			Bradley of Clinton
			Holmes of Scott
H-1412	H.F.	704	Welter of Jones
H-1413	H.F.	681	Burnett of Story
H-1414	H.F.	681	Mascher of Johnson
H-1415	H.F.	681	Mascher of Johnson
H-1416	S.F.	236	Committee on Human Resources
H-1417	H.F.	643	Lamberti of Polk
H-1418	H.F.	704	May of Worth Welter of Jones
H-1419	H.F.	704	May of Worth Welter of Jones
H-1420	H.F.	708	Frevert of Palo Alto Burnett of Story Fallon of Polk
H-1421	H.F.	708	Fallon of Polk Burnett of Story
H-1422	H.F.	708	Koenigs of Mitchell
H-1423	H.F.	708	Moreland of Wapello
H-1424	H.F.	708	Moreland of Wapello
H-1425	H.F.	708	Frevert of Palo Alto Fallon of Polk
H-1426	S.F.	104	Mascher of Johnson
H-1427	S.F.	433	Carroll of Poweshiek
H-1428	H.F.	706	Koenigs of Mitchell
H-1429	H.F.	706	Weigel of Chickasaw
H-1430	H.F.	708	Bell of Jasper
H-1431	S.F.	104	Scherrman of Dubuque
H-1432	H.F.	706	Mundie of Webster
H-1435	H.F.	644	Jacobs of Polk
H-1436	H.F.	613	Metcalf of Polk
H-1437	H.F.	613	Wise of Lee
H-1438	H.F.	613	Wise of Lee
H-1439	H.F.	708	Drees of Carroll
H-1440	H.F.	448	Millage of Scott
H-1441	H.F.	613	Warnstadt of Woodbury Whitead of Woodbury
H-1442	H.F.	580	Hansen of Pottawattamie
H-1443	H.F.	644	Holveck of Polk
H-1444	H.F.	640	Richardson of Warren

On motion by Siegrist of Pottawattamie, the House adjourned at 10:42 p.m., until 9:15 a.m., Thursday, March 27, 1997.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 27, 1997

The House met pursuant to adjournment at 9:25 a.m., Rants of Woodbury in the chair.

Prayer was offered by Bishop Curt Miller of Western Iowa Synod, Evangelical Lutheran Church of America, Storm Lake.

The Journal of Wednesday, March 26, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gipp of Winneshiek for Thursday, March 27, and Monday, March 31, 1997, on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILLS

House File 713, by committee on ways and means, a bill for an act relating to and making property tax relief fund appropriations and providing an effective date.

Read first time and referred to committee on **appropriations**.

House File 714, by committee on ways and means, a bill for an act relating to hospitals and health care facilities, including licensing and license fees, inspections and inspection fees and fines.

Read first time and placed on the **ways and means calendar**.

House File 715, by committee on appropriations, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing for effective and applicability dates.

Read first time and placed on the **appropriations calendar**.

House File 716, by committee on ways and means, a bill for an act relating to the transportation of public and nonpublic school students and other properly related matters.

Read first time and placed on the **ways and means calendar**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 503, a bill for an act relating to criminal justice, by providing for enhanced punishment for manufacturing methamphetamine in the presence of minors, providing restrictions on public nudity and actual or simulated public performance of sex acts in certain establishments, making changes related to escape and voluntary absence from custody or a correctional facility, establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities, providing for abatement of nuisance created by certain establishments which allow or permit public nudity or actual or simulated public performances of sex acts in their establishment, providing for hormonal intervention therapy for persons convicted of certain sex offenses, imposing consecutive sentences for escapes from or crimes committed while confined in detention facilities or penal institutions, authorizing probation supervision and revocation by administrative parole and probation judges in the sixth judicial district, making changes related to work programs for inmates and criminal defendants, providing restitution for death of a victim of a crime, and providing penalties and an effective date.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGES CONSIDERED

Senate File 188, by committee on state government, a bill for an act relating to the allocation of gambling receipts for horse race purses.

Read first time and referred to committee on **state government**.

Senate File 442, by committee on judiciary, a bill for an act relating to the designation of certain correctional facilities.

Read first time and referred to committee on **judiciary**.

Senate File 451, by committee on agriculture, a bill for an act relating to milk and milk products, providing for the issuance of licenses and permits, fees, and providing penalties.

Read first time and referred to committee on **agriculture**.

Senate File 472, by committee on agriculture, a bill for an act prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure.

Read first time and referred to committee on **agriculture**.

On motion by Rants of Woodbury, the House was recessed at 9:30 a.m., until 10:15 a.m.

MORNING SESSION

The House reconvened at 10:20 a.m., Rants of Woodbury in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Weigel of Chickasaw on request of Cataldo of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 579, a bill for an act relating to the membership of the medical assistance advisory council, was taken up for consideration.

Lord of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 579)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Coñoon	Connors
Corbett, Spkr.	Cormack	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevort	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Whitead	Wise	Witt	Rants, Presiding

The nays were, none.

Absent or not voting, 4:

Dinkla

Dix

Gipp

Weigel

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 704, a bill for an act relating to substantive and other provisions affecting the state department of transportation and driver, motor vehicle, and highway regulation, including the definition of road work zones, providing grounds for refusing renewal of vehicle registrations, regulation of intrastate motor carriers, imposing fees, providing for an electronic titling and registration program, creating, eliminating, or enhancing penalties, and providing effective dates, was taken up for consideration.

May of Worth offered the following amendment H-1419 filed by him and Welter of Jones and moved its adoption:

H-1419

1 Amend House File 704 as follows:

2 1. Page 2, by inserting after line 34 the
3 following:

4 "Sec. 101. Section 321.19, subsection 1,
5 unnumbered paragraph 1, Code 1997, is amended to read
6 as follows:

7 1. All vehicles owned or leased for a period of
8 sixty days or more by the government and used in the
9 transaction of official business by the
10 representatives of foreign governments or by officers,
11 boards, or departments of the government of the United
12 States, and by the state, counties, municipalities and
13 other political subdivisions of the state including
14 vehicles used by an urban transit company operated by
15 a municipality or a regional transit system, and self-
16 propelling vehicles used neither for the conveyance of
17 persons for hire, pleasure, or business nor for the
18 transportation of freight other than those used by an
19 urban transit company operated by a municipality or a
20 regional transit system, and all fire trucks,
21 providing they are not owned and operated for a
22 pecuniary profit, and authorized emergency vehicles
23 used only in disaster relief owned and operated by an
24 organization not operated for pecuniary profit, are
25 exempted from the payment of the fees imposed by this
26 chapter, except as provided for urban transit
27 companies in subsection 2, but are not exempt from the
28 penalties provided in this chapter."

29 2. Page 26, line 26, by inserting after the word
30 "DATES." the following:

- 31 "1."
32 3. Page 26, by inserting after line 28 the
33 following:
34 "2. Section 101 of this Act, being deemed of
35 immediate importance, takes effect upon enactment."
36 4. Title page, line 4, by inserting after the
37 word "zones," the following: "registration fees for
38 certain disaster relief vehicles."
39 5. By renumbering as necessary.

Amendment H-1419 was adopted.

May of Worth offered the following amendment H-1418 filed by him and Welter of Jones and moved its adoption:

H-1418

- 1 Amend House File 704 as follows:
2 1. Page 7, by inserting after line 9 the
3 following:
4 "Sec. ____ Section 321.115, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. Truck tractors and
7 semitrailers used in combination for exhibition and
8 educational purposes as described in subsection 1 may
9 be registered, exhibited, and driven according to the
10 provisions of subsection 1. Subsection 3 shall not
11 apply to vehicles registered in accordance with this
12 subsection."
13 2. By renumbering as necessary.

Amendment H-1418 was adopted.

Welter of Jones offered the following amendment H-1412 filed by him and moved its adoption:

H-1412

- 1 Amend House File 704 as follows:
2 1. Page 11, by inserting after line 11 the
3 following:
4 "Sec. ____ Section 321E.11, unnumbered paragraph
5 1, Code 1997, is amended to read as follows:
6 Movements by permit in accordance with this chapter
7 shall be permitted only during the hours from thirty
8 minutes prior to sunrise to thirty minutes following
9 sunset unless the issuing authority determines that
10 the movement can be better accomplished at another
11 period of time because of traffic volume conditions or
12 the vehicle subject to the permit has an overall
13 length not to exceed one hundred feet, an overall
14 width not to exceed eleven feet, and an overall height
15 not to exceed fourteen feet, four inches, and the

- 16 permit requires the vehicle to operate only on those
 17 highways designated by the department. Additional
 18 safety lighting and escorts may be required for
 19 movement at night.”
 20 2. By renumbering as necessary.

Amendment H-1412 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?” (H.F. 704)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weidman
Welter	Whitead	Wise	Witt
Rants, Presiding			

The nays were, none.

Absent or not voting, 7:

Churchill	Dix	Frevert	Gipp
Lord	Vande Hoef	Weigel	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 684, a bill for an act relating to county regulation of road rights-of-way, was taken up for consideration.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 684)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Whitead	Wise	Witt	Rants, Presiding

The nays were, 1:

Garman

Absent or not voting, 3:

Dix

Gipp

Weigel

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 579, 704 and 684.**

House File 580, a bill for an act relating to pari-mutuel racing and excursion boat gambling, by striking limits on administrative fines

and outdated loan provisions, by providing for the administration of lasix to race horses, by specifying the age for gambling at racetrack enclosures, by providing for other properly related matters, and by subjecting violators to a penalty, was taken up for consideration.

Hansen of Pottawattamie offered the following amendment H-1442 filed by him and moved its adoption:

H-1442

- 1 Amend House File 580 as follows:
- 2 1. Page 1, by striking lines 5 through 12.
- 3 2. Page 1, by striking lines 16 through 18 and
- 4 inserting the following: "make or attempt to make a
- 5 pari-mutuel wager. Except for an employee of a
- 6 licensee; a person under twenty-one years of age shall
- 7 not enter or attempt to enter an area of a racetrack
- 8 where pari-mutuel wagering is being conducted. A
- 9 person violating this subsection is guilty of a simple
- 10 misdemeanor which is punishable by a fine of not less
- 11 than one hundred dollars."
- 12 3. Page 1, by inserting before line 19 the
- 13 following:
- 14 "Sec. ____ Section 99D.11, Code 1997, is amended
- 15 by adding the following new subsection:
- 16 NEW SUBSECTION. 8. A licensee shall not allow a
- 17 person who is under twenty-one years of age within the
- 18 area of a racetrack where pari-mutuel wagering is
- 19 being conducted. However, a licensee may employ a
- 20 person who is eighteen years of age or older to work
- 21 in an area of a racetrack where pari-mutuel wagering
- 22 is being conducted."
- 23 4. Page 2, line 32, by inserting after the word
- 24 "not" the following: "attempt to make or".
- 25 5. Page 2, line 34, by inserting after the word
- 26 "not" the following: "enter, attempt to enter, or".
- 27 6. Page 3, by striking lines 4 and 5 and
- 28 inserting the following: "which is punishable by a
- 29 fine of not less than one hundred dollars."
- 30 7. Page 3, by inserting before line 6 the
- 31 following:
- 32 "Sec. ____ Section 5 of this Act, being deemed of
- 33 immediate importance, takes effect upon enactment."
- 34 8. Title page, line 6, by inserting after the
- 35 word "matters," the following: "by providing an
- 36 effective date,".

Amendment H-1442 was adopted, placing out of order amendment H-1340, filed by Hansen of Pottawattamie on March 25, 1997.

Fallon of Polk offered amendment H-1297 filed by him as follows:

H-1297

1 Amend House File 580 as follows:

2 1. Page 1, by inserting after line 18 the
3 following:

4 "Sec. ____ Section 99D.11, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 8. A licensee shall not permit
7 the operation of a satellite terminal as defined in
8 section 527.2 to dispense cash or credit for gambling
9 purposes within a pari-mutuel racetrack enclosure or
10 at other facilities and parking areas controlled by
11 the licensee."

12 2. Page 3, by inserting after line 5 the
13 following:

14 "Sec. ____ Section 99F.9, Code 1997, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 7. A licensee shall not permit
17 the operation of a satellite terminal as defined in
18 section 527.2 to dispense cash or credit for gambling
19 purposes on an excursion gambling boat or at other
20 facilities and parking areas controlled by the
21 licensee."

22 3. Title page, line 5, by inserting after the
23 word "enclosures," the following: "by prohibiting the
24 dispensing of moneys for gambling from satellite
25 banking terminals,".

Hansen of Pottawattamie rose on a point of order that amendment H-1297 was not germane.

The Speaker ruled the point well taken and amendment H-1297 not germane.

Fallon of Polk moved to suspend the rules to consider amendment H-1297.

A non-record roll call was requested.

The ayes were 53, nays 28.

The motion prevailed and the rules were suspended.

Siegrist of Pottawattamie asked and received unanimous consent that House File 580 be deferred and that the bill be placed on the unfinished business calendar. (Amendment H-1297 pending.)

House File 448, a bill for an act providing for the establishment of a lien by licensed professionals against damages collected by an injured patient, was taken up for consideration.

Millage of Scott offered amendment H-1153 filed by him and requested division as follows:

H-1153

1 Amend House File 448 as follows:

H-1153A

2 1. Page 1, line 12, by inserting after the word
3 "part" the following: "subject to any allocation of
4 fault."

H-1153B

5 2. Page 1, line 17, by inserting after the word
6 "charges" the following: "as determined by the
7 court if the amount of the recovery or sum is
8 determined by judgment."

H-1153C

9 3. Page 1, line 21, by inserting after the word
10 "damages;" the following: "provided that in addition
11 to the limitation to the reasonable and necessary
12 charges, the lien is further limited by a reduction
13 for the pro-rata share of the patient's, or the
14 patient's heirs' or personal representatives' costs
15 and attorney fees."

Millage of Scott offered the following amendment H-1440, to amendment H-1153A, filed by him and moved its adoption:

H-1440

1 Amend the amendment, H-1153, to House File 448 as
2 follows:

3 1. Page 1, line 3, by striking the words "subject
4 to" and inserting the following: "remaining after".

Amendment H-1440 was adopted.

Millage of Scott moved the adoption of amendment H-1153A, as amended.

A non-record roll call was requested.

The ayes were 38, nays 50.

Amendment H-1153A lost.

Millage of Scott asked and received unanimous consent that amendment H-1153B be deferred.

Millage of Scott asked and received unanimous consent that amendment H-1153C be deferred.

Millage of Scott offered the following amendment H-1386 filed by him and moved its adoption:

H-1386

- 1 Amend House File 448 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "state." the following: "Statutory rights for liens
- 4 under this chapter shall not exceed the amount of that
- 5 portion of the judgment or verdict specifically
- 6 related to such losses, as demonstrated by the
- 7 itemization of the judgment or verdict, and the
- 8 hospital or licensed professional shall be responsible
- 9 for a pro rata share of the legal and administrative
- 10 expenses incurred in obtaining the judgment or
- 11 verdict. If a claim subject to a lien under this
- 12 chapter is resolved by settlement, the lienholder
- 13 shall be entitled to a hearing to determine whether
- 14 the settlement was reasonable and what portion of the
- 15 settlement specifically related to the loss giving
- 16 rise to the lien."

Roll call was requested by Huser of Polk and Witt of Black Hawk.

On the question "Shall amendment H-1386 be adopted?" (H.F. 448)

Rule 75 was invoked.

The ayes were, 47:

Bell	Bernau	Blodgett	Brand
Brauns	Bukta	Burnett	Cataldo
Chapman	Cohon	Doderer	Dolecheck
Dotzler	Drees	Fallon	Foege
Ford	Greiner	Heaton	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Thomas	Tyrrell	Veenstra	Warnstadt
Whitead	Wise	Witt	

The nays were, 47:

Arnold	Barry	Boddicker	Bradley
Brunkhorst	Carroll	Chiodo	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Drake	Eddie	Falck	Frevort
Greig	Gries	Grundberg	Hahn

Hansen	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Mertz	Metcalf	Nelson	Rayhons
Siegrist	Sukup	Taylor	Teig
Thomson	Van Fossen	Van Maanen	Vande Hoef
Weidman	Welter	Rants, Presiding	

Absent or not voting, 6:

Boggess	Connors	Garman	Gipp
O'Brien	Weigel		

Amendment H-1386 lost.

Huser of Polk offered amendment H-1388 filed by her as follows:

H-1388

1 Amend House File 448 as follows:

2 1. Page 1, line 34, by inserting after the figure
3 "151" the following: "For the purposes of this
4 chapter, "reasonable and necessary charges of the
5 hospital or licensed professional for treatment, care,
6 and maintenance of the patient" means charges which
7 are limited to the minimum amount that the hospital or
8 licensed professional would accept for payment for the
9 treatment, care, and maintenance of the patient under
10 any governmental reimbursement program or managed care
11 program including any health maintenance organization
12 or preferred provider organization, in which the
13 hospital or licensed professional participates in at
14 the time the lien is asserted."

Huser of Polk offered the following amendment H-1450, to amend-
ment H-1388, filed by her from the floor and moved its adoption:

H-1450

1 Amend the amendment, H-1388 to House File 448 as
2 follows:

3 1. Page 1, by striking lines 2 through 14, and
4 inserting the following:
5 " Page 1, line 34, by inserting after the
6 figure "151" the following: "For the purposes of
7 this chapter, "reasonable and necessary charges of the
8 hospital or licensed professional for treatment, care,
9 and maintenance of the patient" means charges which
10 are limited to the reimbursement that the hospital or
11 licensed professional would receive for payment for
12 the treatment, care, and maintenance of the patient
13 under the governmental reimbursement program or

- 14 managed care program including a health maintenance
 15 organization or preferred provider organization
 16 providing coverage to that individual patient and in
 17 which the hospital or licensed professional
 18 participates at the time the lien is asserted."
 19 2. By renumbering as-necessary.

Amendment H-1450, to amendment H-1388, was adopted.

Huser of Polk moved the adoption of amendment H-1388, as amended.

Amendment H-1388 lost.

Larson of Linn offered the following amendment H-1213 filed by him and moved its adoption:

H-1213

- 1 Amend House File 448 as follows:
 2 1. Page 2, by striking lines 11 and 12, and
 3 inserting the following: "which such the hospital is
 4 located or in which the principal office of the
 5 licensed professional is located, if applicable, prior
 6 to the payment of".
 7 2. Page 2, line 23, by inserting after the word
 8 "hospital" the following: "or the licensed
 9 professional, as applicable".

Amendment H-1213 was adopted.

Moreland of Wapello offered amendment H-1387 filed by him as follows:

H-1387

- 1 Amend House File 448 as follows:
 2 1. Page 3, by inserting after line 29 the
 3 following:
 4 "Sec. NEW SECTION. 582.5 SATISFACTION OF
 5 LIEN - PENALTY.
 6 When the amount due under a lien established by
 7 this chapter is paid off, or satisfied in full, the
 8 hospital or licensed professional entitled to the
 9 proceeds thereof, or those acting for the hospital or
 10 licensed professional, must knowledge satisfaction of
 11 the lien upon the record of the lien, or by the
 12 execution of an instrument referring to the lien, duly
 13 acknowledged and filed in the office of the clerk in
 14 every county where the lien is recorded. A failure to
 15 do so within thirty days after having been requested
 16 in writing shall subject the delinquent hospital or
 17 licensed professional to a penalty of one hundred

- 18 dollars plus reasonable attorney fees incurred by the
 19 party aggrieved, to be recovered in an action for the
 20 satisfaction or acknowledgment by the party
 21 aggrieved."
 22 2. Title page, line 2, by inserting after the
 23 word "patient" the following: "and providing a
 24 penalty".
 25 3. By renumbering as necessary.

Moreland of Wapello offered the following amendment H-1401, to amendment H-1387, filed by him and moved its adoption:

H-1401

- 1 Amend the amendment, H-1387, to House File 448 as
 2 follows:
 3 1. Page 1, line 10, by striking the word
 4 "knowledge" and inserting the following:
 5 "acknowledge".

Amendment H-1401 was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 11:45 a.m.

Moreland of Wapello moved the adoption of amendment H-1387, as amended.

Amendment H-1387, as amended, was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1153B.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1153C.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 448)

The ayes were, 61:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Carroll
Chiodo	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Falck	Frevort	Garman	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme

Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Moreland	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 35:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Cohoon
Connors	Doderer	Dotzler	Drees
Fallon	Foege	Ford	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	Millage
Mundie	Murphy	Myers	Reynolds-Knight
Richardson	Scherrman	Schrader	Warnstadt
Whitead	Wise	Witt	

Absent or not voting, 4:

Brunkhorst	Eddie	Gipp	Weigel
------------	-------	------	--------

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 448** be immediately messaged to the Senate.

House File 640, a bill for an act relating to the definition and location of a land-leased community, was taken up for consideration.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-1444 filed by him on March 26, 1997.

SENATE FILE 433 SUBSTITUTED FOR HOUSE FILE 640

Carroll of Poweshiek asked and received unanimous consent to substitute Senate File 433 for House File 640.

Senate File 433, a bill for an act relating to the definition and location of a land-leased community, was taken up for consideration.

Carroll of Poweshiek offered amendment H-1427 filed by him as follows:

H-1427

1 Amend Senate File 433, as passed by the Senate, as

2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 335.30, Code 1997, is amended

6 by adding the following new paragraph:

7 NEW UNNUMBERED PARAGRAPH. A county shall not adopt

8 or enforce construction, building, or design

9 ordinances, regulations, requirements, or restrictions

10 which would mandate width standards greater than

11 twenty-four feet, roof pitch, or other design

12 standards for manufactured housing if the housing

13 otherwise complies with 42 U.S.C. § 5403. A county

14 shall not adopt or enforce zoning or subdivision

15 regulations or other ordinances which mandate width

16 standards for a single modular or manufactured home

17 which is sited upon land otherwise zoned as

18 agricultural land."

19 2. Page 1, by striking lines 6 through 10 and

20 inserting the following: "manufactured housing."

21 3. Page 1, by inserting after line 21 the

22 following:

23 "Sec. ____ Section 414.28, Code 1997, is amended

24 by adding the following new paragraph:

25 NEW UNNUMBERED PARAGRAPH. A city shall not adopt

26 or enforce construction, building, or design

27 ordinances, regulations, requirements, or restrictions

28 which would mandate width standards greater than

29 twenty-four feet, roof pitch, or other design

30 standards for manufactured housing if the housing

31 otherwise complies with 42 U.S.C. § 5403."

32 4. Title page, by striking lines 1 and 2 and

33 inserting the following: "An Act relating to

34 regulation and location of a land-leased community or

35 a modular or manufactured home."

Carroll of Poweshiek asked and received unanimous consent that Senate File 433 be deferred and that the bill retain its place on the unfinished business calendar. (Amendment H-1427 pending.)

House File 202, a bill for an act relating to the issuance of free deer hunting licenses to owners and tenants of farm units, with report of committee recommending passage, was taken up for consideration.

Speaker Corbett in the chair at 12:28 p.m.

Arnold of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 202)

The ayes were, 96:

Arnold

Barry

Bell

Bernau

Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brunkhorst	Gipp	Meyer	Weigel
------------	------	-------	--------

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 202** be immediately messaged to the Senate.

House File 613, a bill for an act relating to linked deposit investment programs, was taken up for consideration.

Barry of Harrison in the chair at 12:35 p.m.

The House stood at ease at 12:36 p.m., until the fall of the gavel.

The House resumed session at 1:03 p.m., Tyrrell of Iowa in the chair.

The House resumed consideration of House File 613.

Wise of Lee asked and received unanimous consent that amendment H-1437 be deferred.

Wise of Lee asked and received unanimous consent that amendment H-1438 be deferred.

Warnstadt of Woodbury asked and received unanimous consent that amendment H-1404 be deferred.

Metcalf of Polk offered amendment H-1436 filed by her as follows:

H-1436

1 Amend House File 613 as follows:

2 1. By striking page 1, line 1, through page 5,
3 line 18, and inserting the following:

4 "Sec. ____ Section 12.32, subsection 1, Code 1997,
5 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 in this state or any person in
10 this state who is qualified to participate in one of
11 the programs in this division. "Eligible borrower"
12 does not include a person who has been determined to
13 be delinquent in making child support payments or any
14 other payments due the state.

15 Sec. ____ Section 12.32, subsection 3, Code 1997,
16 is amended to read as follows:

17 3. "Linked investment" means a certificate of
18 deposit placed pursuant to this division by the
19 treasurer of state with an eligible lending
20 institution, at an interest rate not more than three
21 percent below current market rates rate on the
22 condition that the institution agrees to lend the
23 value of the deposit, according to the investment
24 agreement provided in section 12.35, to an eligible
25 borrower at a rate not to exceed four percent above
26 the rate paid on the certificate of deposit. The
27 treasurer of state shall determine and make available
28 the current market rate which shall be used each
29 month.

30 Sec. ____ Section 12.33, Code 1997, is amended to
31 read as follows:

32 ~~12.33 LEGISLATIVE FINDINGS AND INTENT — PURPOSE~~
33 ~~PUBLIC POLICY.~~

34 ~~1. The general assembly finds the following:~~

35 ~~a. That many horticultural operations throughout~~
36 ~~the state are experiencing economic stagnation or~~
37 ~~decline.~~

38 ~~b. That high interest rates have caused~~
39 ~~potentially viable operations to cease or not expand~~
40 ~~in the area of horticultural or nontraditional crop~~
41 ~~production, processing, or marketing.~~

42 ~~2. The It is the public policy of this state that~~
43 ~~a linked investments for tomorrow program provided for~~

44 ~~in this division is intended be established to provide~~
45 ~~statewide availability of lower cost funds for lending~~
46 ~~purposes that will inject needed capital into the~~
47 ~~business of, and stimulate existing or encourage new~~
48 ~~businesses in, the area of producing, processing, or~~
49 ~~marketing horticultural or nontraditional crops.~~
50 ~~3. It is the public policy of the state through~~

Page 2

1 ~~the linked investments for tomorrow program to create~~
2 ~~an availability of lower cost funds to inject needed~~
3 ~~capital into the business of producing, processing, or~~
4 ~~marketing horticultural crops or nontraditional crops.~~

5 Sec. ____ Section 12.34, subsection 1, Code 1997,
6 is amended to read as follows:

7 1. The treasurer of state may invest up to the
8 ~~lesser of sixty-five million dollars or ten percent of~~
9 the balance of the state pooled money fund in
10 certificates of deposit in eligible lending
11 institutions pursuant to this division.

12 Sec. ____ Section 12.40, subsection 3, Code 1997,
13 is amended to read as follows:

14 3. In order to qualify as an eligible borrower,
15 the rural small business must be located in a city
16 with a population of five thousand or less. A rural
17 small business located in a city located in a county
18 with a population in excess of three one hundred
19 thousand, if the city is contiguous to another city in
20 the county and that other city is contiguous to the
21 largest city in that county, shall be ineligible to
22 qualify as a borrower. In order to qualify under this
23 program, all owners of the business or borrowers must
24 not have a combined net worth exceeding five hundred
25 thousand dollars as defined in rules adopted by the
26 treasurer of state pursuant to chapter 17A and the
27 rural small business must meet all of the following
28 criteria:

29 a. Be a for-profit business under a single
30 management.

31 b. Have annual sales of two million dollars or
32 less.

33 c. Not be operated out of the home of any person,
34 unless the person is eligible for a deduction on
35 federal income taxes pursuant to 26 U.S.C. § 280A.

36 d. Not involve real estate investments, rental of
37 real estate, leasing of real estate, or real estate
38 speculation.

39 e. Not provide the services of persons practicing
40 medicine and surgery pursuant to chapter 148,
41 dentistry pursuant to chapter 153, chiropractic
42 pursuant to chapter 151, optometry pursuant to chapter
43 154, osteopathic medicine and surgery pursuant to

44 chapter 150A, podiatry pursuant to chapter 149,
45 psychology pursuant to chapter 154B, or law pursuant
46 to section 602.10101 et seq.
47 f. Liquor, beer, and wine sales must not exceed
48 twenty percent of annual sales.
49 Sec. ____ Section 12.40, subsection 4, Code 1997,
50 is amended to read as follows:

Page 3

1 4. In order to qualify as an eligible borrower,
2 the transfer of the rural small business must be by
3 purchase, lease-purchase, or contract of sale. The
4 purchase must be for a portion of the business which
5 is essential to its continued viability, including
6 real estate where the business is located, fixtures
7 attached to the real estate, equipment, supplies, and
8 machinery relied upon by the business, and inventory
9 for sale by the business.

10 Sec. ____ Section 12.40, subsection 7, Code 1997,
11 is amended to read as follows:

12 7. The During the lifetime of this loan program,
13 the maximum loan amount of assistance that a an
14 eligible borrower or a business may receive under
15 through this loan program shall be fifty thousand
16 dollars. An eligible borrower or business under this
17 program shall be limited to one loan from one
18 financial institution.

19 Sec. ____ Section 12.41, subsection 1, Code 1997,
20 is amended to read as follows:

21 1. In order to qualify as an eligible borrower,
22 the loan application shall must be for the purchase or
23 lease of land, machinery, equipment, or the purchase
24 of other inputs used in the business of producing,
25 processing, or marketing horticultural or
26 nontraditional crops as defined in rules adopted by
27 the treasurer.

28 Sec. ____ Section 12.41, subsection 3, Code 1997,
29 is amended to read as follows:

30 3. The maximum loan amount of assistance that an
31 eligible borrower or business may receive under during
32 the lifetime of this program is two hundred thousand
33 dollars for a production loan and five hundred
34 thousand dollars for processing or marketing
35 facilities. An eligible borrower or business under
36 this program shall be limited to one loan from one
37 financial institution.

38 Sec. ____ Section 12.43, Code 1997, is amended to
39 read as follows:

40 12.43 **TARGETED FOCUSED SMALL BUSINESS LINKED**
41 **INVESTMENTS PROGRAM CREATED — DEFINITIONS.**

42 The treasurer of state shall adopt rules to
43 implement a targeted focused small business linked

44 investments program to increase the availability of
45 lower cost funds to inject needed capital into small
46 businesses owned and operated by women or minorities,
47 which is the public policy of the state. The rules
48 shall be in accordance with the following:

49 1. ~~"Targeted small business" means a business as~~
50 ~~defined in section 15.102, subsection 5.~~

Page 4

1 2. ~~A linked investment shall only be approved in~~
2 ~~connection with a loan application for a targeted~~
3 ~~small business which has been certified pursuant to~~
4 ~~section 10A.104, subsection 8.~~

5 1. ~~As used in this section:~~

6 a. "Focused small business" means a new small
7 business which is one hundred percent owned, operated,
8 and actively managed by one or more women, minority
9 persons, or persons with a disability, provided the
10 business meets all the requirements of subsection 5.

11 b. "Disability" is defined as provided in section
12 15.102, subsection 5.

13 c. "Major life activity" is defined as provided in
14 section 15.102, subsection 5.

15 d. "Minority person" is defined as provided in
16 section 15.102, subsection 5.

17 3. ~~2. Loan applications for a targeted focused~~
18 ~~small business shall be for the purchase of land,~~
19 ~~machinery, equipment, or licenses, or patent,~~
20 ~~trademark, or copyright fees and expenses.~~

21 4. ~~3. During the lifetime of this loan~~
22 ~~program, the maximum size of a targeted small business~~
23 ~~loan is two amount of assistance that an eligible~~
24 ~~borrower or business may borrow or receive through~~
25 ~~this loan program shall be one hundred fifty thousand~~
26 ~~dollars per borrower. An eligible borrower or~~
27 ~~business under this program shall be limited to one~~
28 ~~loan from one financial institution.~~

29 5. ~~4. A preference shall be given to those persons~~
30 ~~who are less able than other persons to secure funds~~
31 ~~for a targeted focused small business without~~
32 ~~participation in the targeted focused small business~~
33 ~~linked investment program.~~

34 5. ~~In order to qualify under this program, all~~
35 ~~owners of the business or borrowers must not have a~~
36 ~~combined net worth exceeding five hundred thousand~~
37 ~~dollars as defined in rules adopted by the treasurer~~
38 ~~of state pursuant to chapter 17A and the focused small~~
39 ~~business must meet all of the following criteria:~~

40 a. Be a for-profit business under a single
41 management.

42 b. Have annual sales of two million dollars or
43 less.

- 44 c. Not be operated out of the home of any person,
- 45 unless the person is eligible for a deduction on
- 46 federal income taxes pursuant to 26 U.S.C. § 280A.
- 47 d. Not involve real estate investments, rental of
- 48 real estate, leasing of real estate, or real estate
- 49 speculation.
- 50 e. Not provide the services of persons practicing

Page 5

- 1 medicine and surgery pursuant to chapter 148,
- 2 dentistry pursuant to chapter 153, chiropractic
- 3 pursuant to chapter 151, optometry pursuant to chapter
- 4 154, osteopathic medicine and surgery pursuant to
- 5 chapter 150A, podiatry pursuant to chapter 149,
- 6 psychology pursuant to chapter 154B, or law pursuant
- 7 to section 602.10101 et seq.
- 8 f. Liquor, beer, and wine sales must not exceed
- 9 twenty percent of annual sales.
- 10 6. Loan proceeds shall not be used to refinance
- 11 existing debt, including credit card debt. However,
- 12 proceeds may be used to refinance a short-term bridge
- 13 loan made in anticipation of the treasurer of state's
- 14 approval of the linked investment loan package.
- 15 7. Eligible lending institutions shall verify the
- 16 borrower is eligible to participate under the
- 17 provisions of this section pursuant to rules adopted
- 18 by the treasurer of state pursuant to chapter 17A.
- 19 Sec. ____ This Act shall have no effect, pursuant
- 20 to section 4.13, on loans in effect on the effective
- 21 date of this Act."
- 22 2. By renumbering as necessary.

Wise of Lee offered the following amendment H-1445, to amendment H-1436, filed by him from the floor and moved its adoption:

H-1445

- 1 Amend the amendment, H-1436, to House File 613 as
- 2 follows:
- 3 1. Page 2, line 8, by striking the words "sixty-
- 4 five" and inserting the following: "seventy-five".

Roll call was requested by Wise of Lee and Jochum of Dubuque.

On the question "Shall amendment H-1445, to amendment H-1436, be adopted?" (H.F. 613)

The ayes were, 44:

- | | | | |
|---------|---------|---------|---------|
| Bell | Bernau | Brand | Bukta |
| Burnett | Cataldo | Chapman | Chiodo |
| Cohoon | Connors | Doderer | Dotzler |

Drees	Falck	Fallon	Foege
Ford	Frevert	Grundberg	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Thomas
Warnstadt	Whitead	Wise	Witt

The nays were, 48:

Arnold	Barry	Blodgett	Boddicker
Bogess	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dolecheck
Drake	Eddie	Garman	Greig
Greiner	Gries	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Jacobs	Jenkins	Klemme
Lamberti	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Tyrrell, Presiding

Absent or not voting, 8:

Bradley	Dinkla	Dix	Gipp
Kremer	Larson	Taylor	Weigel

Amendment H-1445 lost, placing amendment H-1437 out of order.

Wise of Lee offered the following amendment H-1446, to amend-
ment H-1436, filed by him from the floor and moved its adoption:

H-1446

- 1 Amend the amendment, H-1436, to House File 613 as
- 2 follows:
- 3 1. Page 2, by striking lines 39 through 46.
- 4 2. By renumbering as necessary.

Rants of Woodbury in the chair at 1:32 p.m.

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H-1446 lost.

Mertz of Kossuth offered the following amendment H-1447, to amend-
ment H-1436, filed by her from the floor and moved its adoption:

H-1447

- 1 Amend the amendment, H-1436, to House File 613 as
- 2 follows:
- 3 1. Page 3, by striking lines 28 through 37.
- 4 2. By renumbering as necessary.

Roll call was requested by Mertz of Kossuth and Wise of Lee.

On the question "Shall amendment H-1447, to amendment H-1436, be adopted?" (H.F. 613)

Rule 75 was invoked.

The ayes were, 48:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chioldo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegle
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Kremer	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Welter	Whitead	Wise	Witt

The nays were, 47:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Greig	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Rants,	
		Presiding	

Absent or not voting, 5:

Blodgett	Dinkla	Gipp	Greiner
Weigel			

Amendment H-1447, to amendment H-1436, was adopted.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1449, to amendment H-1436, filed by him from the floor.

Ford of Polk offered the following amendment H-1451, to amendment H-1436, filed by him from the floor and moved its adoption:

H-1451

- 1 Amend the amendment, H-1436, to House File 613 as
- 2 follows:
- 3 1. Page 5, line 7, by inserting after the word
- 4 "seq." the following: "unless the business is
- 5 located in a state or federally designated enterprise
- 6 zone."

Amendment H-1451 was adopted.

Warnstadt of Woodbury offered the following amendment H-1441, to amendment H-1436, filed by him and Whitead of Woodbury and moved its adoption:

H-1441

- 1 Amend the amendment, H-1436, House File 613 as
- 2 follows:
- 3 1. Page 5, by inserting after line 18 the
- 4 following:
- 5 "Sec. NEW SECTION. 12.51 MAIN STREET LINKED
- 6 INVESTMENTS LOAN PROGRAM.
- 7 The treasurer of state shall adopt rules to
- 8 implement a main street linked investments loan
- 9 program to increase the availability of lower cost
- 10 funds to stimulate building restorations or
- 11 rehabilitations of historic buildings within the
- 12 central business district of a city which is a
- 13 certified local government, or in the Iowa main street
- 14 program or the rural main street program. The rules
- 15 shall include the following conditions:
- 16 1. Linked investment loans shall be limited to
- 17 projects for a building restoration or rehabilitation
- 18 located in the central business district whose
- 19 boundaries are the same as the main street or rural
- 20 main street or central business district of a city
- 21 which is a certified local government project area.
- 22 2. Eligible borrowers are limited to the property
- 23 owner, contract purchaser of record, or long-term
- 24 lessee.
- 25 3. Loan applications under this program shall be
- 26 for the restoration or rehabilitation of facades of
- 27 buildings which are eligible or nominated or listed on
- 28 the national register of historic places. Public
- 29 buildings are excluded.
- 30 4. A facade restoration or building rehabilitation
- 31 must follow United States secretary of interior's
- 32 standards for rehabilitation and guidelines for

33 rehabilitating historic buildings.
34 5. The maximum loan amount under the main street
35 linked investments loan program is fifty thousand
36 dollars per project.
37 6. Not more than one-third of the amount
38 authorized in section 12.34 may be used for purposes
39 of this program and the rural small business transfer
40 linked investment loan program under section 12.40.
41 Sec. ____ NEW SECTION. 12.52 APPLICATION
42 PROCESS.
43 Applicants shall be certified as eligible for
44 assistance prior to submitting applications to the
45 treasurer of state for loans under the main street
46 linked investment loan program. Administrative rules
47 pursuant to chapter 17A shall be adopted jointly by
48 the department of economic development and by the
49 department of cultural affairs to require applicants
50 to do the following:

Page 2

- 1 1. Show evidence of preliminary design assistance
2 from the Iowa main street program of the department of
3 economic development or the state historic
4 preservation office of the department of cultural
5 affairs.
- 6 2. Show evidence of preliminary design review
7 approval from the local design review committee.
- 8 3. The plans shall be submitted to a final design
9 review board comprised of representatives of the state
10 historic preservation office, the Iowa main street
11 program, and one private sector architect selected
12 jointly by the directors of the departments of
13 economic development and cultural affairs. The
14 treasurer of state or the treasurer of state's
15 designee shall serve as an ad hock member of the
16 design review board. The design review board shall
17 provide certification of eligible projects to the
18 treasurer of state following the review."
19 2. By renumbering as necessary.

Amendment H-1441 lost.

Metcalf of Polk moved the adoption of amendment H-1436, as amended.

Amendment H-1436, as amended, was adopted placing out of order amendments H-1438 and H-1404.

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. 613)

The ayes were, 87:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Myers	Nelson	O'Brien
Rayhons	Reynolds-Knight	Richardson	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Whitead
Wise	Witt	Rants, Presiding	

The nays were, 11:

Brand	Doderer	Frevert	Holveck
Huser	Koenigs	Kreiman	Moreland
Murphy	Osterhaus	Scherrman	

Absent or not voting, 2:

Gipp	Weigel
------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 193, a bill for an act relating to the election of trustees for special land use districts.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGE CONSIDERED

Senate File 503, by committee on judiciary, a bill for an act relating to criminal justice, by providing for enhanced punishment for manufacturing methamphetamine in the presence of minors, providing restrictions on public nudity and actual or simulated public performance of sex acts in certain establishments, making changes related to escape and voluntary absence from custody or a correctional facility, establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities, providing for abatement of nuisance created by certain establishments which allow or permit public nudity or actual or simulated public performances of sex acts in their establishment, providing for hormonal intervention therapy for persons convicted of certain sex offenses, imposing consecutive sentences for escapes from or crimes committed while confined in detention facilities or penal institutions, authorizing probation supervision and revocation by administrative parole and probation judges in the sixth judicial district, making changes related to work programs for inmates and criminal defendants, providing restitution for death of a victim of a crime, and providing penalties and an effective date.

Read first time and referred to committee on **judiciary**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 613** be immediately messaged to the Senate.

SENATE FILE 296 REREFERRED

The Speaker announced that Senate File 296, previously referred to the committee on **commerce-regulation** was rereferred to the committee on **labor and industrial relations**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 27, 1997. Had I been present, I would have voted "nay" on House File 202 and "aye" on House File 448.

BRUNKHORST of Bremer

I was necessarily absent from the House chamber on March 26, 1997. Had I been present, I would have voted "aye" on House Files 577, 589 and 612.

VANDE HOEF of Osceola

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 March, 1997: House Files 309 and 320.

