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

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JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 10, 1997

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

Prayer was offered by Dr. Gary Rossberg, President of Cross Trainers Ministries, West Des Moines.

The Journal of Wednesday, April 9, 1997 was approved.

INTRODUCTION OF BILL

House File 721, by committee on ways and means, 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 placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 531, by committee on ways and means, a bill for an act relating to the increase in the physical plant and equipment levy.

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

Senate File 532, by committee on ways and means, a bill for an act relating to tuition and fees charged by public school districts and providing an immediate effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Schrader of Marion, and Holveck of Polk, until his arrival, by Murphy of Dubuque.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 14

Foegen of Linn offered the following House Memorial Resolution 14 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 14

Whereas, The Honorable James D. Jordan of Linn County,

Iowa, who was a member of the Sixty-fifth and Sixty-sixth general assemblies, passed away April 7, 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 Foegel of Linn, Larson of Linn and Taylor of Linn.

ADOPTION OF HOUSE RESOLUTION 17

Doderer of Johnson asked and received unanimous consent for the immediate consideration of House Resolution 17, a resolution honoring Mr. Michael Gartner for winning the Pulitzer Prize for editorial writing, and moved its adoption.

The motion prevailed and the resolution was adopted.

Doderer of Johnson introduced Mr. Gartner, who briefly addressed the House.

The House rose and expressed its appreciation.

Carroll of Poweshiek in the chair at 9:04 a.m.

SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Siegrist of Pottawattamie asked and received unanimous consent that the following Senate Files be placed on the unfinished business calendar:

Senate File 21	Senate File 219
Senate File 40	Senate File 232
Senate File 79	Senate File 235
Senate File 80	Senate File 238
Senate File 95	Senate File 241
• Senate File 116	Senate File 281
Senate File 117	Senate File 357
Senate File 131	Senate File 358
Senate File 163	Senate File 359
Senate File 174	Senate File 362
Senate File 177	Senate File 417
Senate File 184	Senate File 420
Senate File 214	Senate File 429

Senate File 432	Senate File 497
Senate File 442	Senate File 499
Senate File 451	Senate File 515
Senate File 459	Senate File 522
Senate File 460	Senate File 526
Senate File 473	

CONSIDERATION OF BILLS

Regular Calendar

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, 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. 361)

The ayes were, 92:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
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
Houser	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	Weigel	Welter
Whitead	Wise	Witt	Carroll, Presiding

The nays were, none.

Absent or not voting, 8:

Brauns	Churchill	Connors	Ford
Holvèck	Huseman	Rayhons	Weidman

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

Senate File 75, a bill for an act relating to the qualifications of groundwater professionals, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 75)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	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	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, 6:

Brauns	Connors	Dolecheck	Ford
Holveck	Rayhons		

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 361** be immediately messaged to the Senate.

Senate File 193, a bill for an act relating to the election of trustees for special land use districts, with report of committee recommending passage, was taken up for consideration.

Dix of Butler offered the following amendment H-1544 filed by him and moved its adoption:

H-1544

- 1 Amend Senate File 193 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "each"
- 4 and inserting the following: "each".
- 5 2. Page 1, line 5, by striking the word
- 6 "October".
- 7 3. Page 1, line 17, by striking the word "shall"
- 8 and inserting the following: "shall may".
- 9 4. Page 1, line 19, by striking the words
- 10 "October election date" and inserting the following:
- 11 "next annual election".
- 12 5. Page 1, line 29, by striking the words "in
- 13 September October" and inserting the following: "in
- 14 September".

Amendment H-1544 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?" (S.F. 193)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brunckhorst	Bukta	Burnett
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	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	Osterrhaus	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	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

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

Senate File 280, a bill for an act 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, with report of committee recommending passage, was taken up for consideration.

RULE 31.8 SUSPENDED

Kreiman of Davis asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-1675.

Kreiman of Davis offered the following amendment H-1675 filed by him from the floor and moved its adoption:

H-1675

- 1 Amend Senate File 280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "information." the following: "However, the immunity
- 5 provided pursuant to this section shall not apply if
- 6 an employer discriminates or retaliates against an
- 7 employee for exercising any legal right related to the
- 8 employment."

Amendment H-1675 lost.

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

On the question "Shall the bill pass?" (S.F. 280)

The ayes were, 70:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Bukta	Cataldo	Chapman	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Klemme
Kreiman	Kremer	Lamberti	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Mundie
Myers	Nelson	Osterhaus	Rants
Rayhons	Reynolds-Knight	Scherrman	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Witt	Carroll,		
	Presiding		

The nays were, 28:

Bell	Bernau	Brand	Burnett
Chiodo	Cohoon	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Jochum	Kinzer	Koenigs
Larkin	Mascher	Moreland	Murphy
O'Brien	Richardson	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Whitead

Absent or not voting, 2:

Connors Holveck

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 75, 193 and 280.**

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, 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?" (H.F. 717)

The ayes were, 95:

Barry	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Bukta	Burnett	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	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	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Arnold	Brand	Connors	Heaton
Holveck			

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

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

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

On the question "Shall the bill pass?" (S.F. 118)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	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	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	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, 3:

Connors

Holveck

Martin

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

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

Lamberti of Polk offered the following amendment H-1660 filed by him and moved its adoption:

H-1660

- 1 Amend Senate File 123, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 20 through 22 and
- 4 inserting the following: "problems with chronic
- 5 runaway children in the county. The plan shall
- 6 identify the problems with".
- 7 2. Page 1, by striking lines 25 through 28 and
- 8 inserting the following: "a runaway assessment and
- 9 counseling center."

Amendment H-1660 was adopted.

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

On the question "Shall the bill pass?" (S.F. 123)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	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	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, 2:

Connors

Holveck

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 717** and **Senate Files 118** and **123**.

Senate File 176, a bill for an act relating to child sexual abuse reporting, with report of committee recommending passage, 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?" (S.F. 176)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Chiodo
Churchill	Cohon	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	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
Tyrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Connors

Heaton

Holveck

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

Senate File 501, a bill for an act relating to 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, with report of committee recommending passage, 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?" (S.F. 501)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	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	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:

Connors Siegrist	Corbett, Spkr.	Gipp	Holveck
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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, with report of committee recommending passage, 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?" (S.F. 230)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Chiodo
Churchill	Cohon	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	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	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:

Connors Taylor	Greiner	Holveck	Houser
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 176, 501 and 230.**

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

Lamberti of Polk offered the following amendment H-1569 filed by the committee on judiciary and moved its adoption:

H-1569

- 1 Amend Senate File 503, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. **NEW SECTION. 124.401C MANUFACTURING**
- 6 **METHAMPHETAMINE IN PRESENCE OF MINORS.**
- 7 1. In addition to any other penalties provided in
- 8 this chapter, a person who is eighteen years of age or
- 9 older and who either directly or by extraction from
- 10 natural substances, or independently by means of
- 11 chemical processes, or both, unlawfully manufactures
- 12 methamphetamine, its salts, isomers, and salts of its
- 13 isomers in the presence of a minor shall be sentenced
- 14 up to an additional term of confinement of five years.

15 2. For purposes of this section, the term "in the
16 presence of a minor" shall mean any of the following:

17 a. When a minor is physically present during the
18 activity.

19 b. When the activity is conducted in the residence
20 of a minor.

21 c. When the activity is conducted in a residence
22 where minors can reasonably be expected to be present.

23 d. When the activity is conducted in a room
24 offered to the public for overnight accommodation.

25 Sec. 2. Section 728.1, Code 1997, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 5A. "Place of business" means the
28 premises of a business required to obtain a sales tax
29 permit pursuant to chapter 422, the premises of a
30 nonprofit or not-for-profit organization, and the
31 premises of an establishment which is open to the
32 public at large or where entrance is limited by a
33 cover charge or membership requirement.

34 Sec. 3. Section 728.5, Code 1997, is amended to
35 read as follows:

36 728.5 PUBLIC INDECENT EXPOSURE IN CERTAIN
37 ESTABLISHMENTS.

38 ~~A holder of a liquor license or beer permit or any~~
39 ~~An owner, manager, or person who exercises direct~~
40 ~~control over any licensed premises defined in section~~
41 ~~123.3, subsection 20 a place of business required to~~
42 ~~obtain a sales tax permit shall be guilty of a serious~~
43 ~~misdemeanor under any of the following circumstances:~~

44 1. If such person ~~allow~~ allows or ~~permit~~ permits
45 the actual or simulated public performance of any sex
46 act upon or in such ~~licensed premises~~ place of
47 business.

48 2. If such person ~~allow~~ allows or ~~permit~~ permits
49 the exposure of the genitals or buttocks or female
50 breast of any person who acts as a waiter or waitress.

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1 3. If such person ~~allow~~ allows or ~~permit~~ permits
2 the exposure of the genitals or female breast nipple
3 of any person who acts as an entertainer, whether or
4 not the owner of the ~~licensed premises~~ place of
5 business in which the activity is performed employs or
6 pays any compensation to such person to perform such
7 activity.

8 4. If such person ~~allow~~ allows or ~~permit~~ permits
9 any person to remain in or upon the ~~licensed premises~~
10 place of business who exposes to public view the
11 person's genitals, pubic hair, or anus.

12 5. ~~If such person allow or permit the displaying~~
13 ~~of moving pictures, films, or pictures depicting any~~
14 ~~sex act or the display of the pubic hair, anus, or~~

15 ~~genitals upon or in such licensed premises.~~

16 6 ~~5~~. If such person advertises that any activity
17 prohibited by this section is allowed or permitted in
18 such ~~licensed premises~~ place of business.

19 7 ~~6~~. If such person allows or permits a minor to
20 engage in or otherwise perform in a live act intended
21 to arouse or satisfy the sexual desires or appeal to
22 the prurient interests of patrons. However, if such
23 person allows or permits a minor to participate in any
24 act included in subsections 1 through 4, the person
25 shall be guilty of an aggravated misdemeanor.

26 ~~Provided that the~~ The provisions of this section
27 shall not apply to a theater, concert hall, art
28 center, museum, or similar establishment which is
29 primarily devoted to the arts or theatrical
30 performances and in which any of the circumstances
31 contained in this section were permitted or allowed as
32 part of such art exhibits or performances.

33 Sec. 4. Section 728.8, Code 1997, is amended to
34 read as follows:

35 728.8 SUSPENSION OF LICENSES OR PERMITS.

36 Any person who knowingly permits a violation of
37 section 728.2, 728.3, or 728.5, subsection 7 ~~6~~, to
38 occur on premises under the person's control shall
39 have all permits and licenses issued to the person
40 under state or local law as a prerequisite for doing
41 business on such premises revoked for a period of six
42 months. The county attorney shall notify all agencies
43 responsible for issuing licenses and permits of any
44 conviction under section 728.2, 728.3, or 728.5,
45 subsection 7 ~~6~~.

46 Sec. 5. Section 907.2, unnumbered paragraph 2,
47 Code 1997, is amended to read as follows:

48 Probation officers employed by the judicial
49 district department of correctional services, while
50 performing the duties prescribed by that department,

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1 are peace officers. Probation officers shall
2 investigate all persons referred to them for
3 investigation by the director of the judicial district
4 department of correctional services which employs
5 them. They shall furnish to each person released
6 under their supervision or committed to a community
7 corrections residential facility operated by the
8 judicial district department of correctional services,
9 a written statement of the conditions of probation or
10 commitment. They shall keep informed of each person's
11 conduct and condition and shall use all suitable
12 methods prescribed by the judicial district department
13 of correctional services to aid and encourage the
14 person to bring about improvements in the person's

15 conduct and condition. Probation officers shall keep
16 records of their work and, unless section 907.8A
17 applies, shall make reports to the court when alleged
18 violations occur and within no less than thirty days
19 before the period of probation will expire. If
20 section 907.8A applies, the probation officers shall
21 make the reports of alleged violations to the
22 administrative parole and probation judge within no
23 less than thirty days before the period of probation
24 will expire. Probation officers shall coordinate
25 their work with other social welfare agencies which
26 offer services of a corrective nature operating in the
27 area to which they are assigned.

28 Sec. 6. Section 907.7, unnumbered paragraphs 1 and
29 2, Code 1997, are amended to read as follows:

30 The length of the probation shall be for such term
31 as the court may shall fix but not to exceed five
32 years if the offense is a felony or not to exceed two
33 years if the offense is a misdemeanor.

34 The length of the probation shall not be less than
35 one year if the offense is a misdemeanor and shall not
36 be less than two years if the offense is a felony.

37 However, the court or the administrative parole and
38 probation judge, if section 907.8A applies, may
39 subsequently reduce the length of the probation if the
40 court or the administrative parole and probation judge
41 determines that the purposes of probation have been
42 fulfilled. The purposes of probation are to provide
43 maximum opportunity for the rehabilitation of the
44 defendant and to protect the community from further
45 offenses by the defendant and others.

46 Sec. 7. Section 907.8, unnumbered paragraph 3,
47 Code 1997, is amended to read as follows:

48 Jurisdiction of Except as otherwise provided in
49 section 907.8A, the court shall retain jurisdiction
50 over these persons shall remain with the sentencing

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1 court. Jurisdiction may be transferred to a court in
2 another jurisdiction, or to the administrative parole
3 and probation judge under section 907.8A, if a
4 person's probation supervision is transferred to a
5 judicial district department of correctional services
6 in a district other than the district in which the
7 person was sentenced.

8 Sec. 8. NEW SECTION. 907.8A SIXTH JUDICIAL
9 DISTRICT - DETERMINATION OF ISSUES DURING
10 PROBATIONARY PERIOD.

11 1. Except for those persons who are granted a
12 deferred judgment or deferred sentence, for each
13 adult, and each juvenile who has been prosecuted,
14 convicted, and sentenced as an adult, who is released

15 on probation by the court in the sixth judicial
16 district, the jurisdiction of the sentencing court
17 shall cease upon approval by the sentencing court of
18 the conditions established by the judicial district
19 department of correctional services. If a person is
20 granted a deferred judgment or deferred sentence,
21 jurisdiction shall be retained by the court.

22 2. All issues relating to whether the probationer
23 has violated or fulfilled the terms and conditions of
24 probation, including but not limited to express
25 violations of a specific term of probation, new
26 violations of the law, and changes of the term of
27 probation as provided in sections 907.7, 908.11, and
28 910.4, which would otherwise be determined by the
29 court, shall be determined instead by an
30 administrative parole and probation judge. The
31 administrative parole and probation judge, who shall
32 be an attorney, shall be appointed by the board of
33 parole, notwithstanding chapter 17A. The costs of
34 employing the administrative parole and probation
35 judge shall be borne by the board of parole.

36 A probation hearing conducted by an administrative
37 parole and probation judge shall be conducted in the
38 same manner as hearings regarding revocations or
39 modifications of or discharge from parole. The
40 hearing may be conducted electronically. The
41 probation officer shall notify the county attorney at
42 least five days prior to any probation hearing. The
43 interests of the state shall be represented by the
44 probation officer at the probation hearing, unless the
45 county attorney or the county attorney's designee
46 elects to assist the probation officer. The board of
47 parole, the department of corrections, and the clerk
48 of the district court in the sixth judicial district
49 shall devise and implement a system for the filing of
50 documents and records of probation hearings conducted

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1 under this section. The system shall allow for the
2 electronic filing of records and documents where
3 electronic filing is practicable.

4 3. Appeals from orders of the administrative
5 parole and probation judge which pertain to the
6 revocations or modifications of or discharge from
7 probation shall be conducted in the manner provided in
8 rules adopted by the board of parole.

9 Sec. 9. Section 907.9, Code 1997, is amended to
10 read as follows:

11 907.9 DISCHARGE FROM PROBATION.

12 1. At Except as otherwise provided in section
13 907.8A, at any time that the court determines that the
14 purposes of probation have been fulfilled, the court

15 may order the discharge of a person from probation.
16 2. At any time that a probation officer determines
17 that the purposes of probation have been fulfilled,
18 the officer may order the discharge of a person from
19 probation after approval of the district director, and
20 notification of the sentencing court, the
21 administrative parole and probation judge if section
22 907.8A applies, and the county attorney who prosecuted
23 the case.

24 3. The sentencing judge, ~~unless the judge is no~~
25 ~~longer serving or is otherwise unable to, or, if~~
26 section 907.8A applies, the administrative parole and
27 probation judge, may order a hearing on its own
28 motion, or shall order a hearing upon the request of
29 the county attorney, for review of such discharge. If
30 the sentencing judge is no longer serving or unable to
31 order such hearing, the chief judge of the district or
32 the chief judge's designee shall order any hearing
33 pursuant to this section, if section 907.8A does not
34 apply. Following the hearing, the court or the
35 administrative parole and probation judge shall
36 approve or rescind such discharge. If a hearing is
37 not ordered within thirty days after notification by
38 the probation officer, the person shall be discharged
39 and the probation officer shall notify the state court
40 administrator of such discharge.

41 4. At the expiration of the period of probation,
42 ~~in cases where the court fixes the term of probation,~~
43 the court or, if section 907.8A applies, the
44 administrative parole and probation judge, shall order
45 the discharge of the person from probation, and the
46 court or administrative parole and probation judge
47 shall forward to the governor a recommendation for or
48 against restoration of citizenship rights to that
49 person. A person who has been discharged from
50 probation shall no longer be held to answer for the

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1 person's offense. Upon discharge from probation, if
2 judgment has been deferred under section 907.3, the
3 court's criminal record with reference to the deferred
4 judgment shall be expunged. The record maintained by
5 the state court administrator as required by section
6 907.4 shall not be expunged. The court's record shall
7 not be expunged in any other circumstances.

8 5. A probation officer or the director of the
9 judicial district department of correctional services
10 who acts in compliance with this section is acting in
11 the course of the person's official duty and is not
12 personally liable, either civilly or criminally, for
13 the acts of a person discharged from probation by the
14 officer after such discharge, unless the discharge

15 constitutes willful disregard of the person's duty.

16 Sec. 10. Section 908.11, Code 1997, is amended to
17 read as follows:

18 908.11 VIOLATION OF PROBATION.