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:

Twelve high school students from Gladbrook-Reinbeck High School, Reinbeck, accompanied by Marvin Cook. By Brand of Tama and Dix of Butler.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

COLLEGE STUDENT AID COMMISSION

The Student and Faculty Ethnic Diversity Report, 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

1997\325 Newell-Fonda Community School, Newell – For winning 1st place in the 1997 Class 1A Boys State Basketball Tournament.

1997\326 Newell-Fonda Community School, Newell – For receiving 2nd place in the 1997 Class 1A Girls State Basketball Tournament.

SUBCOMMITTEE ASSIGNMENTS

House File 713

Appropriations: Millage, Chair; Reynolds-Knight and Sukup.

Senate File 357

State Government: Holmes, Chair; Jacobs and Taylor.

RESOLUTION FILED

HR 15, by Connors and Holveck, a resolution paying tribute to the memory of Mrs. Billie Jean Walling and recognizing her many contributions to the Iowa House of Representatives.

Laid over under Rule 25.

AMENDMENTS FILED

H-1448	S.F.	433	Richardson of Warren
H-1452	H.F.	667	Dinkla of Guthrie
H-1453	H.F.	693	Bernau of Story
H-1454	H.F.	693	Bernau of Story
H-1455	H.F.	693	Huser of Polk
H-1456	H.F.	693	Lamberti of Polk
H-1457	H.F.	693	Moreland of Wapello
H-1458	H.F.	693	Chapman of Linn
H-1459	H.F.	693	Moreland of Wapello
H-1460	H.F.	693	Moreland of Wapello
H-1461	H.F.	708	Cormack of Webster
H-1462	S.F.	236	Blodgett of Cerro Gordo
H-1463	H.F.	484	Huseman of Cherokee Mertz of Kossuth

On motion by Siegrist of Pottawattamie, the House adjourned at 2:17 p.m., until 1:00 p.m., Monday, March 31, 1997.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 31, 1997

The House met pursuant to adjournment at 1:00 p.m., Speaker Corbett in the chair.

Prayer was offered by Marvin Boldt, Chaplain of the Iowa Fireman's Association, Traer.

The Journal of Thursday, March 27, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Grant Wood All City Drum Corps, directed by Slayton Thompson, Cedar Rapids. Mr. Thompson presented the Sesquicentennial Flag to Speaker Corbett.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Churchill of Polk on request of Siegrist of Pottawattamie.

SENATE MESSAGE CONSIDERED

Senate File 193, by Schuerer, a bill for an act relating to the election of trustees for special land use districts.

Read first time and referred to committee on **local government**.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 13

Kreiman of Davis offered the following House Memorial Resolution 13 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 13

Whereas, The Honorable Tom Dougherty of Monroe County, Iowa, who was a member of the Sixtieth Extra, Sixty-first, Sixty-third and Sixty-fourth general assemblies, passed away September 5, 1996; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Kreiman of Davis, Doderer of Johnson and Arnold of Lucas.

On motion by Siegrist of Pottawattamie, the House was recessed at 1:15 p.m., until 2:15 p.m.

AFTERNOON SESSION

The House reconvened at 2:25 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 485, a bill for an act relating to drainage districts by eliminating notice by petitioning landowners regarding the establishment of subdistricts, with report of committee recommending passage, was taken up for consideration.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 485)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hqef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Van Maanen, Presiding

The nays were, 1:

Witt

Absent or not voting, 3:

Boddicker

Churchill

Gipp

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 2:30 p.m.

INTRODUCTION OF BILL

House File 717, by Rants, a bill for an act to legalize the proceedings taken by the Sergeant Bluff city council to grant an urban revitalization tax exemption for certain property and providing an effective and retroactive applicability date.

Read first time and referred to committee on **judiciary**.

Regular Calendar

House File 456, a bill for an act relating to city civil service and providing an effective date, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-1252 filed by him and moved its adoption:

H-1252

- 1 Amend House File 456 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. ____ Section 400.6, unnumbered paragraph 1,
- 5 Code 1997, is amended to read as follows:
- 6 This chapter applies to ~~permanent full-time~~ all
- 7 police officers and fire fighters under civil service
- 8 in cities having a population of more than eight
- 9 thousand, and to all appointive permanent full-time
- 10 employees in cities having a population of more than
- 11 fifteen thousand except."
- 12 2. By renumbering as necessary.

Amendment H-1252 lost.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 456)

The ayes were, 98:

Arnold
Blodgett

Barry
Boddicker

Bell
Bogges

Bernau
Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Churchill Gipp

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 433**, a bill for an act relating to the definition and location of a land-leased community, and amendment H-1427, previously deferred and placed on the unfinished business calendar.

The House resumed consideration of amendment H-1427 found on page 887 of the House Journal.

Richardson of Warren offered the following amendment H-1473, to amendment H-1427, filed by him from the floor and moved its adoption:

H-1473

1 Amend the amendment, H-1427, to Senate File 433, as

2 passed by the Senate, as follows:

- 3 1. Page 1, line 18, by inserting after the word
 4 "land." the following: "However, this paragraph shall
 5 not prohibit a county from adopting and enforcing
 6 zoning regulations related to transportation, water,
 7 sewerage, or other land development."
 8 2. Page 1, line 31, by inserting after the figure
 9 "5403." the following: "However, this paragraph shall
 10 not prohibit a city from adopting and enforcing zoning
 11 regulations related to transportation, water,
 12 sewerage, or other land development."

Amendment H-1473, to amendment H-1427, was adopted.

Holveck of Polk rose on a point of order that amendment H-1427, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H-1427, as amended, germane.

Carroll of Poweshiek moved the adoption of amendment H-1427, as amended.

Amendment H-1427, as amended, was adopted.

Richardson of Warren offered the following amendment H-1448 filed by him and moved its adoption:

H-1448

- 1 Amend Senate File 433 as follows:
 2 1. Page 1, lines 13 and 14, by striking the words
 3 ", modular homes, or a combination of the homes" and
 4 inserting the following: "or modular homes".
 5 2. Page 1, lines 30 and 31, by striking the words
 6 "; modular homes, or a combination of the homes" and
 7 inserting the following: "or modular homes".

Amendment H-1448 was adopted.

Carroll of Poweshiek offered amendment H-1371 filed by him as follows:

H-1371

- 1 Amend Senate File 433, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 3 the
 4 following:
 5 "Sec. ____ This Act, being deemed of immediate
 6 importance, takes effect upon enactment."
 7 2. Title page, line 2, by inserting after the
 8 word "community" the following: "and providing an
 9 effective date".

The Speaker announced that lines 7, 8, and 9 were out of order with the adoption of amendment H-1427.

On motion by Carroll of Poweshiek, amendment H-1371, (lines 1 through 6) was adopted.

The following amendment H-1474, filed by Carroll of Poweshiek from the floor was adopted by unanimous consent:

H-1474

1 Amend Senate file 433, as follows:

2 1. Title page, by inserting after the word "home"

3 the words "and providing an effective date".

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. 433)

The ayes were, 88:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Cohoon
Connors	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Eddie	Falck	Foege	Ford
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Whitead	Wise	Witt	Mr. Speaker
			Corbett

The nays were, 9:

Bernau	Brunkhorst	Drees	Fallon
Frevort	Holveck	Shoultz	Thomas
Weigel			

Absent or not voting, 3:

Churchill

Gipp

Larson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 31, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 516, a bill for an act revising public assistance provisions involving the family investment, job opportunities and basic skills, food stamp, and medical assistance programs administered by the department of human services, amending certain child support provisions, providing for fraudulent practices, and providing effective dates.

Also: That the Senate has on March 31, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 526, a bill for an act providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health.

MARY PAT GUNDERSON, Secretary

MOTION TO RECONSIDER WITHDRAWN (House File 685)

Schrader of Marion asked and received unanimous consent to withdraw the motion to reconsider House File 685, a bill for an act relating to the required business hours of a motorcycle dealer, filed by him on March 25, 1997.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 485, 456 and Senate File 433.**

HOUSE FILE 640 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 640 from further consideration by the House.

Regular Calendar

House File 680, a bill for an act relating to election of mayors in certain cities and providing an immediate effective date, was taken up for consideration.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 680)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Cohon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Holveck	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Blodgett	Churchill	Gipp	Grundberg
Houser	O'Brien	Taylor	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 644, a bill for an act relating to the relationship between a real estate broker or salesperson and parties to residential property real estate transactions, was taken up for consideration.

Jacobs of Polk offered the following amendment H-1435 filed by her and moved its adoption:

H-1435

1 Amend House File 644 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 543B.57, subsections 1 and 2,
 5 Code 1997, are amended to read as follows:
 6 1. A licensee shall not represent any party or
 7 parties to a transaction or otherwise as a licensee
 8 unless that licensee makes ~~an affirmative written a~~
 9 disclosure to all parties to the transaction
 10 identifying which party that person represents in the
 11 transaction. ~~The disclosure shall be acknowledged by~~
 12 ~~separate signatures of all parties to the transaction.~~
 13 2. a. The disclosure required in subsection 1
 14 shall be made by the licensee at the time the licensee
 15 provides specific assistance to the client, ~~or prior~~
 16 ~~to any offer being made or accepted by any party to a~~
 17 ~~transaction, whichever is sooner.~~ A change in a
 18 licensee's representation that makes the initial
 19 disclosure incomplete, misleading, or inaccurate
 20 requires that a new disclosure be made immediately.
 21 b. For purposes of this section, "specific
 22 assistance" means eliciting or accepting confidential
 23 information about a party's real estate needs,
 24 motivation, or financial qualifications. "Specific
 25 assistance" does not mean an open house showing,
 26 preliminary conversations concerning price range,
 27 location, and property styles, or responding to
 28 general factual questions concerning properties which
 29 have been advertised for sale or lease.
 30 c. A written disclosure shall be acknowledged by
 31 separate signatures of all parties to the transaction
 32 prior to any offer being made or accepted by any party
 33 to a transaction.
 34 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 35 immediate importance, takes effect upon enactment."
 36 2. Title page, by striking lines 2 and 3 and
 37 inserting the following: "or salesperson and parties
 38 to certain real estate transactions and providing an
 39 effective date."

Holveck of Polk offered amendment H-1443, to amendment
 H-1435, and requested division as follows:

H-1443

1 Amend the amendment, H-1435, to House File 644 as
 2 follows:

H-1443A

3 1. Page 1, line 8, by striking the words "an
 4 ~~affirmative written a~~" and inserting the following:
 5 "an affirmative written".

H-1443B

6 2. Page 1, line 24, by inserting after the word
 7 "qualifications" the following: "or eliciting or
 8 accepting information involving a proposed or
 9 preliminary offer associated with specific real
 10 estate".

Holveck of Polk asked and received unanimous consent to withdraw amendment H-1443A, to amendment H-1435, filed by him on March 26, 1997.

Holveck of Polk moved the adoption of amendment H-1443B, to amendment H-1435.

Amendment H-1443B, to amendment H-1435, was adopted.

Jacobs of Polk moved the adoption of amendment H-1435, as amended.

Amendment H-1435, as amended was adopted, placing out of order the following amendments:

H-1344 filed by Jacobs of Polk on March 25, 1997.

H-1390 filed by Holveck of Polk on March 25, 1997.

H-1396 filed by Holveck of Polk on March 26, 1997.

H-1397 filed by Holveck of Polk on March 26, 1997.

H-1398 filed by Holveck of Polk on March 26, 1997.

H-1399 filed by Holveck of Polk on March 26, 1997.

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. 644)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Greiner	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson

Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Myers	Nelson
O'Brien	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Witt	Mr. Speaker		
	Corbett		

The nays were, 1:

Kreiman

Absent or not voting, 5:

Churchill	Gipp	Murphy	Osterhaus
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 674, a bill for an act providing a cause of action against the state for wrongful imprisonment, was taken up for consideration.

Bernau of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 674)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus

Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Churchill Gipp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 272 WITHDRAWN

Bernau of Story asked and received unanimous consent to withdraw House File 272 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: **House Files 680, 644 and 674.**

House File 692, a bill for an act relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 692)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum

Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Churchill

Gipp

Grundberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 453, a bill for an act relating to the grounds for termination of parental rights of a putative father, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar offered the following amendment H-1365 filed by him and Jochum of Dubuque, and moved its adoption:

H-1365

- 1 Amend House File 453 as follows:
- 2 1. Page 1, line 5, by striking the word
- 3 "willfully".
- 4 2. Page 2, line 13, by inserting after the word
- 5 "child" the following: ", or whether the putative
- 6 father demonstrated emotional support as evidenced by
- 7 the putative father's conduct toward the mother".
- 8 3. Page 3, line 5, by inserting after the figure
- 9 "(1)." the following: "In making a determination, the
- 10 court may consider the conduct of the putative father
- 11 toward the child's mother during the pregnancy."

Amendment H-1365 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 453)

The ayes were, 96:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 2:

Barry Kreiman

Absent or not voting, 2:

Churchill Gipp

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 692 and 453.**

SPONSOR WITHDRAWN

(House File 389)

Thomas of Clayton requested to be withdrawn as a sponsor of House File 389.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that

on March 27, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 212, an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

House File 388, an act reducing the state individual income tax rates by ten percent and including an effective date provision.

Also: That on March 31, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 309, an act relating to review and oversight of actions of the ozone transport assessment group.

House File 320, an act increasing the exceptions to the registration requirements for postsecondary schools, and eliminating an exemption for nondegree specialty vocational training programs from the accreditation requirement for postsecondary schools.

Senate File 190, an act relating to granting easements on certain property by the department of natural resources.

Senate File 251, an act relating to compensation to victims of international terrorism who are residents of Iowa and providing an effective date.

PROOF OF PUBLICATION (House File 717)

Published copy of House File 717 and verified proof of publication of said bill in the Sergeant Bluff Advocate, a daily newspaper printed and published in Woodbury County, Iowa, on March 6, 1997, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

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

- 1997\327 Helen Sorensen, Clinton – For celebrating her 80th birthday.
- 1997\328 Mary and James Hull, Logan – For celebrating their 50th wedding anniversary.
- 1997\329 Matt Schleier, Keokuk – For being named to the Class 3A All-State Second Team in Boys Basketball.
- 1997\330 Matt Miller, Ames – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1997\331 Deborah and Gene Kaufman, Clinton – For receiving the 1997 Iowa Interactive Age Award in the Iowa Economic Development Contest.
- 1997\332 Nathan Monaghan, Kinross – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\333 West High Basketball Team, Sioux City – For receiving 2nd place in the Class 4A Division of the Boys State Basketball Tournament.
- 1997\334 Chad Marzen, Rudd-Rockford-Marble Rock Middle School – For winning 1st place in the Iowa State Spelling Bee.
- 1997\335 Rebecca Engels, Rudd-Rockford-Marble Rock Middle School – For sharing 2nd place in the Iowa State Spelling Bee.
- 1997\336 Ann Staudt, Rudd-Rockford-Marble Rock Middle School – For sharing 2nd place in the Iowa State Spelling Bee.
- 1997\337 Nicholas Hall, Glenwood – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

Senate File 188

State Government: Houser, Chair; Cataldo, Drake, Jacobs and Larkin.

Senate File 457

Human Resources: Blodgett, Chair; Ford and Lord.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 219, a bill for an act relating to trespassing or stray livestock and providing remedies and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 1997.

Senate File 235, a bill for an act providing authority to soil and water conservation district commissioners to allocate moneys for the emergency restoration of permanent soil and water conservation practices.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 1997.

COMMITTEE ON STATE GOVERNMENT

Senate File 253, a bill for an act relating to the practice of veterinary medicine and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1472 March 31, 1997.

AMENDMENTS FILED

H—1464	H.F.	681	Burnett of Story
H—1465	H.F.	706	Koenigs of Mitchell
H—1466	S.F.	429	Brunkhorst of Bremer
H—1467	H.F.	580	Blodgett of Cerro Gordo
H—1468	H.F.	693	Jochum of Dubuque
H—1469	S.F.	132	Kreiman of Davis
H—1470	H.F.	698	Doderer of Johnson
H—1471	H.F.	681	Holveck of Polk
H—1472	S.F.	253	Committee on State Government
H—1475	H.F.	710	Murphy of Dubuque
H—1476	H.F.	540	Jacobs of Polk
H—1477	H.F.	637	Cataldo of Polk
H—1478	H.F.	662	Millage of Scott
H—1479	H.F.	693	Lamberti of Polk
H—1480	H.F.	693	Lamberti of Polk
H—1481	H.F.	693	Bradley of Clinton
			Hansen of Pottawattamie
			Jacobs of Polk
			Lamberti of Polk
			O'Brien of Boone
H—1482	H.F.	693	Lamberti of Polk
H—1483	H.F.	693	Jenkins of Black Hawk
H—1484	H.F.	693	Churchill of Polk
			Sukup of Franklin
			Brunkhorst of Bremer
			Welter of Jones
			Veenstra of Sioux
H—1485	H.F.	710	Ford of Polk
H—1486	H.F.	716	Brunkhorst of Bremer
			Lord of Dallas
H—1487	H.F.	698	Boddicker of Cedar
			Murphy of Dubuque
H—1488	H.F.	671	Schrader of Marion

On motion by Siegrist of Pottawattamie, the House adjourned at 4:38 p.m., until 8:45 a.m., Tuesday, April 1, 1997.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 1, 1997

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 Dr. Carl Zylstra, President of Dordt College, Sioux Center.

The Journal of Monday, March 31, 1997 was approved.

PETITION FILED

The following petition was received and placed on file:

By Weidman of Cass, from ninety-five constituents from Anita favoring the Enrich Iowa: Fund Libraries.

INTRODUCTION OF BILL

House File 718, by Richardson, Jóchum, Mascher, and Fallon, a bill for an act relating to state funding of the additional homestead tax credit and rent reimbursement for low-income persons who are not elderly, disabled, or a surviving spouse and providing an applicability date provision.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 516, by committee on human resources, a bill for an act revising public assistance provisions involving the family investment, job opportunities and basic skills, food stamp, and medical assistance programs administered by the department of human services, amending certain child support provisions, providing for fraudulent practices, and providing effective dates.

Read first time and referred to committee on **human resources**.

Senate File 526, by committee on human resources, a bill for an act providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health.

Read first time and referred to committee on **human resources**.

On motion by Siegrist of Pottawattamie, the House was recessed at 8:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 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 March 31, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 79, a bill for an act relating to a moratorium on the issuance of new licenses to conduct gambling games and providing an effective date.

Also: That the Senate has on March 31, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 241, a bill for an act adopting the uniform transfer on death security registration Act.

Also: That the Senate has on March 31, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 362, a bill for an act establishing a wild animal depredation unit within the department of natural resources, allowing the discharge of firearms in state parks for certain purposes, providing for the issuance of additional free deer hunting licenses, subjecting violators to an existing penalty, and providing an effective date.

Also: That the Senate has on March 31, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 523, a bill for an act relating to health care facilities by requiring employment checks of prospective health care facility employees.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGES CONSIDERED

Senate File 79, by committee on state government, a bill for an act relating to a moratorium on the issuance of new licenses to conduct gambling games and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 241, by committee on commerce, a bill for an act adopting the uniform transfer on death security registration Act.

Read first time and referred to committee on **judiciary**.

Senate File 362, by committee on natural resources and environment, a bill for an act establishing a wild animal depredation unit within the department of natural resources, allowing the discharge of firearms in state parks for certain purposes, providing for the issuance

of additional free deer hunting licenses, subjecting violators to an existing penalty, and providing an effective date.

Read first time and referred to committee on **natural resources**.

Senate File 523, by committee on human resources, a bill for an act relating to health care facilities by requiring employment checks of prospective health care facility employees.

Read first time and **passed on file**.

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.

CONSIDERATION OF BILLS

Regular Calendar

House File 439, a bill for an act relating to the development of a repository for criminal history, abuse and sex offender registries, and nurse aide and other health profession certification and licensing information, with report of committee recommending amendment and passage, was taken up for consideration.

Martin of Scott offered the following amendment H-1168 filed by the committee on state government and moved its adoption:

H-1168 .

- 1 Amend House File 439 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "health," the following: "elder affairs,".
- 4 2. Page 1, line 5, by inserting after the word
- 5 "employers" the following: ", political
- 6 subdivisions,".
- 7 3. Page 1, line 11, by striking the words "and
- 8 intelligence".

The committee amendment H-1168 was adopted.

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?" (H.F. 439)

The ayes were, 98:

Arnold

Barry

Bell

Bernau

Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cornack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Chapman Teig

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 439** be immediately messaged to the Senate.

House File 618, a bill for an act relating to state reimbursement for expenses of attorneys provided to indigent persons in juvenile court, was taken up for consideration.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 618)

The ayes were, 98:

Arnold Barry Bell Bernau

Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Chapman Teig

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 618** be immediately messaged to the Senate.

House File 450, a bill for an act relating to application of the penalty for improperly passing a stopped school bus, was taken up for consideration.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 450)

The ayes were, 97:

Arnold Barry Bell Bernau

Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Carroll	Chiodo
Churchill	Cohoon	Connors	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, 1:

Cormack

Absent or not voting, 2:

Chapman 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 **House File 450** be immediately messaged to the Senate.

The House stood at ease at 1:26 p.m., until the fall of the gavel.

The House resumed session at 2:47 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-six members present, thirty-four absent.

House File 643, a bill for an act providing for grandparent and great-grandparent visitation rights, was taken up for consideration.

Lamberti of Polk offered the following amendment H-1417 filed by him and moved its adoption:

H-1417

- 1 Amend House File 643 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "visitation." the following: "This subsection applies
- 4 to but is not limited in application to a situation in
- 5 which the parents of the child are divorced and the
- 6 parent who is the child of the grandparent or who is
- 7 the grandchild of the great-grandparent has legal
- 8 custody of the child."
- 9 2. Page 1, by striking lines 33 through 35.

Amendment H-1417 was adopted.

Holveck of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 643)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veestra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 1:

Rants

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 643** be immediately messaged to the Senate.

House File 515, a bill for an act relating to the determination of annual salaries for deputy sheriffs, was taken up for consideration.

Welter of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 515)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Veenstra

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 205 WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw House File 205 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 515 be immediately messaged to the Senate.

House File 693, a bill for an act relating to civil actions and statutes of limitations in civil actions, the rate of interest on judgments and decrees, procedures for furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, and joint and several liability, was taken up for consideration.

Jochum of Dubuque offered amendment H-1468 filed by her as follows:

H-1468

1 Amend House File 693 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 135.26 HEALTH CARE
5 PROVIDER RECORDS - DUPLICATION FOR PROVISION TO
6 PATIENT.

7 1. Upon the written request of a patient, a health
8 care provider shall allow the patient to inspect and
9 shall provide the patient with a duplicate of the
10 health care record of the patient. The health care
11 provider may charge a fee, as established by rule of
12 the department, for duplication of the record.

13 2. A health care provider may withhold the record
14 from the patient if the provider reasonably determines
15 that the information is detrimental to the physical or
16 mental health of the patient, or is likely to cause
17 the patient to harm the patient or another person. If
18 a record is withheld from the patient under this
19 subsection, the health care provider may provides
20 access to the record or a duplicate of the record to
21 the patient's attorney or personal physician upon
22 request of the patient.

23 3. For the purposes of this section:

24 a. "Health care provider" means a person licensed

25 to practice medical surgery pursuant to chapter 148,
26 physical therapy pursuant to chapter 148A,
27 occupational therapy pursuant to chapter 148B,
28 acupuncture pursuant to chapter 148E, podiatry
29 pursuant to chapter 149, osteopathy pursuant to
30 chapter 150, osteopathic medicine and surgery pursuant
31 to chapter 150A, chiropractic pursuant to chapter 151,
32 nursing pursuant to chapter 152, dietetics pursuant to
33 chapter 152A, respiratory care pursuant to chapter
34 152B, massage therapy pursuant to chapter 152C,
35 dentistry pursuant to chapter 153, optometry pursuant
36 to chapter 154, psychology pursuant to chapter 154B,
37 social work pursuant to chapter 154C, behavioral
38 science pursuant to chapter 154D, or licensed as a
39 physician assistant pursuant to chapter 148C, a
40 hospital licensed pursuant to chapter 135B, and a
41 health care facility licensed pursuant to chapter
42 135C.
43 b. "Health care record" includes but is not
44 limited to evaluations, diagnoses, prognoses,
45 treatment, history, charts, pictures, laboratory
46 reports, X rays, prescriptions, and other technical
47 information used in assessing a patient's condition.
48 4. The department shall adopt rules prescribing
49 uniform fees, based upon the actual cost of
50 duplication, that a health care provider may charge

Page 2

1 for duplication of health care records requested by a
2 patient under this section. The rules adopted may
3 provide for an additional fee based upon the actual
4 costs for postage or other means of delivery and may
5 provide for an annual increase based upon the annual
6 rate of inflation for the preceding calendar year as
7 determined by the consumer price index published by
8 the bureau of labor statistics of the United States
9 department of labor."
10 2. Title page, line 3, by striking the words "of
11 plaintiffs".
12 3. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H-1496, to amendment H-1468, filed by her from the floor and moved its adoption:

H-1496

1 Amend the amendment, H-1468, to House File 693 as
2 follows:
3 1. Page 1, line 39, by inserting after the figure
4 "148C," the following: "an advanced registered nurse
5 practitioner licensed pursuant to chapter 152,".

Amendment H-1496, to amendment H-1468, was adopted.

Lamberti of Polk rose on a point of order that amendment H-1468, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1468, as amended, not germane.

Bernau of Story offered the following amendment H-1453 filed by him and moved its adoption:

H-1453

- 1 Amend House File 693 as follows:
- 2 1. Page 1, by striking lines 7 through 11 and
- 3 inserting the following:
- 4 "1. At a rate equal to the prime rate as
- 5 established by the federal reserve board and published
- 6 in the Wall Street Journal in the first edition
- 7 published during the month in which the judgment was
- 8 rendered, plus two percent."

Van Maanen of Marion in the chair at 3:24 p.m.

Amendment H-1453 lost.

Bernau of Story offered the following amendment H-1454 filed by him and moved its adoption:

H-1454

- 1 Amend House File 693 as follows:
- 2 1. Page 1, by striking lines 7 through 11 and
- 3 inserting the following:
- 4 "1. At a rate equal to the prime rate as
- 5 established by the federal reserve board and published
- 6 in the Wall Street Journal in the first edition
- 7 published during the month in which the judgment was
- 8 rendered."

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H-1454 lost.

Lamberti of Polk offered the following amendment H-1479 filed by him and moved its adoption:

H-1479

- 1 Amend House File 693 as follows:
- 2 1. Page 1, by striking lines 1 through 30 and
- 3 inserting the following:
- 4 "Sec. ____ Section 535.3, subsection 1, Code 1997,

5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 1. Interest shall be allowed on all money due on
8 judgments and decrees of courts at a rate calculated
9 according to section 668.13.

10 Sec. ____ Section 535.3, subsection 2, Code 1997,
11 is amended by striking the subsection.

12 Sec. ____ Section 535.3, subsection 3, Code 1997,
13 is amended to read as follows:

14 3. Interest on periodic payments for child,
15 spousal, or medical support shall not accrue until
16 thirty days after the payment becomes due and owing
17 and shall accrue at a rate of ten percent per annum
18 thereafter."

19 2. By renumbering as necessary.

Amendment H-1479 was adopted.

Huser of Polk offered the following amendment H-1455 filed by her
and moved its adoption:

H-1455

1 Amend House File 693 as follows:

2 1. Page 4, by inserting after line 8 the
3 following:

4 "d. This subsection shall not apply unless the
5 party seeking to avail themselves of the benefit of
6 this subsection proves by a preponderance of the
7 evidence that, at the time the product was first
8 placed in the stream of commerce, it contained the
9 following disclaimer:

10 This product was delivered on _____ (date
11 and time of delivery) and has an expected useful life
12 of ____ (expected useful life of product, in years)
13 years. Anyone purchasing or using this product should
14 not anticipate that this product will be free from
15 defects after _____ (last date of the
16 product's useful life). Furthermore, anyone
17 purchasing or using this product after
18 _____ (last date of the product's useful
19 life) should be aware that they may not have any legal
20 recourse available to them in the event this product
21 causes an injury or death. It is important that you
22 retain this disclaimer as it is the only warning you
23 shall receive relating to the useful life of this
24 product."

25 2. By renumbering as necessary.

Roll call was requested by Chapman of Linn and Lamberti of Polk.

On the question "Shall amendment H-1455 be adopted?" (H.F. 693)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dinkla	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, none.

Amendment H-1455 lost.

Speaker Corbett in the chair at 4:02 p.m.

Lamberti of Polk offered amendment H-1480 filed by him as follows:

H-1480

- 1 Amend House File 693 as follows:
- 2 1. By striking page 1, line 31, through page 4,
- 3 line 10, and inserting the following:
- 4 "Sec. ____ Section 614.1, Code 1997, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 2A. WITH RESPECT TO PRODUCTS.
- 7 Those founded on the death of a person or injuries to
- 8 the person or property brought against the
- 9 manufacturer, assembler, designer, supplier of
- 10 specifications, seller, lessor, or distributor of a

11 product based upon an alleged defect in the design,
 12 inspection, testing, manufacturing, formulation,
 13 marketing, packaging, warning, labeling of the
 14 product, or any other alleged defect or failure of
 15 whatever nature or kind, based on the theories of
 16 strict liability in tort, negligence, or breach of an
 17 implied warranty shall not be commenced more than
 18 twelve years after the product was first purchased,
 19 leased, bailed, or installed for use or consumption
 20 unless expressly warranted for a longer period of time
 21 by the manufacturer, assembler, designer, supplier of
 22 specifications, seller, lessor, or distributor of the
 23 product. This subsection shall not affect the time
 24 during which a person found liable may seek and obtain
 25 contribution or indemnity from another person whose
 26 actual fault caused a product to be defective. This
 27 subsection shall not apply if the manufacturer,
 28 assembler, designer, supplier of specifications,
 29 seller, lessor, or distributor of the product
 30 intentionally misrepresents facts about the product or
 31 fraudulently conceals information about the product
 32 and that conduct was a substantial cause of the
 33 claimant's harm."
 34 2. By renumbering as necessary.

Lamberti of Polk offered the following amendment H-1515, to amend-
 ment H-1480, filed by him from the floor and moved its adoption:

H-1515

1 Amend the amendment, H-1480, to House File 693 as
 2 follows:
 3 1. Page 1, by striking line 7 and inserting the
 4 following:
 5 "a. Those founded on the death of a person or
 6 injuries to".
 7 2. Page 1, by striking line 33 and inserting the
 8 following: "claimant's harm."
 9 b. (1) The twelve-year limitation in paragraph
 10 "a" shall not apply to the time period in which to
 11 discover a disease that is latent and caused by
 12 exposure to a harmful material, in which event the
 13 action shall be deemed to have accrued when the
 14 disease and such disease's cause have been made known
 15 to the person or at the point the person should have
 16 been aware of the disease and such disease's cause.
 17 (2) As used in this paragraph, "harmful material"
 18 means silicon gel breast implants, which were
 19 implanted prior to July 12, 1992; and chemical
 20 substances commonly known as asbestos, dioxins,
 21 tobacco, or polychlorinated biphenyls, whether alone
 22 or as part of any product; or any substance which is
 23 determined to present an unreasonable risk of injury

24 to health or the environment by the United States
 25 environmental protection agency pursuant to the
 26 federal Toxic Substance Control Act, 15 U.S.C. § 2601
 27 et seq., or by this state, if that risk is regulated
 28 by the United States environmental protection agency
 29 or this state."

Amendment H-1515, to amendment H-1480, was adopted.

Moreland of Wapello offered the following amendment H-1514, to amendment H-1480, filed by him from the floor and moved its adoption:

H-1514

1 Amend the amendment, H-1480, to House File 693 as
 2 follows:
 3 1. Page 1, line 33, by inserting after the word
 4 "harm." the following: "This subsection shall apply
 5 to products first purchased, leased, bailed, or
 6 installed for use or consumption after the effective
 7 date of this Act."

Amendment H-1514 lost.

Lamberti of Polk moved the adoption of amendment H-1480, as amended.

Roll call was requested by Lamberti of Polk and Tyrrell of Iowa.

On the question "Shall amendment H-1480, as amended, be adopted?" (H.F. 693)

The ayes were, 54:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

The nays were, 45:

Bell	Bernau	Brand	Bukta
------	--------	-------	-------

Burnett	Cataldo	Chapman	Chiodo
Cohon	Connors	Dinkla	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 1:

Blodgett

Amendment H-1480, as amended, was adopted.

Bradley of Clinton offered amendment H-1481 filed by Bradley, et al., as follows:

H-1481

1 Amend House File 693 as follows:

2 1. Page 4, by inserting before line 11 the
3 following:

4 "Sec. ____ Section 614.1, subsection 9, Code 1997,
5 is amended to read as follows:

6 9. MALPRACTICE.

7 a. Those Except as provided in paragraph "b",
8 those founded on injuries to the person or wrongful
9 death against any physician and surgeon, osteopath,
10 osteopathic physician and surgeon, dentist, podiatric
11 physician, optometrist, pharmacist, chiropractor,
12 physician assistant, or nurse, licensed under chapter
13 147, or a hospital licensed under chapter 135B,
14 arising out of patient care, within two years after
15 the date on which the claimant knew, or through the
16 use of reasonable diligence should have known, or
17 received notice in writing of the existence of, the
18 injury or death for which damages are sought in the
19 action, whichever of the dates occurs first, but in no
20 event shall any action be brought more than six years
21 after the date on which occurred the act or omission
22 or occurrence alleged in the action to have been the
23 cause of the injury or death unless a foreign object
24 unintentionally left in the body caused the injury or
25 death.

26 b. An action subject to paragraph "a" and brought
27 on behalf of a minor who was under the age of six
28 years when the act, omission, or occurrence alleged in
29 the action occurred, shall be commenced no later than
30 the minor's eighth birthday.

31 Sec. ____ Section 614.8, Code 1997, is amended to
32 read as follows:

33 614.8 MINORS AND PERSONS WITH MENTAL ILLNESS.

34 a. The times limited for actions herein in this
35 chapter, except those brought for penalties and
36 forfeitures, shall be are extended in favor of minors
37 and persons with mental illness, so that they shall
38 have one year from and after the termination of such
39 the disability within which to commence said an
40 action.

41 b. Except as provided in section 614.1, subsection
42 9, the times limited for actions in this chapter,
43 except those brought for penalties and forfeitures,
44 are extended in favor of minors, so that they shall
45 have one year from and after attainment of majority
46 within which to commence an action."

47 2. By renumbering as necessary.

Schrader of Marion rose on a point of order that amendment H-1481 was not germane.

The Speaker ruled the point well taken and amendment H-1481 not germane.

Bradley of Clinton asked for unanimous consent to suspend the rules to consider amendment H-1481.

Objection was raised.

Bradley of Clinton moved to suspend the rules to consider amendment H-1481.

A non-record roll call was requested.

The ayes were 51, nays 48.

The motion to suspend the rules prevailed.

Jochum of Dubuque offered the following amendment H-1502, to amendment H-1481, filed by her from the floor and moved its adoption:

H-1502

1 Amend the amendment, H-1481, to House File 693 as
2 follows:

3 1. Page 1, line 30, by inserting after the word
4 "birthday" the following: "provided that when the
5 minor does not have a living parent or guardian or
6 live with a parent or guardian the statute of
7 limitations tolls until one year after the minor
8 reaches the age of majority".

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-1502, to amendment H-1481, lost.

Kreiman of Davis offered the following amendment H-1503, to amendment H-1481, filed by him from the floor and moved its adoption:

H-1503

1 Amend the amendment, H-1481, to House File 693 as
2 follows:
3 1. Page 1, line 30, by inserting after the word
4 "birthday" the following: "or within two years after
5 the date on which the claimant knew, or through the
6 use of reasonable diligence should have known, or
7 received notice in writing of the existence of, the
8 injury or death for which damages are sought in the
9 action, but in no event shall any action be brought
10 more than one year after the minor attains the age of
11 majority".

Amendment H-1503, to amendment H-1481, lost.

Chapman of Linn offered the following amendment H-1504, to amendment H-1481, filed by her from the floor and moved its adoption:

H-1504

1 Amend the amendment, H-1481, to House File 693 as
2 follows:
3 1. Page 1, line 30, by inserting after the word
4 "birthday" the following: "or as provided in
5 paragraph "a", whichever is later, provided that when
6 the minor does not have a living parent or guardian or
7 live with a parent or guardian, or when the minor's
8 parent or guardian has not exercised reasonable
9 judgment in deciding whether to pursue the minor's
10 claim, or when the injury is to the minor's
11 reproductive system the statute of limitations tolls
12 until one year after the minor reaches the age of
13 majority".

Larson of Linn in the chair at 6:30 p.m.

Speaker Corbett in the chair at 6:38 p.m.

Amendment H-1504, to amendment H-1481, lost.

Huser of Polk offered the following amendment H-1505, to amendment H-1481, filed by her from the floor and moved its adoption:

H-1505

- 1 Amend the amendment, H-1481, to House File 693 as
2 follows:
3 1. Page 1, line 30, by inserting after the word
4 "birthday" the following: "or as provided in
5 paragraph "a", whichever is later, unless the injury
6 is to the child's reproductive system in which case
7 the statute of limitations tolls until one year after
8 the minor reaches the age of majority".

Amendment H-1505, to amendment H-1481, lost.

Bogges of Taylor in the chair at 7:22 p.m.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1506, to amendment H-1481, filed by him from the floor.

Bell of Jasper asked and received unanimous consent to withdraw amendment H-1507, to amendment H-1481, filed by him from the floor.

Shoultz of Black Hawk offered amendment H-1508, to amendment H-1481, filed by him from the floor as follows:

H-1508

- 1 Amend the amendment, H-1481, to House File 693 as
2 follows:
3 1. Page 1, line 30, by inserting after the word
4 "birthday." the following: "A physician and surgeon,
5 osteopath, osteopathic physician and surgeon, dentist,
6 podiatric physician, optometrist, pharmacist,
7 chiropractor, physician assistant, or nurse licensed
8 under chapter 147, or a hospital licensed under
9 chapter 135B shall not assert this paragraph as a
10 defense unless an informed consent waiver which was
11 signed by the patient's parent or legal guardian prior
12 to the treatment in question is produced. The
13 informed consent waiver shall state:
14 I am aware that any claim for damages arising from
15 any injury to or the death of my child, or the child
16 for whom I am the legal guardian, due to the treatment
17 the child is about to receive must be filed no later
18 than the child's eighth birthday, as the child will be
19 under the age of six when the treatment is performed.
20 I understand that this means my family will forever
21 forfeit any right to recover damages arising from this
22 treatment unless a claim is filed prior to the child's
23 eighth birthday, even if such treatment results in
24 injuries that are not discovered until after the
25 child's eighth birthday."

Bradley of Clinton rose on a point of order that amendment H-1508, to amendment H-1481, was not germane.

The Speaker ruled the point not well taken and amendment H-1508 germane.

Shoultz of Black Hawk moved the adoption of amendment H-1508, to amendment H-1481.

Roll call was requested by Shoultz of Black Hawk and Holveck of Polk.

On the question "Shall amendment H-1508, to amendment H-1481, be adopted?" (H.F. 693)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dinkla	Doderer
Dotzler	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dix
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Boggess, Presiding			

Absent or not voting, 3:

Dolecheck	Drake	Heaton
-----------	-------	--------

Amendment H-1508 lost.

Bernau of Story offered the following amendment H-1511, to amendment H-1481, filed by him from the floor and moved its adoption:

H-1511

- 1 Amend the amendment, H-1481, to House File 693 as
- 2 follows:
- 3 1. Page 1, line 30, by inserting after the word
- 4 "birthday" the following: "or as provided in
- 5 paragraph "a", whichever is later".

Amendment H-1511, to amendment H-1481, was adopted.

Dinkla of Guthrie offered the following amendment H-1501, to amendment H-1481, filed by him from the floor and moved its adoption:

H-1501

- 1 Amend the amendment, H-1481, to House File 693 as
- 2 follows:
- 3 1. Page 1, by striking lines 26 through 30 and
- 4 inserting the following:
- 5 "b. An action founded on injuries to the person or
- 6 wrongful death against a pediatrician or obstetrician,
- 7 physician assistant, or nurse, licensed under chapter
- 8 147, arising out of patient care, and brought on
- 9 behalf of a minor who was under the age of six years
- 10 when the act, omission, or occurrence alleged in the
- 11 action occurred, shall be commenced no later than the
- 12 minor's twelfth birthday. However, if the claimant
- 13 did not know and through the use of reasonable
- 14 diligence could not have been expected to know of the
- 15 act, omission, or occurrence until after the minor
- 16 reached the age of six years, then the action may be
- 17 brought pursuant to paragraph "a" on behalf of the
- 18 minor and may be commenced within the time periods
- 19 provided in paragraph "a". The provisions of this
- 20 paragraph shall not apply if the pediatrician or
- 21 obstetrician, physician assistant, or nurse warranted
- 22 orally or in written form regarding the success of the
- 23 delivery of the baby or the care of the minor under
- 24 the age of six, or the pediatrician or obstetrician,
- 25 physician assistant, or nurse misrepresented facts
- 26 regarding the delivery or care of the minor, or
- 27 fraudulently concealed information relating to the
- 28 delivery of the baby or the care of the minor, or a
- 29 foreign object unintentionally left in the body caused
- 30 the injury or death."
- 31 2. Page 1, by inserting after line 46 the
- 32 following:
- 33 "_. Page 9, by inserting after line 15 the

34 following:

35 "Sec. ____ OBSTETRICAL STUDY.

36 1. a. The Iowa department of public health shall
37 conduct a study to verify the number of physicians by
38 county practicing in Iowa who are engaged in
39 obstetrical deliveries without regard to the
40 physicians' areas of practice, specialties, or the
41 areas of board certification. The department shall
42 further certify the number of specialists licensed as
43 obstetricians and gynecologists by county.

44 b. The department shall additionally request from
45 each physician engaged in obstetrical deliveries a
46 copy of the malpractice insurance coverage maintained
47 by each physician, the company providing the coverage,
48 the annual premium paid, and any applicable
49 deductible.

50 2. a. The department shall conduct the study

Page 2

1 under subsection 1 within six months of the effective
2 date of this Act and shall annually update the study,
3 with a copy of the report to be delivered to the
4 general assembly each year by January 15.

5 b. The department shall include in the annual
6 report an analysis of the impact of this Act, if any,
7 on the number of claims or actions commenced against
8 physicians engaged in obstetrical deliveries. The
9 department shall also include in the annual report the
10 number and percentage of increase or decrease from the
11 previous year of physicians practicing in rural Iowa
12 engaged in the delivery of babies or care of minors
13 under the age of six.

14 3. The commissioner of insurance shall report by
15 January 15 of each year to the general assembly
16 whether medical malpractice premiums for pediatricians
17 and obstetricians have been reduced since the
18 effective date of this Act.

19 Sec. ____ APPLICABILITY DATE. The amendments to
20 section 614.1, subsection 9, shall apply to actions
21 filed after July 1, 1997.

22 Sec. ____ The amendments to section 614.1,
23 subsection 9, in this Act are repealed on June 30,
24 2000, and the Code editor shall return the language of
25 subsection 9 to the language of the 1997 Code of
26 Iowa."

27 "_. Title page, by striking line 5 and
28 inserting the following: "actions, joint and several
29 liability, and providing an applicability date.""

30 3. By renumbering as necessary.

Speaker Corbett in the chair at 7:52 p.m.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 52.

Amendment H-1501 lost.

Moreland of Wapello offered amendment H-1512, to amendment H-1481, filed by him from the floor as follows:

H-1512

- 1 Amend the amendment, H-1481, to House File 693 as
- 2 follows:
- 3 1. Page 1, by inserting after line 46 the
- 4 following:
- 5 " Page 9, by inserting after line 15 the
- 6 following:
- 7 "Sec. ____, Section 668.14, subsection 4, Code
- 8 1997, is amended by striking the subsection.
- 9 Sec. ____, Section 147.136, Code 1997, is
- 10 repealed."
- 11 2. By renumbering as necessary.

Bradley of Clinton rose on a point of order that amendment H-1512 was not germane.

The Speaker ruled the point well taken and amendment H-1512, to amendment H-1481, not germane.

Bradley of Clinton moved the adoption of amendment H-1481, as amended.

Roll call was requested by Rants of Woodbury and Schrader of Marion.

On the question "Shall amendment H-1481, as amended, be adopted?" (H.F. 693)

The ayes were, 58:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Churchill	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Nelson	O'Brien
Rants	Rayhons	Siegrist	Sukup

Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

The nays were, 42:

Bell	Bernau	Brand	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Dinkla	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, none.

Amendment H-1481, as amended, was adopted.

Lamberti of Polk offered the following amendment H-1482 filed by him and moved its adoption:

H-1482

- 1 Amend House File 693 as follows:
- 2 1. By striking page 5, line 3, through page 6,
- 3 line 3, and inserting the following:
- 4 "3. a. In a civil action in which the condition
- 5 of the plaintiff in whose favor the prohibition is
- 6 made is an element or factor of the claim or defense
- 7 of the adverse party or of any party claiming through
- 8 or under the adverse party, the adverse party shall
- 9 make a written request for records relating to the
- 10 condition alleged upon the plaintiff's counsel for a
- 11 legally sufficient patient's waiver under federal and
- 12 state law. Upon receipt of a written request, the
- 13 plaintiff shall execute the patient's waiver and
- 14 release it to the adverse party making the request
- 15 within sixty days of receipt of the written request.
- 16 The patient's waiver may require a physician or
- 17 surgeon, physician assistant, or mental health
- 18 professional to do all of the following:
- 19 (1) Provide a complete copy of the patient's
- 20 records including, but not limited to, any reports or
- 21 diagnostic imaging relating to the condition alleged.
- 22 (2) Consult with the attorney for the adverse
- 23 party prior to providing testimony regarding the
- 24 plaintiff's medical history and the condition alleged

25 and opinions regarding health etiology and prognosis
26 for the condition alleged subject to the limitations
27 in paragraph "c".

28 b. If a plaintiff fails to sign a waiver within
29 the prescribed time period, the court may order
30 disclosure or compliance. The failure of a party to
31 comply with the court's order may be grounds for
32 dismissal of the action or any other relief authorized
33 under the rules of civil procedure.

34 c. Any physician or surgeon, physician assistant,
35 or mental health professional who provides records,
36 provides information during consultation, or otherwise
37 responds in good faith to a request pursuant to
38 paragraph "a" shall be immune with respect to all
39 civil or criminal penalties, claims, or actions of any
40 kind with respect to this section.

41 d. Any physician or surgeon, physician assistant,
42 or mental health professional who provides records or
43 consults with the counsel for the adverse party shall
44 be entitled to charge a reasonable fee for production
45 of the records, diagnostic imaging, and consultation.
46 Any party seeking consultation shall be responsible
47 for payment of all charges. The fee for copies of any
48 records shall be based upon actual cost of
49 production."

50 2. Page 6, by striking lines 4 through 14 and

Page 2

1 inserting the following:

2 "e. Defendant's counsel shall provide a written
3 notice to plaintiff's counsel at least ten days prior
4 to any meeting with plaintiff's physician or surgeon,
5 physician assistant, or mental health professional.
6 Plaintiff's counsel may be present at all such
7 meetings, or participate in telephonic communication
8 with the physician or surgeon, physician assistant, or
9 mental health professional and counsel for the
10 defendant. Plaintiff's counsel may seek a protective
11 order structuring all communication by making
12 application to the court at any time."

13 3. Page 6, by inserting after line 14 the
14 following:

15 "f. The provisions of this subsection do not apply
16 to actions or claims brought pursuant to chapter 85,
17 85A, or 85B."

Amendment H-1482 was adopted.

Lamberti of Polk offered amendment H-1456 filed by him and requested division as follows:

H-1456

1 Amend House File 693 as follows:

H-1456A

- 2 1. Page 6, line 5, by inserting after the word
3 "physician" the following: "or surgeon, physician
4 assistant, or mental health professional".
5 2. Page 6, line 8, by inserting after the word
6 "physician" the following: "or surgeon, physician
7 assistant, or mental health professional".
8 3. Page 6, line 13, by inserting after the word
9 "physician" the following: "or surgeon, physician
10 assistant, or mental health professional".
11 4. Page 6, line 14, by inserting after the word
12 "physician" the following: "or surgeon, physician
13 assistant, or mental health professional".

H-1456B

- 14 5. Page 7, by inserting after line 27 the
15 following:
16 "1A. In all personal injury actions where the
17 plaintiff recovers a sum of money that, according to
18 special verdict, is intended, in whole or in part, to
19 address the future damages of the plaintiff, that
20 portion of the judgment that reflects the future
21 damages shall be adjusted by the court or the finder
22 of fact to reflect the present value of the sum."
23 6. Page 7, by striking lines 30 through 35 and
24 inserting the following: "or the court."
25 7. Page 9, by striking lines 12 through 15 and
26 inserting the following: "and severable liability
27 shall not apply to defendants who are found to bear
28 less than fifty percent of the total fault assigned to
29 all parties. However, a defendant found to bear fifty
30 percent or more of fault shall only be jointly and
31 severally liable for economic damages and not for any
32 noneconomic damage awards."
33 8. By renumbering as necessary.

With the adoption of amendment H-1481, amendment H-1456A was ruled out of order.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-1513, to amendment H-1456B, filed by her from the floor.

Moreland of Wapello offered the following amendment H-1510, to amendment H-1456B, filed by him from the floor and moved its adoption:

H-1510

- 1 Amend the amendment, H-1456, to House File 693 as

2 follows:

- 3 1. Page 1, line 32, by inserting after the word
4 "awards," the following: "In actions brought under
5 this chapter, the rule of joint and several liability
6 shall apply to both economic damages and noneconomic
7 damages when the plaintiff is found to bear no fault."

Amendment H-1510 lost.

Lamberti of Polk moved the adoption of amendment H-1456B.

Amendment H-1456B was adopted, placing out of order the following amendments:

H-1459 filed by Moreland of Wapello on March 27, 1997.

H-1460 filed by Moreland of Wapello on March 27, 1997.

H-1491 filed by Millage of Scott from the floor.

H-1509 filed by Moreland of Wapello from the floor.

Moreland of Wapello offered amendment H-1457 filed by him as follows:

H-1457

1 Amend House File 693 as follows:

2 1. Page 7, by inserting after line 35 the
3 following:

4 "Sec. NEW SECTION. 624B.1 TITLE -
5 DEFINITIONS.

6 1. This chapter shall be known as the "Sunshine in
7 Litigation Act".

8 2. For the purposes of this chapter, unless the
9 context otherwise requires, "court records" means any
10 of the following:

11 a. All documents of any nature filed in connection
12 with any matter before any civil court, except any of
13 the following:

14 (1) Documents filed with a court for in camera
15 review for the purpose of obtaining a ruling on the
16 discoverability of such documents.

17 (2) Documents in court files to which access is
18 otherwise restricted by law.

19 b. Settlement agreements, not filed of record,
20 that seek to restrict disclosure of information
21 concerning matters that have a probable adverse effect
22 upon the general public health or safety, the
23 administration of public office, or the operation of
24 government.

25 c. Discovery, not filed of record, concerning
26 matters that have a probable adverse effect upon the
27 general public health or safety, the administration of
28 public office, or the operation of government, except

29 discovery not filed of record in cases originally
30 initiated to preserve bona fide trade secrets or other
31 intangible property rights.
32 Sec. ____ NEW SECTION. 624B.2 SEALING RECORDS.
33 A court order or opinion issued in the adjudication
34 of a case shall not be sealed. Other court records
35 are presumed to be open to the general public but may
36 be sealed pursuant to the procedures of this chapter
37 upon a showing of all of the following:
38 1. A specific, serious, and substantial interest
39 which clearly outweighs the presumption of openness
40 and any probable adverse effect that sealing will have
41 upon the general public health or safety.
42 2. No less restrictive means than sealing the
43 records will adequately and effectively protect the
44 specific interest asserted.
45 Sec. ____ NEW SECTION. 624B.3 COERCION.
46 A person shall not offer an inducement to a party
47 to a civil action designed to influence that party in
48 regard to the sealing of any court record. Violation
49 of this section is punishable as a contempt of court.
50 Sec. ____ NEW SECTION. 624B.4 NOTICE.

Page 2

1 Court records may be sealed only upon a party's
2 written motion, which shall be open to public
3 inspection. The person seeking to have court records
4 sealed shall post a public notice in the manner that
5 notices for meetings of county governmental bodies are
6 required to be posted pursuant to section 21.4. The
7 notice shall contain the content of the motion,
8 identify the case in which the motion has been filed,
9 and state that a hearing will be held in open court on
10 the motion and that any person may intervene and be
11 heard concerning the motion. The notice shall also
12 contain the date and time of the hearing and a brief
13 but specific description of the nature of the case,
14 the court records sought to be sealed, and the
15 identity of the person seeking to have court records
16 sealed. A verified copy of the notice shall be filed
17 with the clerk of court by the person seeking to have
18 court records sealed.
19 Sec. ____ NEW SECTION. 624B.5 HEARING.
20 A hearing shall be held in open court on a motion
21 to seal court records as soon as practicable but not
22 less than fourteen days after notice is posted
23 pursuant to section 624B.4. Nonparties may intervene
24 as a matter of right for the limited purpose of
25 participating in the proceedings which will determine
26 whether court records are sealed. The court may
27 inspect records in camera.
28 Sec. ____ NEW SECTION. 624B.6 TEMPORARY SEALING

29 ORDER.

30 A temporary sealing order may issue upon motion and
31 notice to any parties who have answered in the case,
32 upon a showing of compelling need from specific facts
33 shown by affidavit or by verified petition that
34 immediate and irreparable injury will result to a
35 specific interest of the movant before notice can be
36 posted and a hearing held. A temporary sealing order
37 shall set forth the time for the hearing required by
38 section 624B.5 and shall direct the person seeking to
39 have court records sealed to give the notice required
40 by section 624B.4. The court may modify or withdraw
41 any temporary order upon motion by any party or
42 intervenor, following notice to all parties and a
43 hearing conducted as soon as practicable. Issuance of
44 a temporary order shall not reduce the burden of proof
45 of the party seeking to seal court records.
46 Sec. NEW SECTION. 624B.7 ORDER ON MOTION TO
47 SEAL COURT RECORDS.
48 A motion relating to sealing or opening court
49 records shall be decided by written order, open to
50 public inspection, which shall state the style and

Page 3

1 number of the case, the specific reasons for finding
2 and concluding whether the showing required by section
3 624B.2 has been made, the specific court records or
4 portions of court records which are to be sealed, and
5 the period of time the records are to be sealed. The
6 order shall not be included in any judgment or other
7 order but shall be a separate document in the case.
8 However, failure to comply with this requirement shall
9 not affect the appealability of the order.

10 Sec. NEW SECTION. 624B.8 CONTINUING
11 JURISDICTION.

12 Any person may intervene as a matter of right at
13 any time before or after judgment to seal or open
14 court records. A court that issues an order sealing
15 court records retains continuing jurisdiction to
16 enforce, alter, or vacate that order. An order
17 sealing or opening court records shall be reconsidered
18 on motion of any party or intervenor, who had actual
19 notice of the hearing preceding issuance of the order,
20 without first showing changed circumstances materially
21 affecting the order. The circumstances need not be
22 related to the case in which the order was issued.
23 However, the burden of making the showing required by
24 section 624B.2 shall be on the party seeking to seal
25 records.

26 Sec. NEW SECTION. 624B.9 APPEAL.

27 An order or a portion of an order relating to
28 sealing or opening court records shall be deemed to be

29 severed from the case and a final adjudication of that
 30 issue, and may be appealed by any party or intervenor
 31 who participated in the hearing preceding issuance of
 32 the order. The appellate court may stay the appeal
 33 and order the trial court to direct that further
 34 public notice be given, to hold further hearings, or
 35 to make additional findings.

36 Sec. ____ NEW SECTION. 624B.10 APPLICABILITY
 37 DATE.

38 Access to documents in court files not defined as
 39 court records by this chapter remains governed by
 40 existing law. This chapter does not apply to any court
 41 records sealed in an action in which a final judgment
 42 was entered before July 1, 1997. This chapter applies
 43 to cases pending on July 1, 1997, only with regard to
 44 court records filed or exchanged on or after July 1,
 45 1997, and any motion filed on or after July 1, 1997,
 46 to alter or vacate an order restricting access to
 47 court records issued before July 1, 1997."

48 2. Title page, line 5, by inserting after the
 49 word "actions," the following: "sealing and opening
 50 court records,".

Page 4

1 3. By renumbering as necessary.

Lamberti of Polk rose on a point of order that amendment H-1457 was not germane.

The Speaker ruled the point well taken and amendment H-1457 not germane.

Moreland of Wapello asked for unanimous consent to suspend the rules to consider amendment H-1457.

Objection was raised.

Moreland of Wapello moved to suspend the rules to consider amendment H-1457.

A non-record roll call was requested.

The ayes were 46, nays 50.

The motion to suspend the rules lost.

Chapman of Linn offered the following amendment H-1458 filed by her and moved its adoption:

H-1458

1 Amend House File 693 as follows:

- 2 1. Page 8, by striking lines 1 through 32.
- 3 2. Title page, line 4, by striking the words
- 4 "comparative fault in consortium claims,".
- 5 3. By renumbering as necessary.

Amendment H-1458 lost.

Jenkins of Black Hawk offered amendment H-1483 filed by him as follows:

H-1483

- 1 Amend House File 693 as follows:
- 2 1. Page 9, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 668.3A IMMUNITY DUE TO
- 5 MISUSE, FAILURE TO MAINTAIN, OR ALTERATION.
- 6 1. Notwithstanding any other provisions of the
- 7 Code, in an action seeking recovery of damages for
- 8 personal injury, death, or property damage alleged to
- 9 have been caused by a product, no fault shall be
- 10 allocated to a manufacturer, assembler, designer,
- 11 supplier of specifications, seller, lessor, or
- 12 distributor, if the primary cause of the injury was a
- 13 misuse of the product by the plaintiff or some third
- 14 person or was a failure to properly maintain, service,
- 15 or repair the product or was due to an alteration,
- 16 modification, or change in the product which was made
- 17 by a person other than, and without the direction or
- 18 consent of, the manufacturer, assembler, designer,
- 19 supplier of specifications, seller, lessor, or
- 20 distributor from whom recovery of damages is being
- 21 sought.
- 22 2. If a manufacturer, assembler, designer,
- 23 supplier of specifications, seller, lessor, or
- 24 distributor discovers a defect in the product after
- 25 the product was delivered to the end user, the
- 26 manufacturer, assembler, designer, supplier of
- 27 specifications, seller, lessor, or distributor shall
- 28 be immune from liability for the defect if all of the
- 29 following apply:
- 30 a. The manufacturer, assembler, designer, supplier
- 31 of specifications, seller, lessor, or distributor
- 32 provides written notice to the end user regarding the
- 33 defect and possible harmful effects associated with
- 34 the defect in the product.
- 35 b. The party providing the notice remedies the
- 36 defect within a reasonable amount of time following
- 37 the notice, at the expense of the party providing the
- 38 notice.
- 39 A party providing notice under this subsection
- 40 shall be immune from liability from the time notice is
- 41 provided to the time the defect is remedied by the

- 42 party providing the notice."
 43 2. By renumbering as necessary.

Jenkins of Black Hawk offered the following amendment H-1495, to amendment H-1483, filed by him from the floor and moved its adoption:

H-1495

- 1 Amend the amendment, H-1483, to House File 693 as
 2 follows:
 3 1. Page 1, line 42, by inserting after the word
 4 "notice." the following: "This subsection shall not
 5 be deemed to create a duty to recall or retrofit a
 6 product after the time of the initial sale or delivery
 7 of the product by the manufacturer, assembler,
 8 designer, supplier of specifications, seller, lessor,
 9 or distributor."

Amendment H-1495, to amendment H-1483, was adopted.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1483 filed by him on March 31, 1997.

Moreland of Wapello offered the following amendment H-1405 filed by him and moved its adoption:

H-1405

- 1 Amend House File 693 as follows:
 2 1. Page 9, by inserting after line 15 the
 3 following:
 4 "Sec. ____ Section 668.14, subsection 4, Code
 5 1997, is amended by striking the subsection.
 6 Sec. ____ Section 147.136, Code 1997, is
 7 repealed."
 8 2. By renumbering as necessary.

Roll call was requested by Lamberti of Polk and Gipp of Winneshiek.

On the question "Shall amendment H-1405 be adopted?" (H.F. 693)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohon	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz

Taylor
WhiteadThomas
WiseWarnstadt
Witt

Weigel

The nays were, 55:

Arnold
Bogges
Carroll
Dix
Garman
Gries
Heaton
Jacobs
Lamberti
May
Millage
Siegrist
Tyrrell
VeenstraBarry
Bradley
Churchill
Dolecheck
Gipp
Grundberg
Holmes
Jenkins
Larson
Mertz
Nelson
Sukup
Van Fossen
WeidmanBlodgett
Brauns
Cormack
Drake
Greig
Hahn
Houser
Klemme
Lord
Metcalf
Rants
Teig
Van Maanen
Mr. Speaker
CorbettBoddicker
Brunkhorst
Dinkla
Eddie
Greiner
Hansen
Huseman
Kremer
Martin
Meyer
Rayhons
Thomson
Vande Hoef

Absent or not voting, 2:

Connors

Welter

Amendment H-1405 lost.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-1484 filed by Churchill, et al., on March 31, 1997.

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.

Bernau of Story rose on a point of order that the bill was unconstitutional pursuant to Article III, Sec. 29 of the Constitution of Iowa.

The Speaker ruled the point not well taken.

On the question "Shall the bill pass?" (H.F. 693)

The ayes were, 55:

Arnold
Bogges
Carroll
Dolecheck
Gipp
Grundberg
Holmes
Jenkins
Larson
MertzBarry
Bradley
Churchill
Drake
Greig
Hahn
Houser
Klemme
Lord
MetcalfBlodgett
Brauns
Cormack
Eddie
Greiner
Hansen
Huseman
Kremer
Martin
MeyerBoddicker
Brunkhorst
Dix
Garman
Gries
Heaton
Jacobs
Lamberti
May
Millage

Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Dinkla	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 693** 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 1, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 109, a bill for an act relating to workers' compensation coverage for employment outside of the state.

Also: That the Senate has on April 1, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 174, a bill for an act relating to the operation of motorboats on artificial lakes and providing an effective date.

Also: That the Senate has on April 1, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 460, a bill for an act relating to membership on the workforce development board and providing an effective date.

Also: That the Senate has on April 1, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 501, a bill for an act relating to the department of workforce development and the enforcement of employment laws concerning emergency and hazardous materials inventories, amusement rides, asbestos and employment agency licenses, wage assignments, and boxing and wrestling.

Also: That the Senate has on April 1, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 508, a bill for an act allowing certain fees to be charged in connection with certain consumer lines of credit accounts in certain financial institutions.

Also: That the Senate has on April 1, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 518, a bill for an act relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing.

MARY PAT GUNDERSON, Secretary

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 25, 1997 and is on file in the office of the Chief Clerk:

March 25, 1997

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

This listing includes 13 claims of general nature that were denied by the State Appeal Board at the January 14, 1997; February 18, 1997; and March 10, 1997, Board meeting. This supplements our filing of January 14, 1997.

The attached index shows claim number, type of claim, name and address of claimant and the amount requested in the claim.

Sincerely,
Richard Johnson
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 77TH GENERAL ASSEMBLY - 1997
January 14, 1997, State Appeal Board Meeting

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G960376	Integrated Software Solutions, Inc.	Des Moines, IA	Professional Services	\$750.00
G963074	Alfred Trumblee	Cedar Rapids, IA	Use Tax Refund	\$32.45
G970258	Kathleen R. Marks	Clive, IA	Back Pay	\$173.62
G970279	NW Iowa Mental Health Center (Seasons Center Mental Health)	Spencer, IA	Outdated Invoices	\$154.53
G970282	Alternative Services	Cedar Rapids, IA	Outdated Claim	\$248.28
G970676	Children & Families of Iowa	Des Moines, IA	Provider Services	\$3,815.58
G970677	Children & Families of Iowa	Des Moines, IA	Provider Services	\$5,841.84

February 18, 1997, State Appeal Board Meeting

G970073	Richard Gannon	Des Moines, IA	Salary Adjustment	\$3,995.00
G970523	James C. Larew	Iowa City, IA	Attorney Fees	\$110.31

March 10, 1997, State Appeal Board Meeting

G962530	Richard & Nancy Alexander	Des Moines, IA	Homestead Tax Credit	\$1,770.51
G962826	Nevada Farms, Inc. c/o Hertz Farm Mgt.	Nevada, IA	RE Transfer Tax	\$596.00
G970919	Christian Home Association-Children's Square U.S.A.	Council Bluffs, IA	Provider Services	\$88.48
G970920	Children & Families of Iowa	Des Moines, IA	Daycare Services	\$6,128.64

SPONSORS WITHDRAWN
(House File 389)

May of Worth requested to be withdrawn as a sponsor of House File 389.

(House File 389)

Mundie of Webster requested to be withdrawn as a sponsor of House File 389.

(House File 693)

Mundie of Webster requested to be withdrawn as a sponsor of amendment H-1481 to House File 693.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

RACING AND GAMING COMMISSION

The 1996 Annual Report, pursuant to Chapters 99D and 99F. 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

- 1997\338 Ruby and Loren Koenig, Postville - For celebrating their 50th wedding anniversary.
- 1997\339 George James Marshall III, Malvern - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\340 Zach Hall, Malvern - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\341 Joshua J. Hall, Malvern - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\342 Kent Hertz, Malvern - For being named first runner-up for the 1997 Iowa American Legion Eagle Scout of the year.
- 1997\343 Bernice and Myron Shetterly, Hartford - For celebrating their 65th wedding anniversary.
- 1997\344 Julie Johnson, Sheldon - For being named a Top Achiever at Northwest Iowa Community College.
- 1997\345 Emily Wynes, Coralville - For winning the Iowa Forensics League State Tournament.
- 1997\346 Will Toomey, Coralville - For winning the Iowa Forensics League State Tournament.

- 1997\347 Hunter Keith, Coralville – For winning the Iowa Forensics League State Tournament.
- 1997\348 Eric Tucker, Coralville – For winning the Iowa Forensics League State Tournament.
- 1997\349 Jill Welch, Iowa City – For being named to the University of Kansas Honor Roll.
- 1997\350 Nora and Curt Burgus, Murray – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

Senate File 193

Local Government: Dix, Chair; Klemme and Reynolds-Knight.

Senate File 241

Judiciary: Lamberti, Chair; Chapman and Dinkla.

Senate File 281

Judiciary: Larson, Chair; Lamberti and Moreland.

Senate File 296

Labor and Industrial Relations: Barry, Chair; Dix and Taylor.

Senate File 341

Agriculture: Teig, Chair; Eddie and Koenigs.

Senate File 429

Natural Resources: Dolecheck, Chair; Bell and Rayhons.

Senate File 435

Judiciary: Lamberti, Chair; Boddicker and Doderer.

Senate File 442

Judiciary: Sukup, Chair; Bell and Churchill.

Senate File 451

Agriculture: Klemme, Chair; Hahn and Scherrman.

Senate File 472

Agriculture: Boggess, Chair; Huseman and Mundie.

Senate File 497

Judiciary: Veenstra, Chair; Grundberg and Kreiman.

Senate File 503

Judiciary: Lamberti, Chair; Kreiman and Larson.

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 ECONOMIC DEVELOPMENT

Senate File 205, a bill for an act relating to continued eligibility under the new jobs and income program concerning the ownership of land by nonresident aliens and certain capital investment and job creation provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 1997.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Senate File 214, a bill for an act relating to the regulation of the use and disposal of sewage sludge and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1497** April 1, 1997.

COMMITTEE ON HUMAN RESOURCES

Senate File 300, a bill for an act relating to the prohibited sale of home testing kits for the human immunodeficiency virus.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 1997.

Senate File 457, a bill for an act relating to the Iowa pharmacy practice Act by permitting qualified individuals to transport emergency medications; permitting more than one emergency drug box in a licensed health care facility; providing for electronic signatures on prescriptions; establishing programs to aid impaired pharmacists, pharmacist interns, and pharmacy technicians; and establishing a penalty.

Fiscal Note is required.

Recommended **Do Pass** April 1, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 395, a bill for an act relating to the department of workforce development concerning the offsetting of unemployment compensation benefits, unemployment compensation for inmates, departmental liability for the release of unemployment compensation records, the voluntary shared work program, and workforce development services employees, and providing for an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 1997.

COMMITTEE ON NATURAL RESOURCES

Senate File 429, a bill for an act relating to the operation, regulation, and equipment of watercraft, and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1494** April 1, 1997.

AMENDMENTS FILED

H—1489	H.F.	504	Blodgett of Cerro Gordo
H—1490	H.F.	665	Grundberg of Polk
H—1492	H.F.	663	Lamberti of Polk
H—1493	S.F.	79	Blodgett of Cerro Gordo
H—1494	S.F.	429	Committee on Natural Resources
H—1497	S.F.	214	Committee on Environmental Protection
H—1498	H.F.	665	Grundberg of Polk
H—1499	H.F.	698	Brand of Tama Murphy of Dubuque Burnett of Story Martin of Scott
H—1500	H.F.	580	Fallon of Polk Sukup of Franklin Garman of Story
H—1516	H.F.	378	Frevert of Palo Alto Kreiman of Davis
H—1517	H.F.	708	Greig of Emmet
H—1518	H.F.	639	Taylor of Linn
H—1519	S.F.	132	Carroll of Poweshiek Arnold of Lucas Cormack of Webster Huser of Polk Vande Hoef of Osceola

H—1520	H.F.	637	Cataldo of Polk
H—1521	H.F.	702	Houser of Pottawattamie
H—1522	H.F.	710	Brand of Tama Murphy of Dubuque
H—1523	H.F.	676	Garman of Story
H—1524	H.F.	676	Garman of Story
H—1525	H.F.	710	Weigel of Chickasaw

On motion by Siegrist of Pottawattamie, the House adjourned at 11:08 p.m., until 8:45 a.m., Wednesday, April 2, 1997.

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 2, 1997

The House met pursuant to adjournment at 8:53 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Jerry Van Hooser, Baptist Church, Slater.

The Journal of Tuesday, April 1, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk, until his arrival, on request of Schrader of Marion.

SENATE MESSAGES CONSIDERED

Senate File 109, by King, a bill for an act relating to workers' compensation coverage for employment outside of the state.

Read first time and **passed on file**.

Senate File 174, by Dearden, a bill for an act relating to the operation of motorboats on artificial lakes and providing an effective date.

Read first time and referred to committee on **natural resources**.

Senate File 460, by committee on business and labor, a bill for an act relating to membership on the workforce development board and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 508, by committee on commerce, a bill for an act allowing certain fees to be charged in connection with certain consumer lines of credit accounts in certain financial institutions.

Read first time and referred to committee on **commerce-regulation**.

Senate File 518, by committee on state government, a bill for an act relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing.

Read first time and referred to committee on **state government**.

On motion by Gipp of Winneshiek, the House was recessed at 8:56 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

SENATE MESSAGE CONSIDERED

Senate File 501, by committee on small business, economic development and tourism, a bill for an act relating to the department of workforce development and the enforcement of employment laws concerning emergency and hazardous materials inventories, amusement rides, asbestos and employment agency licenses, wage assignments, and boxing and wrestling.

Read first time and referred to committee on **labor and industrial relations**.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 20

Kremer of Buchanan called up for consideration House Concurrent Resolution 20, a concurrent resolution proclaiming the creation of the Iowa Veterans Foundation, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 492, a bill for an act relating to supplemental needs trusts for persons with disabilities, was taken up for consideration.

Witt of Black Hawk offered the following amendment H-1242 filed by him and moved its adoption:

H-1242

- 1 Amend House File 492 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "include" the following: ", but is not limited to,".

Amendment H-1242 was adopted.

Witt 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. 492)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Corbett, Spkr. Foege Ford Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 20** and **House File 492** be immediately messaged to the Senate.

House File 698, a bill for an act relating to child abuse information and the central registry for child abuse information maintained by the department of human services and providing an effective date, was taken up for consideration.

The House stood at ease at 1:26 p.m., until the fall of the gavel. (House File 698 pending.)

The House resumed session at 1:55 p.m., Speaker Corbett in the chair.

COMMITTEE TO NOTIFY THE SENATE

Tyrrell of Iowa moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee, Tyrrell of Iowa, Holmes of Scott and Falck of Fayette.

Tyrrell, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station; the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION PIONEER LAWMAKERS FIFTY-FOURTH BIENNIAL SESSION

In accordance with House Concurrent Resolution 11 duly adopted, the joint convention was called to order, President Kramer presiding.

President Kramer announced a quorum present and the joint convention duly organized.

Senator Iverson of Wright moved that a committee of four be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Senators Rensink of Sioux and Senator McCoy of Polk on the part of the Senate, and Representative Weidman of Cass and Representative Connors of Polk, on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kramer presented Senator Donald Redfern of Black Hawk, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kramer presented Representative Ron Corbett, Speaker of the House, who welcomed the Pioneer Lawmakers on behalf of the House of Representatives.

President Kramer presented the Honorable John P. Kibbie, member of the Senate who responded to the welcome.

The Honorable John P. Kibbie announced the 1997 class of legislators who were eligible to become members of the Pioneer Lawmakers.

Honorary members of the 1997 class were the following lobbyists: Bob Boyken, John Lewis, Bill Smith and F. Richard Thornton.

The Honorable John P. Kibbie presented James P. Flansburg, Retired Des Moines Register Columnist, who addressed the joint convention as follows:

I first walked into these chambers in search of a news story about 40 years ago.

What I remember best was a speech in the Senate. An old family friend, a senator from the Cedar County town of Clarence, Earl Elijah, was talking about a bill rewriting the probate code. The bill was six inches thick, an impenetrable forest of paper for most people, and that grand old man hefted it above his head and gave his speech. "I just hope you lawyers know what you're doing," he said and sat down.

I guess they did. The bill passed and remains the basic law yet today. Some members here might not approve of this standard but I use it yet. The bill must have been a good one when you consider the absence of scandal, great lawsuits and public indignation.

I've thought of old Earl Elijah - I think his family and my family settled in Cedar County about the same time in the late 1840s - dozens of times as I've tried to make sense of this place and the way it has changed through my career as a reporter, editor and opinion columnist.

His speech hinted at the bonds of trust that ran this place, held it together, then. The continued existence of the committee system still implies that you concentrate your efforts on this endeavor and I'll concentrate on that one - but from what I've seen and read, anyone who believes in a bond of trust today is begging for disappointment.

Sometimes nowadays I get the impression that everyone is trying to put something over on everyone else, with no consideration for what it might do to the commonwealth as a whole.

For the players, those little games can provide moments of fun. But for those of us who don't have the time or inclination or ability to keep track of it all and still have to live with the haphazard public policy that might result, it's bewildering.

What stopped first, I wonder: The honor and respect that we almost automatically paid to a state legislator? Or the behavior, the demeanor, that commanded that honor and respect? Do I have a cure? An antidote? A reform? Lord, no. I'm having enough trouble just describing the condition.

We live in a time when the only constant is change. The legislature is caught by that as surely as the rest of us. It may be a reflection of my age but what bothers me greatly is change for the sake of change, people changing a law without bothering to find out what the law's purpose was, what led to its passage in the first place.

Almost every day in this place, many make a dreadful and dangerous assumption: That those who were here in the past were dummies and do not need to be heeded. Let me assure you, they were not dummies. Let me also assure you that, as the wise man said, those who do not read history are doomed to repeat its mistakes.

There is no doubt in my mind that today's Iowa Legislature is more representative of the people of Iowa than yesterday's legislature was. The legislature's work and play, unfortunately, is not bathed in the high, good humor that marked it 20, 30 or 40 years ago.

The passions back then were just as strong, I think, but the respect for decorum and the legislative traditions of good behavior were dominant. That resulted in the kind of class, for instance, that Minnette Doderer showed about 30 years ago when she went up on a point of personal privilege to talk about Richard Radl of Lisbon. "When he goes home this weekend, I hope his mother comes out from under the porch and bites him," she said.

In 1973, Charles City's Ralph McCartney filed a motion to censure Lucas DeKoster of Hull. "He used a fact in debate and that's a dangerous precedent," said McCartney.

The same year Algona's Berl Priebe began to have doubts about the committee system: "Ever since my baby pig bill went to Education, I've been a little skeptical of committees," he said.

In 1977, I asked the wife of a legislator if she thought it was right to serve as her husband's clerk even though she didn't have some secretarial skills such as shorthand. "I can write faster in longhand than he can think," she said. Case closed.

The old reporter title came about because I didn't know how to write in the first person when I first began writing a column in 1971. My style was the newspaper style. I had to quote people. So I quoted me and called me "the old reporter." "How does the Iowa Legislature break down by sex?" I asked the old reporter in 1977. "I'd say that alcohol is a bigger problem," he said.

A few years before that, some of us got bored with the lack of news at Governors' Days in Clear Lake and began running Muscatine's Richard Drake for lieutenant governor. The job was very powerful then, being sought by Art Neu and Bill Harbor, and poor Drake squirmed, worrying about making those two angry. At a reception, I caught up with Shirley and Dick Drake and stormed at him for giving the story to the Associated Press instead of me. "It's on the wire?" he asked. "Yes," I said. He did some shouting, and I said, "Dick, have I ever lied to you." "No," said Drake. "Well, I am now," I said. "Furthermore," yelled Drake, "I told that damn Bill Eberline." "Dick, Dick, Dick," said Shirley. "He said he's lying. Don't you ever listen to anyone?"

And I remember Jack Schroeder, a talented Davenport legislator from a long time ago. His motto: "Never leave a party until you're asked to leave."

My favorite story involves an anonymous legislator who was flying off to an eastern convention with a girlfriend when his party put a call on the Senate. The

lady went east, he came back to the Senate, very angry, and voted against his party at every turn.

I am leaving out a lot of names, and for that I'm sorry. With a couple of exceptions whom I've written about, I'm proud to have met and known a host of Iowa legislators. And, God, I hate to say this, but I have to include some lobbyists in that. I should name them. It would ruin their day. In any event, I feel blessed that I had a chance to know and watch the work of so many decent, caring people in and around Iowa government.

Focus on this for a moment: This place, Iowa, is a better place than it was 20 years ago, 40 years ago, 100 years ago. In that, I include the Legislature itself, the counties and cities, our institutions. They need minding, some herding, some correcting, but they're better than their predecessors because your predecessors exercised political courage and made them so.

That's a glorious but a demanding legacy. In the main, Iowa has had the luck to elect good people. We've had very few scoundrels. Many members today are not as well-schooled, formally and informally, and as experienced in real life as their counterparts of yesterday. Changes in politics and in business have made it all but impossible for some people who've been successful in private endeavors to serve in today's legislature. So some then and now comparisons are not appropriate.

Whenever you get to talking with old-timers in the legislative or lobbying or reporting stables, you get barraged about how bigger-than-life the members were way back when. I don't know why that is, because it's nonsense. Forty years from now, I tell you today, some of the members, the lobbyists, staffers and reporters here will be telling people about the giants that served here back in '97. I knew and liked and respected some of the giants of 40 years ago. I cherish some friendships that came from my days here. But I don't think most of yesterday's people were any different than today's members. Most of them would fit in quite easily today. They would have to learn how to deal with some changes just as today's members would have to learn to deal with yesterday's system.

Despite my warnings about old-timers with giant stories, I do want to mention what I regard as the most extraordinary session in the state's history. The 1965 session. It came as a result of the 1964 Johnson landslide over Goldwater, the first time in 30 years that the Democrats were in control. There was a lot of fun, a lot of hell-raising, a lot of tipping over of tradition, but the hard fact was that there was not an issue that the general assembly refused to deal with. From both parties, it seemed to me, the members were there to do a job, get the state in order, not to get re-elected or prepare for some bigger office. It was an enormously creative session. Almost all of the legislative work in Iowa since has amounted to fine-tuning what was done in 1965. Someone like Bob Fulton or Minnette Doderer or Jack Kibbie or Bill Palmer should write a book.

When I first came to the Iowa Legislature as a reporter, the committee meetings were closed. No one except members and the committee clerk was allowed in. It was not uncommon, you'd learn sometimes years after the fact, for a member to argue one way in committee and in another way in public. Leadership control was icy and ruthless. Issues weren't let out of committee for debate until they manifested substantial public support.

As a kind of show, for example, two bills were debated at the same time on the same day in 1959: Reapportionment in one house and liquor by the drink in the other. There was no chance of either passing. The purpose was to let the debate be a safety valve to let off some public pressure.

Bit by bit, there was change. It probably would shock some people today to learn that we thought it was reform about 35 years ago when they required an explanation on the bill and required the bill to be printed so that you could see what it did to the law. Fiscal notes? We thought that was just short of the Second Coming.

Through 1965, as I recall it, Senate deliberations on gubernatorial appointments and confirmation votes took place in executive session. The Senate would go into executive session, throw everyone out of the chamber, and then go about its business. That rattled one senator in 1965 because it meant his wife, who was his secretary, had to leave the chamber and he relied on her to tell him what to do. Some of us would make our way to the attic, and listen to the debate through the air vents around the chandeliers. The acoustics are perfect up there.

Some years later, I once found myself locked inside a Senate Republican caucus. It was my single worst experience in the reporters' trade. It was an accident. I didn't want to be there. But I couldn't step out without being denounced as a sneak. So I stayed, in grave jeopardy of wetting my pants, as the senators got into a long, nasty fight over their parking places on the east side of the capitol building. Courtesy of experiences like that, I've never been as great an exponent of open meetings as some of my colleagues in the Fourth Estate.

Opening the committee meetings to the public and the procedural changes governing the drafting of bills, the advent of the computer and the cell phone, the coming of almost instant mass communications, high-speed highways and travel – all those things and more have combined to make this a different place than it was.

When I started in the reporters' trade at the Des Moines Register and Tribune in 1957, we had to have an editor's permission to make a long-distance telephone call. It was an expensive and complicated endeavor, so an operator handled it and called you when the connection was made. In 1967, as I remember it, one of the most effective lobbyists in the place, Ed Jones, began spending about half his time in an office downtown, using his telephone WATTS line to energize lobbying efforts whose need was spotted by a young associate who'd joined him, F. Richard Thornton.

These kinds of changes in technology make it very difficult for a member of today's legislature to handle the most important aspect of the job: Seek and forge compromise.

We live in an exceedingly diverse place of competitive and conflicting interests. The country would fall apart, Alistair Cooke wrote years ago, if we did not have three secrets: "Compromise, compromise and compromise." You have to have trade-offs or those competing and conflicting interests will be at each other's throats.

It's there, I think, that most of today's legislators have failed. Perhaps because of the changes in technology, they've forgotten or neglected a duty, as leaders, to teach their constituents about the possibilities and the impossibilities of government. In many places, what should be an exalted word – compromise – has become a dirty word. Too many politicians play to the gallery and talk about seeking victory rather than accommodation. They may not quite mean what they say but they always have listeners who believe. The result is a dissemination of anger, hate, distrust and suspicion, and ultimately a lack of comprehension that in fact, in the end, we all want and are seeking the same goals.

Thank you and good luck.

On motion by Siegrist of Pottawattamie, the joint convention was dissolved at 2:45 p.m.

The House stood at ease at 2:46 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 698, at 3:05 p.m., Speaker Corbett in the chair.

Speaker pro tempore Van Maanen of Marion in the chair at 3:08 p.m.