19 1. A probation officer or the judicial district
20 department of correctional services having probable
21 cause to believe that any person released on probation
22 has violated the conditions of probation shall proceed
23 by arrest or summons as in the case of a parole
24 violation.

25 2. The Except as otherwise provided in sections
26 907.8 and 907.8A, the functions of the liaison officer
27 and the board of parole shall be performed by the
28 judge or magistrate who placed the alleged violator on
29 probation if that judge or magistrate is available,
30 otherwise by another judge or magistrate who would
31 have had jurisdiction to try the original offense.

32 3. If the probation officer proceeds by arrest and
33 section 907.8A does not apply, any magistrate may
34 receive the complaint, issue an arrest warrant, or
35 conduct the initial appearance and probable cause
36 hearing if it is not convenient for the judge who
37 placed the alleged violator on probation to do so.
38 The initial appearance, probable cause hearing, and
39 probation revocation hearing, or any of them, may at
40 the discretion of the court be merged into a single
41 hearing when it appears that the alleged violator will
42 not be prejudiced thereby by the merger.

43 4. If the person who is believed to have violated
44 the conditions of probation was sentenced and placed
45 on probation in the sixth judicial district under
46 section 907.8A, or jurisdiction over the person was
47 transferred to the sixth judicial district as a result
48 of transfer of the person's probation supervision, the
49 functions of the liaison officer and the board of
50 parole shall be performed by the administrative parole

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1 and probation judge as provided in section 907.8A.
2 5. If the probation officer proceeds by arrest and
3 section 907.8A applies, the administrative parole and
4 probation judge may receive the complaint, issue an
5 arrest warrant, or conduct the initial appearance and
6 probable cause hearing. The initial appearance,
7 probable cause hearing, and probation revocation
8 hearing, or any of them, may, at the discretion of the
9 administrative parole and probation judge, be merged
10 into a single hearing when it appears that the alleged
11 violator will not be prejudiced by the merger.

12 6. If the violation is established, the court or
13 the administrative parole and probation judge may
14 continue the probation with or without an alteration

15 of the conditions of probation. If the defendant is
16 an adult the court may hold the defendant in contempt
17 of court and sentence the defendant to a jail term
18 while continuing the probation, order the defendant to
19 be placed in a violator facility established pursuant
20 to section 904.207 while continuing the probation, or
21 revoke the probation and require the defendant to
22 serve the sentence imposed or any lesser sentence,
23 and, if imposition of sentence was deferred, may
24 impose any sentence which might originally have been
25 imposed. The administrative parole and probation
26 judge may revoke the probation and require the
27 defendant to serve the sentence which was originally
28 imposed. The administrative parole and probation
29 judge may grant credit against the sentence, for any
30 time served while the defendant was on probation. The
31 order of the administrative parole and probation judge
32 shall become a final decision, unless the defendant
33 appeals the decision to the board of parole within the
34 time provided in rules adopted by the board. The
35 appeal shall be conducted pursuant to rules adopted by
36 the board and the record on appeal shall be the record
37 made at the hearing conducted by the administrative
38 parole and probation judge.

39 **Sec. 11. NEW SECTION. 910.3B RESTITUTION FOR**
40 **DEATH OF VICTIM.**

41 1. In all criminal cases in which the offender is
42 convicted of a felony in which the act or acts
43 committed by the offender caused the death of another
44 person, in addition to the amount determined to be
45 payable and ordered to be paid to a victim for
46 pecuniary damages, as defined under section 910.1, and
47 determined under section 910.3, the court shall also
48 order the offender to pay one million dollars in
49 restitution to the victim's estate. The obligation to
50 pay the additional amount shall not be dischargeable

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1 in any proceeding under the federal Bankruptcy Act.
2 Payment of the additional amount shall have the same
3 priority as payment of a victim's pecuniary damages
4 under section 910.2, in the offender's plan for
5 restitution.

6 2. An award under this section does not preclude
7 or supersede the right of a victim's estate to bring a
8 civil action against the offender for damages arising
9 out of the same facts or event.

10 3. An offender who is ordered to pay a victim's
11 estate under this section is precluded from denying
12 the elements of the felony offense which resulted in
13 the order for payment in any subsequent civil action
14 for damages arising out of the same facts or event.

15 Sec. 12. Sections 906.16, 908.4, 908.5, 908.6,
 16 908.7, 908.10, and 908.10A, Code 1997, are amended by
 17 striking from the sections the words "administrative
 18 parole judge" and inserting in lieu thereof the words
 19 "administrative parole and probation judge".
 20 Sec. 13. EFFECTIVE DATE. Sections 2 through 4 of
 21 this Act, being deemed of immediate importance, take
 22 effect upon enactment."
 23 2. Title page 1, by striking lines 5 through 15
 24 and inserting the following: "establishments,
 25 authorizing probation supervision and".
 26 3. Title page 1, by striking lines 17 and 18 and
 27 inserting the following: "the sixth judicial
 28 district, providing".

Lamberti of Polk offered the following amendment H-1668, to the committee amendment H-1569, filed by him and Kreiman of Davis and moved its adoption:

H-1668

1 Amend the amendment, H-1569, to Senate File 503, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 16, by inserting after the word
 5 "mean" the following: ", but is not limited to,".
 6 2. Page 1, line 21, by striking the word
 7 "residence" and inserting the following: "building".
 8 3. Page 1, by inserting after line 24 the
 9 following:
 10 "e. When the activity is conducted in any
 11 multiple-unit residential building."

Amendment H-1668, to the committee amendment H-1569, was adopted.

Jochum of Dubuque offered amendment H-1607, to the committee amendment H-1569, filed by her as follows:

H-1607

1 Amend the amendment, H-1569, to Senate File 503, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 24 the
 5 following:
 6 "Sec. ____ Section 598.41, subsection 1, paragraph
 7 b, Code 1997, is amended to read as follows:
 8 b. Notwithstanding paragraph "a", if the court
 9 finds that a history of domestic abuse exists as
 10 specified in subsection 3, paragraph "j", a rebuttable
 11 presumption against the awarding of joint custody

12 exists.

13 Sec. ____ Section 598.41, subsection 3, paragraph
14 j, Code 1997, is amended to read as follows:

15 j. Whether a history of domestic abuse, as defined
16 in section 236.2, exists. In determining whether a
17 history of domestic abuse exists, the court's
18 consideration shall include, but is not limited to,
19 commencement of an action pursuant to section 236.3,
20 the issuance of a protective order against the parent
21 or the issuance of a court order or consent agreement
22 pursuant to section 236.5, the issuance of an
23 emergency order pursuant to section 236.6, the holding
24 of a parent in contempt-pursuant to section 236.8, the
25 response of a peace officer to the scene of alleged
26 domestic abuse or the arrest of a parent following
27 response to a report of alleged domestic abuse, or a
28 conviction for domestic abuse assault pursuant to
29 section 708.2A. In reviewing any history of domestic
30 abuse to make a determination under this paragraph,
31 the court shall also consider any pattern of domestic
32 abuse and shall identify the primary physical
33 aggressor, as described in section 236.12, subsection
34 3, in any instance."

35 2. Page 8, line 24, by inserting after the word
36 "establishments," the following: "permitting patterns
37 of domestic abuse and the identity of the primary
38 physical aggressor to be considered as part of a
39 determination of a history of domestic abuse,".

40 3. By numbering and renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-1607 was not germane.

The Speaker ruled the point well taken and amendment H-1607 not germane.

Kreiman of Davis offered the following amendment H-1674, to the committee amendment H-1569, filed by him and Lamberti of Polk and moved its adoption:

H-1674

1 Amend the amendment, H-1569, to Senate File 503, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, line 48, by striking the words "one
5 million" and inserting the following: "at least one
6 hundred fifty thousand".

Amendment H-1674, to the committee amendment H-1569, was adopted.

Millage of Scott offered the following amendment H-1667, to the committee amendment H-1569, filed by him and moved its adoption:

H-1667

1 Amend the amendment, H-1569, to Senate File 503, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 8, line 9, by inserting after the word
5 "event." the following: "However, no evidence
6 relating to the entry of the judgment against the
7 offender pursuant to this section or the amount of the
8 award ordered pursuant to this section, shall be
9 permitted to be introduced in any civil action for
10 damages arising out of the same facts or event."

Amendment H-1667, to the committee amendment H-1569, was adopted.

Lamberti of Polk moved the adoption of the committee amendment H-1569, as amended.

The committee amendment H-1569, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 503)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	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
Veenstra
Welter
Carroll,
Presiding

Van Fossen
Warnstadt
Whitead

Van Maanen
Weidman
Wise

Vande Hoef
Weigel
Witt

The nays were, 1:

Fallon

Absent or not voting, 6:

Brauns
Holveck

Connors
Jochum

Doderer

Foege

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

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

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1655 filed by him on April 9, 1997.

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

On the question "Shall the bill pass?" (S.F. 516)

The ayes were, 89:

Barry
Boddicker
Brunkhorst
Chapman
Corbett, Spkr.
Doderer
Drees
Frevert
Grundberg
Holmes
Jacobs
Klemme
Lamberti
Martin

Bell
Boggess
Bukta
Chiodo
Cormack
Dolecheck
Falck
Garman
Hahn
Houser
Jenkins
Koenigs
Larkin
Mascher

Bernau
Bradley
Burnett
Churchill
Dinkla
Dotzler
Fallon
Gipp
Hansen
Huseman
Jochum
Kreiman
Larson
May

Blodgett
Brand
Cataldo
Cohon
Dix
Drake
Ford
Gries
Heaton
Huser
Kinzer
Kremer
Lord
Mertz

Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Taylor	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, 11:

Arnold	Brauns	Connors	Eddie
Foege	Greig	Greiner	Holveck
Meyer	Sukup	Teig	

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 503 and 516.**

The House stood at ease at 12:37 p.m., until the fall of the gavel.

The House resumed session at 12:40 p.m., Van Maanen of Marion in the chair.

Senate File 253, a bill for an act relating to the practice of veterinary medicine and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Holmes of Scott offered amendment H-1472 filed by the committee on state government as follows:

H-1472

- 1 Amend Senate File 253, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 13 and 14, by striking the words
- 4 "place where veterinary medicine is practiced" and
- 5 inserting the following: "business engaged in the
- 6 practice of veterinary medicine".
- 7 2. Page 1, by inserting before line 15 the
- 8 following:
- 9 "Sec. ____ Section 169.3, subsection 10,
- 10 unnumbered paragraph 1, Code 1997, is amended to read

11 as follows:

12 "Practice of veterinary medicine" or "veterinary
13 medical services" means any of the following:"

14 3. Page 2, by striking lines 4 through 22 and
15 inserting the following:

16 "169.4A PROVISION OF VETERINARY SERVICES.

17 A person, including a corporation, limited
18 liability company, or partnership, established on or
19 after July 1, 1994, but prior to the effective date of
20 this Act, other than either a professional corporation
21 organized under chapter 496C or a veterinarian
22 licensed under this chapter, shall not provide
23 veterinary medical services, own a veterinary clinic,
24 or practice in this state, except as otherwise
25 provided in this chapter. However, this section shall
26 not prohibit a person from owning an interest in real
27 property or a building where a clinic is located, if
28 veterinary medical services or a practice is conducted
29 by the clinic by a professional corporation or a
30 veterinarian licensed under this chapter."

31 4. Page 2, line 28, by striking the word "own"
32 and inserting the following: "expand".

33 5. Page 2, line 28, by striking the word
34 "lease,".

35 6. Page 3, by inserting after line 3 the
36 following:

37 "___ Relocating a clinic or expanding the size of
38 an existing clinic on the same premises. However,
39 this paragraph shall not allow the person to increase
40 the number of clinics or the number of premises where
41 clinics are located."

42 7. Page 3, line 16, by striking the word "may"
43 and inserting the following: "shall".

44 8. Page 3, line 18, by inserting after the word
45 "clinic" the following: ", as provided in rules which
46 shall be adopted by the board pursuant to chapter
47 17A".

48 9. By renumbering as necessary.

Holmes of Scott offered the following amendment H-1683, to the committee amendment H-1472, filed by him from the floor and moved its adoption:

H-1683

1 Amend the amendment, H-1472, to Senate File 253, as
2 passed by the Senate, as follows:

3 1. Page 1, by inserting after line 41 the
4 following:

5 "___ An animal shelter or pound as defined in
6 section 162.2, if the animal shelter or pound engages
7 a licensed veterinarian or the holder of a temporary
8 permit issued by the board pursuant to section 169.11,

9 in order to practice veterinary medicine at the animal
 10 shelter or pound."
 11 2. By renumbering as necessary.

Amendment H-1683, to the committee amendment H-1472, was adopted.

Holmes of Scott moved the adoption of the committee amendment H-1472, as amended.

The committee amendment H-1472, as amended, was adopted, placing out of order amendment H-1676.

Schrader of Marion offered the following amendment H-1662 filed by him and moved its adoption:

H-1662

1 Amend Senate File 253, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by inserting after line 25 the
 4 following:
 5 "Sec. ____ Section 169.5, Code 1997, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 10. A person who owns a clinic,
 8 but who, on or after the effective date of this Act,
 9 is prohibited from establishing, purchasing, or
 10 acquiring a legal or equitable interest in a clinic as
 11 provided in section 169.4B, shall be subject to the
 12 same standards of conduct, as provided in this chapter
 13 and rules adopted by the board, as apply to a licensed
 14 veterinarian, unless the board determines that a
 15 standard of conduct is inapplicable. The board may
 16 issue, renew, or deny the issuance or renewal of a
 17 certificate, adopt, amend, or repeal rules relating to
 18 the standards of conduct; and take disciplinary action
 19 against the person, including suspension or revocation
 20 of a certificate which shall be in accord with section
 21 169.14."
 22 2. By renumbering as necessary.

Amendment H-1662 was adopted.

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?" (S.F. 253)

The ayes were, 85:

Arnold

Bell

Bernau

Blodgett

Bogges	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Corbett, Spkr.	Dinkla	Dix
Dolecheck	Dotzler	Drake	Drees
Falck	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Husér
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Martin
Mascher	May	Mertz	Metcalf
Millage	Moreland	Mundie	Murphy
Myers	Nelson	Osterhaus	Rants
Rayhons	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Witt
Van Maanen, Presiding			

The nays were, 12:

Barry	Boddicker	Cormack	Doderer
Eddie	Fallon	Lord	Meyer
O'Brien	Reynolds-Knight	Vande Hoef	Wise

Absent or not voting, 3:

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

Speaker Corbett in the chair at 1:10 p.m.

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, with report of committee recommending passage, 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?" (S.F. 395)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
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	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	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:

Meyer

Absent or not voting, 6:

Connors	Foege	Holmes	Holveck
Houser	Shoultz		

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 253 and 395.**

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

Koenigs of Mitchell offered amendment H-1672 filed by him and Weigel of Chickasaw as follows:

H-1672

1 Amend Senate File 472, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 455B.161, subsection 3, Code
6 1997, is amended to read as follows:

7 3. a. "Animal feeding operation" means a lot,
8 yard, corral, building, or other area in which animals
9 are confined and fed and maintained for forty-five
10 days or more in any twelve-month period, and all
11 structures used for the storage of manure from animals
12 in the operation.

13 b. Two or more animal feeding operations under
14 common ownership or management are deemed to be a
15 single animal feeding operation if ~~they are adjacent~~
16 or any of the following apply:

17 (1) The animal feeding operations utilize a common
18 system for manure storage.

19 (2) An animal feeding operation structure which is
20 part of one animal feeding operation is less than two
21 thousand five hundred feet from an animal feeding
22 operation structure which is part of the other animal
23 feeding operation.

24 c. An animal feeding operation does not include a
25 livestock market.

26 Sec. 2. Section 455B.171, subsection 2, Code 1997,
27 is amended to read as follows:

28 2. a. "Animal feeding operation" means a lot,
29 yard, corral, building, or other area in which animals
30 are confined and fed and maintained for forty-five
31 days or more in any twelve-month period, and all
32 structures used for the storage of manure from animals
33 in the animal feeding operation.

34 b. Two or more animal feeding operations under
35 common ownership or management are deemed to be a
36 single animal feeding operation if ~~they are adjacent~~
37 or any of the following apply:

38 (1) The animal feeding operations utilize a common
39 area or system for manure disposal.

40 (2) An animal feeding operation structure which is
41 part of one animal feeding operation is less than two
42 thousand five hundred feet from an animal feeding
43 operation structure which is part of the other animal
44 feeding operation.

45 c. An animal feeding operation does not include a
46 livestock market as defined in section 455B.161.

47 2. Title page, line 1, by inserting after the
48 word "Act" the following: "relating to animal feeding
49 operations, by regulating animal feeding operation
50 structures, and".

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1 3. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-1672 was not germane.

The Speaker ruled the point well taken and amendment H-1672 not germane.

Weigel of Chickasaw asked for unanimous consent to suspend the rules to consider amendment H-1672.

Objection was raised.

Weigel of Chickasaw moved to suspend the rules to consider amendment H-1672.

A non-record roll call was requested.

The ayes were 31, nays 49.

The motion to suspend the rules lost.

Sukup of Franklin asked and received unanimous consent that amendment H-1673 be deferred.

Eddie of Buena Vista offered the following amendment H-1666 filed by him and moved its adoption:

H-1666

- 1 Amend Senate File 472, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "_. As used in this section, "construction"
- 6 means the same as defined by rules adopted by the
- 7 department applicable to the construction of animal
- 8 feeding operation structures as provided in this
- 9 part."
- 10 2. Page 1, line 7, by striking the word "an".
- 11 3. Page 1, by striking lines 8 through 12 and
- 12 inserting the following: "a controlling interest and
- 13 the action is commenced in district court by the
- 14 attorney general."
- 15 4. Page 1, by striking lines 22 through 24 and
- 16 inserting the following: "operation structure, if any
- 17 of the following apply:
- 18 a. The person has an unexpired permit for the
- 19 construction or expansion of the animal feeding
- 20 operation structure.
- 21 b. The person is not required to obtain a permit

- 22 for the construction or expansion of the animal
 23 feeding operation structure.”
 24 5. Page 1, line 25, by striking the words “the
 25 structure’s construction or expansion.”
 26 6. By renumbering as necessary.