Doderer of Johnson offered the following amendment H-1470 filed by her and moved its adoption:

H-1470

- 1 Amend House File 698 as follows:
- 2 1. By striking page 2, line 21, through page 3,
- 3 line 22.
- 4 2. By striking page 17, line 11, through page 18,
- 5 line 12.
- 6 3. By renumbering as necessary.

Amendment H-1470 was adopted.

Boddicker of Cedar offered amendment H-1487 filed by him and Murphy of Dubuque and requested division as follows:

H-1487

- 1 Amend House File 698 as follows:

H-1487A

- 2 1. By striking page 2, line 21 through page 3,
- 3 line 22.

H-1487B

- 4 2. By striking page 3, line 31 through page 4,
- 5 line 2 and inserting the following:
- 6 "2. If the alleged child abuse meets the
- 7 definition of child abuse under section 232.68,
- 8 subsection 2, paragraph "a" or "d", and the department
- 9 determines the injury or risk of harm to the child was
- 10 minor and isolated and is unlikely to reoccur, the
- 11 names of the child and the alleged perpetrator of the
- 12 child abuse shall not be placed in the central
- 13 registry as a case of founded child abuse.
- 14 3. Except as otherwise provided in section 232.68,
- 15 subsection 2, paragraph "d", regarding parents
- 16 legitimately practicing religious beliefs, the names
- 17 of the child and the alleged perpetrator shall be
- 18 placed in the central registry as a case of founded
- 19 child abuse under any of the following circumstances:"
- 20 3. Page 4, line 5, by inserting after the word

21 "perpetrator" the following: "or a criminal or
22 juvenile court action was initiated by the county
23 attorney or juvenile court within twelve months of the
24 date of the department's report concerning the case,
25 in which the alleged perpetrator was convicted of a
26 crime involving the child or there was a delinquency
27 or child in need of assistance adjudication".

28 4. Page 4, by striking lines 6 through 9 and
29 inserting the following:

30 "b. The department determines the acts or
31 omissions of the alleged perpetrator meet the
32 definition of child abuse under section 232.68,
33 subsection 2, paragraph "a", involving nonaccidental
34 physical injury suffered by the child and the injury
35 was not minor, isolated, and unlikely to reoccur."

36 5. Page 4, by striking lines 10 through 13 and
37 inserting the following:

38 "c. The department determines the acts or
39 omissions of the alleged perpetrator meet the
40 definition of child abuse and the department has
41 previously determined within the twelve-month period
42 preceding the issuance of the department's report that
43 the acts or omissions of the alleged perpetrator in
44 another case met the definition of child abuse."

45 6. Page 4, line 31, by inserting after the word
46 "welfare" the following: ", and any injury to the
47 child or risk to the child's health and welfare was
48 not minor, isolated, and unlikely to reoccur,".

49 7. Page 5, by striking lines 13 through 15 and
50 inserting the following:

Page 2

1 "_. i. The alleged abuse took place in any of
2 the following licensed, registered, unregistered, or
3 regulated facilities or services:

4 (1) Substance abuse program licensed under chapter
5 125.

6 (2) Hospital licensed under chapter 135B.

7 (3) Health care facility or residential care
8 facility licensed under chapter 135C.

9 (4) Psychiatric medical institution licensed under
10 chapter 135H.

11 (5) Medical assistance home and community-based
12 waiver for persons with mental retardation residential
13 program regulated by the department.

14 (6) An institution controlled by the department
15 and enumerated in section 218.1.

16 (7) Mental health center, juvenile shelter care
17 facility, or juvenile detention facility.

18 (8) Child foster care licensee under chapter 237.

19 (9) Child day care provider under chapter 237A.

20 (10) Public or private school which provides
21 overnight care."

22 8. Page 14, line 35, by inserting after the word
23 "registry." the following: "The time period used by
24 the department for retaining child abuse information
25 which is expunged from the central registry under this
26 subsection shall credit the amount of time the child
27 abuse information has been on the central registry and
28 after applying the credit, the information shall not
29 be retained by the department any longer than the time
30 period for information which is not placed on the
31 central registry."

32 9. Page 15, by striking line 8 and inserting the
33 following: "performing a record check evaluation
34 under law or administrative rule."

35 10. Page 17, by inserting after line 8 the
36 following:

37 "Sec. ____ MINOR INJURY CRITERIA. The department
38 of human services shall convene a group of child abuse
39 experts to develop uniform criteria for identifying
40 what constitutes a minor physical injury and the
41 circumstances in which a minor injury does not cause
42 concern about the safety or risk of harm to a child.
43 The group shall present recommended criteria and other
44 recommendations to the governor and the general
45 assembly on or before November 1, 1997."

H-1487A

46 11. By striking page 17, line 11 through page 18,
47 line 12.

H-1487B

48 12. By renumbering as necessary.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1487A.

Brand of Tama offered the following amendment H-1499, to amendment H-1487B, filed by Brand, et al., and moved its adoption:

H-1499

1 Amend the amendment, H-1487, to House File 698 as
2 follows:

3 1. Page 1, line 41, by striking the word "twelve-
4 month" and inserting the following: "eighteen-month".

5 2. Page 2, line 42, by inserting after the word
6 "child." the following: "The group shall include but
7 is not limited to members of the child death review
8 team."

Amendment H-1499, to amendment H-1487B, was adopted.

Boddicker of Cedar moved the adoption of amendment H-1487B, as amended.

Amendment H-1487B, 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?" (H.F. 698)

The ayes were, 86:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Carroll	Cataldo
Chiodo	Churchill	Cphoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Drees	Eddie
Falck	Fallon	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Shoultz	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 14:

Bernau	Bukta	Burnett	Chapman
Doderer	Dotzler	Foege	Jochum
Kinzer	Mascher	Myers	Scherrman
Schrader	Taylor		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that House File 698 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 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 466, a bill for an act relating to the theft of video rental property and making penalties applicable.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 495, a bill for an act prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 515, a bill for an act relating to juvenile justice and youthful offenders, by making changes in provisions relating to illegal purchase or possession of alcohol by juveniles and youthful offenders, making changes relating to dramshop liability, providing for notification of possession of alcohol by persons under legal age, providing for the taking of fingerprints and photographs of certain juveniles, permitting victims to make oral victim impact statements in juvenile proceedings, making changes related to the supplying of alcohol to persons under the age of twenty-one, providing for sharing of information regarding delinquent juveniles and juveniles under the jurisdiction of various social services agencies, providing for shared jurisdiction between the adult and juvenile courts over youthful offenders, changing the criteria for placement in the state training school or other facility, making changes relating to state reimbursement for expenses of court-appointed attorneys in juvenile court, permitting the release of information relating to juveniles who have escaped from a detention facility, providing for notification of juvenile court authorities of unexcused absences or suspensions or expulsions of students who are on probation, providing for establishment of state-wide peer review courts for youthful offenders, providing for bailiff and other law enforcement assistance to associate juvenile judges, including arrest or disposition or custody or adjudication data in criminal history data kept by the department of public safety, authorizing school officials to report possession or use of alcohol or controlled substances to law enforcement authorities.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 522, a bill for an act relating to legal settlement regarding providers of treatment or services.

MARY PAT GUNDERSON, Secretary

House File 702, a bill for an act relating to human services and facility requirements involving the single entry point process for mental health and developmental disabilities services, regional planning councils, human services institution employee record checks,

decategorization of adult disability services funding, and the operating requirements of an intermediate care facility for persons with mental retardation, was taken up for consideration.

Houser of Pottawattamie offered the following amendment H-1521 filed by him and moved its adoption:

H-1521

1 Amend House File 702 as follows:

2 1. Page 4, line 1, by striking the words "the
3 clerk" and inserting the following: "the clerk".

4 2. Page 4, line 22, by striking the figure
5 "225.7" and inserting the following: "225C.7".

6 3. By striking page 6, line 22 through page 8,
7 line 4 and inserting the following:

8 "Sec. ____ DECATEGORIZATION PLANNING

9 1. Upon the request of at least one and not more
10 than three counties, the department of human services
11 and the division of vocational rehabilitation of the
12 department of education shall assign representatives
13 who are knowledgeable of their agency's funding
14 streams, to participate in a planning process
15 conducted by the county. The purpose of the planning
16 process shall be to determine the feasibility of
17 decategorizing the following county, state, and state-
18 federal funding categories:"

19 4. By striking page 8, line 23 through page 9,
20 line 29 and inserting the following:

21 "2. As part of the planning process, the
22 department of human services and the division of
23 vocational rehabilitation shall make available
24 historical expenditure information, budget
25 projections, and other available data relating to
26 persons with disabilities served in a county
27 participating in the planning process."

28 5. Page 10, by striking lines 15 through 30 and
29 inserting the following:

30 "Sec. ____ Section 135C.6, subsection 8, Code
31 1997, is amended by adding the following new
32 paragraph:

33 **NEW PARAGRAPH.** c. A total of twenty residential
34 care facilities for persons with mental retardation
35 which are licensed to serve no more than five
36 individuals may be authorized by the department of
37 human services to convert to operation as a
38 residential program under the provisions of a medical
39 assistance home and community-based services waiver
40 for persons with mental retardation. A converted
41 residential program is subject to the conditions
42 stated in paragraph "b" except that the program shall
43 not serve more than five individuals. The department

44 of human services shall allocate conversion
45 authorizations to provide for four conversions in each
46 of the department's five service regions. If a
47 conversion authorization allocated to a region is not
48 used for conversion by January 1, 1998, the department
49 of human services may reallocate the unused conversion
50 authorization to another region. The department of

Page 2

1 human services shall study the cost effectiveness of
2 the conversions and provide an initial report to the
3 general assembly no later than January 2, 1998, and a
4 final report no later than December 15, 1998."

5 6. Page 11, by inserting after line 12 the
6 following:

7 "Sec. ____ ENHANCED RESIDENTIAL CARE FACILITY FOR
8 PERSONS WITH MENTAL RETARDATION REIMBURSEMENT RATES.

9 The department of human services shall design a
10 program to provide an enhanced reimbursement rate for
11 individuals transferred from an intermediate care
12 facility for persons with mental retardation to a
13 residential care facility for persons with mental
14 retardation. The enhanced reimbursement rate shall
15 not exceed the nonfederal share of intermediate care
16 facility for persons with mental retardation
17 reimbursement plus state supplementary assistance.
18 The department shall report to the general assembly
19 concerning the program on or before January 1, 1998.
20 The report shall address both the cost impact and
21 decreased utilization of intermediate care facilities
22 for persons with mental retardation level of care
23 which may result from implementation of the program."

24 7. Page 11, by striking lines 26 through 29 and
25 inserting the following: "economy and efficiency. In
26 developing the service cost inflation recommendation,
27 the committee shall consider the cost trends indicated
28 by the expenditure reports submitted by counties
29 pursuant to subsection 1, paragraph "b". The
30 governor".

31 8. Page 12, by striking line 7 and inserting the
32 following: "various types of services. Data".

33 9. Page 12, by striking lines 15 through 23 and
34 inserting the following:

35 "NEW SUBSECTION. 8A. Contingent upon the
36 department of human services receiving federal
37 approval, a residential program which serves not more
38 than eight individuals and is licensed as an
39 intermediate care facility for persons with mental
40 retardation may surrender the facility license and
41 continue to operate under a federally approved medical
42 assistance home and community-based services waiver
43 for persons with mental retardation, if the department

44 of human services has approved a plan submitted by the
45 residential program.”

46 10. Page 12, by inserting before line 24 the
47 following:

48 DIVISION ___
49 LEGAL SETTLEMENT
50 Sec. ___ Section 252.16, subsection 8, Code 1997,

Page 3

1 is amended to read as follows:

2 8. A person receiving treatment or support
3 services from any ~~community-based provider of, whether~~
4 organized for pecuniary profit or not or whether
5 supported by charitable or public or private funds,
6 that provides treatment or services for mental
7 retardation, developmental disabilities, mental
8 health, brain injury, or substance abuse does not
9 acquire legal settlement in the ~~host~~ county in which
10 the site of the provider is located unless the person
11 continuously resides in the ~~host~~ that county for one
12 year from the date of the last treatment or support
13 service received by the person.”

14 11. Title page, line 5, by inserting after the
15 word “funding,” the following: “legal settlement
16 involving community-based providers of treatment or
17 services.”

18 12. By renumbering as necessary.

Amendment H-1521 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?” (H.F. 702)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman

Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 329 WITHDRAWN

Houser of Pottawattamie asked and received unanimous consent to withdraw House File 329 from further consideration by the House.

HOUSE FILE 53 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 53 from further consideration by the House.

House File 637, a bill for an act relating to the general operation of corporations, partnerships, and associations, including provisions relating to certain filings made by corporations and associations, the filing of biennial reports by certain corporations and cooperative associations, and establishing fees, was taken up for consideration.

Cataldo of Polk offered the following amendment H-1520 filed by him and moved its adoption:

H-1520

- 1 Amend House File 637 as follows:
- 2 1. Page 3, line 31, by inserting after the word
- 3 "shares" the following: "or interests".
- 4 2. Page 3, line 32, by inserting after the word
- 5 "corporation" the following: "or limited liability
- 6 company".
- 7 3. Page 3, line 33, by inserting after the word
- 8 "corporation" the following: "or limited liability
- 9 company".
- 10 4. Page 4, line 2, by inserting after the word
- 11 "corporation" the following: "or restated articles or

12 amendments to the articles of organization of the
13 surviving limited liability company”.

Amendment H-1520 was adopted.

Cataldo of Polk offered the following amendment H-1477 filed by him and moved its adoption:

H-1477

- 1 Amend House File 637 as follows:
2 1. Page 4, by inserting after line 3 the
3 following:
4 “Sec. ____ Section 490.1326, subsection 1, Code
5 1997, is amended to read as follows:
6 1. If the corporation does not take the proposed
7 action within ~~sixty~~ one hundred eighty days after the
8 date set for demanding payment and depositing share
9 certificates, the corporation shall return the
10 deposited certificates and release the transfer
11 restrictions imposed on uncertificated shares.”
12 2. By renumbering as necessary.

Amendment H-1477 was adopted.

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?” (H.F. 637)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup

Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 540, a bill for an act relating to personnel procedures and investment policy requirements for state government employees, was taken up for consideration.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H-1476 filed by her on March 31, 1997.

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. 540)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bradley

Carroll

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 702, 637 and 540.**

House File 678, a bill for an act relating to the recording of trials before a magistrate, was taken up for consideration.

Kreiman of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 678)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Bradley

Hansen

Shultz

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 339 WITHDRAWN

Kreiman of Davis asked and received unanimous consent to withdraw House File 339 from further consideration by the House.

House File 662, a bill for an act relating to the defense of criminal charges, by making changes in the penalties applicable to certain offenses for which appointment of counsel is required, providing county attorneys or their designees with access to the centralized employee registry for purposes of collection of restitution, making changes relating to the determination of a person's indigency, prohibiting the submission of false information on an affidavit of financial status, requiring the state to enforce liens for restitution in criminal cases, and providing penalties, was taken up for consideration.

Millage of Scott offered the following amendment H-1478 filed by him and moved its adoption:

H-1478

- 1 Amend House File 662, as follows:
- 2 1. Page 1, line 26, by striking the word "two"
- 3 and inserting the following: "three".
- 4 2. Page 1, line 32, by striking the word "two"
- 5 and inserting the following: "three".
- 6 3. Page 2, line 13, by striking the word "two"
- 7 and inserting the following: "three".
- 8 4. Page 2, line 24, by striking the word "two"
- 9 and inserting the following: "three".
- 10 5. Page 2, line 29, by striking the word "two"
- 11 and inserting the following: "three".
- 12 6. By striking page 2, line 31, through page 3,
- 13 line 11.
- 14 7. Page 3, line 24, by striking the word "two"
- 15 and inserting the following: "three".
- 16 8. Page 4, line 4, by striking the word "two" and
- 17 inserting the following: "three".
- 18 9. By striking page 4, line 30, through page 5,
- 19 line 2, and inserting the following: "and necessary
- 20 briefs in behalf of the defendant. However, the
- 21 reasonable compensation awarded an attorney shall not
- 22 be calculated based upon an hourly rate that exceeds
- 23 ~~the rate a contract attorney as provided in section~~

24 ~~13B.4 would receive in a similar case fifty-five~~
25 ~~dollars per hour, unless the offense charged is a~~
26 ~~class "A" or class "B" felony, in which case the~~
27 ~~hourly rate shall not exceed sixty dollars per hour.~~
28 Determination of the expense associated".

29 10. By striking page 6, line 22, through page 7,
30 line 10, and inserting the following:

31 "2. a. A determination of the indigent status of
32 a person shall be made on the basis of an affidavit of
33 financial status submitted to the clerk of court at or
34 immediately after the person's initial appearance
35 before a court. If a person is granted legal
36 assistance as an indigent or partial indigent, the
37 affidavit of financial statement status shall be filed
38 and permanently retained in the person's court file.
39 The state public defender shall adopt rules
40 prescribing the form and content of the affidavit of
41 financial statement status and the criteria by which a
42 determination of indigency shall be based. The
43 affidavit of financial statement status shall contain
44 sufficient information to allow the determination to
45 be made of whether the person meets the guidelines set
46 out in subsection 1 and, taking into consideration all
47 assets. The affidavit of financial status shall be
48 accompanied by the person's most recent pay slip and
49 the name and address of the person's employer, if the
50 person is employed.

Page 2

1 b. Each person seeking legal assistance under this
2 section shall pay a nonrefundable application fee of
3 thirty dollars to the clerk of the district court at
4 the time of the filing of the affidavit of financial
5 status. If the person is incarcerated, however, the
6 application fee may be paid no later than five days
7 after the date on which the application is filed. If
8 the person remains in custody or if, based upon the
9 affidavit of financial status, the court determines
10 that the person does not have the financial resources
11 to pay the fee, the court may reduce the application
12 fee to ten dollars, waive the fee, or assess the fee
13 upon disposition of the case.

14 c. Upon receipt of the affidavit of financial
15 status, the clerk shall review the information and
16 make an initial determination of whether the person
17 seeking legal assistance is indigent. If the person
18 meets the indigency standards established under
19 subsection 1, the clerk shall prepare an order
20 appointing counsel for the court's review and
21 approval. If the person does not meet the indigency
22 standards established in subsection 1, but may be
23 deemed partially indigent under the partial indigency

24 standards under subsection 1, the clerk shall forward
 25 the affidavit of financial status to the court, which
 26 shall make a determination of the person's indigency
 27 status.

28 d. Before legal assistance is granted, the clerk
 29 or the court shall inform the person of the obligation
 30 regarding payment of the expenses associated with the
 31 granting of legal assistance. Before legal assistance
 32 is granted, the clerk or the court shall verify that
 33 the application fee has been paid to the clerk or has
 34 been waived by the court. If the court determines
 35 that the application fee should be assessed upon
 36 disposition of the case, the order appointing counsel
 37 shall reflect that determination."

38 11. Page 8, by inserting after line 32, the
 39 following:

40 "Sec. ____ NEW SECTION. 815.11A REPORT TO
 41 GENERAL ASSEMBLY.

42 Each month the clerk of the district court in each
 43 county shall forward a report to the supreme court
 44 administrator detailing the amount of moneys and
 45 numbers of cases for which the legal assistance
 46 application fee has been collected. By February 1,
 47 1998, and annually thereafter by the date on which the
 48 general assembly convenes, the state court
 49 administrator shall compile and submit a report to the
 50 general assembly which contains the fee collection

Page 3 .

1 information."

2 12. By numbering and renumbering as necessary.

Speaker Corbett in the chair at 4:50 p.m.

Amendment H-1478 was adopted, placing amendment H-1298 out of order.

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.

Under the provision of Rule 76, conflict of interest, Kreiman of Davis refrained from voting.

On the question "Shall the bill pass?" (H.F. 662)

The ayes were, 81:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chiodo	Cohoon	Connors
Cormack	Dinkla	Doderer	Dolecheck

Dotzler	Drake	Drees	Eddie
Foege	Frevert	Gipp	Greig
Gries	Grundberg	Hahn	Hansen
Heaton	Holveck	Huseman	Huser
Jacobs	Jochum	Kinzer	Koenigs
Kremer	Lamberti	Larkin	Larson
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weidman
Weigel	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, 15:

Boddicker	Carroll	Churchill	Dix
Falck	Fallon	Ford	Garman
Greiner	Holmes	Jenkins	Klemme
Meyer	Vande Hoef	Welter	

Absent or not voting, 4:

Chapman	Houser	Kreiman	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 the following bills be immediately messaged to the Senate: **House Files 678 and 662.**

House File 616, a bill for an act relating to instruments filed or recorded with the county recorder, was taken up for consideration.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 616)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman

Chiodo	Churchill	Cphoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 1:

Rants

Absent or not voting, 1:

Lord

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGES CONSIDERED

Senate File 466, by committee on judiciary, a bill for an act relating to the theft of video rental property and making penalties applicable.

Read first time and referred to committee on **judiciary**.

Senate File 495, by committee on judiciary, a bill for an act prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes.

Read first time and referred to committee on **state government**.

Senate File 515, by committee on judiciary, a bill for an act relating to juvenile justice and youthful offenders, by making changes in provisions relating to illegal purchase or possession of alcohol by juveniles and youthful offenders, making changes relating to dramshop liability, providing for notification of possession of alcohol by persons

under legal age, providing for the taking of fingerprints and photographs of certain juveniles, permitting victims to make oral victim impact statements in juvenile proceedings, making changes related to the supplying of alcohol to persons under the age of twenty-one, providing for sharing of information regarding delinquent juveniles and juveniles under the jurisdiction of various social services agencies, providing for shared jurisdiction between the adult and juvenile courts over youthful offenders, changing the criteria for placement in the state training school or other facility, making changes relating to state reimbursement for expenses of court-appointed attorneys in juvenile court, permitting the release of information relating to juveniles who have escaped from a detention facility, providing for notification of juvenile court authorities of unexcused absences or suspensions or expulsions of students who are on probation, providing for establishment of state-wide peer review courts for youthful offenders, providing for bailiff and other law enforcement assistance to associate juvenile judges, including arrest or disposition or custody or adjudication data in criminal history data kept by the department of public safety, authorizing school officials to report possession or use of alcohol or controlled substances to law enforcement authorities.

Read first time and referred to committee on **judiciary**.

Senate File 522, by committee on human resources, a bill for an act relating to legal settlement regarding providers of treatment or services.

Read first time and referred to committee on **human resources**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 616** be immediately messaged to the Senate.

EXPLANATION OF VOTES

I was necessarily absent from the House chamber on April 2, 1997. Had I been present, I would have voted "aye" on House File 492. Also, on House File 662 I inadvertently voted "nay" when I meant to vote "aye."

FORD of Polk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six American Government students from Waco High School, Wayland, accompanied by Mr. Satre. By Heaton of Henry.

Six girls from Bloomfield Assembly #32, International Order of Rainbow for Girls in Iowa, Bloomfield, accompanied by Carolyn Weibrennen and Willa Mathews. 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

- 1997\351 Mae and Jack Robinson, Lime Springs – For celebrating their 50th wedding anniversary.
- 1997\352 Edna and Paul Herzberg, Clarinda – For celebrating their 68th wedding anniversary.
- 1997\353 Jamie Armstrong, Essex – For being named to the Girls All-State Basketball Team.
- 1997\354 Lindsay Brown, Lenox – For being named to the Girls All-State Basketball Team.

SUBCOMMITTEE ASSIGNMENTS

House File 717

Judiciary: Dinkla, Chair; Chapman and Lamberti.

Senate File 79

State Government: Tyrrell, Chair; Chiodo and Gipp.

Senate File 359

State Government: Drake, Chair; Larkin and Van Fossen.

Senate File 459

Human Resources: Carroll, Chair; Barry and Burnett.

Senate File 460

State Government: Martin, Chair; Larkin and Van Fossen.

Senate File 501

Labor and Industrial Relations: Holmes, Chair; Dotzler and Veenstra.

Senate File 516

Human Resources: Boddicker, Chair; Brand and Carroll.

Senate File 526

Human Resources: Carroll, Chair; Ford and Lord.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

Senate File 21, a bill for an act eliminating the requirement that a nonperpetual care cemetery post a sign indicating the cemetery is a nonperpetual care cemetery.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 193, a bill for an act relating to the election of trustees for special land use districts.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 232, a bill for an act relating to notarial acts and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 432, a bill for an act relating to the disposition of private property condemned under eminent domain.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1536** April 2, 1997.

COMMITTEE ON TRANSPORTATION

Senate File 132, a bill for an act relating to state department of transportation operations, including regulating hazardous materials transport, regulating motor vehicle dealers, eliminating requirements that the department adopt administrative rules in certain instances, and establishing, making applicable, or enhancing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1539** April 1, 1997.

Senate File 229, a bill for an act relating to the issuance of motor vehicle licenses for certain law enforcement officers and providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1538** April 1, 1997.

Senate File 420, a bill for an act relating to the information to be displayed on motor vehicle licenses and nonoperator identification cards.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 1997.

RESOLUTION FILED

HCR 21, by Fallon, Vande Hoef, Connors, Boddicker, Myers, Welter, Witt, Carroll, Schrader, Grundberg, Burnett, and Mascher, a concurrent resolution establishing a special commission to study and make recommendations concerning urban planning, growth management of cities, and protection of farmland.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1526	H.F.	634	Martin of Scott
H—1527	H.F.	706	Weigel of Chickasaw
H—1528	H.F.	706	Fallon of Polk
H—1529	H.F.	706	Fallon of Polk
H—1530	H.F.	708	Barry of Harrison
			Drake of Pottawattamie
			Houser of Pottawattamie
			Klemme of Plymouth
			Greig of Emmet
			Gries of Crawford
			Weidman of Cass
			Hansen of Pottawattamie
			Eddie of Buena Vista
			Dix of Butler
			Mertz of Kossuth
			Hahn of Muscatine
			Mundie of Webster
			Meyer of Sac
			Greiner of Washington
			Larson of Linn
			Thomas of Clayton
			Siegrist of Pottawattamie
H—1531	H.F.	710	Myers of Johnson
			Mundie of Webster
			Mertz of Kossuth
			Reynolds-Knight of Van Buren
			Larkin of Lee
			Dotzler of Black Hawk
H—1532	S.F.	429	Blodgett of Cerro Gordo
H—1533	S.F.	429	Blodgett of Cerro Gordo
			Brunkhorst of Bremer

H—1534	S.F.	429	Blodgett of Cerro Gordo
H—1535	H.F.	710	Kreiman of Davis
H—1536	S.F.	432	Committee on Local Government
H—1537	S.F.	132	Carroll of Poweshiek
H—1538	S.F.	229	Committee on Transportation
H—1539	S.F.	132	Committee on Transportation
H—1540	H.F.	708	Heaton of Henry
H—1541	H.F.	13	Houser of Pottawattamie
H—1542	S.F.	79	Cormack of Webster
H—1543	H.F.	708	Garman of Story
H—1544	S.F.	193	Dix of Butler
H—1545	H.F.	710	Nelson of Marshall
H—1546	H.F.	708	Koenigs of Mitchell
H—1547	H.F.	710	Brand of Tama Nelson of Marshall

On motion by Siegrist of Pottawattamie, the House adjourned at 5:26 p.m., until 8:45 a.m., April 3, 1997.

MEMORIAL SERVICE
Seventy-Seventh General Assembly
Wednesday, April , 2, 1997
7:00 P.M.

Program

Representative Richard Vande Hoef, Presiding

Prelude Harpist, Kristin Fallon

“Surely the Presence of the Lord is in This Place” Lanny Wolfe
Memorial Session Choir, accompanied by Senator Mary Kramer on piano

Invocation Representative Richard Vande Hoef

“Jesus Medley” Rick Powell
Memorial Session Choir, accompanied by Senator Mary Kramer on piano

Memorials - House

Reading: Representatives Russell Teig, Steve Warnstadt and
Dick Weidman

Memorials - Senate

Reading: Senators William Fink, Johnie Hammond and Kay Hedge

Memorials - House

Reading: Representatives Robert Osterhaus, Donna Barry and
Bob Brunkhorst

Keyboard Solo Representative Dan Boddicker

Memorials - House

Reading: Representatives David Heaton, and James Hahn

Memorials - House and Senate

Reading: Senator Tom Vilsack
Reading: Senator Larry McKibben

Memorials - House

Reading: Representatives Norman Mundie and Marcie Frevert

Memorials - Senate

Reading: Senators Richard Drake and Gene Maddox

Memorials - House

Reading: Representatives Harold Van Maanen and Richard Arnold

“Heaven Medley” Rick Powell
Memorial Session Choir, accompanied by Senator Mary Kramer on piano

IN MEMORIAM**SERVED IN THE HOUSE OF REPRESENTATIVES AND SENATE**

Honorable John L. Mowry (Marshall County): House - 57th, 58th, 59th, 60th, 60thX (1957-1964), and 62nd (1967-1968) Senate - 63rd and, 64th (1963-1972)

Honorable Richard L. Stephens (Washington County) House - 57th, 58th, and 59th (1957-1962) Senate 60th, 60thX, 61st, 62nd, 63rd, and 64th (1963-1972)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Edward E. Busing (Hamilton County): 61st (1965-1966)

Honorable Gerald Cornelius (Jackson County): 76th (1995-1996)

Honorable Frank Crabb (Crawford County): 63rd, 64th, 65th, 66th, 67th, 67thX, 68th, 69th, 69thX, and 69thXX (1969-1982)

Honorable Fred "Lee" Gallup (Jefferson County): 53rd, 54th, and 55th (1949-1954)

Honorable Warren Johnson (Woodbury County): 68th, 69th, 69thX, and 69thXX (1979-1982)

Honorable Luvern W. Kehe (Bremer County): 63rd and 64th (1969-1972)

Honorable Ruhl Maulsby (Calhoun County): 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX, and 73rd (1979-1992)

Honorable Wendell C. Pellett (Cass County): 64th, 65th, 66th, 67th, 67thX, 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX, and 73rd (1971-1990)

Honorable Neal Pierce (Lucas County): 57th, 58th and 59th (1957-1962)

Honorable Bill Salton (Palo Alto County): 76th (1995-1996)

Honorable Clarence F. Schmarje (Muscatine County): 62nd (1969-1970)

Honorable Hugo Schnekloth (Scott County): 67, 67thX, 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX, and 73rd (1977-1990)

Honorable Tom Dougherty (Monroe County): 60thX, 61st, 63rd and 64th (1964-1966 and 1969-1972)

SERVED IN THE SENATE

Honorable Charles O. Laverty (Warren County): 63rd, and 64th (1969-1972)

Honorable Daryl H. Nims (Story County): 61st (1965-1966)

Honorable William Plymat, Sr. (Polk County): 65th, and 66th (1973-1976)

Honorable W. R. Rabedeaux (Muscatine County): 63rd, 64th, 65th, and 66th (1970-1976)

Honorable Bass Van Gilst (Mahaska County): 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 67thX, 68th, 69th, 69thX, and 70th (1965-1984)

Candlelighters

Senator Tom Flynn
 Senator Steve King
 Senator Matt McCoy
 Senator Kitty Rehberg
 Representative Barry Brauns
 Representative Polly Bukta
 Representative John Greig
 Representative Beverly Nelson

Hosts

Senator Nancy Boettger
 Senator John Jensen
 Senator John Kibbie
 Senator William Palmer
 Representative Richard Vande Hoef
 Representative Dennis Cohoon
 Representative Ralph Klemme
 Representative Delores Mertz

Senate Memorial Committee

Honorable Nancy Boettger, Chair
 Honorable John Jensen
 Honorable John Kibbie
 Honorable William Palmer

House Memorial Committee

Honorable Richard Vande Hoef, Chair
 Honorable Dennis Cohoon
 Honorable Ralph Klemme
 Honorable Delores Mertz

Memorial Session Choir Directed by Harriet Vande Hoef

Flowers Arranged by The Bloomin' Greenery,
 Indianola, Iowa

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 3, 1997

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Mike Harvey, Presbyterian Church, Carson.

The Memorial Session Choir sang, accompanied by Senator Mary Kramer.

The Journal of Wednesday, April 2, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Carroll of Poweshiek, from two hundred two constituents, favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from sixteen constituents of the 14th District in Somers, favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from seventy-five constituents of the 14th District in Manson, favoring the "Enrich Iowa: Fund Libraries."

By Mundie of Webster, from ninety-three constituents of the 14th District in Rockwell City, favoring the "Enrich Iowa: Fund Libraries."

INTRODUCTION OF BILL

House File 719, by Rants, Thomson, Cormack, Lord, Gries, and Carroll, a bill for an act relating to school finance, including increasing the adjusted gross receipts tax on certain gambling activities, providing for school vertical infrastructure funding, and providing for on-time funding of new students based upon increased student enrollment, making an appropriation, and providing an effective date.

Read first time and referred to committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 163, a bill for an act relating to the sale of cigarettes and tobacco products through vending machines.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 187, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 361, a bill for an act relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 378, a bill for an act providing for the membership of the investment board of the Iowa public employees' retirement system and providing an effective and applicability date.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 417, a bill for an act providing for the amount of a surety bond required to be executed by a treasurer of an extension council.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 499, a bill for an act relating to privileges and prohibitions for certain persons including those relating to motor vehicle licenses and to the regulation of tobacco, tobacco products, or cigarettes, and providing penalties.

Also: That the Senate has on April 2, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 511, a bill for an act providing for the liability of a person with supervisory or other administrative responsibilities over an individual who the person knew or suspected committed abuse of a child.

MARY PAT GUNDERSON, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 9:07 a.m., until 11:30 a.m.

LATE MORNING SESSION

The House reconvened at 11:30 a.m., Speaker Corbett in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 490, a bill for an act relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGES CONSIDERED

Senate File 163, by Boettger and Iverson, a bill for an act relating to the sale of cigarettes and tobacco products through vending machines.

Read first time and referred to committee on **local government**.

Senate File 187, by committee on natural resources and environment, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates.

Read first time and referred to committee on **natural resources**.

Senate File 361, by committee on state government, a bill for an act relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 378, by committee on state government, a bill for an act providing for the membership of the investment board of the Iowa public employees' retirement system and providing an effective and applicability date.

Read first time and referred to committee on **state government**.

Senate File 417, by committee on local government, a bill for an act providing for the amount of a surety bond required to be executed by a treasurer of an extension council.

Read first time and referred to committee on **local government**.

Senate File 490, by committee on judiciary, a bill for an act relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation.

Read first time and referred to committee on **judiciary**.

Senate File 499, by Iverson, a bill for an act relating to privileges and prohibitions for certain persons including those relating to motor vehicle licenses and to the regulation of tobacco, tobacco products, or cigarettes, and providing penalties.

Read first time and referred to committee on **local government**.

Senate File 511, by committee on human resources, a bill for an act providing for the liability of a person with supervisory or other administrative responsibilities over an individual who the person knew or suspected committed abuse of a child.

Read first time and referred to committee on **human resources**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-four members present, forty-six absent.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 376**, a bill for an act relating to child welfare provisions involving juvenile justice dispositional orders, hearings, and placements and providing an effective date, previously deferred.

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.

Brunkhorst of Bremer in the chair at 11:48 a.m.

On the question "Shall the bill pass?" (H.F. 376)

The ayes were, 99:

Arnold
Blodgett

Barry
Boddicker

Bell
Bogges

Bernau
Bradley

Brand	Brauns	Bukta .	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Brunkhorst, Presiding	

The nays were, none.

Absent or not voting, 1:

Dolecheck

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 376** be immediately messaged to the Senate.

House File 333, a bill for an act relating to contracts between city officers or employees and cities, 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?" (H.F. 333)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley

Brand	Brauns	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Brunkhorst, Presiding	

The nays were, none.

Absent or not voting, 1:

Dolecheck

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 333** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:15 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.

CONSIDERATION OF BILLS
Regular Calendar

House File 581, a bill for an act authorizing rural water districts to enter into agreements with other governmental entities to provide for the acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects, was taken up for consideration.

Arnold of Lucas offered the following amendment H-1214 filed by him and moved its adoption:

H-1214

- 1 Amend House File 581 as follows:
- 2 1. Page 1, line 22, by striking the figure
- 3 "384.24" and inserting the following: "384.24A".

Amendment H-1214 was adopted.

Arnold of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 581)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Heaton	Holmes	Holveck
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Hansen

Houser

Larson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 581** be immediately messaged to the Senate.

House File 58, a bill for an act relating to fees charged by an employer for copies of items in an employee's personnel file, with report of committee recommending amendment and passage, was taken up for consideration.

Barry of Harrison asked and received unanimous consent to withdraw the committee amendment H-1159 filed by the committee on labor and industrial relations on March 11, 1997.

Barry of Harrison offered the following amendment H-1403 filed by her and moved its adoption:

H-1403

- 1 Amend House File 58 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "each" the following: "page of a".
- 4 2. Page 1, by striking lines 5 through 7 and
- 5 inserting the following: "employee's personnel file,
- 6 ~~except that the total amount charged for all copies~~
- 7 ~~made cannot exceed five dollars. For purposes of this~~
- 8 subsection, "reasonable fee" means an amount
- 9 equivalent to an amount charged per page for copies
- 10 made by a commercial copying business."

Amendment H-1403 was adopted.

Boggess of Taylor in the chair at 1:26 p.m.

Barry of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 58)

The ayes were, 100:

Arnold

Barry

Bell

Bernau

Blodgett	Boddicker	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foegel
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Bogges, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 58** be immediately messaged to the Senate.

House File 269, a bill for an act extending the regular program district cost guarantee for school districts for one year and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Gries of Crawford offered the following amendment H-1161 filed by the committee on education and moved its adoption:

H-1161

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 3, by striking the words "years
- 3 year" and inserting the following: "years".
- 4 2. Page 1, line 4, by striking the words and

- 5 figures "~~July 1, 1995, and~~" and inserting the
 6 following: "July 1, ~~1995~~ 1997, and".
 7 3. Page 1, line 5, by striking the figure "1997"
 8 and inserting the following: "1998".
 9 4. Title page, line 2, by striking the words "one
 10 year" and inserting the following: "two years,".

The committee amendment H-1161 was adopted.

SENATE FILE 189 SUBSTITUTED FOR HOUSE FILE 269

Gries of Crawford asked and received unanimous consent to substitute Senate File 189 for House File 269.

Senate File 189, a bill for an act extending the regular program district cost guarantee for school districts for two years, and providing an effective date, was taken up for consideration.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-1548 filed by him from the floor.

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?" (S.F. 189)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen

Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Boggess, Presiding	

The nays were, none.

Absent or not voting, 1:

Rants

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 269 WITHDRAWN

Gries of Crawford asked and received unanimous consent to withdraw House File 269 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 189** be immediately messaged to the Senate.

House File 319, a bill for an act expanding the age range of the employees to whom the board of directors of a school district may offer a retirement incentive program, expanding the conditions under which the district may utilize the district management levy to pay for the program, and providing effective and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Rants of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 319)

The ayes were, 89:

Arnold	Barry	Bell	Bernau
Boddicker	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Ford	Frevert	Gipp	Greiner
Gries	Grundberg	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman

Kremer	Lamberti	Larkin	Larson
Martin	Mascher	May	Mertz
Meyer	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Bogges, Presiding			

The nays were, 10:

Churchill	Doderer	Fallon	Garman
Greig	Hahn	Lord	Metcalfe
Millage	Veenstra		

Absent or not voting, 1:

Blodgett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 145 WITHDRAWN

Wise of Lee asked and received unanimous consent to withdraw House File 145 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 319** be immediately messaged to the Senate.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 3:26 p.m., Speaker Corbett in the chair.

HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Siegrist of Pottawattamie asked and received unanimous consent that the following House Files be placed on the unfinished business calendar:

House File 36	House File 556
House File 118	House File 564
House File 235	House File 626
House File 355	House File 634

House File 639	House File 681
House File 659	House File 682
House File 663	House File 695
House File 665	House File 706
House File 667	House File 708
House File 670	House File 709
House File 671	House File 710
House File 672	House File 715

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 2, 1997. Had I been present, I would have voted "aye" on House File 540.

CARROLL of Poweshiek

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 1997, he approved and transmitted to the Secretary of State the following bills:

Senate File 233, an act concerning eligible alternative retirement benefit systems for newly employed community college employees, and providing an applicability date.

Senate File 272, an act relating to the implementation of certain assistance programs of the department of economic development.

Senate File 292, an act relating to cooperative corporations, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and dissolution.

Senate File 299, an act relating to cooperative associations and corporations by providing for operations and procedures, including providing for mergers, and providing an effective date.

SPECIAL PRESENTATION

Moreland of Wapello presented Nigel Mackey, Norma Mackey, Brenda Thompson, Errol Johnston, David Lawler, and Andrew Glascott, who were guests from Ireland accompanied by Lyn and Jim Williams, and Vicki and Dave Meyer.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five 5th grade students from Cody Elementary School, Pleasant Valley, accompanied by Mrs. Sonja Vogel. By Bradley of Clinton.

Seven 5th and 6th grade students who are members of Young Leaders in Action from Lincoln Elementary School, Waterloo, accompanied by Dr. Vicky Smith, Principal, and Nancy Showers, Coordinator. By Dotzler, Jenkins, Shoultz and Witt, all of Black Hawk.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF COMMERCE

Insurance Division

The 1997 Annual Report, pursuant to Chapter 505.13, 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

- 1997\355 Amanda Husband, Bedford – For qualifying to attend the National Leadership Conference of Business and Professionals of America.
- 1997\356 Monica Thompson, Bedford – For qualifying to attend the National Leadership Conference of Business and Professionals of America.
- 1997\357 Angie Richardson, Bedford – For qualifying to attend the National Leadership Conference of Business and Professionals of America.
- 1997\358 Tracy Hardee, Bedford – For qualifying to attend the National Leadership Conference of Business and Professionals of America.
- 1997\359 Sarah Ackley, Bedford – For qualifying to attend the National Leadership Conference of Business and Professionals of America.
- 1997\360 Jill Ritchie, Bedford – For qualifying to attend the National Leadership Conference of Business and Professionals of America.
- 1997\361 Vickie Sheley, Bedford – For qualifying to attend the National Leadership Conference of Business and Professionals of America.
- 1997\362 Darrick Zirker, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\363 Captain Pat Egan, Dubuque – For his retirement after 34 years of service with the Dubuque Police Department.

SUBCOMMITTEE ASSIGNMENTS

House File 95 Reassigned

Ways and Means: Van Fossen, Chair; Doderer and Larson.

House File 719

Ways and Means: Rants, Chair; Lord and Shoultz.

Senate File 163

Local Government: Carroll, Chair; Dix and Myers.

Senate File 174

Natural Resources: Bell, Chair; Cormack and Eddie.

Senate File 361

Labor and Industrial Relations: Barry, Chair; Kremer and Taylor.

Senate File 362

Natural Resources: Klemme, Chair; Huseman and O'Brien.

Senate File 417

Local Government: Brauns, Chair; Klemme and Mertz.

Senate File 499

Local Government: Vande Hoef, Chair; Arnold and Fallon.

Senate File 515

Judiciary: Larson, Chair; Grundberg and Kreiman.

Senate File 522

Human Resources: Houser, Chair; Brand and Carroll.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 238

Ways and Means: Van Fossen, Chair; Bernau, Chapman, Holmes 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 AGRICULTURE

Senate File 451, a bill for an act relating to milk and milk products, providing for the issuance of licenses and permits, fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1550** April 2, 1997.

Senate File 472, a bill for an act prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 473, a bill for an act requiring owners of agricultural drainage wells to prevent surface water intake into the wells, providing for the closure of certain wells and the construction of alternative drainage systems, providing state assistance for closing agricultural drainage wells, prohibiting the construction and use of certain structures located in agricultural drainage well areas, providing for the assessment and collection of certain drainage district expenses, providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

COMMITTEE ON COMMERCE-REGULATION

Senate File 116, a bill for an act relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1997.

Senate File 519, a bill for an act relating to the authorized use and users of the Iowa communications network and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1552** April 3, 1997.

COMMITTEE ON HUMAN RESOURCES

Senate File 459, a bill for an act establishing a domestic abuse death review team and providing for membership, duties, immunity for members acting in their official capacity, and confidentiality.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

Senate File 516, a bill for an act revising public assistance provisions involving the family investment, job opportunities and basic skills, food stamp, and medical assistance programs administered by the department of human services, amending certain child support provisions, providing for fraudulent practices, and providing effective dates.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

Senate File 522, a bill for an act relating to legal settlement regarding providers of treatment or services.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

Senate File 526, a bill for an act providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 296, a bill for an act relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

Senate File 361, a bill for an act relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

Senate File 501, a bill for an act relating to the department of workforce development and the enforcement of employment laws concerning emergency and hazardous materials inventories, amusement rides, asbestos and employment agency licenses, wage assignments, and boxing and wrestling.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

COMMITTEE ON NATURAL RESOURCES

Senate File 174, a bill for an act relating to the operation of motorboats on artificial lakes and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

COMMITTEE ON STATE GOVERNMENT

Senate File 79, a bill for an act relating to a moratorium on the issuance of new licenses to conduct gambling games and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 357, a bill for an act relating to the regulation of amusement devices and casino-type gambling and subjecting violators to an existing penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1549** April 2, 1997.

Senate File 358, a bill for an act relating to the adoption of the interstate emergency management assistance compact.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 359, a bill for an act relating to the qualifications for the director of the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 460, a bill for an act relating to membership on the workforce development board and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

AMENDMENTS FILED

H—1549	S.F.	357	Committee on State Government
H—1550	S.F.	451	Committee on Agriculture
H—1551	S.F.	495	Blodgett of Cerro Gordo
H—1552	S.F.	519	Committee on Commerce- Regulation
H—1553	H.F.	667	Rants of Woodbury
H—1554	S.F.	109	Sukup of Franklin Murphy of Dubuque
H—1555	S.F.	174	Brauns of Muscatine
H—1556	S.F.	472	Koenigs of Mitchell
H—1557	S.F.	519	Osterhaus of Jackson
H—1558	H.F.	708	Teig of Hamilton

On motion by Siegrist of Pottawattamie, the House adjourned at 3:30 p.m., until 1:00 p.m., Monday, April 7, 1997.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 7, 1997

The House met pursuant to adjournment at 1:08 p.m., Boddicker of Cedar in the chair.

Prayer was offered by Father Mark Osterhaus, St. Paul's Catholic Church, Worthington.

The Journal of Thursday, April 3, 1997 was approved.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by The Keosauqua Legionnaire Beer-Barker Post #116 with Color-Guard including Cecil Zollars, Kendall Roberts, Rex Syfert, Leo Boley and Commander Clay Lanman. The auxilliary members attending were Velda Zollars, Dorothy Roberts, Betty Boley and Hazelle Lanman.

Speaker Corbett in the chair at 1:16 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Myers of Johnson.

HOUSE FILES REREFERRED

Siegrist of Pottawattamie asked and received unanimous consent to rerefer the following bills to the committees as listed:

House File 13	State Government
House File 137	Local Government
House File 140	State Government
House File 174	Human Resources
House File 223	Natural Resources
House File 332	Local Government
House File 341	Education
House File 378	Local Government
House File 382	Judiciary
House File 392	Local Government
House File 402	Agriculture
House File 428	Local Government
House File 458	Natural Resources

House File 480	Natural Resources
House File 484	Local Government
House File 497	Human Resources
House File 513	Judiciary
House File 523	Labor and Industrial Relations
House File 530	Human Resources
House File 546	Judiciary
House File 549	Local Government
House File 569	Natural Resources
House File 587	Agriculture
House File 601	Natural Resources
House File 614	Local Government
House File 617	Judiciary
House File 638	Commerce-Regulation
House File 641	Transportation
House File 664	Judiciary
House File 673	Environmental Protection
House File 676	Transportation
House File 677	Judiciary
House File 679	Natural Resources
House File 691	Human Resources
House File 696	Commerce-Regulation

CONSIDERATION OF BILLS

Unfinished Business Calendar

House File 659, a bill for an act relating to the regulation of the practice of respiratory care, was taken up for consideration.

Hansen 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. 659)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton

Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Chapman

Absent or not voting, 3:

Brand

Ford

Holveck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 709, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles and providing an effective date, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-1280 filed by him and moved its adoption:

H-1280

- 1 Amend House File 709 as follows:
- 2 1. Page 1, by striking lines 28 and 29.
- 3 2. Title page, line 2, by striking the words "and
- 4 providing an effective date".

Amendment H-1280 was adopted.

SENATE FILE 379 SUBSTITUTED FOR HOUSE FILE 709

Vande Hoef of Osceola asked and received unanimous consent to substitute Senate File 379 for House File 709.

Senate File 379, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-1292 filed by him and moved its adoption:

H-1292

- 1 Amend Senate File 379, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 2, by inserting after the word
 4 "COMMERCIAL" the following: "MOTOR".
- 5 2. Page 1, line 3, by inserting after the word
 6 "commercial" the following: "motor".
- 7 3. Page 1, line 9, by inserting after the word
 8 "commercial" the following: "motor".
- 9 4. Page 1, line 10, by inserting after the word
 10 "commercial" the following: "motor".
- 11 5. Page 1, line 14, by striking the words
 12 "commercial vehicle dealer or repair facility" and
 13 inserting the following: "department".
- 14 6. Page 1, line 15, by inserting after the word
 15 "commercial" the following: "motor".
- 16 7. Page 1, by striking lines 16 through 18 and
 17 inserting the following:
 18 "2. The department shall provide a temporary entry
 19 and exit permit to a commercial motor vehicle".
- 20 8. Page 1, line 19, by striking the words "the
 21 state or" and inserting the following: "and".
- 22 9. Page 1, line 21, by inserting after the word
 23 "commercial" the following: "motor".
- 24 10. Page 1, line 22, by striking the word
 25 "document" and inserting the following: "permit".
- 26 11. Page 1, line 22, by striking the word "or"
 27 and inserting the following: "and".
- 28 12. Page 1, line 25, by inserting after the
 29 figure "452A" the following: ", except for violations
 30 of section 452A.74A".
- 31 13. Page 1, line 26, by inserting after the word
 32 "commercial" the following: "motor".
- 33 14. Page 1, line 27, by striking the figure
 34 "326.2" and inserting the following: "321.1,
 35 subsection 11, paragraph "e", subparagraph (2)".
- 36 15. Title page, line 2, by inserting after the
 37 word "commercial" the following: "motor".

Amendment H-1292 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. 379)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta

Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Holveck

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 709 WITHDRAWN

Vande Hoef of Osceola asked and received unanimous consent to withdraw House File 709 from further consideration by the House.

House File 626, a bill for an act relating to the property tax levy allowed certain fire districts, was taken up for consideration.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 626)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman

Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Morland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Drees 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: **House Files 659, 626, and Senate File 379.**

House File 556, a bill for an act increasing the minimum value of property damage required for the filing of a motor vehicle accident report, was taken up for consideration.

SENATE FILE 293 SUBSTITUTED FOR HOUSE FILE 556

Chiodo of Polk asked and received unanimous consent to substitute Senate File 293 for House File 556.

Senate File 293, a bill for an act increasing the property damage limit for mandatory reporting of motor vehicle accidents, was taken up for consideration.

Chiodo of Polk offered the following amendment H-1283 filed by him and moved its adoption:

H-1283

1 Amend Senate File 293, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "Sec. ____ Section 321A.5, subsection 1, Code
6 1997, is amended to read as follows:

7 1. The department shall, immediately or within
8 sixty days after the receipt of a report of a motor
9 vehicle accident within this state which has resulted
10 in bodily injury or death or damage to the property of
11 any one person in excess of ~~five hundred~~ one thousand
12 dollars, suspend the license of each operator and all
13 registrations of each owner of a motor vehicle in any
14 manner involved in the accident, and if the operator
15 is a nonresident the privilege of operating a motor
16 vehicle within this state, and if the owner is a
17 nonresident the privilege of the use within this state
18 of any motor vehicle owned by the owner, unless the
19 operator or owner or both shall deposit security in a
20 sum which shall be sufficient in the judgment of the
21 department to satisfy any judgment or judgments for
22 damages resulting from the accident as may be
23 recovered against the operator or owner; provided
24 notice of the suspension shall be sent by the
25 department to the operator and owner not less than ten
26 days prior to the effective date of the suspension and
27 shall state the amount required as security."

28 2. By renumbering as necessary.

Amendment H-1283 was adopted.

Chiodo 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. 293)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs

Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 2:

Holveck Millage

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 556 WITHDRAWN

Rants of Woodbury asked and received unanimous consent to withdraw House File 556 from further consideration by the House.

Appropriations Calendar

House File 651, a bill for an act to establish separate recycling funds for each prison institution within the state treasury and making related changes, was taken up for consideration.

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?" (H.F. 651)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp

Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Holveck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

House File 355, a bill for an act relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service and providing an effective date, was taken up for consideration.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 355)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn

Hansen	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 2:

Brunkhorst Holveck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 110 WITHDRAWN

Larson of Linn asked and received unanimous consent to withdraw House File 110 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 File 293, House Files 651 and 355.**

House File 118, a bill for an act relating to workers' compensation coverage for employment outside of the state, with report of committee recommending passage, was taken up for consideration.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-1272 filed by him on March 20, 1997.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-1164 filed by him on March 12, 1997.

SENATE FILE 109 SUBSTITUTED FOR HOUSE FILE 118

Sukup of Franklin asked and received unanimous consent to substitute Senate File 109 for House File 118.

Senate File 109, a bill for an act relating to workers' compensation coverage for employment outside of the state, was taken up for consideration.

Sukup of Franklin offered the following amendment H-1554 filed by him and Murphy of Dubuque, and moved its adoption:

H-1554

1 Amend Senate File 109, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 85.71, Code 1997, is amended
6 to read as follows:

7 **85.71 EMPLOYMENT INJURY OUTSIDE OF STATE.**

8 If an employee, while working outside the
9 territorial limits of this state, suffers an injury on
10 account of which the employee, or in the event of
11 death, the employee's dependents, would have been
12 entitled to the benefits provided by this chapter had
13 such injury occurred within this state, such employee,
14 or in the event of death resulting from such injury,
15 the employee's dependents, shall be entitled to the
16 benefits provided by this chapter, ~~provided that if~~ at
17 the time of such injury any of the following is
18 applicable:

19 1. The employment is principally localized in this
20 state, that is, the employee's employer has a place of
21 business in this or some other state and the employee
22 regularly works in this state, or if the employee's
23 employer has a place of business in this state and the
24 employee is domiciled in this state, ~~or,~~

25 2. The employee is working under a contract of
26 hire made in this state in employment not principally
27 localized in any state, ~~or~~ and the employee spends a
28 substantial part of the employee's working time
29 working for the employer in this state.

30 3. The employee is working under a contract of
31 hire made in this state in employment principally
32 localized in another state, whose workers'
33 compensation law is not applicable to the employee's
34 employer, ~~or,~~

35 4. The employee is working under a contract of
36 hire made in this state for employment outside the
37 United States.

38 Sec. 2. **NEW SECTION. 85.72 CLAIMS FOR BENEFITS**
39 **MADE OUTSIDE OF STATE - RESTRICTIONS - CREDIT.**

40 1. An employee, or an employee's dependents, shall
41 not be entitled to benefits under this chapter if the
42 employee or the employee's dependents has initiated a
43 judicial proceeding or a contested case or other

44 similar proceeding for the same injury, disability, or
 45 death pursuant to the laws of another state or country
 46 concerning workers' compensation, and the employee or
 47 the employee's dependents receives benefits following
 48 resolution of the proceeding pursuant to a settlement,
 49 judgment, or award.
 50 2. If an employee, or an employee's dependents,

Page 2

1 initiates a judicial proceeding or a contested case or
 2 other similar proceeding for benefits pursuant to the
 3 laws of another state or country concerning workers'
 4 compensation, any proceeding initiated by an employee,
 5 or an employee's dependents, for workers' compensation
 6 benefits under this chapter for the same injury,
 7 disability, or death shall be stayed, without
 8 prejudice, pending resolution of the out-of-state
 9 claim for benefits.
 10 3. If benefits are paid under this chapter and
 11 were payable, at any time, for the same injury,
 12 disability, or death pursuant to the laws of another
 13 state or country concerning workers' compensation, the
 14 employer shall have a credit toward the benefits
 15 payable under this chapter for any benefits paid in
 16 another state or country."
 17 2. Title page, line 1, by striking the word
 18 "employment" and inserting the following: "injuries
 19 that occur and claims made".

Amendment H-1554 was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

• On the question "Shall the bill pass?" (S.F. 109)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer

Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 36, a bill for an act relating to a minimum age requirement for a coaching authorization issued by the state board of educational examiners, with report of committee recommending passage, was taken up for consideration.

Scherrman of Dubuque offered the following amendment H-1024 filed by him and moved its adoption:

H-1024

- 1 Amend House File 36 as follows:
- 2 1. Page 1, by inserting after line 4 the
- 3 following:
- 4 "Sec. 2. EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 3, by inserting after the
- 7 word "examiners" the following: "and providing an
- 8 effective date".

Amendment H-1024 was adopted.

SENATE FILE 104 SUBSTITUTED FOR HOUSE FILE 36

Dolecheck of Ringgold asked and received unanimous consent to substitute Senate File 104 for House File 36.

Senate File 104, a bill for an act relating to a minimum age requirement for a coaching authorization issued by the state board of educational examiners and providing an effective date, was taken up for consideration.

Scherrman of Dubuque offered the following amendment H-1431 filed by him and moved its adoption:

H-1431

- 1 Amend Senate File 104, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the word
- 4 "eighteen" and inserting the following: "nineteen".

Amendment H-1431 lost.

Mascher of Johnson offered the following amendment H-1426 filed by her and moved its adoption:

H-1426

- 1 Amend Senate File 104, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "age." the following: "However, the board of
- 5 directors of a school district shall not employ, as
- 6 provided in section 279.19B, a person under the age of
- 7 twenty-one as a head coach of any interscholastic
- 8 athletic activities."

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H-1426 lost.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 104)

The ayes were, 64:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Chiodo	Churchill
Cormack	Dinkla	Dix	Dolecheck
Drake	Drees	Eddie	Falck
Fallon	Ford	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kreiman	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	O'Brien
Rants	Rayhons	Siegrist	Sukup

Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Mr. Speaker Corbett

The nays were, 36:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Cohoon	Connors
Doderer	Dotzler	Foege	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Whitead	Wise	Witt

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 118 WITHDRAWN

Sukup of Franklin asked and received unanimous consent to withdraw House File 118 from further consideration by the House.

HOUSE FILE 36 WITHDRAWN

Dolecheck of Ringgold asked and received unanimous consent to withdraw House File 36 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 109 and 104.**

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 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 4, a bill for an act relating to the office of city assessor in certain counties.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 200, a bill for an act relating to nonsubstantive Code corrections.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 228, a bill for an act relating to permits issued to licensed automobile tire recycling dealers to own or operate a waste tire site.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 244, a bill for an act relating to the county debt service fund.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 370, a bill for an act relating to workers' compensation benefits for professional athletes and providing an effective date.

MARY PAT GUNDERSON, Secretary

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

House File 717, a bill for an act to legalize the proceedings taken by the Sergeant Bluff city council to grant an urban revitalization tax exemption for certain property and providing an effective and retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 40, a bill for an act prohibiting the use of official law enforcement warning devices or signals in the attempt or commission of a public offense, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 118, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1997.

Senate File 123, a bill for an act relating to runaway children, by defining when a child is a chronic runaway, authorizing county runaway treatment plans, and providing for assessment and treatment procedures for chronic runaways.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1997.

Senate File 241, a bill for an act adopting the uniform transfer on death security registration Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1568** April 3, 1997.

Senate File 280, a bill for an act providing immunity from civil liability for an employer or employer's representative who acts reasonably in providing work-related information about a current or former employee of the employer.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1997.

Senate File 281, a bill for an act relating to judicial administration.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1559** April 2, 1997.

Senate File 442, a bill for an act relating to the designation of certain correctional facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1560** April 2, 1997.

Senate File 497, a bill for an act prohibiting the possession or distribution of gamma-hydroxybutyric acid under certain circumstances, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1997.

Senate File 503, a bill for an act relating to criminal justice, by providing for enhanced punishment for manufacturing methamphetamine in the presence of minors, providing restrictions on public nudity and actual or simulated public performance of sex acts in certain establishments, making changes related to escape and voluntary absence from custody or a correctional facility, establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities, providing for abatement of nuisance created by certain establishments which allow or permit public nudity or actual or simulated public performances of sex acts in their establishment, providing for hormonal intervention therapy for persons convicted of certain sex offenses, imposing consecutive sentences for escapes from or crimes committed while confined in detention facilities or penal institutions, authorizing probation supervision and revocation by administrative parole and probation judges in the sixth judicial district, making changes related to work programs for inmates and criminal defendants, providing restitution for death of a victim of a crime, and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1569** April 3, 1997.

Senate File 515, a bill for an act relating to juvenile justice and youthful offenders, by making changes in provisions relating to illegal purchase or possession of alcohol by juveniles and youthful offenders, making changes relating to dramshop liability, providing for notification of possession of alcohol by persons under legal age, providing for the taking of fingerprints and photographs of certain juveniles, permitting victims to make oral victim impact statements in juvenile proceedings, making changes related to the supplying of alcohol to persons under the age of twenty-one, providing for sharing of information regarding delinquent juveniles and juveniles under the jurisdiction of various social services agencies, providing for shared jurisdiction between the adult and juvenile courts over youthful offenders, changing the criteria for placement in the state training school or other facility, making changes relating to state reimbursement for expenses of court-appointed attorneys in juvenile court, permitting the release of information relating to juveniles who have escaped from a detention facility, providing for notification of juvenile court authorities of unexcused absences or suspensions or expulsions of students who are on probation, providing for establishment of state-wide peer review courts for youthful offenders, providing for bailiff and other law enforcement assistance to associate juvenile judges, including arrest or disposition or custody or adjudication data in criminal history data kept by the department of public safety, authorizing school officials to report possession or use of alcohol or controlled substances to law enforcement authorities.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1570 April 3, 1997.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 163, a bill for an act relating to the sale of cigarettes and tobacco products through vending machines.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

Senate File 184, a bill for an act relating to collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1563 April 3, 1997.

Senate File 417, a bill for an act providing for the amount of a surety bond required to be executed by a treasurer of an extension council.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

Senate File 499, a bill for an act relating to privileges and prohibitions for certain persons including those relating to motor vehicle licenses and to the regulation of tobacco, tobacco products, or cigarettes, and providing penalties.

Fiscal Note is not required.

Recommended Do Pass April 3, 1997.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 155.1), requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 1997.

Committee Bill (Formerly House Study Bill 227), providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 7, 1997.

AMENDMENTS FILED

H—1559	S.F.	281	Committee on Judiciary
H—1560	S.F.	442	Committee on Judiciary
H—1561	S.F.	519	Richardson of Warren
H—1562	S.F.	523	Brunkhorst of Bremer Hahn of Muscatine
H—1563	S.F.	184	Committee on Local Government
H—1564	S.F.	473	Koenigs of Mitchell
H—1565	S.F.	132	Welter of Jones
H—1566	S.F.	499	Myers of Johnson
H—1567	S.F.	519	Wise of Lee
H—1568	S.F.	241	Committee on Judiciary
H—1569	S.F.	503	Committee on Judiciary
H—1570	S.F.	515	Committee on Judiciary
H—1571	H.F.	266	Shoultz of Black Hawk Koenigs of Mitchell
H—1572	H.F.	708	Moreland of Wapello
H—1573	H.F.	708	Mertz of Kossuth
H—1574	H.F.	708	Mertz of Kossuth
H—1575	S.F.	429	Blodgett of Cerro Gordo May of Worth Sukup of Franklin
H—1576	S.F.	473	Drees of Carroll
H—1577	S.F.	499	Fallon of Polk
H—1578	S.F.	519	Wise of Lee
H—1579	H.F.	708	Koenigs of Mitchell
H—1580	H.F.	708	Schrader of Marion
H—1581	H.F.	708	Weigel of Chickasaw Burnett of Story

H—1582

H.F. 708 Mertz of Kossuth

H—1583

H.F. 708 Eddie of Buena Vista
Meyer of Sac
Dolecheck of Ringgold
Greiner of Washington

On motion by Siegrist of Pottawattamie, the House adjourned at 2:40 p.m., until 8:45 a.m., Tuesday, April 8, 1997.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 8, 1997

The House met pursuant to adjournment at 8:53 a.m., Speaker Corbett in the chair.

Prayer was offered by Pastor Karl J. Giese, United Methodist Church, Sac City.

The Journal of Monday, April 7, 1997 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Meyer of Sac, from twenty-five constituents of Schaller favoring the "Enrich Iowa: Fund Libraries."

By Meyer of Sac, from ninety-one constituents of Ida Grove favoring the "Enrich Iowa: Fund Libraries."

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 7, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 20, a concurrent resolution proclaiming the creation of the Iowa Veterans Foundation.

Also: That the Senate has on April 7, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 92, a bill for an act relating to eligibility for receipt of moneys under the school improvement technology program.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 313, a bill for an act requiring criminal and child abuse record checks of persons receiving state funding for providing child day care, and making a penalty applicable.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 368, a bill for an act relating to the establishment of the entrepreneurial ventures assistance program and allocating funds from the Iowa strategic investment fund for the administration and operation of the program.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 372, a bill for an act establishing a county issuance of motor vehicle licenses study and providing effective dates.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 398, a bill for an act relating to subject matter under the regulatory authority of the labor commissioner, including the construction contractors law, and making nonsubstantive Code corrections relating to the child labor law.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 399, a bill for an act relating to inspections of unfired steam pressure vessels.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 401, a bill for an act relating to state government personnel procedures including job classifications, pay plans, employee recall from layoff, and abolishing the personnel commission.

Also: That the Senate has on April 7, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 405, a bill for an act relating to the sale, lease, or other disposition of property belonging to a school district or area education agency and providing an immediate effective date.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 589, a bill for an act relating to professional boxing and wrestling matches, providing for properly related matters, and providing for a tax and for penalties.

Also: That the Senate has on April 7, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 645, a bill for an act relating to the financial and regulatory procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers and including an effective date provision.

Also: That the Senate has on April 7, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 246, a bill for an act relating to snowmobiles and all-terrain vehicles by requiring title certificates, increasing snowmobile and all-terrain vehicle registration fees, and providing for point of sale registration.

MARY PAT GUNDERSON, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 8:56 a.m., until 10:30 a.m.

MORNING SESSION

The House reconvened at 10:41 a.m., Speaker Corbett in the chair.

SENATE MESSAGE CONSIDERED

Senate File 246, by committee on natural resources and environment, a bill for an act relating to snowmobiles and all-terrain vehicles including the definition of all-terrain vehicle and by requiring title certificates, increasing snowmobile and all-terrain vehicle registration fees, providing for point of sale registration, and providing an effective date.

Read first time and **passed on file**.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 126, a bill for an act allowing a supervised, controlled burn for which a permit has been issued during an open burning ban, with report of committee recommending passage, was taken up for consideration.

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. 126)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz

Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Jenkins

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 236, a bill for an act relating to the certificate of need program, with report of committee recommending amendment and passage, was taken up for consideration.

Blodgett of Cerro Gordo offered amendment H-1416 filed by the committee on human resources as follows:

H-1416

- 1 Amend Senate File 236, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 5 through 11.
- 4 2. Page 5, by inserting after line 22 the
- 5 following:
- 6 "NEW PARAGRAPH. q. The change in ownership,
- 7 licensure, organizational structure, or designation of
- 8 the type of institutional health facility if the
- 9 health services offered by the successor institutional
- 10 health facility are unchanged."
- 11 3. Page 5, by inserting before line 23 the
- 12 following:
- 13 "Sec. ____ Section 135.63, subsection 4,
- 14 unnumbered paragraph 1, Code 1997, is amended to read
- 15 as follows:
- 16 For the period beginning July 1, 1995, and ending
- 17 June 30, ~~1997~~ 1998, the department shall not process
- 18 applications for and the council shall not consider a
- 19 new or changed institutional health service for an
- 20 intermediate care facility for persons with mental
- 21 retardation except as provided in this subsection.
- 22 Sec. ____ Section 135.63, subsection 4, paragraph
- 23 a, unnumbered paragraph 1, Code 1997, is amended to
- 24 read as follows:
- 25 For the period beginning July 1, 1995, and ending
- 26 June 30, ~~1997~~ 1998, the department and council shall
- 27 process applications and consider applications if

28 either of the following conditions are met:"

29 4. Page 6, by striking lines 20 and 21.

30 5. Page 6, by inserting after line 27 the

31 following:

32 "The Iowa department of public health, the
33 department of human services, and the department of
34 inspections and appeals shall conduct a review of the
35 regulation of psychiatric medical institutions for
36 children and intermediate care facilities for persons
37 with mental retardation. The review shall include a
38 review of the moratorium language in section 135.63,
39 subsection 4, relating to intermediate care facilities
40 for persons with mental retardation. The departments
41 shall submit jointly to the general assembly by
42 January 15, 1998, a written report with
43 recommendations to eliminate duplicative regulation of
44 these institutional programs."

45 6. By renumbering, relettering, or redesignating

46 and correcting internal references as necessary.

Murphy of Dubuque offered the following amendment H-1462, to the committee amendment H-1416, filed by him and Blodgett of Cerro Gordo and moved its adoption:

H-1462

1 Amend the amendment, H-1416, to Senate File 236, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 30 through 44 and

5 inserting the following:

6 "___ Page 6, by striking lines 22 through 27 and

7 inserting the following:

8 "Sec. ___ REVIEW OF CERTIFICATE OF NEED PROGRAM.

9 1. a. The Iowa department of public health shall
10 complete a comprehensive review of the certificate of
11 need program and shall submit a written report of the
12 findings and recommendations as to the continued
13 relevance of the program to the general assembly by
14 January 15, 2000.

15 b. Four members of the general assembly shall be
16 appointed to assist the Iowa department of public
17 health in completing the review. The terms of the
18 legislative members shall be for one year beginning
19 and ending as provided in section 69.19 or until their
20 successors are appointed. Appointments shall comply
21 with sections 69.16 and 69.16A. Vacancies shall be
22 filled in the same manner as the original appointment.
23 Each legislative member shall receive compensation
24 pursuant to section 2.10. The legislative members
25 shall be appointed as follows:

26 (1) Two members of the senate appointed by the
27 majority leader of the senate after consultation with

28 the minority leader of the senate.

29 (2) Two members of the house of representatives
30 appointed by the speaker of the house after
31 consultation with the majority leader and the minority
32 leader of the house.

33 2. The Iowa department of public health, the
34 department of human services, and the department of
35 inspections and appeals shall conduct a review of the
36 regulation of psychiatric medical institutions for
37 children and intermediate care facilities for persons
38 with mental retardation. The review shall include a
39 review of the moratorium language in section 135.63,
40 subsection 4, relating to intermediate care facilities
41 for persons with mental retardation. The departments
42 shall submit jointly to the general assembly by
43 January 15, 1998, a written report with
44 recommendations to eliminate duplicative regulation of
45 these institutional programs.”

46 2. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

Amendment H-1462, to the committee amendment H-1416, was adopted.

Blodgett of Cerro Gordo moved the adoption of the committee amendment H-1416, as amended.

The committee amendment H-1416, as amended, 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. 236)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy

Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 9:

Bernau	Brand	Doderer	Huser
Jochum	Kinzer	Reynolds-Knight	Richardson
Whitead			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 300, a bill for an act relating to the prohibited sale of home testing kits for the human immunodeficiency virus, with report of committee recommending passage, was taken up for consideration.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Van Maanen of Marion in the chair at 11:10 a.m.

On the question "Shall the bill pass?" (S.F. 300)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons

Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Heaton

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 126, 236 and 300.**

Unfinished Business Calendar

House File 710, 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 governor's alliance on substance abuse, and the commission of veterans affairs, and providing an effective date, was taken up for consideration.

Ford of Polk asked and received unanimous consent that amendment H-1485 be deferred.

Mundie of Webster offered the following amendment H-1334 filed by Mundie, et al., and moved its adoption:

H-1334

- 1 Amend House File 710 as follows:
- 2 1. Page 2, line 8, by striking the figure
- 3 "3,616,528" and inserting the following: "3,657,598".

Roll call was requested by Murphy of Dubuque and Chiodo of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-1334 be adopted?" (H.F. 710)

The ayes were, 46:

Bell

Bernau

Brand

Bukta

Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegen
Ford	Frevort	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen,			
Presiding			

Absent or not voting, 1:

Churchill

Amendment H-1334 lost.

Weigel of Chickasaw asked and received unanimous consent that amendment H-1525 be deferred.

Kremer of Buchanan offered the following amendment H-1364 filed by him and Nelson of Marshall and moved its adoption:

H-1364

- 1 Amend House File 710 as follows:
- 2 1. Page 2, line 22, by inserting after the word
- 3 "handicapped." the following: "It is the intent of
- 4 the general assembly that the Iowa chapters of the
- 5 Alzheimer's association and the case management
- 6 program for frail elders shall collaborate and
- 7 cooperate fully to assist families in maintaining
- 8 family members with Alzheimer's disease in the
- 9 community for the longest period of time possible."

Amendment H-1364 was adopted.

Murphy of Dubuque asked and received unanimous consent that amendment H-1311 be deferred.

Van Fossen of Scott offered amendment H-1411 filed by Van Fossen, et al.

Murphy of Dubuque requested division as follows:

H-1411

1 Amend House File 710 as follows:

H-1411A

- 2 1. Page 3, line 23, by striking the figure
- 3 "1,817,092" and inserting the following: "1,878,409".
- 4 2. Page 3, line 26, by striking the figure
- 5 "676,868" and inserting the following: "738,185".
- 6 3. By striking page 3, line 35, through page 4,
- 7 line 3.

H-1411B

- 8 4. Page 25, line 15, by striking the figure
- 9 "353,355" and inserting the following: "292,038".

Van Fossen of Scott moved the adoption of amendment H-1411A.

Roll call was requested by Murphy of Dubuque and Schrader of Marion.

On the question "Shall amendment H-1411A be adopted?" (H.F. 710)

The ayes were, 63:

Arnold	Bell	Bernau	Brauns
Bukta	Burnett	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Doderer	Dotzler	Drake	Drees
Falck	Fallon	Foege	Ford
Frevert	Greiner	Grundberg	Hansen
Heaton	Holmes	Holveck	Huser
Jacobs	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Lamberti	Larkin
Martin	Mascher	May	Mertz
Millage	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Rants
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 35:

Barry	Boddicker	Bogges	Bradley
Brunkhorst	Carroll	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Eddie
Garman	Gipp	Greig	Gries
Hahn	Houser	Huseman	Jenkins
Kremer	Larson	Lord	Metcalf
Meyer	Nelson	Rayhons	Siegrist
Sukup	Thomson	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 2:

Blodgett	Brand
----------	-------

Amendment H-1411A was adopted, placing amendment H-1311, previously deferred, out of order.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1535 filed by him on April 2, 1997.

Siegrist of Pottawattamie asked and received unanimous consent to temporarily defer House File 710.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:16 p.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 720, by committee on ways and means, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **House File 710**, 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 governor's alliance on substance abuse, and the commission of veterans affairs, and providing an effective date, previously deferred.

Nelson of Marshall offered the following amendment H-1545 filed by her and moved its adoption:

H-1545

- 1 Amend House File 710 as follows:
- 2 1. Page 21, line 29, by inserting after the word
- 3 "review." the following:
- 4 "Each scope of practice review committee shall be
- 5 limited to five members as follows: one member
- 6 representing the profession seeking licensure, a new
- 7 board, or a change in scope of practice; one member of
- 8 the health profession directly impacted by, or opposed
- 9 to, the proposed change, one impartial health
- 10 professional who is not directly or indirectly
- 11 affected by the proposed change; and two impartial
- 12 members of the general public."

Amendment H-1545 was adopted.

Brand of Tama asked and received unanimous consent to withdraw amendment H-1522 filed by him and Murphy of Dubuque on April 1, 1997.

Van Fossen of Scott asked and received unanimous consent that amendment H-1411B be deferred.

Murphy of Dubuque offered the following amendment H-1475 filed by him and moved its adoption:

H-1475

- 1 Amend House File 710 as follows:
- 2 1. Page 26, by inserting after line 13 the
- 3 following:
- 4 "c. Of the funds appropriated in this subsection,
- 5 the amount allocated for an inflation increase in the
- 6 J.A. Jones contract shall be reduced by \$125,187, and
- 7 the amount allocated for in-house psychiatric services
- 8 shall be increased by that amount."

Roll call was requested by Murphy of Dubuque and Weigel of Chickasaw.

On the question "Shall amendment H-1475 be adopted?" (H.F. 710)

The ayes were, 47:

Arnold
Bukta
Chiodo
Dotzler

Bell
Burnett
Cohoon
Drees

Bernau
Cataldo
Connors
Falck

Brand
Chapman
Doderer
Fallon

Foege	Ford	Frevort	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 52:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 1:

Houser

Amendment H-1475 lost.

Myers of Johnson offered the following amendment H-1531 filed by Myers, et al., and moved its adoption:

H-1531

- 1 Amend House File 710 as follows:
- 2 1. Page 26, by inserting after line 19 the
- 3 following:
- 4 "Sec. 100. MEDICAL ASSISTANCE APPROPRIATION -
- 5 HEALTH PROGRAMS. Notwithstanding section 8.33, of the
- 6 funds remaining unobligated or unexpended from the
- 7 appropriation to the department of human services for
- 8 medical assistance in 1996 Iowa Acts, chapter 1213,
- 9 section 3, at the close of the fiscal year beginning
- 10 July 1, 1996, \$1,500,000 shall not revert to the
- 11 general fund of the state but shall remain available
- 12 to be used for the purposes designated in this section
- 13 in the succeeding fiscal year. The moneys retained
- 14 shall be transferred to the Iowa department of public
- 15 health and shall be used in addition to the
- 16 allocations in this Act in the amount of \$1,000,000
- 17 for the public health nursing program and \$500,000 for

- 18 the home care aid/chore program. Notwithstanding
 19 section 8.39, moneys transferred pursuant to this
 20 section are not subject to further transfer."
 21 2. Page 27, line 28, by striking the word "DATE"
 22 and inserting the following: "DATES."
 23 1"
 24 3. Page 27, by inserting after line 30 the
 25 following:
 26 "2. Section 100, relating to a medical assistance
 27 appropriation, being deemed of immediate importance,
 28 takes effect upon enactment."

Roll call was requested by Myers of Johnson and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-1531 be adopted?" (H.F. 710)

The ayes were, 47:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cphoon	Connors	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 51:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 2:

Dinkla Houser

Amendment H-1531 lost.

Brand of Tama offered the following amendment H-1547 filed by him and Nelson of Marshall and moved its adoption:

H-1547

- 1 Amend House File 710 as follows:
- 2 1. Page 26, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ COMMISSION ON COMMUNITY ACTION AGENCIES
- 5 - FEDERAL FUNDING. Of the funds appropriated to the
- 6 division of community action agencies of the
- 7 department of human rights for administration in 1997
- 8 Iowa Acts, Senate File 240, if enacted, \$3,366 is
- 9 allocated for the expenses of the commission on
- 10 community action agencies."
- 11 2. Page 27, by striking lines 19 through 22.
- 12 3. By renumbering as necessary.

Amendment H-1547 was adopted.

Ford of Polk offered the following amendment H-1485, previously deferred, filed by him and moved its adoption:

H-1485

- 1 Amend House File 710 as follows:
- 2 1. Page 1, line 21, by striking the figure
- 3 "1,110,372" and inserting the following: "1,115,372".

Roll call was requested by Schrader of Marion and Ford of Polk.

On the question "Shall amendment H-1485 be adopted?" (H.F. 710)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix

Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 1:

Bradley

Amendment H-1485 lost.

Weigel of Chickasaw offered the following amendment H-1525, previously deferred, filed by him and moved its adoption:

H-1525

- 1 Amend House File 710 as follows:
- 2 1. Page 2, by inserting after line 8 the
- 3 following:
- 4 "In addition to the funds appropriated in this
- 5 subsection, \$500,000 shall be transferred from funds
- 6 appropriated to the department of human services for
- 7 medical assistance for the fiscal year beginning July
- 8 1, 1997, and ending June 30, 1998. The \$500,000
- 9 transferred shall be allocated from a \$1,088,839
- 10 decrease in medical assistance expenditures resulting
- 11 from a reduced estimate of the number of bed days
- 12 utilized by nursing facility residents because of the
- 13 expansion of case management services, prior to the
- 14 reversion of the \$1,088,839 to the general fund of the
- 15 state."

Roll call was requested by Weigel of Chickasaw and Millage of Scott.

On the question "Shall amendment H-1525 be adopted?" (H.F. 710)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz

Moreland	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 4:

Brunkhorst	Greiner	Mundie	Rants
------------	---------	--------	-------

Amendment H-1525 lost.

Van Fossen of Scott offered amendment H-1411B, previously deferred, and printed on page 1040 of the House Journal.

Millage of Scott offered the following amendment H-1600, to amendment H-1411B, filed by him from the floor and moved its adoption:

H-1600

- 1 Amend the amendment, H-1411, to House File 710 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 and 9 and
- 4 inserting the following:
- 5 " Page 19, line 11, by striking the figure
- 6 "1,203,648" and inserting the following:
- 7 "1,142,331."

A non-record roll call was requested.

The ayes were 50, nays 47.

Amendment H-1600, to amendment H-1411B, was adopted.

Van Fossen of Scott moved the adoption of amendment H-1411B, as amended.

Roll call was requested by Wise of Lee and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H-1411B, as amended, be adopted?" (H.F. 710)

The ayes were, 51:

Arnold	Barry	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 49:

Bell	Bernau	Blodgett	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Connors	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, none.

Amendment H-1411B, as amended, was adopted.

Carroll of Poweshiek in the chair at 3:39 p.m.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 710)

The ayes were, 77:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brand	Brauns
Brunkhorst	Bukta	Chapman	Churchill
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Drake
Eddie	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kremer	Lamberti	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Whitead	Witt
Carroll, Presiding			

The nays were, 23:

Bell	Bernau	Burnett	Cataldo
Chiodo	Cohoon	Dotzler	Drees
Falck	Fallon	Foege	Ford
Huser	Kreiman	Larkin	Mascher
Moreland	Murphy	Myers	O'Brien
Taylor	Warnstadt	Wise	

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 710** be immediately messaged to the Senate.

Senate File 205, a bill for an act relating to continued eligibility under the new jobs and income program concerning the ownership of land by nonresident aliens and certain capital investment and job creation provisions, with report of committee recommending passage, was taken up for consideration.

Barry of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Bukta	Burnett
Cataldo	Chapman	Chiado	Cohoon
Connors	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Carroll, Presiding			

The nays were, 1:

Mertz

Absent or not voting, 6:

Brunkhorst	Churchill	Corbett, Spkr.	Jenkins
Kinzer	Van Fossen		

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 stood at ease at 3:57 p.m., until the fall of the gavel.

The House resumed session at 4:45 p.m., Speaker Corbett in the chair.

CONSIDERATION OF BILL
Unfinished Business Calendar

House File 708, a bill for an act relating to agriculture and natural

resources by providing for appropriations, related statutory changes, and providing an effective date, was taken up for consideration.