Amendment H-1666 was adopted.

Koenigs of Mitchell offered the following amendment H-1556 filed by him and moved its adoption:

H-1556

- 1 Amend Senate File 472, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 25 the
 4 following:
 5 “Sec. ____ EFFECTIVE DATE. This Act, being deemed
 6 of immediate importance, takes effect upon enactment.”
 7 2. Title page, line 3, by inserting after the
 8 word “structure” the following: “, and providing an
 9 effective date”.

Amendment H-1556 was adopted.

Sukup of Franklin asked and received unanimous consent to withdraw amendment H-1673 filed by Sukup, et al., on April 9, 1997, placing out of order the following amendments:

- H-1677 filed from the floor by Koenigs of Mitchell.
 H-1678 filed from the floor by Koenigs of Mitchell.
 H-1679 filed from the floor by Koenigs of Mitchell.
 H-1680 filed from the floor by Meyer of Sac.
 H-1681 filed from the floor by Frevert of Palo Alto.

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?” (S.F. 472)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foegle	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:

Connors

Holveck

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

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

Brunkhorst of Bremer offered amendment H-1552 filed by the committee on commerce-regulation as follows:

H-1552

- 1 Amend Senate File 519, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "strictly".
- 5 2. Page 1, line 27, by inserting after the word
- 6 "assembly." the following: "The commission shall
- 7 strictly construe and administer this subsection to
- 8 effectuate the intent of the general assembly to limit
- 9 the expansion of the user base in a manner which is
- 10 consistent with this chapter and limited to the
- 11 authorized users identified and authorized by the
- 12 general assembly."
- 13 3. Page 2, line 24, by striking the words
- 14 "eligible for tuition grants".
- 15 4. Page 2, by inserting after line 31 the

16 following:

17 "NEW SUBSECTION. 3A. "Nonprofit institution of
18 higher education" means a private educational
19 institution which is accredited by the north central
20 association of colleges and secondary schools
21 accrediting agency based on the agency's
22 requirements."

23 5. Page 3, by inserting after line 8 the
24 following:

25 "Sec. ____ Section 8D.2, subsection 4, Code 1997,
26 is amended to read as follows:

27 4. "Private agency" means an accredited nonpublic
28 school, a nonprofit institution of higher education
29 ~~eligible for tuition grants~~, or a hospital licensed
30 pursuant to chapter 135B or a physician clinic to the
31 extent provided in section 8D.13, subsection 16."

32 6. Page 3, by striking lines 22 through 29 and
33 inserting the following:

34 "Sec. ____ Section 8D.13, subsections 2 and 3,
35 Code 1997, are amended to read as follows:

36 2. For purposes of this section, unless the
37 context otherwise requires:

38 a. "Part I" means the communications connections
39 between central switching and institutions under the
40 control of the board of regents, nonprofit
41 institutions of higher education ~~eligible for tuition~~
42 ~~grants~~, and the regional switching centers for the
43 remainder of the network.

44 b. "Part II" means the communications connections
45 between the regional switching centers and the
46 secondary switching centers.

47 c. "Part III" means the communications connection
48 between the secondary switching centers and the
49 agencies defined in section 8D.2, subsections 4 and 5,
50 excluding state agencies, institutions under the

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1 control of the board of regents, nonprofit
2 institutions of higher education ~~eligible for tuition~~
3 ~~grants~~, and the judicial department, judicial district
4 departments of correctional services, hospitals and
5 physician clinics, agencies of the federal government,
6 and post offices.

7 3. The financing for the procurement costs for the
8 entirety of Part I except for the communications
9 connections between central switching and institutions
10 under the control of the board of regents, and
11 nonprofit institutions of higher education ~~eligible~~
12 ~~for tuition grants~~, and for the video, data, and voice
13 capacity for state agencies and for Part II and Part
14 III, shall be provided by the state. The financing
15 for the procurement and maintenance costs for Part III

16 shall be provided by the state. A local school board,
17 governing authority of a nonpublic school, or an area
18 education agency board may elect to provide one
19 hundred percent of the financing for the procurement
20 and maintenance costs for Part III to become part of
21 the network. The basis for the amount of state
22 financing is one hundred percent of a single
23 interactive audio and interactive video connection for
24 Part III, and such data and voice capacity as is
25 necessary. If a school board, governing authority of
26 a nonpublic school, or area education agency board
27 elects to provide one hundred percent of the financing
28 for the leasing costs for Part III, the school
29 district or area education agency may become part of
30 the network as soon as the network can reasonably
31 connect the district or agency. A local school board,
32 governing authority of a nonpublic school, or an area
33 education agency board may also elect not to become
34 part of the network. Construction of Part III,
35 related to a school board, governing authority of a
36 nonpublic school, or area education agency board which
37 provides one hundred percent of the financing for the
38 leasing costs for Part III, may proceed as determined
39 by the commission and consistent with the purpose of
40 this chapter."

41 7. Page 5, line 18, by inserting after the word
42 "user" the following: ", except for the resale of
43 services as permitted by rule of the commission by a
44 nonprofit institution of higher education to students
45 attending the institution and residing at a residence
46 facility maintained and operated by the institution;
47 an institution under the control of the board of
48 regents to students attending the institution and
49 residing at a residence facility maintained and
50 operated by the institution; or an institution under

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1 the control of the board of regents to private
2 businesses which have entered into an agreement with
3 the university for such services and which are
4 receiving assistance of limited duration under a
5 state-funded program directly related to the
6 relationship between the business and the institution,
7 but only during the time the business is qualified to
8 receive such assistance".

9 8. Page 5, by striking lines 21 through 23 and
10 inserting the following:

11 "3. Use of the network, or any network services,
12 to transmit an unauthorized personal or private
13 business communication, except as specifically
14 authorized in this chapter, or an incidental personal
15 or private business communication by an authorized

16 user from an authorized site.”

17 9. Page 5, by inserting after line 35 the
18 following:

19 “Sec. ____

20 1. Notwithstanding the provisions of this Act, an
21 authorized user providing dial-up internet access with
22 the approval of the commission on April 1, 1997, which
23 would be prohibited by this Act, shall be permitted by
24 the commission to continue to provide such access
25 until no later than January 1, 1998. An authorized
26 user providing dial-up internet access pursuant to
27 this section shall discontinue providing such service
28 on or before January 1, 1998.

29 2. Notwithstanding subsection 1, an authorized
30 user providing dial-up internet access with the
31 approval of the commission on April 1, 1997, which
32 would be prohibited by this Act, and which would be
33 required to discontinue providing such service on or
34 before January 1, 1998, may continue to provide such
35 access after January 1, 1998, if nontoll internet
36 service is not available in the local exchange area in
37 which the authorized user is located. The authorized
38 user shall discontinue providing dial-up internet
39 access within sixty days of the availability of
40 nontoll internet service in the local exchange area.”

41 10. By renumbering as necessary.

Van Maanen of Marion in the chair at 2:02 p.m.

Wise of Lee offered the following amendment H-1578, to the committee amendment H-1552, filed by him and moved its adoption:

H-1578

1 Amend the amendment, H-1552, to Senate File 519, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 “__ Page 1, by inserting before line 1 the
7 following:

8 “Section 1. NEW SECTION. 8D.0A LEGISLATIVE
9 INTENT – INTERNET ACCESS.

10 1. LEGISLATIVE INTENT. In addition to the
11 purposes contained in section 8D.1, it is the intent
12 of the general assembly that the commission provide
13 dial-up internet access from a remote site to teachers
14 and administrators at primary and secondary schools,
15 faculty and professional staff at postsecondary
16 institutions, and students enrolled at postsecondary
17 institutions. The general assembly finds that this
18 access is necessary to assure the educational
19 applications of the network, which are to be given the

- 20 highest priority, are utilized to provide the greatest
 21 benefit to students at all levels.
 22 2. INTERNET ACCESS. Notwithstanding section
 23 8D.13A, the commission, in implementing the intent of
 24 the general assembly set forth in subsection 1, shall
 25 provide remote or dial-up access to the internet
 26 through the use of the network or any network services
 27 to all of the following:
 28 a. A teacher as defined in section 272.1.
 29 b. An administrator as defined in section 272.1.
 30 c. A faculty or professional staff member at a
 31 nonprofit institution of higher education, an
 32 institution under the control of the state board of
 33 regents, or a community college.
 34 d. A student enrolled at a nonprofit institution
 35 of higher education, an institution under the control
 36 of the state board of regents, or a community
 37 college.””
 38 2. By renumbering as necessary.

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

Rule 75 was invoked.

On the question “Shall amendment H–1578, to the committee amendment H–1552, be adopted?” (S.F. 519)

The ayes were, 41:

Bernau	Bukta	Burnett	Cataldo
Chapman	Chiado	Cohoon	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Gries
Huser	Jochum	Kinzer	Larkin
Mascher	May	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 56:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogess	Bradley	Brand
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kreiman	Kremer	Lamberti
Larson	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Rants

Rayhons
Thomson
Veenstra

Siegrist
Tyrrell
Weidman

Sukup
Van Fossen
Welter

Teig
Vande Hoef
Van Maanen,
Presiding

Absent or not voting, 3:

Connors

Holveck

Koenigs

Amendment H-1578 lost, placing out of order amendments H-1567 and H-1639.

Mascher of Johnson offered the following amendment H-1656, to the committee amendment H-1552, filed by her and moved its adoption:

H-1656

1 Amend the amendment, H-1552, to Senate File 519, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 40, by inserting after the word
5 "area." the following: "However, if the authorized
6 user is a public school, the public school is not
7 required to discontinue providing dial-up internet
8 access until the school board determines and certifies
9 to the commission that the newly available nontoll
10 internet service meets the necessary technical quality
11 standards for the service as established by the school
12 board in consultation with the commission."

Amendment H-1656, to the committee amendment H-1552, was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1641 filed by him on April 9, 1997.

Brunkhorst of Bremer offered the following amendment H-1653, to the committee amendment H-1552, filed by him and moved its adoption:

H-1653

1 Amend the amendment, H-1552, to Senate File 519, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 40 the
5 following:
6 "3. A nonprofit institution of higher education or
7 an institution under the control of the board of
8 regents may petition the commission for an extension
9 of the authorization to utilize dial-up access for
10 Iowa communications network services. The commission

11 shall provide a copy of the petition to the
 12 telecommunications advisory committee. The committee
 13 may advise the commission regarding telecommunications
 14 matters related to the petition. The commission may
 15 grant the petition if the commission determines that
 16 technology is not available to prohibit such dial-up
 17 access. The commission and the institution
 18 petitioning for continued authorization under this
 19 subsection shall devise a plan to assist the
 20 institution in obtaining alternate access services in
 21 lieu of the dial-up access to the Iowa communications
 22 network.””

Amendment H-1653, to the committee amendment H-1552, was adopted.

Brunkhorst of Bremer moved the adoption of the committee amendment H-1552, as amended.

The committee amendment H-1552, as amended, was adopted.

Falck of Fayette offered the following amendment H-1670 filed by Falck, et al., and moved its adoption:

H-1670

1 Amend Senate File 519, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting before line 30 the
 4 following:
 5 “Sec. ____ Section 8D.13, Code 1997, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 20. Access to the network shall
 8 be offered to an authorized user, which is an
 9 accredited nonpublic school, public school, or area
 10 education agency, for the provision of dial-up access
 11 to the internet in order to download information from
 12 the internet into a stand-alone computer or computers
 13 connected into a local area network or a wide area
 14 network controlled exclusively by the authorized user.
 15 Students of the authorized user may use the downloaded
 16 information at any time. The authorized user or the
 17 Iowa communications network may also utilize universal
 18 resource locator blockers which may be used by the
 19 authorized user to restrict access to certain
 20 information by students.”
 21 2. By renumbering as necessary.

Amendment H-1670 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth on request of Schrader of Marion.

Richardson of Warren offered amendment H-1561 filed by him as follows:

H-1561

- 1 Amend Senate File 519, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 10, by inserting after the word
- 4 "site" the following: "by a person other than an
- 5 authorized user who is accessing the internet for
- 6 purposes directly related to the authorized user's
- 7 official duties as an authorized user".

Carroll of Poweshiek in the chair at 3:19 p.m.

Millage of Scott offered the following amendment H-1640, to amendment H-1561, filed by him and moved its adoption:

H-1640

- 1 Amend the amendment, H-1561, to Senate File 519, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 7, by inserting after the word
- 5 "user" the following: ". The commission shall
- 6 establish the value of providing dial-up access to the
- 7 internet through the use of the network or any network
- 8 services to any individual person accessing the
- 9 network through an authorized user. The commission
- 10 shall provide a statement of that value to such a
- 11 person for purposes of income taxation under federal
- 12 and state law".

Amendment H-1640, to amendment H-1561, was adopted.

Millage of Scott asked and received unanimous consent to reconsider the vote by which amendment H-1640 was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1640 filed by him on April 9, 1997.

Richardson of Warren moved the adoption of amendment H-1561.

A non-record roll call was requested.

The ayes were 31, nays 51.

Amendment H-1561 lost.

Rants of Woodbury offered the following amendment H-1664 filed by Rants, et al., and moved its adoption:

H-1664

- 1 Amend Senate File 519, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 34, by inserting after the figure
 4 "4." the following: "This section is not intended to
 5 restrict the use of dial-up access to a stand-alone
 6 computer or computers connected into a local area
 7 network or a wide area network controlled exclusively
 8 by the authorized user for students and teachers."

Amendment H-1664 was adopted.

Osterhaus of Jackson offered the following amendment H-1557 filed by him and moved its adoption:

H-1557

- 1 Amend Senate File 519, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 35 the
 4 following:
 5 "Sec. ____ It is the intent of the general
 6 assembly that the Iowa telecommunications and
 7 technology commission, local exchange carriers in this
 8 state, long distance carriers providing
 9 telecommunications services in this state, internet
 10 service providers, and the Iowa utilities board
 11 establish a partnership to develop and establish a
 12 plan to provide nontoll dial-up internet access to
 13 areas of the state which currently are not served by
 14 an internet provider offering such nontoll access.
 15 The commission shall initiate and coordinate the
 16 establishment of the partnership and provide staffing
 17 assistance to the partnership. The commission shall
 18 provide a written report, approved by all members of
 19 the partnership, to the general assembly no later than
 20 January 1, 1998."
 21 2. By renumbering as necessary.

Amendment H-1557 lost.

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?" (S.F. 519)

The ayes were, 60:

Arnold
 Boddicker
 Brauns

Barry
 Boggess
 Brunkhorst

Bell
 Bradley
 Cataldo

Blodgett
 Brand
 Chapman

Corbett, Spkr.	Dinkla	Dix	Dolecheck
Drake	Drees	Eddie	Garman
Gipp	Greig	Greiner	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Millage	Mundie
Myers	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Carroll, Presiding

The nays were, 36:

Bernau	Bukta	Burnett	Chiodo
Churchill	Cohoon	Cormack	Doderer
Dotzler	Falck	Fallon	Foege
Ford	Frevert	Gries	Jochum
Kinzer	Larkin	Mascher	May
Moreland	Murphy	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

Absent or not voting, 4:

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

INTRODUCTION OF BILL

House File 722, by committee on ways and means, 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 placed on the **ways and means calendar**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 519** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 133, a bill for an act relating to the offering of point of service plan options in certain health benefit plans.

Also: That the Senate has on April 10, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 167, a bill for an act relating to eligibility requirements for workers' compensation.

Also: That the Senate has on April 10, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 308, a bill for an act relating to notification requirements for communications between a debt collector and a debtor.

Also: That the Senate has on April 10, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 685, a bill for an act relating to the required business hours of a motorcycle dealer.

MARY PAT GUNDERSON, Secretary

MOTIONS TO RECONSIDER

(Senate File 472)

I move to reconsider the vote by which Senate File 472 passed the House on April 10, 1997.

BOGGESS of Taylor

(Senate File 472)

I move to reconsider the vote by which Senate File 472 passed the House on April 10, 1997.

SUKUP of Franklin

SPONSOR ADDED
(House Resolution 16)

Frevert of Palo Alto requested to be added as a sponsor of House Resolution 16.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 10, 1997. Had I been present, I would have voted "aye" on Senate Files 75, 193, 361, 503, and 516.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on April 10, 1997. Had I been present, I would have voted "aye" on Senate File 361.

HUSEMAN of Cherokee

I was necessarily absent from the House chamber on April 10, 1997. Had I been present, I would have voted "aye" on Senate File 519.

MERTZ of Kossuth

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of April, 1997: House Files 4, 200, 228, 244, 398, 399, 401, 589, and 687.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9, 1997, he approved and transmitted to the Secretary of State the following bill:

Senate File 189, an act extending the regular program district cost guarantee for school districts for two years, and providing an effective date.

PRESENTATION OF VISITORS

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

Forty-eight 5th grade students from East Elementary School, Cambridge, accompanied by Lori Ostrem. By Bernau of Story.

Forty-one 11th grade students from Colo-Nesco High School, Colo, accompanied by Jack Roberts. By Garman of Story.

Forty-six students from the English as a Second Language Program at Davenport West High School, accompanied by Karin Hanson. By Martin of Scott.

Sixty-two 6th grade students from Ackley-Geneva Elementary School, Ackley, accompanied by Al Jones. By Sukup of Franklin.

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\390 Joshua J. DeSotel, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\391 Mr. and Mrs. Richard Rathe, Evansdale – For celebrating their 50th wedding anniversary.
- 1997\392 Andrea Hanlon, Iowa City – For being named the Iowa National Guard's Soldier of the Year.
- 1997\393 Dr. Robert Friedman, Waterloo – For receiving the Karl Jauch Award for excellence in public health.

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 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.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1997.

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1685** April 9, 1997.