Schrader of Marion offered amendment H-1580 filed by him as follows:

H-1580

- 1 Amend House File 708 as follows:
- 2 1. Page 1, line 13, by striking the figure
- 3 "1,780,278" and inserting the following: "1,820,368".
- 4 2. Page 1, line 14, by striking the figure
- 5 "41.45" and inserting the following: "42.45".
- 6 3. Page 16, by striking lines 32 and 33.
- 7 4. By renumbering as necessary.

Schrader of Marion offered the following amendment H-1590, to amendment H-1580, filed by him from the floor and moved its adoption:

H-1590

- 1 Amend the amendment H-1580, to House File 708, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. Page 1, by inserting after line 6, the
- 5 following:
- 6 " Page 17, by inserting after line 3 the
- 7 following:
- 8 "Sec. 101. INFORMATION SPECIALIST - RETENTION OF
- 9 BUDGETED MONEYS. Not more than \$40,090 of the moneys
- 10 appropriated to the department of agriculture and land
- 11 stewardship by 1996 Iowa Acts, chapter 1214, sections
- 12 1 through 4, shall not revert pursuant to section
- 13 8.33, but shall remain available for use by the
- 14 department in supporting the position of an
- 15 information specialist II position in the information
- 16 bureau of the administrative division, for the fiscal
- 17 year beginning July 1, 1997, and ending June 30,
- 18 1998."
- 19 Page 19, line 25, by inserting after the
- 20 word "enactment." the following: "Section 101 of this
- 21 Act, being deemed of immediate importance, takes
- 22 effect upon enactment.""
- 23 3. By renumbering as necessary.

Amendment H-1590, to amendment H-1580, was adopted.

Schrader of Marion moved the adoption of amendment H-1580, as amended.

Amendment H-1580 lost.

Koenigs of Mitchell offered amendment H-1305 filed by him as follows:

H-1305

- 1 Amend House File 708 as follows:
- 2 1. Page 7, line 6, by inserting after the word
- 3 "operations." the following: "As a condition of this
- 4 allocation the department of natural resources shall,
- 5 by rule adopted pursuant to chapter 17A, establish a
- 6 program to inspect earthen structures used to store
- 7 manure which must be constructed pursuant to a permit
- 8 issued by the department, including anaerobic lagoons
- 9 and earthen manure storage basins, which are part of
- 10 animal feeding operations. The program shall require
- 11 an earthen structure to be inspected by the department
- 12 at least once each twelve months."

Greiner of Washington rose on a point of order that amendment H-1305 was not germane.

The Speaker ruled the point well taken and amendment H-1305 not germane.

Koenigs of Mitchell asked for unanimous consent to suspend the rules to consider amendment H-1305.

Objection was raised.

Koenigs of Mitchell moved to suspend the rules to consider amendment H-1305.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-1305?" (H.F. 708)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Garman	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, none.

The motion to suspend the rules lost.

Moreland of Wapello offered amendment H-1423 filed by him as follows:

H-1423

1 Amend House File 708 as follows:
 2 1. Page 7, line 6, by inserting after the word
 3 "operations." the following: "As a condition of this
 4 allocation, the department of natural resources shall
 5 maintain an active program to monitor anaerobic
 6 lagoons and earthen manure storage basins which are
 7 part of animal feeding operations, and especially
 8 structures which have been constructed before July 1,
 9 1985, or which are located within environmentally
 10 sensitive areas, including but not limited to
 11 agricultural drainage well basins or drainage
 12 districts where agricultural drainage wells are
 13 located. The department may install and operate a
 14 hydrological monitoring system if after an on-site
 15 inspection, the department determines that the site
 16 presents an extraordinary potential for surface water
 17 or subsurface water pollution. The department shall
 18 file a report with the general assembly on or before
 19 January 15 describing the department's monitoring
 20 activities, including resulting disciplinary or legal
 21 action initiated by the department or the attorney
 22 general against animal feeding operations in violation
 23 of chapter 455B."

Greiner of Washington rose on a point of order that amendment H-1423 was not germane.

The Speaker ruled the point not well taken and amendment H-1423 germane.

Moreland of Wapello moved the adoption of amendment H-1423.

A non-record roll call was requested.

The ayes were 39, nays 52.

Amendment H-1423 lost.

Moreland of Wapello offered the following amendment H-1424 filed by him and moved its adoption:

H-1424

1 Amend House File 708 as follows:
2 1. Page 7, line 6, by inserting after the word
3 "operations." the following: "As a condition of this
4 allocation, the department shall adopt rules as
5 necessary to provide that manure from the site of an
6 animal feeding operation does not enter into a
7 drainage system. The rules shall prohibit a person
8 from constructing or expanding an earthen manure
9 storage basin used in conjunction with a confinement
10 feeding operation in which swine are confined, if the
11 earthen manure storage basin as constructed or
12 expanded would have a capacity to store more than two
13 million gallons of waste discharge. The rules shall
14 provide for inspecting the site of an anaerobic lagoon
15 or earthen manure storage basin, examining records of
16 known drainage tiles serving the site, and removing,
17 rerouting, capping, or plugging tile lines near the
18 site. The rules shall apply regardless of the date
19 that the anaerobic lagoon or earthen manure storage
20 basin was constructed."

Amendment H-1424 lost.

Weigel of Chickasaw offered amendment H-1581 filed by him and Burnett of Story as follows:

H-1581

1 Amend House File 708 as follows:
2 1. Page 7, line 6, by inserting after the word
3 "operations." the following: "As a condition of this
4 allocation the department of natural resources shall,
5 by rule adopted pursuant to chapter 17A, amend 567 IAC
6 65.1 to provide when two or more animal feeding
7 operations are considered as a single operation
8 consistent with chapter 455B. The rules shall be
9 amended to provide that two or more animal feeding
10 operations under common ownership or management shall

- 11 be deemed to be a single animal feeding operation if
- 12 the operations are separated at their closest points
- 13 by two thousand five hundred feet or less."

Greiner of Washington rose on a point of order that amendment H-1581 was not germane.

The Speaker ruled the point well taken and amendment H-1581 not germane.

Weigel of Chickasaw asked for unanimous consent to suspend the rules to consider amendment H-1581.

Objection was raised.

Weigel of Chickasaw moved to suspend the rules to consider amendment H-1581.

Roll call was requested by Weigel of Chickasaw and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-1581?" (H.F. 708)

The ayes were, 43:

Bernau	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 55:

Arnold	Barry	Blodgett	Boddicker
Boggess	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 2:

Bell

Bradley

The motion to suspend the rules lost.

Meyer of Sac offered amendment H-1291 filed by him as follows:

H-1291

- 1 Amend House File 708 as follows:
- 2 1. Page 9, by inserting after line 9, the
- 3 following:
- 4 "Sec. ____ MARINE FUEL TAX RECEIPTS - CAPITAL
- 5 PROJECTS - PIER RESTORATION. From any moneys
- 6 appropriated from the marine fuel tax receipts
- 7 deposited in the general fund of the state to the
- 8 department of natural resources for the fiscal year
- 9 beginning July 1, 1997, and ending June 30, 1998, for
- 10 purposes of funding capital projects traditionally
- 11 funded from marine fuel tax receipts for the purposes
- 12 specified in section 452A.79, the department of
- 13 natural resources shall allocate the following amount
- 14 for the purpose designated:
- 15 To the city of Lake View to support local efforts
- 16 to restore stone piers at black hawk lake:
- 17 \$ 100,000
- 18 Moneys allocated under this section shall be
- 19 available upon a match by local sponsors of the
- 20 project of one dollar for each one dollar of state
- 21 moneys."
- 22 2. By renumbering as necessary.

Weigel of Chickasaw rose on a point of order that amendment H-1291 was not germane.

The Speaker ruled the point not well taken and amendment H-1291 germane.

Meyer of Sac moved the adoption of amendment H-1291.

Amendment H-1291 lost.

Mertz of Kossuth offered the following amendment H-1574 filed by her and moved its adoption:

H-1574

- 1 Amend House File 708 as follows:
- 2 1. Page 9, by inserting after line 9, the
- 3 following:
- 4 "Sec. ____ MARINE FUEL TAX RECEIPTS - CAPITAL
- 5 PROJECTS - LAKE DREDGING. From any moneys

6 appropriated from the marine fuel tax receipts
 7 deposited in the general fund of the state to the
 8 department of natural resources for the fiscal year
 9 beginning July 1, 1997, and ending June 30, 1998, for
 10 purposes of funding capital projects traditionally
 11 funded from marine fuel tax receipts for the purposes
 12 specified in section 452A.79, the department of
 13 natural resources shall allocate the following amount
 14 for the purpose designated:
 15 To local sponsors of a dredging operation at
 16 crystal lake in Hancock county for purposes of
 17 performing the dredging operations:
 18 \$ 200,000
 19 Moneys allocated under this section shall be
 20 available upon a match by local sponsors of one dollar
 21 for each one dollar of state moneys."
 22 2. By renumbering as necessary.

Amendment H-1574 lost.

Bell of Jasper offered the following amendment H-1430 filed by him and moved its adoption:

H-1430

1 Amend House File 708 as follows:
 2 1. Page 10, by inserting after line 16 the
 3 following:
 4 "Sec. ____ EXCESS LOTTERY REVENUES — FISCAL YEAR
 5 1994-1995. Of the lottery revenues received during
 6 the fiscal year beginning July 1, 1994, which remain
 7 in the lottery fund, not more than the following
 8 amount shall be transferred to the Iowa resources
 9 enhancement and protection fund for the fiscal year
 10 beginning July 1, 1997, and ending June 30, 1998, to
 11 be allocated as provided in section 455A.19:
 12 \$ 1,800,000"

Bogges of Taylor in the chair at 6:30 p.m.

Roll call was requested by Siegrist of Pottawattamie and Schrader of Marion.

On the question "Shall amendment H-1430 be adopted?" (H.F. 708)

The ayes were, 47:

- | | | | |
|---------|---------|---------|---------|
| Arnold | Bell | Bernau | Brand |
| Bukta | Burnett | Cataldo | Chapman |
| Chiodo | Cohoon | Connors | Doderer |
| Dotzler | Drees | Falck | Fallon |
| Foege | Ford | Frevert | Holveck |
| Huser | Jochum | Kinzer | Koenigs |
| Kreiman | Larkin | Mascher | May |

Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 52:

Barry	Blodgett	Boddicker	Bradley
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Boggess, Presiding

Absent or not voting, 1:

Metcalf

Amendment H-1430 lost.

Eddie of Buena Vista offered amendment H-1583 filed by Eddie, et al., as follows:

H-1583

- 1 Amend House File 708 as follows:
- 2 1. Page 10, by striking lines 24 through 28, and
- 3 inserting the following: "fiscal period beginning
- 4 July 1, 1997, and ending January 1, 1999, as follows:
- 5 1. a. To Iowa state university for purposes of
- 6 conducting a study of sites where there is located
- 7 earthen waste storage structures."
- 8 2. Page 10, line 35, by striking the words
- 9 "manure stored in".
- 10 3. Page 11, line 3, by striking the words
- 11 "lagoons and" and inserting the following:
- 12 "lagoons,".
- 13 4. Page 11, line 4, by inserting after the word
- 14 "basins" the following: ", earthen waste slurry
- 15 storage basins, and other earthen waste storage
- 16 structures, including municipal and industrial waste
- 17 storage structures,".
- 18 5. Page 11, line 7, by inserting after the word
- 19 "department." the following: "For purposes of
- 20 establishing a baseline for the study, test sites

- 21 shall include locations where the structures are not
22 located.”
- 23 6. Page 11, lines 10 and 11, by striking the
24 words “of anaerobic lagoons and earthen manure storage
25 basins”.
- 26 7. Page 11, line 15, by striking the words “an
27 animal feeding operation” and inserting the following:
28 “a site”.
- 29 8. Page 11, line 16, by striking the word
30 “operation” and inserting the following: “structure”.
- 31 9. Page 11, by striking lines 22 through 25 and
32 inserting the following: “holds a controlling
33 interest, if the person is classified as a habitual
34 violator for a violation of state law involving an
35 animal feeding operation as regulated by the
36 department of natural resources.”

Speaker Corbett in the chair at 6:58 p.m.

Meyer of Sac offered the following amendment H-1609, to amend-
ment H-1583, filed by him from the floor and moved its adoption:

H-1609

- 1 Amend the amendment, H-1583, to House File 708 as
2 follows:
- 3 1. Page 1, by inserting after line 17 the
4 following:
- 5 “_. Page 11, lines 4 and 5, by striking the
6 words “install hydrological monitoring wells” and
7 inserting the following: “perform tests”.
- 8 2. Page 1, line 22, by inserting after the word
9 “located.” the following: “To every extent feasible,
10 the tests shall be conducted to ensure the most
11 efficient use of moneys appropriated under this
12 section to obtain accurate samples, which may include
13 the use of hydraulically powered, percussion and
14 probing equipment designed specifically for use in the
15 environmental industry to drive borings in order to
16 obtain groundwater samples.”

Amendment H-1609, to amendment H-1583, was adopted.

Division of amendment H-1583 was requested as follows:

Lines 2 through 12, and lines 18 through 36, Division A.
Lines 13 through 17, Division B.

Eddie of Buena Vista moved the adoption of amendment H-1583A.

Amendment H-1583A was adopted.

Greig of Emmet offered amendment H-1517 filed by him and re-
quested division as follows:

H-1517

1 Amend House File 708 as follows:

H-1517A

- 2 1. Page 11, line 2, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 11, line 4, by striking the word "shall"
- 5 and inserting the following: "may".

H-1517B

- 6 3. Page 11, line 5, by inserting after the word
- 7 "sites" the following: "with the owner's consent
- 8 and".

H-1517A

- 9 4. Page 11, line 7, by striking the word "shall"
- 10 and inserting the following: "may".

Greig of Emmet asked and received unanimous consent to withdraw amendment H-1517A.

Greig of Emmet moved the adoption of amendment H-1517B.

A non-record roll call was requested.

The ayes were 42, nays 33.

Amendment H-1517B was adopted.

Eddie of Buena Vista asked and received unanimous consent to withdraw amendment H-1583B filed by Eddie, et al., on April 7, 1997.

Koenigs of Mitchell offered the following amendment H-1408 filed by him and moved its adoption:

H-1408

- 1 Amend House File 708 as follows:
- 2 1. By striking page 10, line 18, through page 11,
- 3 line 28.
- 4 2. Page 13, by inserting after line 13 the
- 5 following:
- 6 "____. To the department of natural resources for
- 7 testing of animal feeding operations and their
- 8 structures, in accordance with this subsection:
- 9 \$ 200,000
- 10 The department of natural resources shall utilize
- 11 the moneys appropriated in this subsection to perform
- 12 testing of animal feeding operations and their

13 structures, including confinement feeding operations
14 and confinement feeding operation structures all as
15 defined in section 455B.161, and manure management and
16 disposal systems used by such operations. The
17 operations and their structures or systems must have
18 been constructed or installed on or before July 1,
19 1992. The testing shall be for the purpose of
20 determining the extent to which animal feeding
21 operations and their structures and manure management
22 and disposal systems contribute to point and nonpoint
23 contamination of the state's groundwater and surface
24 water. The testing shall be based on factors
25 established cooperatively by the department and Iowa
26 state university. The factors shall be evaluated in
27 accordance with standards, criteria, and protocols
28 established cooperatively by the department and Iowa
29 state university. A person owning or operating an
30 animal feeding operation may cooperate with the
31 department in carrying out this subsection. The
32 identity of the animal feeding operations shall be
33 confidential and information regarding the identity of
34 the animal feeding operation shall not be subject to
35 disclosure under chapter 22. The findings of the
36 testing shall not be used in a case or proceeding
37 brought against a person based upon a violation of
38 state law. The department shall report its findings
39 and recommendations to the general assembly not later
40 than January 15, 1999. Notwithstanding section 8.33,
41 moneys appropriated pursuant to this subsection shall
42 not revert until January 15, 1999.”
43 3. By renumbering as necessary.

Amendment H-1408 lost.

Koenigs of Mitchell offered the following amendment H-1579 filed
by him and moved its adoption:

H-1579

1 Amend House File 708 as follows:
2 1. Page 11, by inserting after line 28 the
3 following:
4 “Sec. ____ AGRICULTURAL DRAINAGE WELLS. There is
5 appropriated from the general fund of the state to the
6 division of soil conservation of the department of
7 agriculture and land stewardship for the fiscal year
8 beginning July 1, 1997, and ending June 30, 1998, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:
11 For purposes of supporting the alternative drainage
12 system assistance fund created in section 159.29A for
13 purposes of supporting the alternative drainage system
14 assistance program administered by the soil

15 conservation division as provided in section 159.29B,
 16 if enacted by 1997 Iowa Acts, Senate File 473:
 17 \$ 1,000,000"

Carroll of Poweshiek in the chair at 7:43 p.m.

Roll call was requested by Koenigs of Mitchell and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H-1579 be adopted?" (H.F. 708)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chioldo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Carroll, Presiding			

Absent or not voting, 1:

Houser

Amendment H-1579 lost.

Moreland of Wapello offered the following amendment H-1572 filed by him and moved its adoption:

H-1572

- 1 Amend House File 708 as follows:
- 2 1. Page 12, line 4, by striking the figure
- 3 "400,000" and inserting the following: "100,000".
- 4 2. Page 12, by inserting after line 4 the
- 5 following:
- 6 "____. To the department of natural resources for
- 7 the fiscal year beginning July 1, 1997, and ending
- 8 June 30, 1998, to be used for purposes of supporting
- 9 the rural development through forestry program in
- 10 cooperation with the state's rural conservation and
- 11 development areas of the United States department of
- 12 agriculture natural resources conservation service:
- 13 \$ 300,000"
- 14 3. By renumbering as necessary.

Speaker Corbett in the chair at 8:00 p.m.

Roll call was requested by Greiner of Washington and Moreland of Wapello.

On the question "Shall amendment H-1572 be adopted?" (H.F. 708)

The ayes were, 36:

Bukta	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	Moreland	Murphy	Myers
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 63:

Arnold	Barry	Bell	Bernau
Boddicker	Boguess	Bradley	Brand
Brauns	Brunkhorst	Burnett	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson	O'Brien
Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 1:

Blodgett

Amendment H-1572 lost.

Garman of Story offered the following amendment H-1543 filed by her and moved its adoption:

H-1543

1 Amend House File 708 as follows:

2 1. Page 12, by inserting after line 4 the
3 following:

4 "___ To the department of natural resources for
5 testing exclusively earthen manure storage structures,
6 in accordance with this subsection:

7 \$ 100,000

8 a. The department shall utilize the moneys
9 appropriated in this subsection to perform testing of
10 exclusively earthen manure storage structures,
11 including anaerobic lagoons and earthen manure storage
12 basins, which are part of confinement feeding
13 operations.

14 b. The testing shall include installation and
15 operation of hydrological monitoring wells. The
16 testing process shall be considered as part of an
17 inspection. The department shall comply with section
18 455B.103 when entering upon land to perform testing
19 under this section, unless the owner of the
20 confinement feeding operation agrees to the
21 inspection. The owner of a confinement feeding
22 operation who obstructs or interferes with testing
23 shall be subject to a civil penalty of not more than
24 five thousand dollars.

25 c. The department shall report its findings and
26 recommendations to the general assembly. A
27 preliminary report shall be submitted on or before
28 January 1, 1998, and a final report shall be delivered
29 on or before January 1, 1999.

30 d. Notwithstanding section 8.33, moneys
31 appropriated pursuant to this subsection shall not
32 revert until January 15, 1999.

33 e. Chapter 22 shall apply to all information
34 received by the department other than information
35 which identifies a person or operation subject to the
36 testing, unless an administrative or legal action is
37 brought to enforce a violation of chapter 455B as
38 provided in that chapter."

39 2. By renumbering as necessary.

Boggess of Taylor in the chair at 8:24 p.m.

Amendment H-1543 lost.

Teig of Hamilton offered the following amendment H-1558 filed by him and moved its adoption:

H-1558

- 1 Amend House File 708 as follows:
- 2 1. Page 12, line 32, by striking the word "and"
- 3 and inserting the following: "or an environmental
- 4 laboratory for drinking water analysis certified by
- 5 the department of natural resources. The samples
- 6 shall be".

Speaker pro tempore Van Maanen of Marion in the chair at 8:30 p.m.

Amendment H-1558 was adopted.

Drees of Carroll asked and received unanimous consent to withdraw amendment H-1439 filed by him on March 26, 1997.

Cormack of Webster offered amendment H-1461 filed by him as follows:

H-1461

- 1 Amend House File 708 as follows:
- 2 1. Page 14, by inserting after line 6 the
- 3 following:
- 4 "Sec. ____ REPAYMENT RECEIPTS - SALE OF TIMBER ON
- 5 STATE LAND. For the fiscal year beginning July 1,
- 6 1997, and ending June 30, 1998, moneys received by the
- 7 department of natural resources from the sale or
- 8 harvesting of timber on state land shall be considered
- 9 to be repayment receipts as provided in chapter 8.
- 10 The moneys shall be used by the department for
- 11 purposes of supporting an urban forestry program
- 12 administered by the department."
- 13 2. By renumbering as necessary.

Cormack of Webster offered the following amendment H-1610, to amendment H-1461, filed by him from the floor and moved its adoption:

H-1610

- 1 Amend the amendment, H-1461, to House File 708, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting before the word
- 4 "STATE" the following: "CERTAIN".
- 5 2. Page 1, line 8, by striking the words "on
- 6 state land" and inserting the following: "in state
- 7 parks, state preserves, state recreation areas, and
- 8 state forest lands".

Amendment H-1610 was adopted.

Shoultz of Black Hawk rose on a point of order that amendment H-1461, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1461 not germane.

Cormack of Webster asked for unanimous consent to suspend the rules to consider amendment H-1461.

Objection was raised.

Cormack of Webster moved to suspend the rules to consider amendment H-1461.

A non-record roll call was requested.

The ayes were 44, nays 47.

The motion to suspend the rules lost.

Barry of Harrison offered the following amendment H-1530 filed by Barry, et al., and moved its adoption:

H-1530

- 1 Amend House File 708 as follows:
- 2 1. By striking page 15, line 35, through page 16,
- 3 line 4, and inserting the following: "section 161D.2.
- 4 However, the general assembly supports continued state
- 5 funding of the loess hills development and
- 6 conservation authority as provided in section 161D.1."

Amendment H-1530 was adopted.

Heaton of Henry offered the following amendment H-1540 filed by him and moved its adoption:

H-1540

- 1 Amend House File 708 as follows:
- 2 1. Page 16, line 5, by striking the words
- 3 "AUTHORIZATION TO THE CITY OF MOUNT PLEASANT" and
- 4 inserting the following: "DIRECTION TO THE DEPARTMENT
- 5 OF NATURAL RESOURCES".
- 6 2. Page 16, line 6, by striking the words
- 7 "Notwithstanding any provision granting".
- 8 3. Page 16, by striking lines 7 through 13 and
- 9 inserting the following: "The department of natural
- 10 resources shall remove a pylon obstruction which is
- 11 located in the Skunk river near the city of Mount
- 12 Pleasant pursuant to section 461A.5. The department

13 may use up to \$100,000 from any moneys appropriated
14 from the marine fuel tax receipts deposited in the
15 general fund of the state which is appropriated to the
16 department of natural resources for the fiscal year
17 beginning July 1, 1997, and ending June 30, 1998, for
18 purposes of funding capital projects traditionally
19 funded from marine fuel tax receipts. The department
20 shall complete the removal of the pylon obstruction
21 not later than January 1, 1998."

Amendment H-1540 was adopted.

Speaker Corbett in the chair at 8:48 p.m.

Mertz of Kossuth asked and received unanimous consent to withdraw amendment H-1573 filed by her on April 7, 1997.

Mertz of Kossuth offered the following amendment H-1582 filed by her and moved its adoption:

H-1582

- 1 Amend House File 708 as follows:
- 2 1. By striking page 16, line 34, through page 17,
- 3 line 1.
- 4 2. Page 17, by inserting after line 3 the
- 5 following:
- 6 "Sec. 100. INTERIM ASSISTANT SECRETARY OF
- 7 AGRICULTURE - RETENTION OF BUDGETED MONEYS. Not more
- 8 than \$86,013 of the moneys appropriated to the
- 9 department of agriculture and land stewardship by 1996
- 10 Iowa Acts, chapter 1214, sections 1 through 4, shall
- 11 not revert pursuant to section 8.33, but shall remain
- 12 available for use by the department in supporting the
- 13 position of interim assistant secretary of
- 14 agriculture, as created in 1996 Iowa Acts, chapter
- 15 1214, section 27, for the fiscal year beginning July
- 16 1, 1997, and ending June 30, 1998. This position
- 17 shall be in addition to the full-time equivalent
- 18 positions provided to the department's administrative
- 19 division as provided in section 1."
- 20 3. Page 19, by striking lines 13 through 16.
- 21 4. Page 19, by striking lines 21 and 22.
- 22 5. Page 19, line 24, by striking the word and
- 23 figure "Section 24" and inserting the following:
- 24 "Sections 24 and 100".
- 25 6. Page 19, line 25, by striking the word "takes"
- 26 and inserting the following: "take".
- 27 7. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H-1582 lost.

Koenigs of Mitchell offered amendment H-1407 filed by him as follows:

H-1407

- 1 Amend House File 708 as follows:
- 2 1. Page 17, by inserting after line 18 the
- 3 following:
- 4 "Sec. ____ APPROPRIATIONS CONDITIONAL UPON COUNTY
- 5 REVIEW OF ANIMAL FEEDING OPERATION STRUCTURES.
- 6 1. As a condition of the appropriation made to the
- 7 department of natural resources pursuant to section 11
- 8 of this Act, the department shall not issue a permit
- 9 for the construction of an animal feeding operation
- 10 which is part of a confinement feeding operation,
- 11 unless the application for a permit is recommended for
- 12 approval as provided in this section.
- 13 2. The application must be approved by the county
- 14 engineer or a professional engineer designated by the
- 15 county, in the county in which the animal feeding
- 16 operation is to be located.
- 17 3. The department shall provide procedures for
- 18 counties to recommend approval of an application to
- 19 the department. The department shall provide that a
- 20 county may waive any right to receive an application
- 21 for further comment prior to approval by the
- 22 department.
- 23 4. An application must include preliminary
- 24 drawings and specifications as required by the county
- 25 engineer or professional engineer.
- 26 5. An application must be certified by the
- 27 engineer. The engineer shall conduct a technical
- 28 review of an application to ensure that the
- 29 construction does not violate state law, including
- 30 rules adopted by the department, and addresses
- 31 criteria required by the engineer, including the
- 32 environmental sensitivity of the site, the area's soil
- 33 condition, the proximity of the structure to surface
- 34 water, the level of the area's water table, the
- 35 potential for flooding, and drainage.
- 36 6. If the department approves an application, the
- 37 permit must be conditioned upon inspection of the
- 38 construction by the engineer during each phase of
- 39 construction. Any changes in the construction must be
- 40 approved by the engineer, and noted on final as-built
- 41 drawings and specifications which must be filed with
- 42 the county. A copy of the approved final as-built
- 43 drawings and specifications shall be forwarded to the
- 44 department for filing. The department shall annually
- 45 reimburse each county for an amount expended by the
- 46 county in recommending the approval of a construction

47 permit prior to departmental approval.
 48 7. An applicant shall reimburse the county for the
 49 amount expended by the county in inspecting each phase
 50 of construction, and approving final as-built drawings

Page 2

1 and specifications for the construction.”
 2 2. By renumbering as necessary.

Greiner of Washington rose on a point of order that amendment H-1407 was not germane.

The Speaker ruled the point well taken and amendment H-1407 not germane.

Koenigs of Mitchell asked for unanimous consent to suspend the rules to consider amendment H-1407.

Objection was raised.

Koenigs of Mitchell moved to suspend the rules to consider amendment H-1407.

Roll call was requested by Koenigs of Mitchell and Greiner of Washington.

On the question “Shall the rules be suspended to consider amendment H-1407?” (H.F. 708)

The ayes were, 40:

Bernau	Brand	Bukta	Burnett
Cataldo	Chapman	Cohoon	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Frevert	Garman	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Witt

The nays were, 57:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Carroll	Churchill	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer

Lamberti	Larson	Lord	Martin
Mertz	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Mr. Speaker Corbett			

Absent or not voting, 3:

Chiodo	Connors	Ford
--------	---------	------

The motion to suspend the rules lost.

Koenigs of Mitchell offered amendment H-1409 filed by him as follows:

H-1409

- 1 Amend House File 708 as follows:
- 2 1. Page 17, by inserting after line 18 the
- 3 following:
- 4 "Sec. ____ APPROPRIATIONS CONDITIONAL UPON
- 5 ADOPTION OF A SPECIAL BUILDING CODE – CONFINEMENT
- 6 FEEDING OPERATIONS. As a condition of the
- 7 appropriation made to the department of natural
- 8 resources pursuant to section 11 of this Act, the
- 9 department shall by rule adopted pursuant to chapter
- 10 17A establish a building code which applies to animal
- 11 feeding operation structures which are part of a
- 12 confinement feeding operation, if the confinement
- 13 feeding operation confines swine and has an animal
- 14 weight capacity of more than two hundred thousand
- 15 pounds, as provided in chapter 455B. The department's
- 16 building code shall be based on provisions submitted
- 17 to the department by the animal agriculture consulting
- 18 organization as created pursuant to 1995 Iowa Acts,
- 19 chapter 195, section 37. The building code shall be
- 20 adopted in consultation with the state building code
- 21 commissioner as provided in chapter 103A, and may be
- 22 administered and enforced by a county independently of
- 23 authority to administer and enforce a county building
- 24 code as provided in section 331.304."
- 25 2. By renumbering as necessary.

Greiner of Washington rose on a point of order that amendment H-1409 was not germane.

The Speaker ruled the point well taken and amendment H-1409 not germane.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1410 filed by him on March 26, 1997.

Frevert of Palo Alto offered amendment H-1420 filed by Frevert, et al., as follows:

H-1420

1 Amend House File 708 as follows:
 2 1. Page 18, by inserting after line 23 the
 3 following:
 4 "Sec. ____ Section 335.2, Code 1997, is amended to
 5 read as follows:
 6 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.
 7 1. As used in this section, "confinement swine
 8 feeding operation" means a confinement feeding
 9 operation as defined in section 455B.161 in which
 10 swine are confined and fed.
 11 2. Except to the extent required to implement
 12 section 335.27, no ordinance adopted under this chapter shall not
 13 apply to an agricultural operation, including land,
 14 farm houses, farm barns, farm outbuildings, or other
 15 buildings or structures, which are primarily adapted,
 16 by reason of nature and area, for use for an
 17 agricultural purposes purpose, while so used.
 18 However, the ordinances an ordinance adopted under
 19 this chapter may apply to any of the following:
 20 a. The implementation of an agricultural land
 21 preservation ordinance, as provided in section 335.27.
 22 b. A structure, building, dam, obstruction,
 23 deposit, or excavation in or on the flood plains of
 24 any a river or stream.
 25 c. A confinement swine feeding operation.
 26 However, an ordinance adopted under this chapter shall
 27 not apply to a confinement swine feeding operation, if
 28 any of the following are applicable:
 29 (1) There are less than three thousand five
 30 hundred head of swine subject to care and feeding by
 31 the confinement swine feeding operation.
 32 (2) The owner of the parcel of agricultural land
 33 where the confinement swine feeding operation is
 34 located is qualified to file for a homestead tax
 35 credit as provided pursuant to section 425.2 on that
 36 parcel."
 37

Greiner of Washington rose on a point of order that amendment H-1420 was not germane.

The Speaker ruled the point well taken and amendment H-1420 not germane.

Frevert of Palo Alto offered amendment H-1425 filed by her and Fallon of Polk as follows:

H-1425

1 Amend House File 708 as follows:

2 1. Page 18, by inserting after line 23 the
3 following:

4 "Sec. . NEW SECTION. 331.309 CONFINEMENT
5 FEEDING OPERATIONS – SITING ORDINANCE.

6 1. As used in this section:

7 a. "Animal feeding operation structure" means the
8 same as defined in section 455B.161.

9 b. "Animal weight capacity" means the same as
10 defined in section 455B.161.

11 c. "Confinement feeding operation" means the same
12 as defined in section 455B.161.

13 2. a. Notwithstanding section 335.2, a county may
14 adopt a confinement feeding operations siting
15 ordinance, pursuant to section 331.302. The purpose
16 of the ordinance shall be to allow approval of the
17 siting of a confinement feeding operation regardless
18 of whether the county has adopted an ordinance under
19 chapter 335. The ordinance shall authorize a county
20 to approve the site of the construction or expansion
21 of a confinement feeding operation, including
22 confinement feeding operation buildings and related
23 animal feeding operation structures in order to
24 preserve and protect natural resources, including
25 water sources and fragile environmental locations;
26 lessen congestion and overcrowding of confinement
27 feeding operations, especially near cities; and to
28 protect the health and welfare of the public.

29 b. The ordinance shall provide for methods and
30 procedures required for submission of proposals,
31 review of proposals, and approval of a site. In
32 administering the ordinance, the county shall
33 establish a confinement feeding operations siting
34 commission which shall review each proposal for the
35 construction or expansion of a confinement feeding
36 operation, and recommend to the county board of
37 supervisors that the board approve or disapprove the
38 proposal. The board shall appoint five members of the
39 commission. Four members shall not reside in a city,
40 and one member shall reside in a city. At least three
41 of the members shall be persons who are or were
42 actively engaged in animal agriculture. The
43 commission shall make its recommendation to the board
44 within forty-five days after the date that the board
45 received a complete proposal. The board shall approve
46 or disapprove a proposal within forty-five days after
47 the date that the board receives the commission's
48 recommendation.

49 c. A confinement feeding operations siting
50 ordinance shall not apply to a proposed confinement

Page 2

1 feeding operation or to the proposed expansion of a
2 confinement feeding operation, if either of the
3 following apply:

4 (1) Only bovine or avian animals are to be
5 confined in the confinement feeding operation.

6 (2) The confinement feeding operation is to have
7 an animal weight capacity of less than three hundred
8 thousand pounds."

9 2. Page 19, by inserting after line 11 the
10 following:

11 "Sec. ____ Section 455B.173, subsection 13, Code
12 1997, is amended to read as follows:

13 13. a. Adopt, modify, or repeal rules relating to
14 the construction, including the expansion of animal
15 feeding operations, or the operation of animal feeding
16 operations. The rules shall include, but are not
17 limited to, minimum manure control requirements,
18 requirements for obtaining permits, and departmental
19 evaluations of animal feeding operations. ~~The~~
20 ~~department shall not require that a person obtain a~~
21 ~~permit for the construction of an animal feeding~~
22 ~~operation structure, if~~ A person must obtain a
23 construction permit to construct an animal feeding
24 operation structure which is part of or connected to a
25 confinement feeding operation, unless the structure is
26 part of a small an animal feeding operation which has
27 an animal weight capacity of less than three hundred
28 thousand pounds. However, unless otherwise required
29 by departmental rule, this paragraph does not require
30 a person to obtain a construction permit to construct
31 an animal feeding operation structure which is part of
32 or connected to and used exclusively by a confinement
33 feeding operation in which only bovine or avian
34 animals are confined.

35 b. The department shall collect an indemnity fee
36 as provided in section 204.3 prior to the issuance of
37 a construction permit. The department shall deposit
38 indemnity fees in the manure storage indemnity fund
39 created in section 204.2.

40 c. The department shall not approve a permit for
41 the construction of three or more animal feeding
42 operation structures unless the applicant files a
43 statement approved by a professional engineer
44 registered pursuant to chapter 542B certifying that
45 the construction of the animal feeding operation
46 structure will not impede the drainage through
47 established drainage tile lines which cross property
48 boundary lines unless measures are taken to
49 reestablish the drainage prior to completion of
50 construction. ~~The department shall deposit moneys~~

Page 3

1 ~~collected in indemnity fees in the manure storage~~
2 ~~indemnity fund created in section 204.2.~~
3 d. The department shall issue a permit for an
4 animal feeding operation, if an application is
5 submitted according to procedures required by the
6 department, and the application meets standards
7 established by the department, regardless of whether
8 the animal feeding operation is required to obtain
9 such a permit. An applicant for a construction permit
10 shall not begin construction at the location of a site
11 planned for the construction of an animal feeding
12 operation structure, until the person has been granted
13 a permit for the construction of the structure by the
14 department. The department shall make a determination
15 regarding the approval or denial of a permit within
16 sixty days from the date that the department receives
17 a completed application for a permit. However, the
18 sixty-day requirement shall not apply to an
19 application, if the applicant is not required to
20 obtain a permit in order to construct an animal
21 feeding operation structure or to operate an animal
22 feeding operation. The department shall deliver a
23 copy or require the applicant to deliver a copy of the
24 application for a construction permit to the county
25 board of supervisors in the county where the
26 confinement feeding operation or confinement feeding
27 operation structure subject to the permit is to be
28 located. The department shall not approve the
29 application or issue a construction permit until
30 thirty days following delivery of the application to
31 the county board of supervisors. The department shall
32 consider comments from the county board of
33 supervisors, regarding compliance by the applicant
34 with the legal requirements for the construction of
35 the confinement feeding operation structure as
36 provided in this chapter, and rules adopted by the
37 department pursuant to this chapter, if the comments
38 are delivered to the department within fourteen days
39 after receipt of the application by the county board
40 of supervisors. Prior to granting a permit to a
41 person for the construction of an animal feeding
42 operation, the department may require the installation
43 and operation of a hydrological monitoring system for
44 an exclusively earthen manure storage structure, if,
45 after an on-site inspection, the department determines
46 that the site presents an extraordinary potential for
47 groundwater pollution.

48 e. A person shall not obtain a permit for the
49 construction of a confinement feeding operation,
50 unless the person develops a manure management plan as

Page 4

1 provided in section 455B.203.
2 f. The department shall not issue a permit to a
3 person under this subsection if an enforcement action
4 by the department, relating to a violation of this
5 chapter concerning a confinement feeding operation in
6 which the person has an interest, is pending. The
7 department shall not issue a permit to a person under
8 this subsection for five years after the date of the
9 last violation committed by a person or confinement
10 feeding operation in which the person holds a
11 controlling interest during which the person or
12 operation was classified as a habitual violator under
13 section 455B.191. The department shall conduct an
14 annual review of each confinement feeding operation
15 which is a habitual violator and each confinement
16 feeding operation in which a habitual violator holds a
17 controlling interest. The department shall notify
18 persons classified as habitual violators of their
19 classification, additional restrictions imposed upon
20 the persons pursuant to the classification, and
21 special civil penalties that may be imposed upon the
22 persons. The notice shall be sent to the persons by
23 certified mail."

Frevort of Palo Alto offered the following amendment H-1592, to amendment H-1425, filed by her from the floor and moved its adoption:

H-1592

1 Amend the amendment, H-1425, to House File 708 as
2 follows:
3 1. Page 1, line 4, by striking the word
4 "CONFINEMENT" and inserting the following:
5 "INDUSTRIAL SWINE".
6 2. Page 1, by striking lines 6 through 12 and
7 inserting the following:
8 "1. As used in this section, an "industrial swine
9 feeding operation" means a confinement feeding
10 operation as defined in section 455B.161 in which
11 swine are confined and fed, if any of the following
12 apply:
13 a. The operation controls, owns, or contracts for
14 the care and feeding of six hundred twenty-five
15 thousand pounds or more animal weight capacity for
16 swine. "Animal weight capacity" is calculated in the
17 same manner as provided in section 455B.161.
18 b. If the operation is not a business entity, the
19 operation owner of the agricultural land where the
20 operation is located is not qualified to file for a
21 homestead tax credit as provided in section 425.2 or a
22 family farm tax credit as provided in section 425A.4

- 23 in the county where the agricultural land is located.
24 c. If the operation is a business entity, any of
25 the following apply:
26 (1) The following persons who hold an interest in
27 the business entity are not eligible to file for a
28 homestead tax credit in the county where the business
29 entity holds most of its agricultural land:
30 (a) The owner of a corporation who is the majority
31 shareholder of the corporation.
32 (b) The person holding the greatest membership
33 interest in a limited liability company.
34 (c) The person contributing the most value to a
35 limited partnership.
36 (d) The beneficiary having the greatest interest
37 in a trust.
38 (2) Less than forty percent of the interest in the
39 business entity is held by persons related to each
40 other as spouse, parent, grandparent, lineal
41 ascendants of the grandparents or their spouses, or
42 lineal descendants of the grandparents or their
43 spouses, or persons acting in a fiduciary capacity to
44 persons so related.
45 (3) Less than fifty percent of the production
46 inputs used to produce and harvest crops or care and
47 feed for animals on the agricultural land are
48 purchased within sixty miles from the borders of the
49 agricultural land where the animal feeding operation
50 is located. A "production input" means seed, feed,

Page 2

- 1 supplies, and veterinary medical services, but does
2 not include labor, construction materials, equipment,
3 or tools.
4 (4) The business entity has benefited from any of
5 the following:
6 (a) The job training partnership program and other
7 programs administered under section 15.108.
8 (b) The self-employment loan program created in
9 section 15.241.
10 (c) The targeted small business financial
11 assistance program created in section 15.247.
12 (d) The community economic betterment program
13 created in sections 15.315 through 15.320.
14 (e) An agreement for a supplemental new jobs tax
15 credit as provided in section 15.331.
16 (f) The industrial new jobs training program as
17 provided in chapter 260E.
18 (g) The jobs training program as provided in
19 chapter 260F.
20 (h) An economic development area established
21 pursuant to chapter 403."
22 3. Page 1, line 14, by striking the words "a

- 23 confinement" and inserting the following: "an
 24 industrial swine".
 25 4. Page 1, line 17, by striking the words "a
 26 confinement" and inserting the following: "an
 27 industrial swine".
 28 5. Page 1, line 21, by striking the words "a
 29 confinement" and inserting the following: "an
 30 industrial swine".
 31 6. Page 1, line 22, by inserting before the word
 32 "confinement" the following: "swine".
 33 7. Page 1, line 33, by striking the words "a
 34 confinement" and inserting the following: "an
 35 industrial swine".
 36 8. By striking page 1, line 49, through page 4,
 37 line 23.
 38 9. By renumbering as necessary.