AMENDMENTS FILED

H—1682	H.F.	667	Millage of Scott
H—1684	H.F.	335	Kreiman of Davis
H—1685	S.F.	529	Committee on Appropriations

H—1686	S.F.	177	Weidman of Cass Rayhons of Hancock
H—1687	S.F.	432	Vande Hoef of Osceola
H—1688	S.F.	473	Mertz of Kossuth
H—1689	S.F.	473	Mertz of Kossuth
H—1690	H.C.R.	22	Doderer of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 4:00 p.m., until 1:00 p.m., Monday, April 14, 1997.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 14, 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 Jack Gray, Calvary Christian Reformed Church, Orange City.

The Journal of Thursday, April 10, 1997 was approved.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by thirty-six 5th and 6th graders from West Hancock School accompanied by Ren Kahlstorf and Dawn Bassit, Kanawaha.

PETITION FILED

The following petition was received and placed on file:

By Eddie of Buena Vista, from one hundred thirty-nine constituents 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 10, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 10, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 597, a bill for an act relating to school attendance by applying school attendance requirements under the family investment program, and providing a civil penalty for truancy, applicability provisions, and an effective date.

Also: That the Senate has on April 10, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

MARY PAT GUNDERSON, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Drees of Carroll and Mertz of Kossuth, until their arrival, on request of Schrader of Marion; Kreiman of Davis, until his arrival, on request of Weigel of Chickasaw; Foege of Linn, until his arrival, on request of Myers of Johnson; Dinkla of Guthrie, for the remainder of the week, on request of Siegrist of Pottawattamie; and Boddicker of Cedar on request of Siegrist of Pottawattamie.

CONSIDERATION OF BILLS
Ways and Means Calendar

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, was taken up for consideration.

SENATE FILE 30 SUBSTITUTED FOR HOUSE FILE 34

Teig of Hamilton asked and received unanimous consent to substitute Senate File 30 for House File 34.

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, 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?" (S.F. 30)

The ayes were, 88:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	Dix	Dolecheck	Dotzler
Drake	Eddie	Falck	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
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
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Van Maanen, Presiding

The nays were, 3:

Doderer	Fallon	Witt
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Absent or not voting, 9:

Boddicker	Dinkla	Drees	Foege
Ford	Larson	Mertz	Van Fossen
Vande Hoef			

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

HOUSE FILE 34 WITHDRAWN

Teig of Hamilton asked and received unanimous consent to withdraw House File 34 from further consideration by the House.

Unfinished Business Calendar

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

Klemme of Plymouth offered the following amendment H-1550 filed by the committee on agriculture and moved its adoption:

H-1550

- 1 Amend Senate File 451, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the figure "1993"
- 4 and inserting the following: "1995".

The committee amendment H-1550 was adopted.

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

On the question "Shall the bill pass?" (S.F. 451)

The ayes were, 92:

Arnold	Barry	Bell	Bernau
Blodgett	Boguess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	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	Lord
Martin	Mascher	May	Métcalf
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	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Boddicker	Dinkla	Drees	Ford
Larson	Mertz	Van Fossen	Vande Hoef.

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

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

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

On the question "Shall the bill pass?" (S.F. 235)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
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Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	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
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
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Boddicker	Dinkla	Drees	Ford
Mertz	Van Fossen	Vande Hoef	

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 30, 451 and 235.**

Senate File 131, a bill for an act relating to fraudulent practices involving family investment and medical assistance program benefits and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 131)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dix	Doderer	Dotzler
Drake	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	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	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 9:

Boddicker	Dinkla	Dolecheck	Drees
Ford	Mertz	Shoultz	Van Fossen
Vande Hoef			

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

Senate File 80, a bill for an act relating to police bicycles, with report of committee recommending passage, was taken up for consideration.

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

Veenstra of Sioux in the chair at 1:43 p.m.

On the question "Shall the bill pass?" (S.F. 80)

The ayes were, 88:

Arnold	Bell	Blodgett	Bogges
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Bradley	Brand	Brauns	Brunkhorst
Bukta	Burnett	Carroll	Cataldo
Chapman	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	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	Warnstadt	Weigel	Welter
Whitead	Wise	Witt	Veenstra, Presiding

The nays were, 2:

Doderer Mascher

Absent or not voting, 10:

Barry	Bernau	Boddicker	Dinkla
Ford	Gipp	Jochum	Mertz
Vande Hoef	Weidman		

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 131 and 80.**

Senate File 522, a bill for an act relating to legal settlement regarding providers of treatment or services, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 522)

The ayes were, 84:

Arnold	Bell	Bernau	Bogges
Bradley	Brand	Brauns	Bukta
Burnett	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	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	Metcalf
Meyer	Mundie	Murphy	Myers
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Warnstadt	Weigel	Welter
Whitead	Wise	Witt	Veenstra, Presiding

The nays were, none.

Absent or not voting, 16:

Barry	Blodgett	Boddicker	Brunkhorst
Carroll	Corbett, Spkr.	Dinkla	Ford
Gipp	Mertz	Millage	Moreland
Nelson	Van Maanen	Vande Hoef	Weidman

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 522** be immediately messaged to the Senate.

The House stood at ease at 1:55 p.m., until the fall of the gavel.

The House resumed session at 4:43 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 sixty-five members present, thirty-five absent.

INTRODUCTION OF BILL

House File 723, by committee on ways and means, a bill for an act relating to housing development.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 14, 1997, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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.

Also: That the Senate has on April 14, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 433, a bill for an act relating to the definition and location of a land-leased community.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Unfinished Business Calendar

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, with report of committee recommending passage, 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. 238)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boguess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	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	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	Carroll,	
		Presiding	

The nays were, 2:

Chapman Lamberti

Absent or not voting, 3:

Boddicker Dinkla Vande Hoef

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 238** be immediately messaged to the Senate.

Speaker pro tempore Van Maanen of Marion in the chair at 5:08 p.m.

Senate File 219, a bill for an act relating to trespassing or stray livestock and providing remedies and an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 219)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
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
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Boddicker Dinkla Vande Hoef

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

Senate File 163, a bill for an act relating to the sale of cigarettes and tobacco products through vending machines, with report of committee recommending passage, was taken up for consideration.

Connors of Polk offered the following amendment H-1599 filed by him and Dix of Butler, and moved its adoption:

H-1599

- 1 Amend Senate File 163, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 2, by striking the word
- 4 "eighteen" and inserting the following: "twenty-one".

Amendment H-1599 was adopted.

Fallon of Polk offered the following amendment H-1598 filed by him and moved its adoption:

H-1598

- 1 Amend Senate File 163, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 7 the
- 4 following:
- 5 "Sec. ____ CIGARETTE AND TOBACCO PRODUCTS -
- 6 ADVERTISING - INTERIM. The legislative council is
- 7 requested to establish an interim committee to review
- 8 the effects of the advertising of cigarette and
- 9 tobacco products on persons under the age of eighteen.
- 10 The committee shall make recommendations to the
- 11 general assembly on or before December 15, 1997, which
- 12 include measures that may be implemented to address
- 13 such advertising."
- 14 2. Title page, line 2, by striking the words
- 15 "through vending machines".
- 16 3. By renumbering as necessary.

Amendment H-1598 was adopted.

Thomson of Linn offered amendment H-1657 filed by her as follows:

H-1657

- 1 Amend Senate File 163, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 7, the
- 4 following:
- 5 "Sec. ____ Section 453A.39, Code 1997, is amended
- 6 by striking the section and inserting in lieu thereof
- 7 the following:
- 8 453A.39 TOBACCO PRODUCT AND CIGARETTE SAMPLES -
- 9 PROHIBITION.
- 10 A manufacturer, distributor, wholesaler, retailer,
- 11 or distributing agent or agent thereof shall not give
- 12 away cigarettes or tobacco products at any time in
- 13 connection with the manufacturer's, distributor's,
- 14 wholesaler's, retailer's, or distributing agent's
- 15 business or for promotion of the business or product."
- 16 2. Title page, by striking line 2 and inserting
- 17 the following: "and their distribution."

Cataldo of Polk rose on a point of order that amendment H-1657 was not germane.

The Speaker ruled the point well taken and amendment H-1657 not germane.

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. 163)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Corbett, Spkr.	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	Shultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

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

Speaker Corbett in the chair at 5:25 p.m.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 219 and 163.**

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

Martin of Scott offered the following amendment H-1563 filed by the committee on local government and moved its adoption:

H-1563

1 Amend Senate File 184, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 21 and 22 and
4 inserting the following:

5 "a. The name, ~~and~~ date of birth, ~~and~~ social
6 security number of the person ~~whose property or other~~
7 ~~interests are who is the~~ subject of ~~of~~ the lien
8 claim."

9 2. Page 1, line 28, by inserting after the words
10 "The name and" the following: "office".

11 3. Page 1, line 29, by inserting before the word
12 "address" the following: "office".

13 4. Page 1, by inserting after line 35, the
14 following:

15 "If the sheriff wishes to have the amount of
16 the claim for charges owed included within the amount
17 of restitution determined to be owed by the person, a
18 request that the amount owed be included within the
19 order for payment of restitution by the person."

20 5. Page 2, line 3, by striking the words "enter a
21 judgment" and inserting the following: "approve the
22 claim".

23 6. Page 2, line 4, by striking the words "in any
24 personal or real property an" and inserting the
25 following: "in any personal or real property".

26 7. Page 2, by striking line 5, and inserting the
27 following: "for the amount owed by".

28 8. Page 2, line 6, by inserting after the word
29 "prisoner" the following: "as".

30 9. Page 2, line 10, by striking the words
31 "enforce the judgment" and inserting the following:
32 "choose to enforce the claim".

33 10. Page 2, by inserting after line 10 the
34 following: "Once approved by the court, the claim for
35 the amount owed by the person shall have the force and
36 effect of a judgment for purposes of enforcement by
37 the sheriff".

38 Sec. ____ Section 910.1, subsection 4, Code 1997,
39 is amended to read as follows:

40 4. "Restitution" means payment of pecuniary
41 damages to a victim in an amount and in the manner

42 provided by the offender's plan of restitution.
43 "Restitution" also includes fines, penalties, and
44 surcharges, the contribution of funds to a local
45 anticrime organization which provided assistance to
46 law enforcement in an offender's case, the payment of
47 crime victim compensation program reimbursements,
48 court costs including correctional fees approved
49 pursuant to section 356.7, court-appointed attorney's
50 fees, or the expense of a public defender, and the

Page 2

1 performance of a public service by an offender in an
2 amount set by the court when the offender cannot
3 reasonably pay all or part of the court costs
4 including correctional fees approved pursuant to
5 section 356.7, court-appointed attorney's fees, or the
6 expense of a public defender.

7 Sec. ____ Section 910.2, Code 1997, is amended to
8 read as follows:

9 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE 10 ORDERED BY SENTENCING COURT.

11 In all criminal cases in which there is a plea of
12 guilty, verdict of guilty, or special verdict upon
13 which a judgment of conviction is rendered, the
14 sentencing court shall order that restitution be made
15 by each offender to the victims of the offender's
16 criminal activities, to the clerk of court for fines,
17 penalties, surcharges, and, to the extent that the
18 offender is reasonably able to pay, for crime victim
19 assistance reimbursement, court costs including
20 correctional fees approved pursuant to section 356.7,
21 court-appointed attorney's fees, or the expense of a
22 public defender when applicable, or contribution to a
23 local anticrime organization. However, victims shall
24 be paid in full before fines, penalties, and
25 surcharges, crime victim compensation program
26 reimbursement, court costs including correctional fees
27 approved pursuant to section 356.7, court-appointed
28 attorney's fees, the expenses of a public defender, or
29 contribution to a local anticrime organization are
30 paid. In structuring a plan of restitution, the court
31 shall provide for payments in the following order of
32 priority: victim, fines, penalties, and surcharges,
33 crime victim compensation program reimbursement, court
34 costs including correctional fees approved pursuant to
35 section 356.7, court-appointed attorney's fees, or the
36 expense of a public defender, and contribution to a
37 local anticrime organization.

38 When the offender is not reasonably able to pay all
39 or a part of the crime victim compensation program
40 reimbursement, court costs including correctional fees
41 approved pursuant to section 356.7, court-appointed

42 attorney's fees, the expense of a public defender, or
43 contribution to a local anticrime organization, the
44 court may require the offender in lieu of that portion
45 of the crime victim compensation program
46 reimbursement, court costs including correctional fees
47 approved pursuant to section 356.7, court-appointed
48 attorney's fees, expense of a public defender, or
49 contribution to a local anticrime organization for
50 which the offender is not reasonably able to pay, to

Page 3

1 perform a needed public service for a governmental
2 agency or for a private nonprofit agency which
3 provides a service to the youth, elderly, or poor of
4 the community. When community service is ordered, the
5 court shall set a specific number of hours of service
6 to be performed by the offender which, for payment of
7 court-appointed attorney's fees or expenses of a
8 public defender, shall be approximately equivalent in
9 value to those costs. The judicial district
10 department of correctional services shall provide for
11 the assignment of the offender to a public agency or
12 private nonprofit agency to perform the required
13 service.

14 Sec. ____ Section 910.3, Code 1997, is amended to
15 read as follows:

16 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

17 The county attorney shall prepare a statement of
18 pecuniary damages to victims of the defendant and, if
19 applicable, any award by the crime victim compensation
20 program and shall provide the statement to the
21 presentence investigator or submit the statement to
22 the court at the time of sentencing. The clerk of
23 court shall prepare a statement of court-appointed
24 attorney's fees, the expense of a public defender, and
25 court costs including correctional fees claimed by a
26 sheriff pursuant to section 356.7, which shall be
27 provided to the presentence investigator or submitted
28 to the court at the time of sentencing. If these
29 statements are provided to the presentence
30 investigator, they shall become a part of the
31 presentence report. If pecuniary damage amounts are
32 not available at the time of sentencing, the county
33 attorney shall provide a statement of pecuniary
34 damages incurred up to that time to the clerk of
35 court. The statement shall be provided no later than
36 thirty days after sentencing. If a defendant believes
37 no person suffered pecuniary damages, the defendant
38 shall so state. If the defendant has any mental or
39 physical impairment which would limit or prohibit the
40 performance of a public service, the defendant shall
41 so state. The court may order a mental or physical

42 examination, or both, of the defendant to determine a
 43 proper course of action. At the time of sentencing or
 44 at a later date to be determined by the court, the
 45 court shall set out the amount of restitution
 46 including the amount of public service to be performed
 47 as restitution and the persons to whom restitution
 48 must be paid. If the full amount of restitution
 49 cannot be determined at the time of sentencing, the
 50 court shall issue a temporary order determining a

Page 4

1 reasonable amount for restitution identified up to
 2 that time. At a later date as determined by the
 3 court, the court shall issue a permanent, supplemental
 4 order, setting the full amount of restitution. The
 5 court shall enter further supplemental orders, if
 6 necessary. These court orders shall be known as the
 7 plan of restitution.
 8 Sec. __. EFFECTIVE DATE. This Act, being deemed
 9 of immediate importance, takes effect upon enactment.”
 10 11. Title page, line 4, by inserting after the
 11 word “execution” the following: “, and providing for
 12 an effective date”.
 13 12. By numbering and renumbering as necessary.

The committee amendment H-1563 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?” (S.F. 184)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Cormack	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	Witt	Mr. Speaker	
		Corbett	

The nays were, 3:

Chapman	Doderer	Fallon
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Absent or not voting, 2:

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

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

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

On the question "Shall the bill pass?" (S.F. 95)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	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:

Boddicker Dinkla

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

HOUSE FILE 180 WITHDRAWN

Richardson of Warren asked and received unanimous consent to withdraw House File 180 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 95** be immediately messaged to the Senate.

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

Myers of Johnson offered amendment H-1566 filed by him as follows:

H-1566

- 1 Amend Senate File 499, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 142B.6, unnumbered paragraph
- 6 3, Code 1997, is amended by striking the paragraph."
- 7 2. Page 2, by inserting after line 14 the
- 8 following:
- 9 "Sec. ____ Section 453A.56, Code 1997, is amended
- 10 by striking the section and inserting in lieu thereof
- 11 the following:
- 12 453A.56 LOCAL LAWS AND REGULATIONS.
- 13 A city or county may adopt laws or regulations

- 14 specifically targeted to reduce or eliminate access
 15 to, sale to, or use of cigarettes or tobacco products
 16 by persons under eighteen years of age."
 17 3. By renumbering as necessary.

Carroll of Poweshiek rose on a point of order that amendment H-1566 was not germane.

The Speaker ruled the point well taken and amendment H-1566 not germane.

Myers of Johnson asked for unanimous consent to suspend the rules to consider amendment H-1566.

Objection was raised.

Myers of Johnson moved to suspend the rules to consider amendment H-1566.

Roll call was requested by Myers of Johnson and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1566?" (S.F. 499)

The ayes were, 40:

Bell	Bernau	Blodgett	Brand
Bukta	Burnett	Chapman	Churchill
Doderer	Drees	Fallon	Foege
Ford	Frevert	Garman	Grundberg
Holveck	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mundie	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Taylor	Thomson	Warnstadt	Weigel
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 57:

Arnold	Barry	Boggess	Bradley
Brauns	Brunkhorst	Carroll	Cataldo
Chiodo	Cohon	Cormack	Dix
Dolecheck	Dotzler	Drake	Eddie
Falck	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Mertz	Metcalf	Meyer	Millage

Moreland	Murphy	Nelson	Rants
Rayhons	Shoultz	Siegrist	Sukup
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter			

Absent or not voting, 3:

Boddicker	Cpnnors	Dinkla
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The motion to suspend the rules lost.

Doderer of Johnson offered amendment H-1705 filed by her as follows:

H-1705

1 Amend Senate File 499, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 14 the
 4 following:
 5 "Sec. 101. Section 453A.36, subsection 6, Code
 6 1997, is amended to read as follows:
 7 6. Except as provided in this subsection, sales of
 8 cigarettes and tobacco products shall only be made in
 9 a direct face-to-face exchange. Any sales of
 10 cigarettes or tobacco products made through a
 11 cigarette vending machine are subject to rules and
 12 penalties relative to retail sales of cigarettes and
 13 tobacco products provided for in this chapter. No
 14 cigarettes shall be sold through any cigarette vending
 15 machine unless the cigarettes have been properly
 16 stamped or metered as provided by this division, and
 17 in case of violation of this provision, the permit of
 18 the dealer authorizing retail sales of cigarettes
 19 shall be canceled. Payment of the license fee as
 20 provided in section 453A.13 authorizes a cigarette
 21 vendor to sell cigarettes or tobacco products through
 22 vending machines, ~~provided that the following~~
 23 ~~conditions are met: the machines are located in~~
 24 ~~places where the machines are under the supervision of~~
 25 ~~a person of legal age who is responsible for~~
 26 ~~prevention of purchase by minors from the machines;~~
 27 ~~the machines are equipped with a lock-out device under~~
 28 ~~the control of a person of legal age who shall~~
 29 ~~directly regulate the sale of items through the~~
 30 ~~machines, and which shall include a mechanism to~~
 31 ~~prevent the machines from functioning if the power~~
 32 ~~source for the lock-out device fails or if the lock-~~
 33 ~~out device is disabled, and a mechanism to ensure that~~
 34 ~~only one pack of cigarettes or one tobacco product is~~
 35 ~~dispensed at a time; and the location where the~~
 36 ~~machines are placed is covered by a local retail~~

37 permit. However, a lock-out device is not required
 38 for machines operated in the following locations, if
 39 the machines are not to be placed in a doorway or
 40 other area readily accessible to minors: a commercial
 41 establishment holding a class "C" liquor license or a
 42 class "B" beer permit under chapter 123, if the
 43 establishment is not also licensed as a food service
 44 establishment under chapter 137B; a private facility
 45 not open to the public; or a workplace not open to the
 46 public. However, cigarettes or tobacco products shall
 47 not be sold through a vending machine unless the
 48 vending machine is located in a place where the
 49 retailer ensures that no person younger than eighteen
 50 years of age is present or permitted to enter at any

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1 time. This section does not require a retail licensee
 2 to buy a cigarette vendor's permit if the retail
 3 licensee is in fact the owner of the cigarette vending
 4 machines and the machines are operated in the location
 5 described in the retail permit."

6 2. Page 3, by inserting after line 12 the
 7 following:

8 "Sec. ____ Section 101, amending section 453A.36,
 9 subsection 6, takes effect August 28, 1997."

10 3. Title page, line 4, by inserting after the
 11 word "penalties" the following: "and an effective
 12 date".

The following amendment H-1709, to amendment H-1705 as amended, filed by Doderer of Johnson from the floor, was adopted by unanimous consent:

H-1709

1 Amend amendment H-1705, to Senate File 499, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 49, by striking the word "eighteen"
 5 and inserting the following: "twenty-one".

Carroll of Poweshiek rose on a point of order that amendment H-1705, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1705, as amended, not germane.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-1577 filed by him on April 7, 1997.

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. 499)

The ayes were, 79:

Arnold	Barry	Bell	Blodgett
Bogges	Bradley	Brand	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Chapman	Chiodo	Churchill	Cohoon
Connors	Cormack	Dix	Dolecheck
Drake	Eddie	Falck	Fallon
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	Mundie
Murphy	Nelson	O'Brien	Rants
Rayhons	Richardson	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 19:

Bernau	Bukta	Doderer	Dotzler
Drees	Foege	Ford	Jochum
Kinzer	Mascher	Moreland	Myers
Osterhaus	Reynolds-Knight	Scherrman	Schrader
Shoultz	Taylor	Whitead	

Absent or not voting, 2:

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

INTRODUCTION OF BILL

House File 724, by committee on ways and means, 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 placed on the **ways and means calendar**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 499** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an oversight and communications committee meeting at noon, April 15, 1997.

MOTIONS TO RECONSIDER

(Senate File 184)

I move to reconsider the vote by which Senate File 184 passed the House on April 14, 1997.

MARTIN of Scott

(Senate File 184)

I move to reconsider the vote by which Senate File 184 passed the House on April 14, 1997.

MORELAND of Wapello

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 14, 1997. Had I been present, I would have voted "aye" on Senate Files 30, 80, 131, 235, 451, and 522.

FORD of Polk

I was necessarily absent from the House chamber on April 14, 1997. Had I been present, I would have voted "aye" on Senate Files 30, 80, 131, 235, 451, and 522.

MERTZ of Kossuth

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 4, an act relating to the office of city assessor in certain counties.

House File 200, an act relating to nonsubstantive code corrections.

House File 228, an act relating to permits issued to licensed automobile tire recycling dealers to own or operate a waste tire site.

House File 244, an act relating to the county debt service fund.

House File 398, 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.

House File 399, an act relating to inspections of unfired steam pressure vessels.

House File 401, an act relating to state government personnel procedures including job classifications, pay plans, employee recall from layoff, and abolishing the personnel commission.

Senate File 126, an act allowing a supervised, controlled burn for which a permit has been issued during an open burning ban.

Senate File 205, 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.

Senate File 300, an act relating to the prohibited sale of home testing kits for the human immunodeficiency virus.

Also: That on April 14, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 589, an act relating to professional boxing and wrestling matches, providing for properly related matters, and providing for a tax and for penalties.

House File 687, an act relating to statutory references to the Iowa Beef Industry Council and increasing an excise tax on beef cattle upon a referendum.

PRESENTATION OF VISITORS

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

Twenty-one 4th grade students from Roland-Story School, Roland and Story City, accompanied by Cindy Stull. By Burnett of Story.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1997\394 Justin Jaeger, Decorah – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1997\395 Derek De Hoogh, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1997\396 Wanda and Frank Feldt, Clinton – For celebrating their 50th wedding anniversary.
- 1997\397 Carli Franks, Shenandoah – For being selected to attend the national Future Homemakers of America conference.
- 1997\398 Nina Smith, Waterloo – For being named to Parade Magazine's 1997 All-American High School Girls' Basketball Team.
- 1997\399 Dolores and Raymond Anderson, Clinton – For celebrating their 50th wedding anniversary.
- 1997\400 Mr. and Mrs. Chet McCleary, Carlisle – For celebrating their 50th wedding anniversary.
- 1997\401 Jason Kramer, West Point – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\402 Monica Reicks, New Hampton – For winning the Telegraph Herald Spelling Bee.
- 1997\403 Virginia and Norbert Reicks, Lawler – For celebrating their 50th wedding anniversary.
- 1997\404 Myrna and Francis Hentges, New Hampton – For celebrating their 50th wedding anniversary.
- 1997\405 Phyllis and Frank Vsetecka, New Hampton – For celebrating their 50th wedding anniversary.
- 1997\406 Reverend David and Char Fye, Fredericksburg – For celebrating their 50th wedding anniversary.
- 1997\407 Elaine and Maurice Deutsch, Ionia – For celebrating their 50th wedding anniversary.
- 1997\408 Tom Knight, Keosauqua – For being named Science Teacher of the Year.

SUBCOMMITTEE ASSIGNMENTS

Senate File 531

Ways and Means: Teig, Chair; Lamberti and Osterhaus.

Senate File 532

Ways and Means: Rants, Chair; Lord and Shoultz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 240

Ways and Means: Greig, Chair; Dinkla, Dix, Myers and Weigel.

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 648), relating to housing development.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 10, 1997.

Committee Bill (Formerly House File 657), 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 required.

Recommended **Amend and Do Pass** April 10, 1997.

Committee Bill (Formerly House Study Bill 240), 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.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 10, 1997.

RESOLUTION FILED

HR 18, by Myers, Siegrist, Gipp, Doderer and Mascher, a resolution congratulating Coach Dan Gable and the University of Iowa Hawkeye Wrestling Team for winning the 1997 National Collegiate Athletic Association's team championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1691	H.F.	121	Senate Amendment
H—1692	H.F.	707	Senate Amendment
H—1693	H.F.	597	Senate Amendment

H—1694	H.F.	335	Lord of Dallas Kreiman of Davis
H—1695	H.F.	579	Lord of Dallas
H—1696	H.F.	716	Brunkhorst of Bremer Lord of Dallas
H—1697	S.F.	241	Dinkla of Guthrie Chapman of Linn Lamberti of Polk
H—1698	S.F.	473	Frevert of Palo Alto
H—1699	S.F.	529	Schrader of Marion
H—1700	S.F.	529	Brunkhorst of Bremer O'Brien of Boone
H—1701	S.F.	391	Senate Amendment
H—1702	H.C.R.	21	Fallon of Polk
H—1703	S.F.	529	Brunkhorst of Bremer Cataldo of Polk
H—1704	S.F.	529	Cataldo of Polk Holmes of Scott
H—1706	S.F.	473	Mertz of Kossuth
H—1707	S.F.	241	Lamberti of Polk
H—1708	S.F.	515	Kreiman of Davis
H—1710	S.F.	529	Connors of Polk Wise of Lee
H—1711	S.F.	515	Kreiman of Davis
H—1712	S.F.	529	Wise of Lee
H—1713	S.F.	532	Richardson of Warren
H—1714	S.F.	515	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 7:08 p.m., until 8:45 a.m., Tuesday, April 15, 1997.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 15, 1997

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

Prayer was offered by Reverend R. Michael McDowell, Cedar Heights Presbyterian Church, Cedar Falls. Following the prayer, Candy Boucher presented to the House a song.

The Journal of Monday, April 14, 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 April 14, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 14, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 14, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 14, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 550, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Also: That the Senate has on April 14, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 659, a bill for an act relating to the regulation of the practice of respiratory care.

Also: That the Senate has on April 14, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 10, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 14, 1997, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 236, a bill for an act relating to the certificate of need program.

MARY PAT GUNDERSON, Secretary

ADOPTION OF HOUSE RESOLUTION 18

Myers of Johnson called up for consideration House Resolution 18, a resolution congratulating Coach Dan Gable and the University of Iowa Hawkeye Wrestling Team for winning the 1997 National Collegiate Athletic Association's team championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Myers of Johnson introduced Coach Gable, who briefly addressed the House.

The House rose and expressed its appreciation.

Speaker pro tempore Van Maanen of Marion in the chair at 9:30 a.m.

CONSIDERATION OF BILLS Unfinished Business Calendar

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

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

On the question "Shall the bill pass?" (S.F. 417)

The ayes were, 97:

Arnold
Blodgett

Barry
Boddicker

Bell
Boggess

Bernau
Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	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
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, 3:

Dinkla Grundberg Mascher

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

Senate File 232, a bill for an act relating to notarial acts and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 232)

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	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege

Ford	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	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 Fossent	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 2:

Rants Whitead

Absent or not voting, 4:

Dinkla Frevert Grundberg Mascher

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 417 and 232.**

Senate File 362, a bill for an act establishing a wild animal depre-dation 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 viola-tors to an existing penalty, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Klemme of Plymouth offered the following amendment H-1589 filed by the committee on natural resources and moved its adoption:

H-1589

- 1 Amend Senate File 362, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 25, by striking the word "three"
- 4 and inserting the following: "two".

5 2. Page 1, by striking lines 32 through 34 and
6 inserting the following: "The unit shall serve and
7 act as the liaison to the department for the producers
8 in the state who suffer crop and nursery damage due to
9 wild animals. The department shall issue depredation
10 permits as necessary to reduce crop and nursery damage
11 due to wild animals. The criteria for issuing".

12 3. Page 2, by inserting after line 10 the
13 following:

14 "Sec. ____ REPORT TO GENERAL ASSEMBLY, 1998. The
15 department of natural resources shall report, during
16 January 1998, to the chairpersons and ranking members
17 of the house committee on natural resources and the
18 senate committee on natural resources and environment
19 the number of applications received for depredation
20 permits and the number of depredation permits issued
21 during the preceding calendar year pursuant to section
22 481C.2."

23 4. By renumbering as necessary.

The committee amendment H-1589 was adopted.

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

On the question "Shall the bill pass?" (S.F. 362)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
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	Teigt
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman

Weigel
Witt

Welter
Van Maanen,
Presiding

Whitead

Wise

The nays were, none.

Absent or not voting, 2:

Brand

Dinkla

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

Senate File 214, a bill for an act relating to the regulation of the use and disposal of sewage sludge and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Drake of Pottawattamie offered the following amendment H-1497 filed by the committee on environmental protection and moved its adoption:

H-1497

- 1 Amend Senate File 214, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 27, by striking the word and
- 4 figure "July 1" and inserting the following: "March
- 5 1".

The committee amendment H-1497 was adopted.

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

On the question "Shall the bill pass?" (S.F. 214)

The ayes were, 98:

Arnold
Blodgett
Brand
Burnett
Chiodo
Corbett, Spkr.
Dolecheck
Eddie
Ford
Greig
Hansen
Houser

Barry
Boddicker
Brauns
Carroll
Churchill
Cormack
Dotzler
Falck
Frevert
Greiner
Heaton
Huseman

Bell
Boggess
Brunkhorst
Cataldo
Cohoon
Dix
Drake
Fallon
Garman
Gries
Holmes
Huser

Bernau
Bradley
Bukta
Chapman
Connors
Doderer
Drees
Foegel
Gipp
Hahn
Holveck
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	Warnstad	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

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.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 362 and 214.**

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

Holmes of Scott offered amendment H-1549 filed by the committee on state government as follows:

H-1549

- 1 Amend Senate File 357, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 25, by striking the words
- 4 "machines and" and inserting the following:
- 5 "machines".
- 6 2. Page 1, by striking line 26.
- 7 3. Page 1, line 27, by striking the word
- 8 "gambling".
- 9 4. Page 1, by striking lines 32 through 35.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 357 be deferred and that the bill retain its place on the calendar.

(Amendment H-1549 pending.)

SENATE AMENDMENTS CONSIDERED

Vande Hoef of Osceola called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1585:

H-1585

1 Amend House File 645, as passed by the House, as
2 follows:

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

5 "Section 1. Section 321.44A, Code 1997, is amended
6 to read as follows:

7 321.44A VOLUNTARY CONTRIBUTION - ANATOMICAL GIFT
8 PUBLIC AWARENESS AND TRANSPLANTATION FUND - AMOUNT
9 RETAINED BY COUNTY TREASURER.

10 For each application for registration or renewal,
11 the county treasurer or the department shall request
12 through use of a written form, and, if the application
13 is made in person, through verbal communication, that
14 an applicant make a voluntary contribution of one
15 dollar or more to the anatomical gift public awareness
16 and transplantation fund established pursuant to
17 section 142C.15. Moneys Ninety-five percent of the
18 moneys collected in the form of contributions shall be
19 remitted to the treasurer of state for deposit in the
20 fund to be used for the purposes specified for the
21 fund. The remaining five percent shall be retained by
22 the county treasurer for deposit in the general fund
23 of the county. The director shall adopt rules to
24 administer this section."

25 2. By striking page 6, line 27, through page 7,
26 line 35.

27 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1585.

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

On the question "Shall the bill pass?" (H.F. 645)

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	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
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, 3:

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

Kremer of Buchanan called up for consideration **House File 236**, a bill for an act relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm, amended by the Senate, and moved that the House concur in the following Senate amendment H-1327:

H-1327

- 1 Amend House File 236, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "assignment" the following: "or the individual had
- 5 good cause for not contacting the temporary employment
- 6 firm within three working days and notified the firm
- 7 at the first reasonable opportunity thereafter".

A non-record roll call was requested.

The ayes were 58, nays 5.

The motion prevailed and the House concurred in the Senate amendment H-1327.

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

On the question "Shall the bill pass?" (H.F. 236)

The ayes were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Scherrman	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

The nays were, 42:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
May	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 4:

Corbett, Spkr.	Dinkla	Grundberg	Mascher
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 645 and 236.**

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

Rants of Woodbury in the chair at 10:50 a.m.

Brunkhorst of Bremer offered amendment H-1685 filed by the committee on appropriations as follows:

H-1685

- 1 Amend Senate File 529, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 35, by striking the figure
- 4 "2,001,795" and inserting the following: "1,984,218".
- 5 2. Page 11, line 1, by striking the figure
- 6 "99.00" and inserting the following: "98.75".
- 7 3. Page 11, line 2, by striking the figure
- 8 "181,344" and inserting the following: "163,767".
- 9 4. Page 11, line 3, by striking the figure "2.00"
- 10 and inserting the following: "1.75".
- 11 5. Page 21, by striking lines 5 through 17.

Cataldo of Polk offered the following amendment H-1704, to the committee amendment H-1685, filed by him and Holmes of Scott, and moved its adoption:

H-1704

- 1 Amend the amendment, H-1685, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 10 and
- 5 inserting the following:
- 6 "___ Page 12, line 13, by striking the figure
- 7 "2,025,201" and inserting the following: "2,007,624".
- 8 ___ Page 12, by inserting after line 14 the
- 9 following:
- 10 "It is the intent of the general assembly that if
- 11 the funds appropriated in this section are
- 12 insufficient to meet the costs of the commission
- 13 associated with the extended horse racetrack season,
- 14 the commission may collect any deficient costs not to
- 15 exceed \$17,577 from the horse racetrack licensee."

Amendment H-1704, to the committee amendment H-1685, was adopted.

Brunkhorst of Bremer moved the adoption of the committee amendment H-1685, as amended.

Roll call was requested by Wise of Lee and Murphy of Dubuque.

On the question "Shall the committee amendment H-1685, as amended, be adopted?" (S.F. 529)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dix	Doderer
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	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	Rants, Presiding

The nays were, none.

Absent or not voting, 4:

Dinkla	Dolecheck	Grundberg	Lamberti
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The committee amendment H-1685, as amended, was adopted.

Wise of Lee offered amendment H-1710 filed by Connors of Polk and him as follows:

H-1710

1 Amend Senate File 529, as amended, passed, and

- 2 reprinted by the Senate, as follows:
 3 1. Page 5, by striking lines 31 through 33.

Connors of Polk moved the adoption of amendment H-1710.

Roll call was requested by Greiner of Washington and Brunkhorst of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H-1710 be adopted?" (S.F. 529)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Moreland	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	Klemme	Kremer	Lamberti
Larson	Lord	Mertz	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, 4:

Chapman	Dinkla	Jenkins	Martin
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Amendment H-1710 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1712 filed by him on April 14, 1997.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-1720 filed by her and Wise of Lee, from the floor.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1721 filed by her from the floor.