Amendment H-1592, to amendment H-1425, was adopted.

Greiner of Washington rose on a point of order that amendment H-1425, as amended was not germane.

The Speaker ruled the point well taken and amendment H-1425, as amended not germane.

Frevert of Palo Alto asked for unanimous consent to suspend the rules to consider amendment H-1425, as amended.

Objection was raised.

Frevert of Palo Alto moved to suspend the rules to consider amendment H-1425, as amended.

Roll call was requested by Schrader of Marion and Frevert of Palo Alto.

On the question "Shall the rules be suspended to consider amendment H-1425, as amended?" (H.F. 708)

The ayes were, 38:

Bernau	Bukta	Burnett	Cataldo
Chapman	Chiodo	Cohoon	Connors
Doderer	Dotzler	Drees	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Scherrman	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Whitead	Witt		

The nays were, 62:

Arnold	Barry	Bell	Blodgett
--------	-------	------	----------

Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Carroll	Churchill
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Falck	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	May
Mertz	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Richardson
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Mr. Speaker		
	Corbett		

Absent or not voting, none.

The motion to suspend the rules lost.

Fallon of Polk offered amendment H-1421 filed by him and Burnett of Story as follows:

H-1421

1 Amend House File 708 as follows:

2 1. Page 19, by inserting after line 11 the
3 following:

4 "Sec. ____ Section 455B.171, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 2A. "Animal feeding operation
7 structure" means the same as defined in section
8 455B.161.

9 Sec. ____ Section 455B.204, subsection 1,
10 unnumbered paragraph 1, Code 1997, is amended to read
11 as follows:

12 An animal feeding operation structure shall not be
13 located at least constructed or expanded less than
14 five hundred feet away from the surface intake of an
15 agricultural drainage well or known sinkhole, and at
16 least two not less than five hundred feet away from a
17 lake, river, or stream located within the territorial
18 limits of the state, any marginal river area adjacent
19 to the state, which can support a floating vessel
20 capable of carrying one or more persons during a total
21 of a six-month period in one out of ten years,
22 excluding periods of flooding. However, no distance
23 separation is required between a location or object
24 and a farm pond or privately owned lake, as defined in
25 section 462A.2."

Greiner of Washington rose on a point of order that amendment H-1421 was not germane.

The Speaker ruled the point well taken and amendment H-1421 not germane.

Koenigs of Mitchell offered amendment H-1422 filed by him as follows:

H-1422

- 1 Amend House File 708 as follows:
- 2 1. Page 19, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ Section 657.11, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 9. This section shall not apply
- 7 to an industrial swine feeding operation. As used in
- 8 this subsection, an "industrial swine feeding
- 9 operation" means a confinement feeding operation as
- 10 defined in section 455B.161 in which swine are
- 11 confined and fed, if any of the following apply:
- 12 a. The operation controls, owns, or contracts for
- 13 the care and feeding of six hundred twenty-five
- 14 thousand pounds or more animal weight capacity for
- 15 swine. "Animal weight capacity" is calculated in the
- 16 same manner as provided in section 455B.161.
- 17 b. If the operation is not a business entity, the
- 18 operation owner of the agricultural land where the
- 19 operation is located is not qualified to file for a
- 20 homestead tax credit as provided in section 425.2 or a
- 21 family farm tax credit as provided in section 425A.4
- 22 in the county where the agricultural land is located.
- 23 c. If the operation is a business entity, any of
- 24 the following apply:
- 25 (1) The following persons who hold an interest in
- 26 the business entity are not eligible to file for a
- 27 homestead tax credit in the county where the business
- 28 entity holds most of its agricultural land:
- 29 (a) The owner of a corporation who is the majority
- 30 shareholder of the corporation.
- 31 (b) The person holding the greatest membership
- 32 interest in a limited liability company.
- 33 (c) The person contributing the most value to a
- 34 limited partnership.
- 35 (d) The beneficiary having the greatest interest
- 36 in a trust.
- 37 (2) Less than forty percent of the interest in the
- 38 business entity is held by persons related to each
- 39 other as spouse, parent, grandparent, lineal
- 40 ascendants of the grandparents or their spouses, or
- 41 lineal descendants of the grandparents or their
- 42 spouses, or persons acting in a fiduciary capacity to
- 43 persons so related.
- 44 (3) Less than fifty percent of the production

45 inputs used to produce and harvest crops or care and
 46 feed for animals on the agricultural land are
 47 purchased within sixty miles from the borders of the
 48 agricultural land where the animal feeding operation
 49 is located. A "production input" means seed, feed,
 50 supplies, and veterinary medical services, but does

Page 2

1 not include labor, construction materials, equipment,
 2 or tools.
 3 (4) The business entity has benefited from any of
 4 the following:
 5 (a) The job training partnership program and other
 6 programs administered under section 15.108.
 7 (b) The self-employment loan program created in
 8 section 15.241.
 9 (c) The targeted small business financial
 10 assistance program created in section 15.247.
 11 (d) The community economic betterment program
 12 created in sections 15.315 through 15.320.
 13 (e) An agreement for a supplemental new jobs tax
 14 credit as provided in section 15.331.
 15 (f) The industrial new jobs training program as
 16 provided in chapter 260E.
 17 (g) The jobs training program as provided in
 18 chapter 260F.
 19 (h) An economic development area established
 20 pursuant to chapter 403."

Greiner of Washington rose on a point of order that amendment H-1422 was not germane.

The Speaker ruled the point well taken and amendment H-1422 not germane.

Koenigs of Mitchell asked for unanimous consent to suspend the rules to consider amendment H-1422.

Objection was raised.

Koenigs of Mitchell moved to suspend the rules to consider amendment H-1422.

Roll call was requested by Koenigs of Mitchell and Siegrist of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-1422?" (H.F. 708)

The ayes were, 41:

Bernau

Brand

Bukta

Burnett

Cataldo	Chapman	Chiodo	Cohoon
Connors	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 57:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Carroll	Churchill	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Mertz	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 2:

Doderer Shoultz

The motion to suspend the rules lost.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-1546 filed by him on April 2, 1997.

Witt of Black Hawk asked for unanimous consent to suspend Rule 31.8 for the immediate consideration of amendment H-1587.

Objection was raised.

Witt of Black Hawk moved to suspend Rule 31.8 for the immediate consideration of amendment H-1587 filed by him from the floor:

H-1587

- 1 Amend House File 708 as follows:
- 2 1. Page 16, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____ OUTSTANDING BLUFFLANDS PROTECTION
- 5 LOANS. The principal and interest from any blufflands

6 protection loans outstanding on July 1, 2017, and
 7 payable to the blufflands protection revolving fund,
 8 shall be paid to the administrative director of the
 9 division of soil conservation on or after July 1,
 10 2017, pursuant to the terms of the loan agreement and
 11 shall be credited to the general fund of the state."

12 2. Page 18, by inserting after line 23 the
 13 following:

14 "Sec. ____ Section 99F.11, subsection 4, Code
 15 1997, is amended to read as follows:

16 4. The remaining amount of the adjusted gross
 17 receipts tax shall be credited to the general fund of
 18 the state. However, of the remaining amount of
 19 adjusted gross receipts tax available under this
 20 subsection, and notwithstanding provisions to the
 21 contrary in section 8.57, for the fiscal period
 22 beginning July 1, 1997, and ending June 30, 2017, the
 23 first one million dollars collected each fiscal year
 24 shall be credited to the blufflands protection
 25 revolving fund.

26 Sec. ____ **NEW SECTION.** 161A.80 BLUFFLANDS
 27 PROTECTION PROGRAM – REVOLVING FUND.

28 1. As used in this section, unless the context
 29 otherwise requires:

30 a. "Bluffland" means a cliff, headland, or hill
 31 with a broad steep face along the channel or
 32 floodplain of a river and its tributaries.

33 b. "Conservation organization" means a nonprofit
 34 corporation incorporated in Iowa or an entity
 35 organized and operated primarily to enhance and
 36 protect natural resources in this state.

37 2. A blufflands protection revolving fund is
 38 created in the state treasury. The proceeds of the
 39 revolving fund are appropriated to make loans to
 40 conservation organizations which agree to purchase
 41 conservation easements on blufflands along the
 42 Mississippi river or to purchase blufflands along the
 43 Mississippi river for resale with restrictive
 44 covenants attached to the property. The
 45 administrative director of the division of soil
 46 conservation shall administer the revolving fund.
 47 Notwithstanding section 12C.7, interest or earnings on
 48 investments made pursuant to this section or as
 49 provided in section 12B.10 shall be credited to the
 50 blufflands protection revolving fund. Notwithstanding

Page 2

1 section 8.33, unobligated or unencumbered funds
 2 credited to the blufflands protection revolving fund
 3 shall not revert at the close of a fiscal year.
 4 However, the maximum balance in the blufflands
 5 protection fund shall not exceed two million five

6 hundred thousand dollars. Any funds in excess of two
7 million five hundred thousand dollars shall be
8 credited to the general fund of the state.

9 3. The administrative director of the division
10 shall establish a blufflands protection program to
11 demonstrate creative land protection techniques and
12 encourage private landowners to protect the natural
13 beauty of the blufflands along the Mississippi river.
14 The commissioners of each soil and water conservation
15 district which has a boundary which is coterminous
16 with the Mississippi river shall cooperate with and
17 assist the director in administering the blufflands
18 protection program within their respective districts.
19 The director shall provide, by rule, for a uniform
20 application form, the content of the form, provisions
21 for a loan agreement model conservation easement and
22 restrictive covenant requirements for blufflands, and
23 minimum qualifications of conservation organizations
24 which are eligible to participate in the blufflands
25 protection program. The administrative director shall
26 specify the eligible purposes for which a loan
27 authorized under this section can be expended
28 including, but not limited to, the purchase of
29 blufflands, the acquisition of conservation easements
30 on blufflands, the establishment of landowner
31 associations, payment for loss of land value due to
32 restrictive covenants, and payment for administrative
33 and legal costs.

34 4. An applicant for a loan from the blufflands
35 protection revolving fund shall apply to the soil and
36 water conservation district of the county in which the
37 bluffland is located. The application shall be on
38 forms prepared by the division and shall include the
39 information required by rule of the division. Each
40 conservation organization which applies for a loan
41 under this section shall demonstrate its financial
42 capability to qualify for a loan to the commissioners
43 and its commitment to natural resource protection and
44 appropriate development. If there is a loss of value
45 of a blufflands protection project funded under this
46 section resulting from restrictive covenants, the
47 conservation organization shall be forgiven seventy-
48 five percent of the amount of the loss not exceeding
49 the amount of the loan. If a loan is used to purchase
50 a conservation easement on a blufflands protection

Page 3

1 project, the conservation organization shall be
2 forgiven seventy-five percent of the loan. The
3 application shall be reviewed and feasibility of the
4 proposed project shall be investigated by the
5 commissioners of the district and its report and

6 recommendation shall be sent to the administrative
7 director and the committee for approval.
8 5. Except as otherwise provided in this
9 subsection, each loan made under this section shall be
10 for a period not to exceed five years, shall bear no
11 interest for the first year, and shall be repayable to
12 the blufflands protection revolving fund. After the
13 first year and for each subsequent year that the
14 principal remains unpaid, interest shall be charged
15 against any unpaid balance of the loan. The interest
16 rate shall be set at the prevailing market rate for
17 similar real estate in the county as determined by the
18 director. All interest payments shall be credited to
19 the blufflands protection revolving fund. Each loan
20 shall be repaid as provided in the loan agreement.
21 However, interest on the principal of a loan shall be
22 due and payable thirty days after the conclusion of
23 the second year and each subsequent year that the
24 principal or a part of the principal remains unpaid.
25 A loan may be extended annually beyond the original
26 five years with the approval of the district
27 commissioners and the administrative director.

28 6. The administrative director may:

29 a. Contract, sue and be sued, and adopt
30 administrative rules pursuant to chapter 17A and
31 approved by the committee, necessary to carry out this
32 section, but the administrative director, the
33 committee, or the district commissioners shall not
34 directly or indirectly pledge the credit of the state
35 of Iowa.

36 b. Authorize payment from the blufflands
37 protection revolving fund from moneys received under
38 section 99F.11, subsection 4, and from any income
39 received by investments of any money in the fund for
40 costs, commissions, attorney fees, and other
41 reasonable expenses related to and necessary for the
42 making and protecting of direct loans under this
43 section, and for recovery of moneys loaned or the
44 management of property acquired in connection with the
45 loans.

46 7. This section is repealed on July 1, 2017.

A non-record roll call was requested.

The ayes were 39, nays 45.

The motion to suspend the rules lost.

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?" (H.F. 708)

The ayes were, 58:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Falck	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Mundie	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

The nays were, 41:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dotzler	Drees
Fallon	Foege	Ford	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 1:

Doderer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 708** 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 8, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 655, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making statutory changes, and providing an effective date.

Also: That the Senate has on April 8, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 687, a bill for an act relating to statutory references to the Iowa beef industry council and increasing an excise tax on beef cattle upon a referendum.

Also: That the Senate has on April 8, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 529, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

MARY PAT GUNDERSON, Secretary

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 appropriations at noon on April 9, 1997.

SPONSORS ADDED

(House Concurrent Resolution 21)

Huser of Polk requested to be added as a sponsor of House Concurrent Resolution 21.

(House Concurrent Resolution 21)

Richardson of Warren requested to be added as a sponsor of House Concurrent Resolution 21.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred five senior students from Clear Lake High School, Clear Lake, accompanied by Beth Ann Schumacher, Julie Secory and Mike Callanan. By Blodgett of Cerro Gordo.

Senior students from Ruthven Ayrshire High School, accompanied by John Josephson and Ed Versteeg. By Frevert of Palo Alto.

Twenty-nine 7th, 8th, and 9th grade students from Holmes Junior.

Twenty-nine 7th, 8th, and 9th grade students from Holmes Junior High School, Cedar Falls, accompanied by Dave Andreasen and Rona Messmore. By Jenkins of Black Hawk and Witt of Black Hawk.

Fifty-two students from Manson-Northwest Webster School, Barnum, accompanied by Marilyn Moeding. By Mundie of Webster.

Students from East Marshall High School, Legrand. By Nelson of Marshall.

Four K-5 home schooled students from Mt. Vernon, accompanied by Jim and Peggy Sabin. By Welter of Jones.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

COLLEGE STUDENT AID COMMISSION

The 1995-1996 Biennial Report, pursuant to Chapter 261.17(6)(d), Code of Iowa.

WORKFORCE DEVELOPMENT

The 1997 Annual Status Report on the Unemployment Compensation Fund, pursuant to Chapter 96.35, 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

- 1997\364 Jacob Harris, Earlville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\365 Moses Miles, Dunlap – For celebrating his 100th birthday.
- 1997\366 Elsie Stirtz, Missouri Valley – For celebrating her 85th birthday.
- 1997\367 North High School Jazz Band, Sioux City – For winning the 1997 State 4A Jazz Band Championship.
- 1997\368 Rick Stone, Sioux City – For being named Outstanding Soloist at the 1997 Iowa Jazz Championship.
- 1997\369 Justin Kisor, Sioux City – For being named Outstanding Soloist at the 1997 Iowa Jazz Championship.
- 1997\370 George Kampling, Sr., Clinton – For being named Sports Media Person of the Year by the Iowa High School Athletic Directors' Association.
- 1997\371 Jeff Cummings, Bedford – For being selected to perform in the Individual Events All-State Speech Festival.
- 1997\372 Mark Hardinger, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1997\373 Alex Koenigs, Riceville Community School – For receiving the third place State Award in the National Geography Contest.
- 1997\374 Quad Cities SCORE Chapter 4321 of Quad Cities – For winning the National SCORE Chapter of the Year Award.
- 1997\375 Lois Coon, Hartford – For celebrating her 90th birthday.
- 1997\376 Maria Jones, Decorah – For being selected a National Merit Scholar.
- 1997\377 Ardys Ketcham, Decorah – For being selected a National Merit Scholar.
- 1997\378 Graham Raulerson, Decorah – For being selected a National Merit Scholar.
- 1997\379 Alison Gipp, Decorah – For being selected a National Merit Scholar.
- 1997\380 Scott Splinter, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\381 Lucille and Regis Meskimen, Ely – For celebrating their 50th wedding anniversary.
- 1997\382 Directors Scott Long, Vern Hansen, and the Carlisle Jazz Band, Carlisle – For winning 1st place in the Class 2A State Jazz Band Competition.
- 1997\383 Director Ted Heggen and the Woodward-Granger High School Jazz Band, Woodward – For winning 1st place in the Class 1A State Jazz Band Competition.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 239 Ways and Means

Relating to reporting and depositing of local option sales and services taxes to the department of revenue and finance by retailers and increasing the amount of estimated distribution and frequency of distribution to cities and counties by the department of revenue and finance.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON NATURAL RESOURCES

Senate File 362, a bill for an act establishing a wild animal depredation unit within the department of natural resources, allowing the discharge of firearms in state parks for certain purposes, providing for the issuance of additional free deer

hunting licenses, subjecting violators to an existing penalty, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-1589 April 3, 1997.

RESOLUTION FILED

HCR 22, by committee on ways and means, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1584	H.F.	405	Senate Amendment
H—1585	H.F.	645	Senate Amendment
H—1586	H.F.	92	Senate Amendment
H—1588	S.F.	40	Doderer of Johnson Millage of Scott
H—1589	S.F.	362	Committee on Natural Resources
H—1591	S.F.	391	Garman of Story
H—1593	H.F.	670	Weigel of Chickasaw
H—1594	H.F.	670	Weigel of Chickasaw
H—1595	H.F.	682	Klemme of Plymouth
H—1596	H.F.	716	Weigel of Chickasaw Koenigs of Mitchell Drees of Carroll Scherrman of Dubuque Thomas of Clayton Wise of Lee O'Brien of Boone
H—1597	S.F.	132	Nelson of Marshall Weidman of Cass
H—1598	S.F.	163	Fallon of Polk
H—1599	S.F.	163	Connors of Polk Dix of Butler
H—1601	H.F.	663	Lamberti of Polk
H—1602	H.F.	670	Weigel of Chickasaw
H—1603	H.F.	670	Doderer of Johnson Shoultz of Black Hawk Koenigs of Mitchell Bukta of Clinton Holveck of Polk Foege of Linn

H—1604	H.F.	715	Blodgett of Cerro Gordo Hansen of Pottawattamie
H—1605	S.F.	429	Sukup of Franklin Van Fossen of Scott Brunkhorst of Bremer
H—1606	S.F.	429	Sukup of Franklin Van Fossen of Scott Brunkhorst of Bremer
H—1607	S.F.	503	Jochum of Dubuque
H—1608	S.F.	523	Martin of Scott Mertz of Kossuth Witt of Black Hawk
H—1611	H.F.	655	Senate Amendment
H—1612	H.F.	715	Murphy of Dubuque
H—1613	H.F.	715	Murphy of Dubuque
H—1614	H.F.	715	Jochum of Dubuque Dotzler of Black Hawk
H—1615	H.F.	715	Shoultz of Black Hawk Dotzler of Black Hawk
H—1616	H.F.	715	Shoultz of Black Hawk Dotzler of Black Hawk
H—1617	H.F.	715	Murphy of Dubuque
H—1618	H.F.	715	Huser of Polk
H—1619	S.F.	132	Heaton of Henry May of Worth
H—1620	H.F.	715	Weigel of Chickasaw
H—1621	H.F.	715	Ford of Polk Shoultz of Black Hawk Dotzler of Black Hawk Bell of Jasper
H—1622	S.F.	177	Carroll of Poweshiek
H—1623	S.F.	391	Brand of Tama
H—1624	S.F.	391	Cohoon of Des Moines May of Worth
H—1625	S.F.	391	Brand of Tama
H—1626	H.F.	715	Houser of Pottawattamie Hansen of Pottawattamie Osterhaus of Jackson
H—1627	H.F.	715	Jochum of Dubuque
H—1628	H.F.	715	Brand of Tama
H—1629	H.F.	715	Wise of Lee
H—1630	H.F.	715	Warnstadt of Woodbury Whitead of Woodbury

H—1631	H.F.	715	Ford of Polk
H—1632	S.F.	296	Metcalf of Polk
H—1633	H.F.	715	Blodgett of Cerro Gordo Hansen of Pottawattamie
H—1634	H.F.	715	Rants of Woodbury
H—1635	H.F.	715	Hansen of Pottawattamie Houser of Pottawattamie Blodgett of Cerro Gordo
H—1636	H.F.	715	Bernau of Story
H—1637	H.F.	667	Rants of Woodbury

On motion by Siegrist of Pottawattamie, the House adjourned at 9:43 p.m., until 8:45 a.m., Wednesday, April 9, 1997.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 9, 1997

The House met pursuant to adjournment at 8:48 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Bobb Barrick, Sharon Center United Methodist Church, Kalona.

SENATE MESSAGE CONSIDERED

Senate File 529, 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.

Read first time and referred to committee on **appropriations**.

SPECIAL PRESENTATION

Nelson of Marshall presented to the House, Jan Mitchell, a language arts teacher from Marshalltown High School. She will be recognized by the Governor today as the 1997 Iowa Teacher of the Year. Jan is also one of four finalists for the 1997 National Teacher of the Year and the first Iowa teacher in 14 years to be a National Finalist.

The House rose and expressed its welcome.

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Speaker pro tempore Van Maanen of Marion presented to the House, from the Speaker's station, Jeanna Redman, Queen of the 1997 Pella Tulip Festival, who was accompanied by her parents. Her future plans after graduating this May from Pella Community High School are to attend Central College pursuing an elementary education degree.

Queen Jeanna presented her attendants Carrie Van Maanen, Shalene Van Wyk, Crystal Van Haaften and Sybil Sullivan, who were also accompanied by their parents. Queen Jeanna and her attendants performed a dance before the House and invited everyone to attend the Pella Tulip Festival which will be on May 8, 9 and 10.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies.

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 8, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 653, a bill for an act relating to financial assurance requirements for waste tire collection and processing sites.

Also: That the Senate has on April 8, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 533, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 457, a bill for an act relating to the Iowa pharmacy practice Act by permitting qualified individuals to transport emergency medications; permitting more than one emergency drug box in a licensed health care facility; providing for electronic signatures on prescriptions; establishing programs to aid impaired pharmacists, pharmacist interns, and pharmacy technicians; and establishing a penalty, with report of committee recommending passage, was taken up for consideration.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 457)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs

Jenkins	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 2:

Ford

Jochum

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 222, a bill for an act relating to the use tax on motor vehicle leasing, 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. 222)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunckhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Kinzer	Klemme

Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Ford

Jochum

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 457 and 222.**

Regular Calendar

Senate File 229, a bill for an act relating to the issuance of motor vehicle licenses for certain law enforcement officers and providing penalties, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Cormack of Webster offered the following amendment H-1538 filed by the committee on transportation and moved its adoption:

H-1538

- 1 Amend Senate File 229, as amended, passed, and
- 2 reprinted by the senate, as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "officer." the following: "However, this paragraph
- 5 shall not apply to a violation of subsection 4,
- 6 paragraph "a"."

The committee amendment H-1538 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?" (S.F. 229)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Ford Jochum Shoultz

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 state department of transportation operations, including regulating hazardous materials transport, regulating motor vehicle dealers, eliminating requirements that the department adopt administrative rules in certain instances, and establishing, making applicable, or enhancing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Welter of Jones offered the following amendment H-1539 filed by the committee on transportation and moved its adoption:

H-1539

- 1 Amend Senate File 132, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 27, by striking the figure
4 "321.166" and inserting the following: "321.105".
- 5 2. Page 3, lines 17 and 18, by striking the words
6 "have been are eligible to be" and inserting the
7 following: "have been".
- 8 3. Page 3, line 31, by striking the words "after
9 the expiration date of the person's" and inserting the
10 following: "with an expired".
- 11 4. Page 11, line 22, by striking the words "the
12 person renting the vehicle to obtain".
- 13 5. Page 12, by striking lines 7 through 15.
- 14 6. Page 20, lines 5 through 7, by striking the
15 words "or for operating a motor vehicle on the
16 highways of this state with an expired license or
17 permit under section 321.174A".
- 18 7. Page 20, line 7, by striking the word "twenty"
19 and inserting the following: "twenty one hundred".
- 20 8. Page 20, line 10, by striking the word
21 "paragraph" and inserting the following:
22 "paragraphs".
- 23 9. Page 20, by inserting after line 13, the
24 following:
25 "NEW PARAGRAPH. ae. For operating a motor vehicle
26 on the highways of this state with an expired motor
27 vehicle license pursuant to section 321.174A, the
28 scheduled fine is twenty dollars."
- 29 10. By renumbering as necessary.

The committee amendment H-1539 was adopted.

Heaton of Henry offered the following amendment H-1619, filed by him and May of Worth and moved its adoption:

H-1619

- 1 Amend Senate File 132, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 15 the
4 following:
5 "Sec. ____ Section 321.11, unnumbered paragraph 3,
6 Code 1997, is amended to read as follows:
7 Notwithstanding other provisions of this section to
8 the contrary, the department shall not release
9 personal information to a person, other than to an
10 officer or employee of a law enforcement agency or a
11 licensed private investigation agency or a licensed
12 security service or a licensed employee of either, if
13 the information is requested by the presentation of a
14 registration plate number. However, a law enforcement

15 agency may release the name, address, and telephone
 16 number of a motor vehicle registrant to a person
 17 requesting the information by the presentation of a
 18 registration plate number if the law enforcement
 19 agency believes that the information is necessary to
 20 prevent an unlawful act. A person seeking the
 21 information shall state in writing the nature of the
 22 unlawful act that the person is attempting to
 23 prevent."

24 2. By renumbering as necessary.

Amendment H-1619 was adopted.

Nelson of Marshall offered the following amendment H-1597 filed by her and Weidman of Cass and moved its adoption:

H-1597

1 Amend Senate File 132, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 32 the
 4 following:
 5 "Sec. ____ Section 321.249, Code 1997, is amended
 6 to read as follows:
 7 321.249 SCHOOL ZONES.
 8 Cities and counties shall have the power to
 9 establish school zones and provide for the stopping of
 10 all motor vehicles approaching said the school zones,
 11 when movable stop signs have been placed in the
 12 streets in such the cities and highways in counties at
 13 the limits of the zones, ~~this~~ notwithstanding the
 14 provisions of any statute to the contrary. All
 15 traffic-control devices provided for school zones
 16 shall conform to specifications included in the manual
 17 of traffic-control devices adopted by the department,
 18 except the provision prohibiting the use of portable
 19 or part-time stop signs."
 20 2. By renumbering as necessary.

Amendment H-1597 was adopted.

Kreiman of Davis offered the following amendment H-1469 filed by him and moved its adoption:

H-1469

1 Amend Senate File 132, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, by inserting after line 28, the
 4 following:
 5 "Sec. ____ Section 321.560, Code 1997, is amended
 6 by adding the following new unnumbered paragraph:
 7 A person who is determined to be a habitual

- 8 offender while the person's license is already revoked
 9 for being a habitual offender under section 321.555
 10 shall not be issued a license to operate a motor
 11 vehicle in this state for a period of not less than
 12 two years nor more than six years. The revocation
 13 period may commence either on the date of the final
 14 decision of the department under section 17A.19 or the
 15 date on which the district court upholds the final
 16 decision of the department, whichever occurs later, or
 17 on the date the previous revocation expires."
 18 2. By renumbering as necessary.

Amendment H-1469 was adopted.

Carroll of Poweshiek offered the following amendment H-1519 filed by Carroll, et al., and moved its adoption:

H-1519

- 1 Amend Senate File 132, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, by striking lines 15 through 26.
 4 2. By renumbering as necessary.

Amendment H-1519 was adopted.

Carroll of Poweshiek offered the following amendment H-1537 filed by him and moved its adoption:

H-1537

- 1 Amend Senate File 132, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 15, line 27, through page 16,
 4 line 14.
 5 2. Page 19, by striking lines 25 through 35.
 6 3. By renumbering as necessary.

Amendment H-1537 was adopted.

Welter of Jones asked and received unanimous consent to withdraw amendment H-1565 filed by him on April 7, 1997.

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. 132)

The ayes were, 100:

Arnold
Blodgett

Barry
Boddicker

Bell
Boggess

Bernau
Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title 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 229 and 132.**

The House stood at ease at 9:48 a.m., until the fall of the gavel.

The House resumed session at 10:25 a.m., Speaker Corbett in the chair.

The Journal of Tuesday, April 8, 1997 was approved.

SENATE MESSAGE CONSIDERED

Senate File 533, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Read first time and referred to committee on **appropriations.**

On motion by Gipp of Winneshiek, the House was recessed at 10:28 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:08 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 April 9, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 335, a bill for an act relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, and providing a penalty and a contingent effective date.

Also: That the Senate has on April 9, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 416, a bill for an act relating to regulation of trucks and certain other large motor vehicles, including maximum vehicle weights, defining terms, providing effective dates, and making penalties applicable.

Also: That the Senate has on April 9, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 579, a bill for an act relating to the membership of the medical assistance advisory council.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 688, a bill for an act relating to handicapped parking permits by changing the term handicapped to the term person with a disability and by providing for nonexpiring removable windshield placards for persons with a lifelong disability, eliminating the requirement that physicians or chiropractors sign removable windshield placards, and eliminating certain identification requirements for persons with disabilities and providing an effective date and applicability provisions.

Also: That the Senate has on April 9, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 692, a bill for an act relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 704, a bill for an act relating to substantive and other provisions affecting the state department of transportation and driver, motor vehicle, and highway regulation, including the definition of road work zones, registration fees for certain disaster relief vehicles, providing grounds for refusing renewal of vehicle

registrations, regulation of intrastate motor carriers, imposing fees, providing for an electronic titling and registration program, creating, eliminating, or enhancing penalties, and providing effective dates.

MARY PAT GUNDERSON, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-six members present, forty-four absent.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 296, a bill for an act relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability, with report of committee recommending passage, was taken up for consideration.

Metcalf of Polk offered amendment H-1632 filed by her as follows:

H-1632

- 1 Amend Senate File 296, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "Sec. ____ PAYMENT OF MEDICAL SERVICES TASK FORCE.
- 6 The industrial commissioner of the department of
- 7 workforce development shall establish a task force to
- 8 study and make recommendations concerning the issue of
- 9 the liability for payment for medical services
- 10 received by an employee where an employer denies
- 11 liability under the workers' compensation laws of this
- 12 state for such payment and a nonoccupational health
- 13 care plan covering the employee also denies liability
- 14 for payment. The members of the task force shall
- 15 include, but are not limited to, the insurance
- 16 commissioner and representatives of labor, business,
- 17 the health insurance industry, medical care providers,
- 18 and interested members of the legal profession. The
- 19 industrial commissioner shall submit a report
- 20 concerning the task force, including any
- 21 recommendations made, to the general assembly on or
- 22 before February 15, 1998."
- 23 2. Title page, by striking lines 1 and 2 and
- 24 inserting the following: "An Act concerning the
- 25 liability for payment of medical services provided to
- 26 an employee when workers' compensation coverage is
- 27 disputed by providing for payment by a nonoccupational
- 28 health care plan and by establishing a task force."
- 29 3. By renumbering as necessary.

Barry of Harrison rose on a point of order that amendment H-1632 was not germane.

The Speaker ruled the point well taken and amendment H-1632 not germane.

Barry of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 296)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Foege

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

House File 634, a bill for an act relating to child and dependent

adult abuse records checks by requiring checks for employment in health care facilities and the department of inspections and appeals, was taken up for consideration.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-1245 filed by him and Hahn of Muscatine on March 19, 1997.

Martin of Scott offered the following amendment H-1526 filed by her and moved its adoption:

H-1526

1 Amend House File 634 as follows:
 2 1. By striking page 1, line 5, through page 3,
 3 line 6, and inserting the following:
 4 "1. ~~On or after Beginning July 1, 1994 1997, with~~
 5 ~~regard to new applicants for licensure or employment,~~
 6 ~~if a person is being considered for licensure under~~
 7 ~~this chapter, or for employment involving direct~~
 8 ~~responsibility for a resident or with access to a~~
 9 ~~resident when the resident is alone, or if the person~~
 10 ~~considered for licensure or employment under this~~
 11 ~~chapter will reside prior to employment of a person in~~
 12 a facility, the facility may shall request that the
 13 department of ~~human services~~ conduct public safety
 14 perform criminal and child and dependent adult abuse
 15 record checks of the person in this state and in other
 16 states, on a random basis. In addition, the facility
 17 may request that the department of human services
 18 perform a child abuse record check in this state.
 19 Beginning July 1, ~~1994 1997~~, a facility shall inform
 20 ~~all new applicants for employment persons prior to~~
 21 employment of the possibility of regarding the
 22 performance of a record check the records checks and
 23 shall obtain, from the applicant persons, a signed
 24 acknowledgment of the receipt of the information.
 25 Additionally, ~~on or after July 1, 1994~~, a facility
 26 shall include the following inquiry in an application
 27 for employment: "Do you have a record of founded
 28 child or dependent adult abuse or have you ever been
 29 convicted of a crime, in this state or any other
 30 state?" If the person has been convicted of a crime
 31 under a law of any state or has a record of founded
 32 child or dependent adult abuse, the department of
 33 human services shall perform an evaluation to
 34 determine whether the crime or founded child or
 35 dependent adult abuse warrants prohibition of
 36 licensure, employment, or residence in the facility.
 37 The evaluation shall be performed in accordance with
 38 procedures adopted for this purpose by the department
 39 of human services.

40 2. If the department of ~~human services~~ public
41 safety determines that a person has committed a crime
42 or has a record of founded ~~child or~~ dependent adult
43 abuse and is ~~licensed; to be employed by in~~ a facility
44 licensed under this chapter, ~~or resides in a licensed~~
45 ~~facility~~, the department of public safety shall notify
46 the licensee that an evaluation will be conducted by
47 the department of human services to determine whether
48 prohibition of the person's ~~license, employment, or~~
49 ~~residence~~ is warranted. If a department of human
50 services child abuse record check determines the

Page 2

1 person has a record of founded child abuse, the
2 department shall inform the licensee that an
3 evaluation will be conducted to determine whether
4 prohibition of the person's employment is warranted.

5 3. In an evaluation, the department of human
6 services shall consider the nature and seriousness of
7 the crime or founded child or dependent adult abuse in
8 relation to the position sought or held, the time
9 elapsed since the commission of the crime or founded
10 child or dependent adult abuse, the circumstances
11 under which the crime or founded child or dependent
12 adult abuse was committed, the degree of
13 rehabilitation, the likelihood that the person will
14 commit the crime or founded child or dependent adult
15 abuse again, and the number of crimes or founded child
16 or dependent adult abuses committed by the person
17 involved. The department of human services has final
18 authority in determining whether prohibition of the
19 person's ~~license, employment, or residence~~ is
20 warranted.

21 4. If the department of human services determines
22 that the person has committed a crime or has a record
23 of founded child or dependent adult abuse which
24 warrants prohibition of ~~license, employment, or~~
25 ~~residence~~, the person shall not be licensed under this
26 ~~chapter and shall not be employed by in~~ a facility ~~or~~
27 ~~reside in a facility~~ licensed under this chapter.

28 Sec. ____ Section 235B.6, subsection 2, paragraph
29 e, Code 1997, is amended by adding the following new
30 subparagraph:

31 NEW SUBPARAGRAPH. (7) The department of public
32 safety for purposes of performing records checks
33 required under section 135C.33.

34 Sec. ____ HOME HEALTH SERVICES - REGULATORY
35 REQUIREMENTS. The departments of public health and
36 inspections and appeals shall review federal and state
37 requirements applicable to providers of homemaker,
38 home-health aide, home-care aide, hospice, and other
39 in-home services to persons with health problems. The

40 review shall include but is not limited to current and
 41 proposed federal requirements for quality assurance,
 42 fiscal information concerning the source of regulatory
 43 funding, feasibility analysis of requiring criminal
 44 and dependent adult abuse record checks of employees
 45 of the providers, feasibility analysis of implementing
 46 state regulation of the providers, and other
 47 information deemed appropriate by the departments.
 48 The departments shall submit a report of findings and
 49 recommendations on or before December 15, 1997.”
 50 2. Title page, by striking lines 1 through 3 and

Page 3

1 inserting the following: “An Act relating to health
 2 care facilities by requiring employment checks of
 3 prospective health care facility employees.”
 4 3. By renumbering as necessary.

Amendment H-1526 was adopted.

SENATE FILE 523 SUBSTITUTED FOR HOUSE FILE 634

Martin of Scott asked and received unanimous consent to substitute Senate File 523 for House File 634.

Senate File 523, a bill for an act relating to health care facilities by requiring employment checks of prospective health care facility employees, was taken up for consideration.

Brunkhorst of Bremer offered the following amendment H-1562 filed by him and Hahn of Muscatine and moved its adoption:

H-1562

1 Amend Senate File 523, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 12, by striking the words “the
 4 facility” and inserting the following: “unless the
 5 facility administrator personally knows the background
 6 of the person, the facility administrator”.

Amendment H-1562 lost.

Martin of Scott offered amendment H-1608 filed by Martin, et al., as follows:

H-1608

1 Amend Senate File 523, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 33 the
 4 following:

5 "5. If a facility or employer employs an
 6 individual in good faith and with reasonable reliance
 7 upon the report of the criminal and dependent adult
 8 abuse record checks requested under this section, the
 9 facility or employer shall not be liable in a tort or
 10 other civil action for damages brought as the result
 11 of injury, death, or loss to a person or property
 12 caused by the individual while the individual is
 13 employed in a facility solely because of the facility
 14 or employer's reliance upon the record check report,
 15 even if the information in the report is determined
 16 later to be incomplete or inaccurate."

Boggess of Taylor in the chair at 2:12 p.m.

Martin of Scott asked and received unanimous consent to withdraw amendment H-1608 filed by Martin, et al., on April 8, 1997.

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. 523)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Holveck
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Boggess, Presiding

The nays were, none.

Absent or not voting, 4:

Heaton

Houser

May

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 634 WITHDRAWN

Martin of Scott asked and received unanimous consent to withdraw House File 634 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Churchill of Polk called up for consideration **House File 655**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making statutory changes, and providing an effective date, amended by the Senate amendment H-1611 as follows:

H-1611

- 1 Amend House File 655, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 30, by striking the figure
- 4 "6,846,466" and inserting the following: "6,796,466".
- 5 2. Page 3, by inserting after line 2 the
- 6 following:
- 7 "The department may allocate from the strategic
- 8 investment fund up to \$100,000 for the microbusiness
- 9 rural enterprise assistance program under section
- 10 15.114."
- 11 3. Page 7, line 21, by striking the figure
- 12 "4,077,000" and inserting the following: "4,127,000".
- 13 4. Page 8, by striking lines 27 through 31.
- 14 5. Page 11, line 32, by striking the word
- 15 "industrial" and inserting the following: "labor".
- 16 6. Page 14, line 1, by inserting after the word
- 17 "plant" the following: "labor".
- 18 7. Page 15, by striking lines 29 and 30.
- 19 8. Page 16, line 3, by inserting after the word
- 20 "shelters." the following: "Of the moneys in the
- 21 fund, not less than five hundred forty-six thousand
- 22 dollars shall be spent annually on homeless shelter
- 23 projects."
- 24 9. Page 16, by inserting after line 15 the
- 25 following:
- 26 "Sec. ____ Section 260F.2, subsection 11, Code
- 27 1997, is amended to read as follows::
- 28 11. "Project" means a training arrangement which
- 29 is the subject of an agreement entered into between

30 the community college and a business to provide
31 program services. "Project" also means a department-
32 sponsored training arrangement which is sponsored by
33 the department and administered under sections 260F.6A
34 and 260F.6B."

35 10. Page 16, by striking line 21 and inserting
36 the following: "specified in section 260C.44 and
37 which may include both new and statewide
38 apprenticeship programs. Notwithstanding the
39 provisions of section 260F.6, subsection 2, relating
40 to maximum award amounts, moneys allocated to the".

41 11. Page 17, by inserting after line 25 the
42 following:

43 "Sec. ____ To the extent possible, the
44 administrative rules for the high technology
45 apprenticeship programs authorized in section 260F.6B
46 shall be generally consistent with the current
47 administrative rules in 261 IAC ch. 17, with the
48 exception that the definition of "currently existing
49 program" shall be stricken."

50 12. Page 18, line 13, by striking the figure

Page 2

1 "375" and inserting the following: "652".

2 13. Page 18, line 16, by striking the word
3 "liquidate" and inserting the following: "provide for
4 the orderly liquidation of".

5 14. Page 18, line 20, by striking the figure
6 "375" and inserting the following: "652".

7 15. Page 18, by striking line 22 and inserting
8 the following:

9 "Sec. 200. HOUSING ASSISTANCE INTERIM STUDY. As".

10 16. Page 18, by striking lines 25 and 26 and
11 inserting the following: "opportunity to learn about
12 housing assistance organizations. By".

13 17. By striking page 18, line 29, through page
14 19, line 9, and inserting the following:

15 "Sec. ____ HOUSING ASSISTANCE INFORMATION. By
16 October 15, 1997, all housing assistance organizations
17 in Iowa are requested to submit a report to the
18 secretary of the senate and the chief clerk of the
19 house of representatives based on such information as
20 is needed for the interim study requested in section
21 200."

22 18. Page 19, by striking lines 20 and 21 and
23 inserting the following:

24 "Sec. ____ EFFECTIVE DATE. Sections 23 and 24 of
25 this Act, being deemed of immediate importance, take
26 effect upon enactment."

27 19. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

Dotzler of Black Hawk offered the following amendment H-1643, to the Senate amendment H-1611, filed by him and Holveck of Polk from the floor and moved its adoption:

H-1643

- 1 Amend the Senate amendment, H-1611, to House File
- 2 655, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 13.
- 5 2. By renumbering as necessary.

Amendment H-1643, to the Senate amendment H-1611, was adopted.

On motion by Churchill of Polk, the House concurred in the Senate amendment H-1611, as amended.

Churchill 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. 655)

The ayes were, 94:

Arnold	Barry	Bell	Blodgett
Boddicker	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Eddie	Falck
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Boggess, Presiding		

The nays were, 6:

Bernau
Kreiman

Drees
Moreland

Fallon

Kinzer

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 296, 523 and House File 655.**

Appropriations Calendar

Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-1368 filed by Murphy, et al., and moved its adoption:

H-1368

- 1 Amend Senate File 391, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 4, by inserting after the word
- 4 "senate" the following: "in consultation with the
- 5 minority leader in each house".

Amendment H-1368 was adopted.

Garman of Story offered the following amendment H-1591 filed by her and moved its adoption:

H-1591

- 1 Amend Senate File 391, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 3, by striking lines 12 through 16.
- 4 2. Title page, lines 5 and 6, by striking the
- 5 words "establishing a toll-free road and weather
- 6 reporting system,".
- 7 3. By renumbering as necessary.

Amendment H-1591 lost.

Brand of Tama offered the following amendment H-1625 filed by him and moved its adoption:

H-1625

- 1 Amend Senate File 391, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 14 the
- 4 following:
- 5 "The department shall use a portion of the moneys
- 6 appropriated under this subsection to alleviate safety
- 7 problems associated with the pedestrian walkway under
- 8 state highway 150 near the Iowa school for the blind
- 9 in Vinton."

Amendment H-1625 lost.

Huser of Polk offered the following amendment H-1370 filed by Huser, et al., and moved its adoption:

H-1370

- 1 Amend Senate File 391, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking lines 10 through 13.
- 4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 36.

Amendment H-1370 was adopted.

Koenigs of Mitchell offered amendment H-1369 filed by him as follows:

H-1369

- 1 Amend Senate File 391, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 7, line 33, through page 8,
- 4 line 19.
- 5 2. Title page, lines 9 and 10, by striking the
- 6 words "and providing for the designation of access
- 7 Iowa highways,".
- 8 3. By renumbering as necessary.

Speaker Corbett in the chair at 3:31 p.m.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1650, to amendment H-1369, filed by her from the floor.

Koenigs of Mitchell moved the adoption of amendment H-1369.

A non-record roll call was requested.

The ayes were 49, nays 32.

Amendment H-1369 was adopted.

Bernau of Story asked and received unanimous consent that amendment H-1623 be deferred.

Cohon of Des Moines offered amendment H-1624 filed by him and May of Worth as follows:

H-1624

1 Amend Senate File 391, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 19 the
4 following:

5 "Sec. ____ Section 314.22, Code 1997, is amended
6 by adding the following new subsection:

7 **NEW SUBSECTION.** 3A. The integrated roadside
8 vegetation management technical advisory committee
9 shall establish a series of demonstration projects
10 beginning in September 1997, on the backslopes along
11 interstates or other four-lane highways in rural areas
12 in this state using native prairie grasses or
13 forestation in order to reduce the need to mow and
14 maintain those areas, except for noxious weed control.
15 The department shall report to the general assembly
16 regarding the demonstration projects in accordance
17 with subsection 3."

18 2. Title page, line 9, by inserting after the
19 word "fund," the following: "providing for
20 demonstration projects by the department,".

21 3. By renumbering as necessary.

Brauns of Muscatine rose on a point of order that amendment H-1624 was not germane.

The Speaker ruled the point well taken and amendment H-1624 not germane.

Brand of Tama offered amendment H-1623, previously deferred, filed by him as follows:

H-1623

- 1 Amend Senate File 391, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 8, by inserting after line 19 the
 4 following:
 5 "Sec. ____ NEW SECTION. 321L.2A WHEELCHAIR LIFT
 6 WARNING CONE.
 7 The department shall, upon the request of a person
 8 issued a handicapped parking permit under section
 9 321L.2 who operates a motor vehicle with a wheelchair
 10 lift, provide the person with a traffic cone bearing
 11 the international symbol of accessibility and the
 12 words "wheelchair lift space".
 13 2. By renumbering as necessary.

Brauns of Muscatine rose on a point of order that amendment H-1623 was not germane.

The Speaker ruled the point well taken and amendment H-1623 not germane.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sukup of Franklin, until his arrival, on request of Siegrist of Pottawattamie.

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. 391)

The ayes were, 74:

Arnold	Barry	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Eddie	Falck	Ford
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Jochum	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Martin	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Nelson	Osterhaus
Rayhons	Richardson	Scherrman	Shoultz
Siegrist	Taylor	Teig	Thomas
Thomson	Tyrell	Van Fossen	Van Maanen

Vande Hoef
Welter

Veenstra
Mr. Speaker
Corbett

Weidman

Weigel

The nays were, 21:

Bell
Drees
Kinzer
Myers
Schrader
Witt

Brand
Fallon
Kreiman
O'Brien
Warnstadt

Cphoon
Foegen
Mascher
Rants
Whitead

Cormack
Frevert
Moreland
Reynolds-Knight
Wise

Absent or not voting, 5:

Churchill
Sukup

Connors

Gipp

Huser

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 391** be immediately messaged to the Senate.

Larson of Linn in the chair at 4:14 p.m.

Unfinished Business Calendar

House File 715, 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, was taken up for consideration.

The House stood at ease at 4:20 p.m., until the fall of the gavel.

The House resumed session at 5:26 p.m., Van Fossen of Scott in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 275, a bill for an act relating to trademarks and service marks registered with the secretary of state.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 354, a bill for an act relating to activities of a foreign corporation which do not constitute doing business in or deriving income from the state for state tax purposes and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 545, a bill for an act relating to the criteria for placement of delinquent children, for whom guardianship has been transferred to the director of human services, in certain facilities.

MARY PAT GUNDERSON, Secretary

The House resumed consideration of House File 715.

Houser of Pottawattamie offered amendment H-1626 filed by Houser, et al., as follows:

H-1626

- 1 Amend House File 715 as follows:
- 2 1. Page 1, line 11, by inserting after the figure
- 3 "239" the following: "or the JOBS program under
- 4 chapter 249C".
- 5 2. Page 2, line 5, by striking the figure "408"
- 6 and inserting the following: "103".
- 7 3. Page 3, line 10, by striking the figure "239C"
- 8 and inserting the following: "249C".
- 9 4. Page 3, by striking lines 18 through 20 and
- 10 inserting the following:
- 11 "5. For local administrative costs."
- 12 5. Page 3, by striking line 22 and inserting the
- 13 following:
- 14 "6. For replacement of reductions in the federal
- 15 social services block grant with federal TANF block
- 16 grant funds, except for the allocation to child care:"
- 17 6. Page 5, by striking line 34 and inserting the
- 18 following:
- 19 "..... \$ 4,546,031"
- 20 7. Page 6, by striking lines 24 through 27 and
- 21 inserting the following: "incentives. The department
- 22 shall make recommendations on or before January 15,
- 23 1998, regarding the potential benefits of expanding
- 24 the initiative. The department may adopt emergency
- 25 administrative rules in order to implement the
- 26 provisions of this subparagraph."
- 27 8. Page 6, by striking lines 33 and 34 and
- 28 inserting the following:
- 29 "(3) For assistance associated with elimination of
- 30 the employment earnings disregard period when
- 31 determining the effective date of assistance for
- 32 unemployed parent families."
- 33 9. Page 7, by striking lines 1 through 6.

- 34 10. Page 7, line 26, by inserting after the word
35 "adopt" the following: "emergency".
- 36 11. Page 7, line 27, by inserting after the word
37 "programs" the following: ", if necessary,".
- 38 12. By striking page 7, line 35, through page 8,
39 line 1, and inserting the following: "skills (JOBS)
40 program in 1996 Iowa Acts, chapter 1213, section 7,
41 which remain unobligated or".
- 42 13. Page 8, by striking line 5 and inserting the
43 following:
44 "9. Not more than the".
- 45 14. Page 10, by inserting after line 3 the
46 following:
47 "_. Of the funds appropriated in this section,
48 \$10,000 is allocated to the community voice mail
49 program to continue the existing program. The funds
50 shall be made available beginning July 1, 1997."

Page 2

- 1 15. Page 15, line 23, by inserting after the word
2 "contract" the following: "for mental health or
3 substance abuse services".
- 4 16. Page 19, line 10, by striking the figure
5 "100" and inserting the following: "110".
- 6 17. Page 25, line 19, by inserting before the
7 word "managed" the following: "existing".
- 8 18. Page 25, by inserting after line 25 the
9 following:
10 "f. It is the intent of the general assembly that
11 of the statewide expenditure target established in
12 this subsection, the moneys allocated in accordance
13 with section 232.143 as the budget target to each of
14 the department's regions shall constitute the region's
15 annual budget for group foster care. The
16 representatives appointed by the department of human
17 services and the juvenile court to establish the plan
18 to contain expenditures for children placed in group
19 foster care ordered by the court within the budget
20 target allocated to the region shall establish the
21 plan in a manner so as to ensure the moneys allocated
22 to the region under section 232.141 shall last the
23 entire fiscal year."
- 24 19. Page 28, line 7, by striking the words "a
25 outcomes-based" and inserting the following:
26 "juvenile court, and other interested parties, an
27 outcomes-based".
- 28 20. Page 29, line 14, by inserting after the
29 figure "1998." The following: "The department may
30 adopt emergency administrative rules to implement this
31 subsection."
- 32 21. Page 29, by striking lines 23 through 25 and
33 inserting the following: "regarding the development

34 of a new model for determining rehabilitative needs in
35 place of clinical assessment and treatment teams. The
36 department shall implement the new model on or before
37 June 30, 1998, in a manner so as to reduce".

38 22. Page 29, by inserting after line 28 the
39 following:

40 "_. The department shall adopt and implement
41 emergency rules to provide for user fees for
42 international and private adoptions. The fees
43 collected shall be deposited in the adoption
44 administrative fund and shall be used to provide these
45 services."

46 23. Page 36, line 23, by inserting before the
47 word "cost" the following: "a cost increase to the
48 state or".

49 24. Page 36, line 24, by inserting after the word
50 "the" the following: "state, the".

Page 3

1 25. Page 37, by striking lines 12 through 16, and
2 inserting the following:

3 "(3) For the initial year of the pilot project,
4 the federal share of the reimbursement for
5 depreciation shall be deposited in the general fund of
6 the state. The institution shall develop a report
7 detailing the items for which these funds would have
8 been utilized and shall include this report with the
9 preliminary report submitted pursuant to subparagraph
10 (5) in January 1998."

11 26. Page 37, by striking lines 17 through 20 and
12 inserting the following:

13 "(4) For the purposes of allocating the salary
14 adjustment fund moneys appropriated in another Act,
15 the state hospital-school at Glenwood shall be
16 considered to be funded entirely with state moneys."

17 27. Page 38, line 1, by inserting after the word
18 "services" the following: "in a manner which does not
19 shift costs between the medical assistance program,
20 counties, or other sources of funding for the state-
21 hospital schools".

22 28. Page 38, line 31, by inserting after the word
23 "program" the following: ", of which not more than
24 \$30,000 shall be used for administrative costs".

25 29. Page 39, by striking line 25 and inserting
26 the following:

27 "..... \$ 7,070,000"

28 30. By striking page 43, line 33, through page
29 44, line 7, and inserting the following: "area. Not
30 more than \$36,400 shall be used for administrative
31 costs. The pilot project and any federal home and
32 community-based waiver developed under the medical
33 assistance program shall not be implemented in a

34 manner which would require additional county or state
35 costs for assistance provided to an individual served
36 under the pilot project or the waiver.

37 It is the intent of the general assembly that for
38 any new applicants for personal assistance, priority
39 shall be given to providing assistance to individuals
40 for education, job training, and other forms of
41 employment support. It is also the intent of the
42 general assembly that if other programs become
43 available which provide similar services, current
44 recipients of personal assistance for whom these
45 similar services are appropriate shall be assisted in
46 attaining eligibility for these programs."

47 31. Page 44, by striking line 33 and inserting
48 the following:

49 "..... \$ 14,100,000"

50 32. Page 44, line 35, by striking the figure "1."

Page 4

1 33. Page 45, by striking lines 3 through 8.

2 34. Page 48, by striking lines 27 and 28, and
3 inserting the following: "a manner so that there is
4 not a rate reimbursement deviation between
5 nonregistered and registered child day care home
6 providers".

7 35. Page 50, line 31, by inserting after the word
8 "rights," the following: "justice system,".

9 36. By striking page 50, line 33, through page
10 51, line 23, and inserting the following:

11 "Sec. ____ SERVICES RESTRUCTURING TASK FORCE.

12 1. The legislative council is requested to
13 continue the task force established for the 1996
14 interim of the general assembly in order to develop a
15 comprehensive proposal to accomplish all of the
16 following:

17 a. Devolution of the control of service delivery
18 to the local level.

19 b. Elimination of program duplication within the
20 department of human services and between the
21 department of human services and other departments
22 including but not limited to the Iowa department of
23 public health, the department of education, and the
24 judicial department.

25 c. Reduction of paperwork, red-tape, and
26 bureaucracy to improve the quality of services
27 delivery and consumer satisfaction.

28 d. Evaluation of the adherence of the department of
29 human services to the department's mission statement.

30 2. In addition, the task force may address the
31 following topics: granting local authority to deliver
32 public services, use of public institutions and
33 facilities, the possibility of creating an agency for

34 disability and rehabilitation services, and
 35 development of a "seamless" system for referral of
 36 families to child day care resources and public
 37 financial assistance and collaborative programs."

38 37. Page 51, line 27, by striking the word
 39 "January" and inserting the following: "July".

40 38. Page 52, line 2, by inserting after the word
 41 "care," the following: "in-home services and other
 42 support,".

43 39. Page 52, by striking lines 10 through 18 and
 44 inserting the following:

45 "Sec. ____ MENTAL HEALTH - CHILDREN. The mental
 46 health and developmental disabilities commission, the
 47 council on human services, and the state-county
 48 management committee, shall review mental health
 49 services for children with the goal of assuring
 50 coordination and provision of effective services. The

Page 5

1 commission, council, and committee shall submit a
 2 report of findings and recommendations, which shall
 3 include recommendations for proposed legislation, to
 4 the general assembly on or before December 15, 1997."

5 40. Page 52, by inserting after line 30 the
 6 following:

7 "1A. For emergency assistance."

8 41. Page 52, by inserting after line 34 the
 9 following:

10 "This section shall not be construed to prohibit
 11 existing state transfer authority for other purposes."

12 42. Page 53, line 24, by inserting after the word
 13 "funding," the following: "and section 3, subsection
 14 8, relating to remaining unobligated or unexpended
 15 funds for the JOBS program,".

16 43. Page 53, line 25, by striking the word
 17 "takes" and inserting the following: "take".

Jacobs of Polk offered the following amendment H-1654, to amend-
 ment H-1626, filed by her from the floor and moved its adoption:

H-1654

1 Amend the amendment, H-1626, to House File 715 as
 2 follows:

3 1. Page 2, by inserting after line 3 the
 4 following:

5 "____ Page 18, line 16, by inserting after the
 6 word "services." the following: "Effective October 1,
 7 1997, the department shall increase to 125 percent the
 8 maximum federal poverty level used to determine
 9 eligibility for state child care assistance.'"

10 2. By renumbering as necessary.

Amendment H-1654 was adopted.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-1649, to amendment H-1626, filed by him from the floor.

Houser of Pottawattamie offered the following amendment H-1652, to amendment H-1626, filed by him from the floor and moved its adoption:

H-1652

- 1 Amend the amendment, H-1626, to House File 715 as
- 2 follows:
- 3 1. Page 2, by striking lines 6 and 7.
- 4 2. Page 3, by striking lines 3 through 10 and
- 5 inserting the following:
- 6 ""(3) For the initial year of the pilot project,
- 7 the institution shall develop a report detailing the
- 8 items for which depreciation reimbursement funds would
- 9 have been utilized if the depreciation reimbursement
- 10 had been retained by the institution. This report
- 11 shall be included with the preliminary report
- 12 submitted pursuant to subparagraph (5) in January
- 13 1998.""
- 14 3. Page 4, by striking lines 2 through 6, and
- 15 inserting the following:
- 16 " _ Page 48, line 28, by inserting after the
- 17 word "registered," the following: "The department
- 18 shall review the effects of providing a rate
- 19 reimbursement incentive on child day care availability
- 20 including but not limited to any change in the number
- 21 of providers who are registered and the effect on
- 22 access to providers in rural and urban areas. The
- 23 department shall report the findings of the review to
- 24 the general assembly on or before January 2, 1998.""
- 25 4. By renumbering as necessary.

Amendment H-1652, to amendment H-1626, was adopted.

Rants of Woodbury offered the following amendment H-1634, to amendment H-1626, filed by him and moved its adoption:

H-1634

- 1 Amend the amendment, H-1626, to House File 715 as
- 2 follows:
- 3 1. Page 3, by striking line 27 and inserting the
- 4 following:
- 5 " S 6,910,000"
- 6 _ Page 43, by inserting after line 21 the
- 7 following:

8 "Sec. ____ PROVIDER REIMBURSEMENT - SHELTERED
 9 WORKSHOPS - WORK ACTIVITY SERVICES. There is
 10 appropriated from the general fund of the state to the
 11 department of human services for the fiscal year
 12 beginning July 1, 1997, and ending June 30, 1998, the
 13 following amount, or so much thereof as is necessary,
 14 to be used for the purpose designated:

15 For payment of an increased provider reimbursement
 16 for sheltered workshops and work activity services:
 17 \$ 160,000

18 The moneys appropriated in this section shall be
 19 allocated to counties in accordance with the
 20 methodology for distribution of local purchase of
 21 services moneys in section 22, subsection 6, paragraph
 22 "f", of this Act. The moneys provided pursuant to
 23 this section shall be used to pay the increase in
 24 reimbursement rates by one percent over the
 25 reimbursement rate provided on June 30, 1997, for
 26 sheltered workshops and work activity services."

27 2. By renumbering as necessary.

Amendment H-1634, to amendment H-1626 was adopted, placing amendment H-1630 out of order.

Ford of Polk offered the following amendment H-1642, to amendment H-1626, filed by him and Brand of Tama from the floor and moved its adoption:

H-1642

1 Amend the amendment, H-1626, to House File 715 as
 2 follows:

3 1. Page 5, by inserting after line 11 the
 4 following:

5 " ____ Page 52, by inserting after line 34, the
 6 following:

7 "Sec. ____ YOUTH SERVICES DEPARTMENT - STUDY.

8 The legislative council is requested to establish an
 9 interim study committee consisting of members of both
 10 political parties from both houses of the general
 11 assembly to consider whether a separate state
 12 department for youth services should be established.
 13 The study may include, but is not limited to, a review
 14 of existing programs and services provided to
 15 juveniles in this state and the funding mechanisms for
 16 those programs and services; identifying the various
 17 agencies currently involved in the delivery of those
 18 programs and services to juveniles; identifying areas
 19 in which programs and services overlap; reviewing the
 20 approaches used and experiences of other states in
 21 delivering juvenile services; and receiving testimony
 22 from agency staff, service providers, and youth
 23 services advocates on issues deemed relevant to the

24 delivery of juvenile services in this state. The
25 committee may be authorized to hire a consultant to
26 provide the background information requested by the
27 committee. The committee should be directed to submit
28 its findings, together with any recommendations, in a
29 report to the general assembly session which convenes
30 in January 1998.”

31 2. By renumbering as necessary.

Amendment H-1642, to amendment H-1626, was adopted.

Shoultz of Black Hawk offered the following amendment H-1659, to amendment H-1626, filed by him from the floor and moved its adoption:

H-1659

- 1 Amend the amendment, H-1626, to House File 715 as
- 2 follows:
- 3 1. Page 2, by striking lines 8 through 23.
- 4 2. By renumbering as necessary.

Amendment H-1659 lost.

Shoultz of Black Hawk offered the following amendment H-1661, to amendment H-1626, filed by him from the floor and moved its adoption:

H-1661

- 1 Amend the amendment, H-1626, to House File 715 as
- 2 follows:
- 3 1. Page 2, by inserting before line 24 the
- 4 following:
- 5 “___ Page 25, line 34, by striking the word
- 6 “The” and inserting the following: “Of the funds
- 7 appropriated in this section, \$872,500 is allocated
- 8 for purposes of section 232.142, subsection 3, unless
- 9 an enactment of the Seventy-seventh General Assembly,
- 10 1997 Session, establishes a new Code chapter 911A
- 11 providing for a jail, courthouse security, and
- 12 juvenile detention and runaway assessment facility
- 13 surcharge, in which case the”.
- 14 2. By renumbering as necessary.

Amendment H-1661 lost.

Houser of Pottawattamie moved the adoption of amendment H-1626, as amended.

Amendment H-1626, as amended, was adopted placing out of order amendment H-1615.

Wise of Lee offered the following amendment H-1629 filed by him and moved its adoption:

H-1629

- 1 Amend House File 715 as follows:
- 2 1. Page 1, by striking line 14, and inserting the
- 3 following:
- 4 "..... \$ 11,460,000"
- 5 2. Page 1, line 33, by striking the figure
- 6 "6,832,592" and inserting the following: "9,232,592".

Roll call was requested by Murphy of Dubuque and Wise of Lee.

On the question "Shall amendment H-1629 be adopted?" (H.F. 715)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Boggess	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Van Fossen,	
		Presiding	

Absent or not voting, 3:

Bradley	Dinkla	Gipp
---------	--------	------

Amendment H-1629 lost.

Jochum of Dubuque offered the following amendment H-1627 filed by her and moved its adoption:

H-1627

- 1 Amend House File 715 as follows:
 2 1. By striking page 1, line 35, through page 2,
 3 line 1, and inserting the following:
 4 "Sec. __. HOST HOMES. There is appropriated from
 5 the general fund of the state to the department of
 6 human services for the fiscal year beginning July 1,
 7 1997, and ending June 30, 1998, the following amount,
 8 or so much thereof as is necessary, to be used for the
 9 purpose designated:
 10 For implementation of host homes in accordance with
 11 this section:
 12 \$ 500,000
 13 The department shall use the moneys appropriated in
 14 this section for grants to increase the availability".
 15 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Murphy of Dubuque.

On the question "Shall amendment H-1627 be adopted?" (H.F. 715)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Van Fossen, Presiding			

Absent or not voting, 1:

Bradley

Amendment H-1627 lost.

Murphy of Dubuque offered the following amendment H-1612 filed by him and moved its adoption:

H-1612

1 Amend House File 715 as follows:

2 1. Page 5, by striking line 30 and inserting the
3 following:

4 " \$ 1,448,400".

Van Maanen of Marion in the chair at 7:26 p.m.

Roll call was requested by Murphy of Dubuque and Chiodo of Polk.

On the question "Shall amendment H-1612 be adopted?" (H.F. 715)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 1:

Lord

Amendment H-1612 lost.

Murphy of Dubuque offered the following amendment H-1613 filed by him and moved its adoption:

H-1613

- 1 Amend House File 715 as follows:
- 2 1. Page 8, by inserting after line 24 the
- 3 following:
- 4 "f. All remaining moneys shall be used as
- 5 additional funding for child day care, JOBS program
- 6 benefits, and other direct services to persons
- 7 receiving family investment program assistance during
- 8 the fiscal year beginning July 1, 1997."

Roll call was requested by Murphy of Dubuque and Scherrman of Dubuque.

On the question "Shall amendment H-1613 be adopted?" (H.F. 715)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Hahn	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup

Teig
Vande Hoef
Van Maanen,
Presiding

Thomson
Veenstra

Tyrrell
Weidman

Van Fossen
Welter

Absent or not voting, none.

Amendment H-1613 lost.

Jochum of Dubuque offered amendment H-1614 filed by her and Dotzler of Black Hawk as follows:

H-1614

- 1 Amend House File 715 as follows:
- 2 1. Page 8, by inserting after line 31 the
- 3 following:
- 4 "11. The department shall monitor and assess the
- 5 impacts from the social services changes implemented
- 6 pursuant to the federal Personal Responsibility and
- 7 Work Opportunity Reconciliation Act of 1996, Pub. L.
- 8 No. 104-193. The monitoring and assessments shall
- 9 include but are not limited to eligibility changes
- 10 involving legal immigrants, federal supplemental
- 11 security income (SSI), and food stamps and the impacts
- 12 of the changes upon state and local jurisdictions.
- 13 The assessment shall include consideration of
- 14 eligibility provisions and public expenditures prior
- 15 to the implementation of the federal law and the
- 16 effects of the eligibility changes upon former
- 17 recipients and public expenditures following
- 18 implementation of the federal law."
- 19 2. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H-1651, to amendment H-1614, filed by her from the floor and moved its adoption:

H-1651

- 1 Amend the amendment, H-1614, to House File 715 as
- 2 follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "law." the following: "The department shall report to
- 5 the general assembly on or before January 12, 1998,
- 6 regarding the monitoring, assessments, and
- 7 consideration of the effects of the federal law."

Amendment H-1651, to amendment H-1614, was adopted.

Jochum of Dubuque moved the adoption of amendment H-1614, as amended.

A non-record roll call was requested.

The ayes were 44, nays 50.

Amendment H-1614, as amended, lost.

Weigel of Chickasaw offered amendment H-1620 filed by him as follows:

H-1620

- 1 Amend House File 715 as follows:
- 2 1. Page 15, by inserting after line 2 the
- 3 following:
- 4 "___ Of the funds appropriated in this section,
- 5 \$1,088,839, which is the savings realized under the
- 6 medical assistance program due to a reduced estimate
- 7 of the number of bed days utilized by nursing facility
- 8 residents because of the expansion of case management
- 9 services, shall be transferred to the department of
- 10 elder affairs prior to the close of the fiscal year to
- 11 be used by the department of elder affairs for case
- 12 management services. Notwithstanding section 8.33,
- 13 moneys transferred pursuant to this subsection shall
- 14 not revert to the general fund of the state at the
- 15 close of the fiscal year but shall remain available
- 16 and used for the purpose designated in the succeeding
- 17 fiscal year."

Weigel of Chickasaw offered the following amendment H-1658, to amendment H-1620, filed by him from the floor and moved its adoption:

H-1658

- 1 Amend the amendment, H-1620, to House File 715 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the figure
- 4 "1,088,839" and inserting the following: "500,000".

Amendment H-1658, to amendment H-1620, was adopted.

Weigel of Chickasaw moved the adoption of H-1620, as amended.

Amendment H-1620, as amended, lost.

Brand of Tama offered the following amendment H-1628 filed by him and moved its adoption:

H-1628

- 1 Amend House File 715 as follows:
- 2 1. Page 15, by inserting after line 2 the
- 3 following:

- 4 "___ The department shall provide health
 5 insurance to children who were previously recipients
 6 of federal supplemental security income (SSI) but who,
 7 due to the provisions of the federal Personal
 8 Responsibility and Work Opportunity Reconciliation Act
 9 of 1996, Pub. L. No. 104-193, have lost their
 10 eligibility for SSI, are no longer categorically
 11 eligible for medical assistance, and are not otherwise
 12 eligible for medical assistance."
 13 2. By renumbering as necessary.

Roll call was requested by Brand of Tama and Witt of Black Hawk.

On the question "Shall amendment H-1628 be adopted?" (H.F. 715)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brunkhorst	Carrroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Drees
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 1:

Brauns

Amendment H-1628 lost.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendments H-1604 and H-1633, filed by him and Hansen of Pottawattamie on April 8, 1997, and amendment H-1644 filed by Blodgett of Cerro Gordo from the floor.

Hansen of Pottawattamie offered the following amendment H-1635 filed by Hansen, et al., and moved its adoption:

H-1635

- 1 Amend House File 715 as follows:
- 2 1. Page 15, by striking lines 21 and 22 and
- 3 inserting the following:
- 4 "1. a. The department shall continue prospective
- 5 drug utilization review and may establish drug
- 6 surveillance prior authorization under the medical
- 7 assistance program.
- 8 b. The department shall develop and implement an
- 9 individual patient tracking system to assess the
- 10 effectiveness of the drug prior authorization program.
- 11 The system shall include patient specific elements
- 12 including, at a minimum, the drug prescribed or
- 13 requested, the alternative drug dispensed, the
- 14 quantity requested, the quantity dispensed, and the
- 15 drugs dispensed during required trials.
- 16 c. The department shall conduct a prior
- 17 authorization cost-effectiveness study, at no cost to
- 18 the state, and shall not use any entity or individual
- 19 currently or previously utilized by the department to
- 20 perform the study.
- 21 d. The prospective drug utilization review and
- 22 prior authorization cost-effectiveness studies shall
- 23 include, but are not limited to, all of the following:
- 24 (1) The net cost of the substitution of brand name
- 25 drugs for which alternatives are required, including
- 26 the drug rebates, if applicable, under the Iowa prior
- 27 authorization regimen.
- 28 (2) The costs attributable to the ambulatory
- 29 treatment of iatrogenic, unexpected conditions which
- 30 result when the prescribed drug is not authorized and
- 31 a substitution is made under the Iowa prior
- 32 authorization regimen, when it is possible to
- 33 determine that the conditions resulted from the
- 34 substitution of the alternative medication for the
- 35 prescribed medication.
- 36 (3) The costs attributable to institutionalization
- 37 and treatment for iatrogenic, unexpected conditions
- 38 which result when the prescribed drug is not
- 39 authorized and a substitution is made under the Iowa
- 40 prior authorization regimen when it is possible to
- 41 determine that the condition resulted from the
- 42 substitution of the alternative medication for the

43 prescribed medication.

44 (4) The costs of prescribing mandates, such as
45 requiring two failures of generic drug treatment
46 before allowing the prescribing of a brand name
47 alternative.

48 (5) The measurement of the cost-effectiveness of
49 patient outcomes under prior authorization compared to
50 the patient outcomes under prospective drug

Page 2

1 utilization review.

2 (6) The comparison of administrative costs for
3 prior authorization review and prospective drug
4 utilization review.

5 The department shall review the methodology for
6 calculating and projecting costs savings and shall
7 update the methodology, if necessary.

8 The costs identified under the studies performed
9 shall be netted against the cost savings projected by
10 the department to accurately determine and report cost
11 savings for the drug prior authorization program.

12 The department shall submit a report of the studies
13 to the general assembly on or before March 1, 1998,
14 for review. Subsequent to that date, the general
15 assembly may direct the department to remove from the
16 categories of prescription drugs for which prior
17 authorization is currently required, all of the drugs
18 for which the comparative studies establish that
19 prospective drug utilization review is at least as
20 cost-effective in patient outcomes as prior
21 authorization.”

Amendment H-1635 was adopted.

Ford of Polk offered the following amendment H-1631 filed by him
and moved its adoption:

H-1631

1 Amend House File 715 as follows:

2 1. Page 24, by inserting after line 17 the
3 following:

4 “Sec. ____ EDUCATIONAL PROGRAMMING AT ELDORA AND
5 TOLEDO. There is appropriated from the general fund
6 of the state to the department of human services for
7 the fiscal year beginning July 1, 1997, and ending
8 June 30, 1998, the following additional amount, or so
9 much thereof as is necessary, to be used for purposes
10 of providing educational programs at the state
11 training school at Eldora and the Iowa juvenile home
12 at Toledo which focus on the prevention of sexual
13 abuse and the development of positive social

- 14 interaction skills:
- 15 \$ 200,000"
- 16 2. By renumbering as necessary.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1631 filed by him on April 8, 1997.

Ford of Polk offered the following amendment H-1621 filed by Ford, et al., and moved its adoption:

H-1621

- 1 Amend House File 715 as follows:
- 2 1. Page 24, by striking line 24 and inserting the
- 3 following:
- 4 " \$113,468,000"
- 5 2. Page 29, by inserting after line 28 the
- 6 following:
- 7 "19. In addition to other moneys allocated in this
- 8 section for adolescent tracking and monitoring,
- 9 \$944,000 shall be used for this purpose.
- 10 20. In addition to other moneys allocated in this
- 11 section for school-based supervision for delinquents
- 12 and at-risk students, \$240,000 shall be used for this
- 13 purpose.
- 14 21. In addition to other moneys allocated in this
- 15 section for supervised community treatment, \$1,200,000
- 16 shall be used for this purpose."
- 17 3. Page 32, by striking line 12 and inserting the
- 18 following:
- 19 " \$ 3,490,000"
- 20 4. Page 34, line 18, by striking the figure
- 21 "580,000" and inserting the following: "780,000".

Roll call was requested by Shoultz of Black Hawk and Murphy of Dubuque.

On the question "Shall amendment H-1621 be adopted?" (H.F. 715)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 1:

Brauns

Amendment H-1621 lost.

Shoultz of Black Hawk offered the following amendment H-1616 filed by him and Dotzler of Black Hawk and moved its adoption:

H-1616

- 1 Amend House File 715 as follows:
- 2 1. Page 32, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ JUVENILE DELINQUENCY PREVENTION GRANTS.
- 5 There is appropriated from the general fund of the
- 6 state to the department of human services for the
- 7 fiscal year beginning July 1, 1997, and ending June
- 8 30, 1998, the following amount, or so much thereof as
- 9 is necessary, to be used for the purpose designated:
- 10 For grants to local communities for purposes of
- 11 juvenile delinquency prevention:
- 12 \$ 2,500,000
- 13 The department shall work cooperatively with other
- 14 state agencies in developing requirements for, and for
- 15 soliciting, reviewing, and awarding grants under this
- 16 section. If the department determines the grant
- 17 program could be administered at less cost to the
- 18 state by another state agency with expertise in
- 19 administering a similar program, the department may
- 20 transfer the moneys appropriated in this section to
- 21 the other state agency which shall administer the
- 22 grants."
- 23 2. By renumbering as necessary.

Roll call was requested by Holveck of Polk and Siegrist of Pottawattamie.

On the question "Shall amendment H-1616 be adopted?" (H.F. 715)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 1:

Teig

Amendment H-1616 lost.

Murphy of Dubuque offered the following amendment H-1617 filed by him and moved its adoption:

H-1617

- 1 Amend House File 715 as follows:
- 2 1. Page 44, line 24, by inserting after the word
- 3 "abuse." the following: "None of the additional
- 4 positions shall be used to perform reviews of child

5 abuse information in the central registry as of July
 6 1, 1997, due to a change in the criteria for placement
 7 of child abuse information in the central registry in
 8 accordance with 1997 Iowa Acts, House File 698, if
 9 enacted, or any other enactment of the Seventy-seventh
 10 General Assembly, 1997 Session."

Amendment H-1617 lost.

Bernau of Story offered the following amendment H-1636 filed by him and moved its adoption:

H-1636

1 Amend House File 715 as follows:
 2 1. Page 46, by inserting after line 31 the
 3 following:
 4 "_. For the fiscal year beginning July 1, 1997,
 5 reimbursement rates for dentists shall be increased by
 6 3.6 percent over the rates in effect on June 30,
 7 1997."

Amendment H-1636 lost.

Huser of Polk offered the following amendment H-1618 filed by her and moved its adoption:

H-1618

1 Amend House File 715 as follows:
 2 1. Page 52, by inserting after line 34, the
 3 following:
 4 "Sec. __. COMPUTER PROGRAM - COORDINATION. The
 5 department shall develop a proposal to provide that,
 6 to the greatest extent possible, all computer programs
 7 used by the department, including but not limited to
 8 FACS, X-PERT, and the program used by the child
 9 support recovery unit are interactive. The department
 10 shall submit the proposal, including costs associated
 11 with implementation of the proposal, to the general
 12 assembly on or before January 12, 1998."
 13 2. By renumbering as necessary.

Amendment H-1618 lost.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 715)

The ayes were, 94:

Arnold
 Blodgett

Barry
 Boddicker

Bell
 Boggess

Bernau
 Bradley

Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevet
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Witt	Mr. Speaker		
	Corbett		

The nays were, 6:

Brand	Burnett	Kreiman	Moreland
O'Brien	Wise		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 715** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 16

Metcalf of Polk asked and received unanimous consent for the immediate consideration of House Resolution 16, a resolution honoring Des Moines Mayor Arthur Davis for his many contributions to the city of Des Moines and the state of Iowa, filed from the floor, and moved its adoption.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 126, a bill for an act relating to the state sales and use tax exemption on certain computers, machinery, equipment, and fuel.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 132, a bill for an act relating to the liability of persons involved in domesticated animal activities.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 232, a bill for an act providing for court-ordered treatment of a criminal defendant judged mentally incapable of standing trial.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 475, a bill for an act relating to the acquisition of a branch of a savings association by a newly chartered bank and providing an effective date.

Also: That the Senate has on April 9, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 542, a bill for an act to prohibit acts by inmates of jails or correctional institutions which result in contact with bodily fluids or secretions or the casting or expelling of bodily fluids or secretions on jail and correctional employees, and providing penalties.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 578, a bill for an act providing for the continued operation of the department of human rights and including an effective date.

Also: That the Senate has on April 9, 1997, 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 655, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making statutory changes, and providing an effective date.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 531, a bill for an act relating to the increase in the physical plant and equipment levy.

Also: That the Senate has on April 9, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 532, a bill for an act relating to tuition and fees charged by public school districts and providing an immediate effective date.

MARY PAT GUNDERSON, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 9, 1997. Had I been present, I would have voted "aye" on Senate File 391.

SUKUP of Franklin

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eleven 7th grade students from Sully Christian School, Sully, accompanied by Scott Roose. By Carroll of Poweshiek.

Fifty 5th grade students from BCLUW Elementary School, Conrad, accompanied by Stacey Simpson. By Dix of Butler, Garman of Story, and Sukup of Franklin.

Six youths from Urban Dreams, accompanied by Tarik Ross and Paul Ware. By Ford of Polk.

Twenty 8th grade students from Emmetsburg Middle School, Emmetsburg, accompanied by Mrs. Jones, Ms. Jones, and Mr. Ballman. By Frevert of Palo Alto.

Twenty-three fifth grade students from Charter Oak-Ute Elementary School, Ute, accompanied by Mary Ellen Keating. By Gries of Crawford.

Thirty-one Young Leaders in Action from Waterloo, accompanied by Amy DeHaan. By Jenkins, Dotzler, Shoultz, and Witt, all of Black Hawk.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1997\384 Winifred Moser, Guttenberg - For celebrating her 90th birthday.
- 1997\385 Clara Nieland, Guttenberg - For celebrating her 95th birthday.
- 1997\386 Helen and Reynold Baumler, West Union - For celebrating their 50th wedding anniversary.
- 1997\387 Michael Gartner, Ames - For winning the 1997 Pulitzer Prize for editorial writing.

1997\388 A. J. Nelson, Newell-Fonda – For being named to the Des Moines Register's 1997 All-State Class 1A Girls Basketball Team.

1997\389 John Sievers, Newell-Fonda – For being named to the 1997 Iowa Daily Press Class 1A All-State Basketball Team and the Des Moines Register's 1997 All-State 2nd Team.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 239

Ways and Means: Van Fossen, Chair; Larkin, Lord, Rants and Richardson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 240 Ways and Means

Increasing appropriations for the livestock production tax credit; increasing the state's reimbursement for the homestead, military service, and elderly and disabled credits; requiring the state to reimburse new property tax credits and exemptions; providing for local government budget practices and property tax statements; and including applicability date provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 263), relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

Fiscal Note is required.

Recommended **Do Pass** April 9, 1997.

Committee Bill (Formerly House File 652), relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 9, 1997.

RESOLUTION FILED

HR 17, by Doderer, Corbett, Siegrist, Schrader, Burnett, and Bernau,

a resolution honoring Mr. Michael Gartner for winning the Pulitzer Prize for editorial writing.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—1638	H.F.	720	Jochum of Dubuque
H—1639	S.F.	519	Millage of Scott
H—1640	S.F.	519	Millage of Scott
H—1641	S.F.	519	Millage of Scott
H—1645	H.F.	692	Senate Amendment
H—1646	H.F.	579	Senate Amendment
H—1647	H.F.	335	Senate Amendment
H—1648	H.F.	416	Senate Amendment
H—1653	S.F.	519	Brunkhorst of Bremer
H—1655	S.F.	516	Boddicker of Cedar
H—1656	S.F.	519	Mascher of Johnson
H—1657	S.F.	163	Thomson of Linn
H—1660	S.F.	123	Lamberti of Polk
H—1662	S.F.	253	Schrader of Marion
H—1663	H.F.	671	Blodgett of Cerro Gordo
H—1664	S.F.	519	Rants of Woodbury Brunkhorst of Bremer Falck of Fayette Mascher of Johnson
H—1665	S.F.	246	Schrader of Marion
H—1666	S.F.	472	Eddie of Buena Vista
H—1667	S.F.	503	Millage of Scott
H—1668	S.F.	503	Lamberti of Polk Kreiman of Davis
H—1669	S.F.	515	Boddicker of Cedar
H—1670	S.F.	519	Falck of Fayette Cohon of Des Moines Wise of Lee
			Mascher of Johnson
			Foege of Linn
			Bukta of Clinton
H—1671	H.F.	542	Senate Amendment
H—1672	S.F.	472	Weigel of Chickasaw Koenigs of Mitchell
H—1673	S.F.	472	Sukup of Franklin Teig of Hamilton Greiner of Washington Greig of Emmet
			Arnold of Lucas
			Eddie of Buena Vista
			Meyer of Sac

	Garman of Story		Koenigs of Mitchell
	Mundie of Webster		
H—1674	S.F.	503	Kreiman of Davis
			Lamberti of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 9:42 p.m., until 8:45 a.m., Thursday, April 10, 1997.