Schrader of Marion asked and received unanimous consent that amendment H-1699 be deferred.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 529 be deferred and that the bill retain its place on the calendar.

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 1:30 p.m., Rants of Woodbury in the chair.

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **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, previously deferred.

Brunkhorst of Bremer offered the following amendment H-1703 filed by him and Cataldo of Polk, and moved its adoption:

H-1703

- 1 Amend Senate File 529, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 9, by striking the figure
- 4 "1,926,518" and inserting the following: "2,201,518".
- 5 2. Page 6, line 10, by striking the figure
- 6 "52.60" and inserting the following: "57.60".
- 7 3. Page 19, line 27, by striking the figure
- 8 "656,440" and inserting the following: "381,440".
- 9 4. Page 19, line 28, by striking the figure
- 10 "10.00" and inserting the following: "5.00".
- 11 5. By striking page 19, line 29, through page 20,
- 12 line 4.

Amendment H-1703 was adopted, placing amendment H-1699, previously deferred, out of order.

Brunkhorst of Bremer offered the following amendment H-1700 filed by him and O'Brien of Boone, and moved its adoption:

H-1700

1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, by striking lines 3 through 6 and
 4 inserting the following: "It is the intent of the
 5 general assembly that lottery advertising promote or
 6 educate the public on the benefits of the lottery to
 7 Iowa, that the advertising not focus solely on
 8 winning, and that the advertising not be targeted
 9 toward minors."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 47.

Amendment H-1700 lost.

Fallon of Polk offered the following amendment H-1725 filed by him and Chiodo of Polk, Garman of Story, and Sukup of Franklin, from the floor and moved its adoption:

H-1725

1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, by inserting before line 7 the
 4 following:
 5 "It is the intent of the general assembly that none
 6 of the lottery appropriation shall be expended for the
 7 lease or purchase of any equipment that sells lottery
 8 tickets, validates winning tickets, and allows credit
 9 from winning tickets back on the equipment. Credits
 10 from winning tickets shall be printed out on a receipt
 11 for cash redemption only."

Amendment H-1725 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?" (S.F. 529)

The ayes were, 62:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brand	Brauns
Brunkhorst	Carroll	Cataldo	Chiodo
Churchill	Connors	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries

Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson	O'Brien	Rayhons	Reynolds-Knight
Schrader	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Rants, Presiding		

The nays were, 35:

Bell	Bernau	Bukta	Burnett
Chapman	Cohoon	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Moreland	Murphy
Myers	Osterhaus	Richardson	Scherrman
Shoultz	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 529** be immediately messaged to the Senate.

Senate File 460, a bill for an act relating to membership on the workforce development board and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 460)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo

Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	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	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maahen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Whitead
Wise	Witt	Rants, Presiding	

The nays were, none.

Absent or not voting, 5:

Chapman	Dinkla	Grundberg	Siegrist
Welter			

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

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

The House stood at ease at 2:26 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 515 at 3:37 p.m., Gipp of Winneshiek in the chair.

Larson of Linn offered amendment H-1570 filed by the committee on judiciary and requested division as follows:

H-1570

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-1570A

- 3 1. Page 2, line 15, by inserting after the words
- 4 "punishable by a" the following: "minimum".
- 5 2. Page 2, line 20, by striking the words "the
- 6 person who is under legal age" and inserting the
- 7 following: "any person".
- 8 3. Page 2, line 25, by striking the word "death
- 9 of the" and inserting the following: "death of any".
- 10 4. Page 2, line 26, by striking the words "who is
- 11 under legal age".

H-1570B

- 12 5. Page 3, line 9, by inserting after the words
- 13 "who is" the following: "enrolled in secondary school
- 14 and who is".

H-1570A

- 15 6. By striking page 3, line 33, through page 4,
- 16 line 20.

H-1570B

- 17 7. By striking page 23, line 31, through page 24,
- 18 line 6.

H-1570A

19 8. By renumbering as necessary.

Larson of Linn moved the adoption of the committee amendment H-1570A.

The committee amendment H-1570A was adopted.

Larson of Linn asked and received unanimous consent to withdraw the committee amendment H-1570B.

Speaker Corbett in the chair at 3:45 p.m.

Larson of Linn offered amendment H-1722 filed by him from the floor as follows:

H-1722

1 Amend Senate File 515, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 4 through 9, and
4 inserting the following: "section. However, if the
5 person who commits the violation of this section is
6 under the age of eighteen, the matter shall be
7 disposed of in the manner provided in chapter 232."

8 2. Page 3, by striking lines 8 and 9, and
9 inserting the following: "a reasonable effort to
10 identify a person who is age eighteen or older,
11 enrolled in secondary school, and discovered to be
12 in".

13 3. Page 5, by inserting after line 6 the
14 following: "If the violation is committed by a person
15 who is employed by a licensee or permittee, the
16 licensee or permittee and the individual shall each be
17 deemed to have committed the violation and shall each
18 be punished as provided in this subsection."

19 4. Page 5, line 31, by inserting after the word
20 "person." the following: "However, a person who is
21 not a licensee or permittee and who dispenses or gives
22 beer, wine, or intoxicating liquor to an underage
23 person shall not be liable for any damages actually
24 sustained if the person was not present when the beer,
25 wine, or intoxicating liquor was consumed by the
26 underage person."

27 5. Page 6, by inserting after line 12, the
28 following:

29 "Sec. __. Section 232.2, subsection 12, Code
30 1997, is amended by adding the following new
31 paragraph:

32 NEW PARAGRAPH. c. The violation of section
33 123.47."

34 6. Page 7, by inserting after line 26, the

35 following:

36 "Sec. ____ Section 232.22, Code 1997, is amended
37 by adding the following new subsection:
38 **NEW SUBSECTION.** 7. Notwithstanding any other
39 provision of the Code to the contrary, a child shall
40 not be placed in detention for a violation of section
41 123.47, or for failure to comply with a dispositional
42 order which provides for payment of a fine or
43 performance of community service for a violation of
44 section 123.47."

45 7. Page 14, by inserting after line 24, the
46 following:

47 "Sec. ____ Section 232.46, subsection 1, Code
48 1997, is amended to read as follows:
49 1. At any time after the filing of a petition and
50 prior to entry of an order of adjudication pursuant to

Page 2

1 section 232.47, the court may suspend the proceedings
2 on motion of the county attorney or the child's
3 counsel, enter a consent decree, and continue the case
4 under terms and conditions established by the court.
5 These terms and conditions may include prohibiting a
6 child from driving a motor vehicle for a specified
7 period of time or under specific circumstances, or the
8 supervision of the child by a juvenile court officer
9 or other agency or person designated by the court, and
10 may include the requirement that the child perform a
11 work assignment of value to the state or to the public
12 or make restitution consisting of a monetary payment
13 to the victim or a work assignment directly of value
14 to the victim, or, if the delinquent act is a
15 violation of section 123.47, pay a fine. The court
16 shall notify the state department of transportation of
17 an order prohibiting the child from driving."

18 8. Page 15, by striking lines 14 through 19, and
19 inserting the following:

20 "Sec. ____ Section 232.52, subsection 2, paragraph
21 g, Code 1997, is amended to read as follows:
22 g. An order placing a child, other than a child
23 who has committed a violation of section 123.47, in
24 secure custody for not more than two days in a
25 facility under section 232.22, subsection 2, paragraph
26 "a" or "b".

27 Sec. ____ Section 232.52, subsection 2, Code 1997,
28 is amended by adding the following new paragraph:
29 **NEW PARAGRAPH.** i. An order requiring a child who
30 has committed a violation of section 123.47 to pay a
31 fine."

32 9. Page 15, line 31, by inserting after the word
33 "order." the following: "The hearing may be waived if
34 all parties to the proceeding agree."

- 35 10. Page 17, by inserting after line 30, the
36 following:
37 "Sec. ____ Section 232.148, subsection 5,
38 paragraph b, Code 1997, is amended to read as follows:
39 b. After a petition is filed, the petition is
40 dismissed or the proceedings are suspended and the
41 child has not entered into a consent decree, and has
42 not been adjudicated delinquent on the basis of a
43 delinquent act other than one alleged in the petition
44 in question, or has not been placed on youthful
45 offender status."
- 46 11. Page 18, line 4, by striking the word "are"
47 and inserting the following: "is".
- 48 12. Page 18, by striking lines 21 through 30 and
49 inserting the following:
50 "Sec. ____ Section 232.150, subsection 1, Code

Page 3

- 1 1997, is amended by adding the following new
2 paragraph:
3 NEW PARAGRAPH. c. The person was not placed on
4 youthful offender status, transferred back to district
5 court after the youthful offender's eighteenth
6 birthday, and sentenced for the offense which
7 precipitated the youthful offender placement."
- 8 13. Page 19, line 16, by inserting before the
9 word "rules" the following: "a policy and the
10 superintendent of each public school shall adopt".
- 11 14. Page 19, line 18, by striking the words
12 "agreement with the" and inserting the following:
13 "agreement with state and local agencies that are part
14 of the juvenile justice system including the juvenile
15 court, the".
- 16 15. Page 19, line 19, by striking the words
17 "school and" and inserting the following: "and
18 local".
- 19 16. Page 19, line 20, by striking the words
20 "authorities, and other signatory agencies." and
21 inserting the following: "authorities. The
22 disclosure of information shall be directly related to
23 the juvenile justice system's ability to effectively
24 serve, prior to adjudication, the student whose
25 records are being released."
- 26 17. Page 20, line 5, by striking the word
27 "Confidential" and inserting the following: "The
28 interagency agreement shall provide, and each
29 signatory agency to the agreement shall certify in the
30 agreement, that confidential".
- 31 18. Page 24, lines 3 and 4, by striking the words
32 and figures "section 123.47 or 123.47D," and inserting
33 the following: "~~section 123.47,~~".
- 34 19. Page 25, by striking lines 32 and 33, and

35 inserting the following: "suspended sentence.
36 Notwithstanding anything in section 907.7 to the
37 contrary, if the district court either continues the
38 youthful offender deferred sentence or enters a
39 sentence, suspends the sentence, and places the
40 youthful offender on probation, the term of formal
41 supervision shall commence upon entry of the order by
42 the district court and may continue for a period not
43 to exceed five years. If the district court enters a
44 sentence of confinement, and the youthful offender was
45 previously placed in secure confinement by the
46 juvenile court under the terms of the initial
47 disposition order or any modification to the initial
48 disposition order, the person shall receive credit for
49 any time spent in secure confinement. During any".
50 20. Page 25, line 34, by inserting after the word

Page 4

1 "probation" the following: "imposed by the district
2 court".
3 21. Page 27, by striking lines 8 through 11, and
4 inserting the following: "adjustment associated with
5 the complaint. Unless the matter is disposed of at
6 the preliminary inquiry conducted by the intake
7 officer under section 232.28, the victim may also be
8 allowed to orally present the victim impact
9 statement."
10 22. By renumbering as necessary.

Larson of Linn offered the following amendment H-1737, to amend-
ment H-1722, filed by him from the floor and moved its adoption:

H-1737

1 Amend the amendment, H-1722, to Senate File 515, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 20 through 26 and
5 inserting the following: "'person." the following:
6 "For purposes of this paragraph, "dispensed" or "gave"
7 means the act of physically presenting a receptacle
8 containing beer, wine, or intoxicating liquor to the
9 under-age person whose actions or intoxication results
10 in the sustaining of damages by another person.'"

Amendment H-1737, to amendment H-1722, was adopted.

Larson of Linn offered the following amendment H-1736, to amend-
ment H-1722, filed by him and Kreiman of Davis from the floor and
moved its adoption:

H-1736

- 1 Amend the amendment, H-1722, to Senate File 515, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 42, by striking the words
- 5 "payment of a fine or".
- 6 2. By striking page 1, line 45, through page 2,
- 7 line 17.
- 8 3. Page 2, by striking lines 27 through 31.

Amendment H-1736, to amendment H-1722, was adopted.

Larson of Linn moved the adoption of amendment H-1722, as amended.

Amendment H-1722, as amended, was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1669 filed by him on April 9, 1997.

Bernau of Story asked and received unanimous consent that amendment H-1735 be deferred.

Heaton of Henry offered the following amendment H-1729 filed by him from the floor and moved its adoption:

H-1729

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 31, by inserting after the word
- 4 "person." the following: "However, a person who
- 5 dispenses or gives beer, wine, or intoxicating liquor
- 6 to an underage person shall only be liable for any
- 7 damages if the person knew or should have known that
- 8 the underage person was under legal age."

Amendment H-1729 was adopted.

Ford of Polk offered the following amendment H-1734 filed by him from the floor and moved its adoption:

H-1734

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 2, by inserting before the word
- 4 "is" the following: "or".
- 5 2. Page 7, by striking lines 3 through 11 and
- 6 inserting the following: "alleged delinquent act of
- 7 violence against a person. However, if the child is
- 8 thirteen twelve years of age or older, the child may

- 9 be restrained by metal handcuffs only, for the purpose
 10 of transportation in a vehicle which is not equipped
 11 with a rear seat cage for prisoner transport and if
 12 the child is being taken into custody for an alleged
 13 delinquent act of violence against a person. The
 14 child may also be restrained by”.

Roll call was requested by Weidman of Cass and Lamberti of Polk.

On the question “Shall amendment H-1734 be adopted?” (S.F. 515)

The ayes were, 39:

Bernau	Brand	Bukta	Burnett
Cataldo	Chiodo	Cohoon	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Jochum	Kinzer	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 57:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brauns
Carroll	Chapman	Churchill	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Klemme	Koenigs
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	Welter
Mr. Speaker Corbett			

Absent or not voting, 4:

Brunkhorst	Connors	Dinkla	Grundberg
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Amendment H-1734 lost.

Kreiman of Davis offered amendment H-1733 filed by him from the floor. Division was requested as follows:

H-1733

- 1 Amend Senate File 515, as amended, passed, and

2 reprinted by the Senate, as follows:

H-1733A

- 3 1. Page 7, line 23, by inserting after the word
4 "child" the following: "who is at least ten years of
5 age and who is".
6 2. Page 8, line 12, by inserting after the word
7 "child" the following: "who is at least ten years of
8 age and who".

H-1733B

- 9 3. Page 17, by striking line 22 and inserting the
10 following: "taken into custody and who is fourteen
11 ten years of age or older".
12 4. Page 21, line 3, by inserting after the word
13 "committed" the following: "by children who are at
14 least ten years of age".
15 5. Page 21, line 6, by inserting after the words
16 "delinquent act" the following: "which was committed
17 by a child at least ten years of age and".
18 6. Page 21, line 9, by inserting after the words
19 "delinquent act" the following: "which was committed
20 by a child at least ten years of age and".
21 7. Page 22, line 32, by inserting after the words
22 "delinquent act" the following: "which was committed
23 by a child at least ten years of age and".
24 8. Page 23, line 4, by inserting after the words
25 "for an act" the following: "which was committed by a
26 child at least ten years of age and".

Kreiman of Davis moved the adoption of amendment H-1733A.

Amendment H-1733A was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1714 filed by him on April 14, 1997.

Kreiman of Davis offered the following amendment H-1730 filed by him and Ford of Polk from the floor, and moved its adoption:

H-1730

- 1 Amend Senate File 515, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, line 25, by striking the words "public
4 offense" and inserting the following: "simple
5 misdemeanor involving violence against a person, a
6 serious or aggravated misdemeanor, or a felony".
7 2. Page 8, by striking lines 14 and 15, and
8 inserting the following: "would be an a simple
9 misdemeanor involving violence against a person, a

10 serious or aggravated misdemeanor, or a felony ~~shall~~
 11 be is a public record and shall not be".

Gipp of Winneshiek in the chair at 4:43 p.m.

Roll call was requested by Lamberti of Polk and Rants of Woodbury.

On the question "Shall amendment H-1730 be adopted?" (S.F. 515)

The ayes were, 39:

Bernau	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Doderer	Drees	Fallon	Foegen
Ford	Frevert	Grundberg	Holveck
Jochum	Kinzer	Grונים	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Weigel
Whitead	Wise	Witt	

The nays were, 59:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brauns
Brunkhorst	Carroll	Churchill	Connors
Corbett, Spkr.	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Falck
Garman	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Huseman	Huser	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Myers	Nelson	O'Brien
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Gipp, Presiding	

Absent or not voting, 2:

Dinkla Houser

Amendment H-1730 lost.

Kreiman of Davis offered amendment H-1711 filed by him as follows:

H-1711

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 12, line 35, by inserting after the word
4 "offense" the following: "for purpose of prosecution
5 of the child as an adult or a youthful offender".
- 6 2. Page 13, by striking lines 3 and 4 and
7 inserting the following: "heard by the district court
8 as part of the proceedings under section 907.3A, or by
9 the juvenile court as provided in this section. If
10 the motion for waiver for purpose of being prosecuted
11 as a youthful offender is made as a result of a
12 conditional agreement between the county attorney and
13 the child, the conditions of the agreement shall be
14 disclosed to the court in the same manner as provided
15 in rules 8 and 9 of the Iowa rules of criminal
16 procedure."
- 17 3. Page 13, line 29, by inserting after the
18 figure "232.23." the following: "If the court has
19 been apprised of conditions of an agreement between
20 the county attorney and the child which resulted in a
21 motion for waiver for purposes of the child being
22 prosecuted as a youthful offender, and the court finds
23 that the conditions are in the best interests of the
24 child, the conditions of the agreement shall
25 constitute conditions of the waiver order."
- 26 4. Page 15, line 31, by inserting after the word
27 "order." the following: "The dispositional order
28 regarding a child who has received a youthful offender
29 deferred sentence may also be terminated prior to the
30 child reaching the age of eighteen upon motion of the
31 county attorney, if the waiver of the child to
32 district court was conditioned upon the terms of an
33 agreement between the county attorney and the child
34 violates the terms of the agreement after the waiver
35 order has been entered."
- 36 5. Page 17, line 6, by striking the words "status
37 or" and inserting the following: "status,".
- 38 6. Page 17, line 8, by inserting after the word
39 "birthday" the following: ", or whether the child
40 shall continue under the supervision of the juvenile
41 court until the child either completes treatment or
42 reaches the age of nineteen, whichever first occurs".
- 43 7. Page 25, line 1, by inserting after the figure
44 "907.3" the following: "but subject to any conditions
45 of the waiver order".
- 46 8. Page 25, line 10, by inserting after the word
47 "section." the following: "Notwithstanding section
48 901.2, a presentence investigation shall not be
49 ordered by the court subsequent to an entry of a plea
50 of guilty or verdict of guilty or prior to deferral of

Page 2

- 1 sentence of a youthful offender under this section."
2 9. Page 25, by striking line 15 and inserting the

- 3 following: "supervision of the juvenile court or the
4 district court, or whether the youthful offender shall
5 be discharged. The court shall".
6 10. Page 25, line 22, by inserting after the word
7 "report," the following: "whether the youthful
8 offender has completed any treatment ordered by the
9 juvenile court under a dispositional order entered
10 pursuant to section 232.52 or 232.54."
11 11. Page 25, line 32, by inserting after the
12 words "shall not" the following: "remain under the
13 supervision of the juvenile court beyond the date on
14 which the youthful offender reaches the age of
15 nineteen and the court shall not cause the youthful
16 offender to".

Kreiman of Davis offered the following amendment H-1724, to amendment H-1711, filed by him from the floor and moved its adoption:

H-1724

- 1 Amend the amendment, H-1711, to Senate File 515, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 4, by inserting before the words
5 "for purpose" the following: "or".

Amendment H-1724 was adopted.

Division of amendment H-1711, as amended, was requested as follows:

Page 1 - Lines 3 through 35, Division A; lines 36 through 42, Division B; lines 43 through 50, Division A.

Page 2 - Line 1, Division A; lines 2 through 16, Division B.

Kreiman of Davis moved the adoption of amendment H-1711A, as amended.

Amendment H-1711A, as amended, was adopted.

Kreiman of Davis asked and received unanimous consent that amendment H-1723 be deferred.

Doderer of Johnson asked and received unanimous consent that amendment H-1728 be deferred.

Doderer of Johnson offered the following amendment H-1741 filed by her from the floor and moved its adoption:

H-1741

- 1 Amend Senate File 515, as amended, passed, and

- 2 reprinted by the Senate, as follows:
 3 1. Page 13, by striking line 13 and inserting the
 4 following:
 5 "a. The child is at least fourteen years of age
 6 but is no older than seventeen years of age."

Roll call was requested by Bernau of Story and Doderer of Johnson.

On the question "Shall amendment H- 1741 be adopted?" (S.F. 515)

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	Kreintan
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
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Greig	Greiner	Gries
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	Gipp, Presiding

Absent or not voting, 2:

Dinkla Grundberg

Amendment H-1741 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1742 filed by him from the floor.

The House resumed consideration of amendment H-1711B, found on page 1245 of the House Journal.

Further division of amendment H-1711B was requested as follows:

Page 2 - Lines 11 through 16, Division C.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1711C.

Kreiman of Davis moved the adoption of amendment H-1711B.

A non-record roll call was requested.

The ayes were 30, nays 45.

Amendment H-1711B lost.

Kreiman of Davis asked and received unanimous consent that amendment H-1733B be deferred.

Kreiman of Davis offered amendment H-1727 filed by him from the floor as follows:

H-1727

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, line 8, by striking the words "which
- 4 require school officials".
- 5 2. Page 19, line 12, by inserting after the word
- 6 "law." the following: "The procedures may include a
- 7 provision which does not require a report when the
- 8 offense is minor and school officials have determined
- 9 that a school at-risk or other student assistance
- 10 program would be jeopardized by making the report."

Thomson of Linn offered the following amendment H-1739, to amendment H-1727, filed by her from the floor and moved its adoption:

H-1739

- 1 Amend the amendment, H-1727, to Senate File 515, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 8, by striking the words "offense
- 5 is minor and".
- 6 2. Page 1, line 10, by striking the words "by
- 7 making the report" and inserting the following: "if a
- 8 student self reports".

Amendment H-1739, to amendment H-1727, was adopted.

Kreiman of Davis moved the adoption of amendment H-1727, as amended.

Amendment H-1727, as amended, was adopted.

Rants of Woodbury in the chair at 6:15 p.m.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1708 filed by him on April 14, 1997.

Ford of Polk offered the following amendment H-1732 filed by him from the floor and moved its adoption:

H-1732

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, line 27, by inserting after the word
- 4 "program." the following: "Rules adopted shall
- 5 include procedures which are designed to eliminate the
- 6 influence of prejudice and racial and economic
- 7 discrimination in the procedures and decisions of the
- 8 peer review court."

Amendment H-1732 was adopted.

Ford of Polk offered the following amendment H-1738 filed by him from the floor and moved its adoption:

H-1738

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by inserting after line 12, the
- 4 following:
- 5 "Sec. ____ JUVENILE JUSTICE INTERIM STUDY. The
- 6 legislative council is requested to establish an
- 7 interim study committee consisting of members of both
- 8 political parties from both houses of the general
- 9 assembly to review and consider the need for
- 10 improvements in the laws and programs established to
- 11 reform juvenile delinquents and reduce juvenile crime.
- 12 The study may include but is not limited to the review
- 13 of the need for improvements in the current juvenile
- 14 justice system, the youthful offender program, the
- 15 programs established to combat substance abuse by
- 16 juveniles, and the coordination of programs and
- 17 information between the juvenile and adult criminal
- 18 justice systems. The committee shall submit its
- 19 findings, together with any recommendations, in a
- 20 report to the general assembly which convenes in
- 21 January 1998."
- 22 2. Title page 2, line 12, by inserting after the
- 23 word "authorities" the following: ", and providing
- 24 for a legislative study".
- 25 3. By renumbering as necessary.

Amendment H-1738 was adopted.

Holveck of Polk offered the following amendment H-1743 filed by him from the floor and moved its adoption:

H-1743

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 21 through 26.
- 4 2. By renumbering as necessary.

Amendment H-1743 lost.

Bernau of Story offered the following amendment H-1735, previously deferred, filed by him from the floor and moved its adoption:

H-1735

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 7 through 17 and
- 4 inserting the following: "will endanger that person."

Amendment H-1735 was adopted, placing out of order page 1, lines 8 through 12 of amendment H-1722, previously adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendments H-1723, and H-1733B, filed by him from the floor.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-1728 filed by her from the floor.

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

On the question "Shall the bill pass?" (S.F. 515)

The ayes were, 92:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dix	Dolecheck	Dotzler	Drake
Drees	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	Nelson	O'Brien	Osterhaus
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	Rants, Presiding

The nays were, 7:

Bernau	Chapman	Doderer	Fallon
Holveck	Myers	Shoultz	

Absent or not voting, 1:

Dinkla

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

INTRODUCTION OF BILLS

House File 725, by Corbett, a bill for an act to legalize the proceedings taken by the Cedar Rapids Community School District to participate in an instructional support program and providing an effective and retroactive applicability date.

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

House File 726, by committee on ways and means, a bill for an act 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.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 15, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 15, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 15, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 644, a bill for an act relating to the relationship between a real estate broker or salesperson and parties to certain real estate transactions and providing an effective date.

Also: That the Senate has on April 15, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 15, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 519, a bill for an act relating to the authorized use and users of the Iowa communications network and providing an effective date.

Also: That the Senate has on April 15, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 528, 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.

MARY PAT GUNDERSON, Secretary

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 515** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration **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, amended by the Senate amendment H-1691 as follows:

H-1691

- 1 Amend House File 121, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 1, by striking the word "counsel"
- 4 and inserting the following: "counsel."
- 5 2. Page 4, by striking lines 22 through 34.
- 6 3. Page 6, by striking lines 12 through 16.
- 7 4. Title page, line 3, by inserting after the
- 8 word "penalties" the following: "and providing for a
- 9 repeal".
- 10 5. By renumbering as necessary.

Doderer of Johnson offered the following amendment H-1719, to the Senate amendment H-1691, filed by her and Metcalf of Polk from the floor and moved its adoption:

H-1719

- 1 Amend the Senate amendment, H-1691, to House File
- 2 121, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 5 and 6 and
- 5 inserting the following:
- 6 " Page 4, line 26, by striking the words "six
- 7 months have" and inserting the following: "one year
- 8 has"."
- 9 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 47.

Amendment H-1719, to the Senate amendment H-1691, was adopted.

On motion by Boddicker of Cedar, the House concurred in the Senate amendment H-1691, as amended.

Boddicker of Cedar 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. 121)

The ayes were, 72:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Chapman	Chiodo
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Drees	Eddie
Falck	Frevert	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Huser	Holmes	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larson	Lord	Martin
May	Mertz	Meyer	Millage
Mundie	Murphy	Nelson	O'Brien
Osterhaus	Rayhons	Reynolds-Knight	Scherrman
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Rants, Presiding

The nays were, 27:

Bell	Bernau	Brand	Bukta
Burnett	Cohoon	Connors	Doderer
Dotzler	Fallon	Foege	Ford
Grundberg	Holveck	Jacobs	Kinzer
Larkin	Mascher	Metcalf	Moreland
Myers	Richardson	Schrader	Shoultz
Taylor	Whitead	Witt	

Absent or not voting, 1:

Dinkla

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 121** and **Senate File 460**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 15, 1997. Had I been present, I would have voted "aye" on Senate File 529.

GARMAN of Story

I was necessarily absent from the House chamber on Monday afternoon, April 14, 1997. Had I been present, I would have voted "aye" on Senate File 522.

MORELAND of Wapello

On Thursday, April 10, 1997, I inadvertently voted "aye" on Senate File 519, when I meant to vote "nay".

MYERS of Johnson

I was necessarily absent from the House chamber on April 14, 1997. Had I been present, I would have voted "aye" on Senate Files 30, 80, 131, 163, 219, 235, 238, 451, and 522.

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 15th day of April, 1997: House Files 313, 354, 368, 370, 372 and 653.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PROOF OF PUBLICATION
(House File 725)

Published copy of House File 725 and verified proof of publication of said bill in The Cedar Rapids Gazette, a daily newspaper printed and published in Linn County, Iowa on April 4, 1997, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

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

Twenty-six 5th grade students from Colo Elementary School, Colo, accompanied by Vickie Wilson. By Garman of Story.

Thirty Senior Government students from Tri-County of Thornburg, Thornburg, accompanied by James Freeze. By Greiner of Washington.

Fifty-two 5th grade students from Jordan Creek Elementary School, West Des Moines, accompanied by Mrs. Keenan, Mr. O'Hara, and parent chaperones. By Grundberg of Polk.

Sixty 8th grade students from Wall Lake View Auburn Middle School, Wall Lake, accompanied by Bruce Stevens. 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\409 Rita and Raymond Roling, Bellevue - For celebrating their 50th wedding anniversary.
- 1997\410 Dorothy and Harlan Zittergruen, Garnavillo - For celebrating their 50th wedding anniversary.
- 1997\411 Pearl Richards, Elkader - For celebrating her 90th birthday.
- 1997\412 Clifford Barnhart, Guttenberg - For celebrating his 95th birthday.
- 1997\413 Dorothy and Flavian Kiracofe, Swisher - For celebrating their 50th wedding anniversary.
- 1997\414 Rita and George Neitderhisar, Tiffin - For celebrating their 50th wedding anniversary.
- 1997\415 Francene and James Pierce, Van Meter - For celebrating their 50th wedding anniversary.
- 1997\416 Joanne and Don Johnson, Sioux City - For celebrating their 50th wedding anniversary.

AMENDMENTS FILED

H-1715	S.F.	128	Doderer of Johnson Jacobs of Polk Grundberg of Polk
H-1716	H.F.	708	Senate Amendment
H-1717	S.F.	236	Senate Amendment

H—1718	H.F.	710	Senate Amendment
H—1726	H.F.	644	Senate Amendment
H—1731	S.F.	128	Grundberg of Polk
			Metcalf of Polk
			Brand of Tama
			Doderer of Johnson
			Martin of Scott
			Ford of Polk
H—1740	S.F.	128	Grundberg of Polk
			Metcalf of Polk
			Brand of Tama
			Doderer of Johnson
			Martin of Scott
			Ford of Polk
H—1744	H.F.	723	Richardson of Warren
H—1745	H.F.	724	Richardson of Warren
H—1746	H.F.	724	Weigel of Chickasaw
H—1747	H.F.	724	Chiodo of Polk
H—1748	H.F.	724	Chiodo of Polk
H—1749	H.F.	726	Carroll of Poweshiek
H—1750	S.F.	40	Holveck of Polk
H—1751	S.F.	40	Holveck of Polk
H—1752	S.F.	177	Weidman of Cass
H—1753	S.F.	241	Lamberti of Polk
H—1754	S.F.	241	Lamberti of Polk
H—1755	S.F.	128	Ford of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 7:45 p.m., until 8:45 a.m., Wednesday, April 16, 1997.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 16, 1997

The House met pursuant to adjournment at 9:08 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Ralph Simington, St. Mary's Catholic Church, Manchester.

The Journal of Tuesday, April 15, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Myers of Johnson on request of Schrader of Marion.

SENATE MESSAGE CONSIDERED

Senate File 528, by committee on ways and means, 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 **ways and means**.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 9:19 a.m., Speaker Corbett in the chair.

CONSIDERATION OF BILLS

Unfinished Business Calendar

Senate File 432, a bill for an act relating to the disposition of private property condemned under eminent domain, with report of committee recommending amendment and passage, was taken up for consideration.

Vande Hoef of Osceola asked and received unanimous consent to withdraw the committee amendment H-1536 filed by the committee on local government on April 2, 1997.

Vande Hoef of Osceola offered the following amendment H-1687 filed by him and moved its adoption:

H-1687

1 Amend Senate File 432, as passed by the Senate, as
2 follows:

3 1. Page 1, line 15, by striking the word
4 "assessed" and inserting the following: "appraised".

5 2. Page 1, line 18, by striking the word
6 "assessed" and inserting the following: "appraised".

7 3. By striking page 1, line 32, through page 2,
8 line 21, and inserting the following:

9 "306.23 NOTICE - PREFERENCE OF SALE.

10 1. For the sale of unused right-of-way notice of
11 intention to sell the tract, parcel, or piece of land,
12 or part thereof, must be sent, not less than ten days
13 prior to the sale, by certified mail, by the The
14 agency in control of the land, a tract, parcel, or
15 piece of land, or part thereof, which is unused right-
16 of-way shall send by certified mail to the last known
17 address of the present owner of adjacent land from
18 which the tract, parcel, piece of land, or part
19 thereof, was originally bought purchased or condemned
20 for highway purposes, and if located in a city, to the
21 mayor to the person who owned the land at the time it
22 was purchased or condemned for highway purposes,
23 notice of the agency's intent to sell the land, the
24 name and address of any other person to whom a notice
25 was sent, and the fair market value of the real
26 property based upon an appraisal by an independent
27 appraiser.

28 2. The notice shall give an opportunity to the
29 present owner of adjacent property and to the person
30 who owned the land at the time it was purchased or
31 condemned for highway purposes to be heard and make
32 offers within sixty days of the date the notice is
33 mailed for the tract, parcel, or piece of land to be
34 sold, and if the offer is equal to. An offer which
35 equals or exceeds in amount any other offer received,
36 it and which equals or exceeds the fair market value
37 of the property shall be given preference by the
38 agency in control of the land. Neglect or failure for
39 any reason, to comply with the notice, does not
40 prevent the giving of a clear title to the purchaser
41 of the tract, parcel, or piece of land. If no offers
42 are received within sixty days or if no offer equals
43 or exceeds the fair market value of the land, the
44 agency shall transfer the land for a public purpose or
45 proceed with the sale of the property.

46 3. For the purposes of this section, "public
47 purpose" means the transfer to a state agency or a
48 city, county, or other political subdivision for a
49 public purpose.

50 Sec. ____ APPLICABILITY DATE. Section 2 of this

Page 2

- 1 Act applies only to decisions to dispose of unused
- 2 right-of-way made on or after July 1, 1997."
- 3 4. Title page, line 2, by inserting after the
- 4 word "domain" the following: "or condemned or
- 5 purchased as highway right-of-way property and
- 6 providing an applicability date".
- 7 5. By renumbering as necessary.

Amendment H-1687 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. 432)

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	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	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	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 3:

Koenigs	Moreland	Weigel
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Absent or not voting, 2:

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

Appropriations Calendar

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, with report of committee recommending passage, 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. 240)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Braun	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	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
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:

Dinkla

Houser

Myers

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

SENATE AMENDMENTS CONSIDERED

Brunkhorst of Bremer called up for consideration **House File 92**, a bill for an act relating to eligibility for receipt of moneys under the school improvement technology program, amended by the Senate, and moved that the House concur in the following Senate amendment H-1586:

H-1586

- 1 Amend House File 92, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1; by striking lines 30 through 35 and
- 4 inserting the following: "notwithstanding subsection
- 5 2, the amount of moneys allocated to the institutions
- 6 under the control of the department of human services
- 7 as provided in section 218.1, subsections 1, 2, 3, and
- 8 5, shall be a total of not more than forty-five
- 9 thousand dollars for each fiscal year, to be
- 10 distributed proportionately between the four
- 11 institutions by the department of education."

The motion prevailed and the House concurred in the Senate amendment H-1586.

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

On the question "Shall the bill pass?" (H.F. 92)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
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	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:

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 432, 240, and House File 92.**

Sukup of Franklin called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1671:

H-1671

- 1 Amend House File 542, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the words "bodily
- 4 fluids or secretions" and inserting the following:
- 5 "blood, seminal fluid, urine, or feces".
- 6 2. Page 1, lines 12 and 13, by striking the words
- 7 "bodily fluids or secretions" and inserting the
- 8 following: "blood, seminal fluid, urine, or feces".
- 9 3. Title page, line 2, by inserting after the
- 10 words "contact with" the following: "certain".
- 11 4. Title page, line 3, by inserting after the
- 12 words "expelling of" the following: "certain".

The motion prevailed and the House concurred in the Senate amendment H-1671.

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

On the question "Shall the bill pass?" (H.F. 542)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon	Connors	Cormack
Dix	Dotzler	Drake	Drees
Eddie	Falck	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
Lord	Martin	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.	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 2:

Doderer	Fallon
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Absent or not voting, 7:

Boddicker	Dinkla	Dolecheck	Grundberg
Larson	Maschier	Myers	

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

Lord of Dallas called up for consideration **House File 579**, a bill for an act relating to the membership of the medical assistance advisory council, amended by the Senate amendment H-1646 as follows:

H-1646

1 Amend House File 579, as passed by the House, as

2 follows:

- 3 1. Page 1, line 21, by inserting after the word
4 "practitioners," the following: "the Iowa
5 occupational therapists association,".

Lord of Dallas offered the following amendment H-1695, to the Senate amendment H-1646, filed by him and moved its adoption:

H-1695

- 1 Amend the Senate amendment, H-1646, to House File
2 579 as passed by the House, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "_. Page 1, line 8, by striking the word
6 "therapist" and inserting the following: "therapy".
7 2. Page 1, line 5, by striking the word
8 "therapists" and inserting the following: "therapy".

Amendment H-1695, to the Senate amendment H-1646, was adopted.

On motion by Lord of Dallas, prevailed and the House concurred in the Senate amendment H-1646, as amended.

Lord of Dallas 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. 579)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boggett	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Föege	Ford	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	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	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Boddicker	Dinkla	Frevert	Grundberg
Holmes	Kinzer	Myers	

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 542 and 579.**

Welter of Jones called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1648:

H-1648

- 1 Amend House File 416, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 8 through 13 and
- 4 inserting the following: "the weight on the axle."
- 5 2. Page 1, line 23, by inserting after the word
- 6 "vehicle" the following: ", except an implement of
- 7 husbandry,".
- 8 3. Page 2, line 35, by inserting after the word
- 9 "tires." The following: "This subsection does not
- 10 apply to implements of husbandry."
- 11 4. Page 9, by striking lines 3 through 8 and
- 12 inserting the following: "plant site ~~shall comply~~
- 13 ~~with the formula under this section which is used for~~
- 14 ~~travel on highways that are part of the interstate~~
- 15 ~~system. This paragraph applies only to a vehicle or~~

16 combination of vehicles operating along a route of
 17 travel approved by the department or appropriate local
 18 authority shall comply with subsection 4, paragraph
 19 "a."

20 5. Page 10, by inserting after line 21 the
 21 following:

22 "Sec. ____ NEW SECTION. 321.467 RETRACTABLE
 23 AXLES.

24 A vehicle which is a model year 1999 or later
 25 vehicle shall not operate on a highway of this state
 26 with a retractable axle unless the weight on the
 27 retractable axle can only be adjusted by means of a
 28 manual device located on the vehicle that is not
 29 accessible to the operator of the vehicle during
 30 operation of the vehicle. However, the controls for
 31 raising and lowering the retractable axle may be
 32 accessible to the operator of the vehicle while the
 33 vehicle is in operation."

34 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amend-
 ment H-1648.

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

On the question "Shall the bill pass?" (H.F. 416)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chido	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foegen	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	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van, Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman

Weigel
Witt

Welter
Mr. Speaker
Corbett

Whitead

Wise

The nays were, none.

Absent or not voting, 6:

Dinkla
Myers

Grundberg
Siegrist

Mascher

Meyer

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 416** be immediately messaged to the Senate.

ADOPTION OF HOUSE-CONCURRENT RESOLUTION 21

Fallon of Polk called up for consideration House Concurrent Resolution 21, a concurrent resolution establishing a special commission to study and make recommendations concerning urban planning, growth management of cities, and protection of farmland.

Veenstra of Sioux in the chair at 10:34 a.m.

Fallon of Polk offered the following amendment H-1702 filed by him and moved its adoption:

H-1702

- 1 Amend House Concurrent Resolution 21 as follows:
- 2 1. Page 1, line 28, by striking the figure "17"
- 3 and inserting the following: "21".
- 4 2. Page 3, line 1, by inserting after the word
- 5 "Iowa" the following: ", Inc."
- 6 3. Page 3, by striking line 17 and inserting the
- 7 following: "director.
- 8 15. The executive director of the Iowa Public
- 9 Transit Association or a designee of the executive
- 10 director.
- 11 16. The executive director of the Iowa Sportsmen's
- 12 Federation or a designee of the executive director.
- 13 17. The president of the Iowa Audubon Council or a
- 14 designee of the president.
- 15 18. One member appointed jointly by the farm
- 16 commodity organizations of the state; and".

Amendment H-1702 was adopted.

Fallon of Polk moved the adoption of House Concurrent Resolution 21, as amended.

The motion prevailed and the resolution, as amended, was adopted.

SENATE AMENDMENTS CONSIDERED

Boddicker of Cedar called up for consideration **House File 692**, a bill for an act relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-1645:

H-1645

- 1 Amend House File 692, as passed by the House, as
- 2 follows:
- 3 1. By striking page 3, line 32, through page 4,
- 4 line 3.

The motion prevailed and the House concurred in the Senate amendment H-1645.

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

On the question "Shall the bill pass?" (H.F. 692)

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	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	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
Witt

Welter
Veenstra,
Presiding

Whitead

Wise

The nays were, none.

Absent or not voting, 2:

Dinkla

Myers

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

Jacobs of Polk called up for consideration **House File 644**, a bill for an act relating to the relationship between a real estate broker or salesperson and parties to certain real estate transactions and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1726:

H-1726

- 1 Amend House File 644, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 26, by striking the word "A" and
- 4 inserting the following: "A written disclosure is
- 5 required to be made prior to an offer being made or
- 6 accepted by any party to a transaction. The".

The motion prevailed and the House concurred in the Senate amendment H-1726.

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

On the question "Shall the bill pass?" (H.F. 644)

The ayes were, 97:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon.	Connors	Corbett, Spkr.
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	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
Veenstra, Presiding			

The nays were, none.

Absent or not voting, 3:

Barry Dinkla Myers

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

Blodgett of Cerro Gordo called up for consideration **Senate File 236**, a bill for an act relating to the certificate of need program, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1717 to the House amendment:

H-1717

- 1 Amend the amendment, S-3421, to Senate File 236 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 10, by striking the word
- 5 "unchanged." and inserting the following:
- 6 "unchanged."
- 7 2. Page 1, by inserting after line 10, the
- 8 following:
- 9 "NEW PARAGRAPH. r. The conversion of an existing
- 10 number of beds by an intermediate care facility for
- 11 persons with mental retardation to a smaller facility
- 12 environment, including but not limited to a community-
- 13 based environment which does not result in an
- 14 increased number of beds, notwithstanding any
- 15 provision in this division to the contrary, including
- 16 subsection 4, if all of the following conditions
- 17 exist:
- 18 (1) The intermediate care facility for persons
- 19 with mental retardation reports the number and type of
- 20 beds to be converted on a form prescribed by the
- 21 department at least thirty days before the conversion.

- 22 (2) The intermediate care facility for persons
 23 with mental retardation reports the conversion of beds
 24 on its next annual report to the department."

The motion prevailed and the House concurred in the Senate amendment H-1717, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 236)

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	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	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
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	Veenstra, Presiding

The nays were, none.

Absent or not voting, 4:

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 692, 644, House Concurrent Resolution 21, and Senate File 236.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

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.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 14, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

MARY PAT GUNDERSON, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 11:00 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened at 1:26 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-eight members present, thirty-two absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

House File 384, a bill for an act to include certain products containing ephedrine as schedule V controlled substances.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 449, a bill for an act to prohibit sex acts when one participant was prevented from consenting by a controlled substance including flunitrazepam, and providing penalties.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 577, a bill for an act relating to continuing education requirements of real estate appraisers.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 615, a bill for an act relating to abandoned coal mines expenditures, including reclamation of land and drainage abatement.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 680, a bill for an act relating to election of mayors in certain cities and providing an immediate effective date.

MARY PAT GUNDERSON, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 18

Mascher of Johnson called up for consideration House Concurrent Resolution 18, a concurrent resolution recognizing the 150th anniversary of the founding of the University of Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENTS CONSIDERED

Greiner of Washington called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1716:

H-1716

- 1 Amend House File 708, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 9, line 30, by striking the figure
- 4 "1,300,000" and inserting the following: "1,350,000".
- 5 2. Page 10, line 26, by striking the word "a."
- 6 3. Page 10, line 29, by striking the figure
- 7 "150,000" and inserting the following: "200,000".
- 8 4. Page 10, by striking lines 30 through 33.
- 9 5. Page 11, by striking lines 1 through 3 and
- 10 inserting the following: "point and nonpoint
- 11 pollution in this state. Iowa state university shall
- 12 select test sites where earthen waste storage
- 13 structures are located, and shall".
- 14 6. Page 11, by striking lines 5 and 6 and
- 15 inserting the following: "according to established
- 16 testing procedures. For".
- 17 7. Page 11, line 22, by inserting before the word
- 18 "structure" the following: "earthen waste storage".
- 19 8. Page 16, by striking lines 11 through 23.
- 20 9. Page 18, by inserting after line 11, the
- 21 following:
- 22 "Sec. __. SUPPORT OF WILD ANIMAL DEPREDATION
- 23 BIOLOGISTS. There is appropriated from the state fish
- 24 and game protection fund to the division of fish and
- 25 wildlife of the department of natural resources for
- 26 the fiscal year beginning July 1, 1997, and ending
- 27 June 30, 1998, an amount necessary to support
- 28 necessary full-time equivalent positions which shall
- 29 be filled by persons serving as wild animal
- 30 depredation biologists within the wild animal
- 31 depredation unit established within the fish and
- 32 wildlife division of the department of natural
- 33 resources, as provided in 1997 Iowa Acts, Senate File
- 34 362, if enacted."
- 35 10. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1716.

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

On the question "Shall the bill pass?" (H.F. 708)

The ayes were, 57:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Doderer	Dolecheck	Drake
Eddie	Falck	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Mundie	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van' Maanen, Presiding			

The nays were, 40:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chioldo
Cohoon	Connors	Dotzler	Drees
Fallon	Foege	Ford	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Murphy	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Whitead	Wise	Witt

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 18** and **House File 708**.

Nelson of Marshall called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1718:

H-1718

- 1 Amend House File 710, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 8, by striking the figure
- 4 "3,616,528" and inserting the following: "3,657,598".
- 5 2. Page 18, by inserting after line 29 the
- 6 following:
- 7 "The department shall develop a plan during the
- 8 fiscal year beginning July 1, 1997, and ending June
- 9 30, 1998, for expansion of the healthy opportunities
- 10 for parents to experience success program to all
- 11 counties throughout the state."
- 12 3. Page 19, line 1, by striking the figure
- 13 "70,000" and inserting the following: "28,930".
- 14 4. Page 19, line 13, by striking the figure
- 15 "1,142,331" and inserting the following: "1,203,648".
- 16 5. Page 25, line 26, by striking the figure
- 17 "353,355" and inserting the following: "292,038".
- 18 6. Page 27, by striking lines 11 through 17.
- 19 7. Page 27, by inserting after line 26 the
- 20 following:
- 21 "Sec. 100. Section 135L.4, Code 1997, is
- 22 repealed."
- 23 8. By renumbering, relettering, or redesignating
- 24 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1718.

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

On the question "Shall the bill pass?" (H.F. 710)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen

Heaton	Holmes	Holveck	Huseman
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
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, 4:

Huser	Kreiman	Moreland	O'Brien
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Absent or not voting, 5:

Bradley	Corbett, Spkr.	Dinkla	Houser
Myers			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 710** be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Unfinished Business Calendar

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

Doderer of Johnson offered amendment H-1588 filed by her and Millage of Scott as follows:

H-1588

- 1 Amend Senate File 40, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 321.229, Code 1997, is amended
- 6 to read as follows:
- 7 321.229 OBEDIENCE TO PEACE OFFICERS.

8 No person shall willfully fail or refuse to comply
 9 with any lawful order or direction of any peace
 10 officer invested by law with authority to direct,
 11 control, or regulate traffic. However, a person shall
 12 not be deemed to have willfully failed or refused to
 13 comply with a lawful order or direction of a peace
 14 officer if all of the following apply:

15 1. The order or direction was given at a time when
 16 display of lighted head lamps is required for motor
 17 vehicles under section 321.384.

18 2. At the time that the order or direction was
 19 given, the motor vehicle was located on a street or
 20 highway which is located outside the corporate limits
 21 of any city or the limits of any benefited street
 22 lighting district.

23 3. The person in the motor vehicle who has been
 24 given the order or direction by the peace officer
 25 acknowledges the order or direction by initiating a
 26 continuous signal, which may include, but is not
 27 limited to, initiation of use of the vehicle's
 28 emergency signal lamps.

29 4. The person in the motor vehicle who has been
 30 given the order or direction immediately proceeds, at
 31 the applicable speed limits, to a lighted area which
 32 is reasonably proximate to the location at which the
 33 order or direction was given."

34 2. Title page, line 1, by striking the word
 35 "prohibiting" and inserting the following: "relating
 36 to".

37 3. Title page, line 2, by striking the word "in"
 38 and inserting the following: "and".

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 40 be deferred and that the bill retain its place on the calendar.

(Amendment H-1588 pending.)

House File 235, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty, was taken up for consideration.

Grundberg of Polk asked and received unanimous consent to withdraw amendments H-1043 and H-1053 filed by her on February 18, 1997.

Carroll of Poweshiek offered the following amendment H-1068 filed by him and moved its adoption:

H-1068

1 Amend House File 235 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 144.29A TERMINATION OF
5 PREGNANCY REPORTING.

6 1. A health care provider who initially identifies
7 and diagnoses a spontaneous termination of pregnancy
8 or who induces a termination of pregnancy shall file
9 with the department a report for each termination
10 within thirty days of the occurrence. The report
11 shall contain all of the following information that is
12 available with respect to each termination:

- 13 a. The confidential health care provider code as
14 assigned by the department.
- 15 b. The type of health facility.
- 16 c. The report tracking number.
- 17 d. The state of residence and, if this state, the
18 county of residence of the patient.
- 19 e. The race of the patient.
- 20 f. The age of the patient.
- 21 g. The marital status of the patient.
- 22 h. The educational level of the patient.
- 23 i. The number of previous pregnancies, live
24 births, and spontaneous or induced termination of
25 pregnancies.
- 26 j. The month and year in which the termination
27 occurred.
- 28 k. The number of weeks since the patient's last
29 menstrual period and a clinical estimate of gestation.
- 30 l. Complications, if any.
- 31 m. The cause of spontaneous termination, if known.
- 32 n. The type of termination procedure, if the
33 termination is induced.

34 2. It is the intent of the general assembly that
35 the information shall be collected, reproduced,
36 released, and disclosed in a manner specified by rule
37 of the department, adopted pursuant to chapter 17A,
38 which ensures the anonymity of the patient who
39 experiences a termination of pregnancy, the health
40 care provider who identifies and diagnoses or induces
41 a termination of pregnancy, and the hospital, clinic,
42 or other health facility in which a termination of
43 pregnancy is identified and diagnosed or induced. The
44 department may share information with federal public
45 health officials for the purposes of securing federal
46 funding or conducting public health research.
47 However, in sharing the information, the department
48 shall not relinquish control of the information, and
49 any agreement entered into by the department with
50 federal public health officials to share information

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1 shall prohibit the use, reproduction, release, or

2 disclosure of the information by federal public health
3 officials in a manner which violates this section.
4 The department shall publish, annually, a demographic
5 summary of the information obtained pursuant to this
6 section, except that the department shall not
7 reproduce, release, or disclose any information
8 obtained pursuant to this section which reveals the
9 identity of any patient, health care provider,
10 hospital, clinic, or other health facility, and shall
11 ensure anonymity in the following ways:

12 a. The department may use information concerning
13 the report tracking number or concerning the identity
14 of a reporting health care provider, hospital, clinic,
15 or other health facility only for purposes of
16 information collection. The department shall not
17 reproduce, release, or disclose this information for
18 any purpose other than for use in annually publishing
19 the demographic summary under this section.

20 b. The department shall enter the information,
21 from any report of termination submitted, within
22 thirty days of receipt of the report, and shall
23 immediately destroy the report following entry of the
24 information. However, entry of the information from a
25 report shall not include any health care provider,
26 hospital, clinic, or other health facility
27 identification information including, but not limited
28 to, the confidential health care provider code, as
29 assigned by the department.

30 c. To protect confidentiality, the department
31 shall limit release of information to release in an
32 aggregate form which avoids identification of any
33 individual patient, health care provider, hospital,
34 clinic, or other health facility. For the purposes of
35 this paragraph, "aggregate form" means a compilation
36 of the information received by the department on
37 termination of pregnancies for each information item
38 listed, with the exceptions of the report tracking
39 number, the health care provider code, and any set of
40 information for which the amount is so small that the
41 confidentiality of any person to whom the information
42 relates may be compromised. The department shall
43 establish a methodology to provide a statistically
44 verifiable basis for any determination of the correct
45 amount at which information may be released so that
46 the confidentiality of any person is not compromised.

47 3. Except as specified in subsection 2, reports,
48 information, and records submitted and maintained
49 pursuant to this section are strictly confidential and
50 shall not be released or made public upon subpoena,

2 means.

3 4. The department shall assign a code to any
4 health care provider who may be required to report a
5 termination under this section. An application
6 procedure shall not be required for assignment of a
7 code to a health care provider.

8 5. A health care provider shall assign a report
9 tracking number which enables the health care provider
10 to access the patient's medical information without
11 identifying the patient.

12 6. To ensure proper performance of the reporting
13 requirements under this section, it is preferred that
14 a health care provider who practices within a
15 hospital, clinic, or other health facility authorize
16 one staff person to fulfill the reporting
17 requirements.

18 7. For the purposes of this section, "health care
19 provider" means an individual licensed under chapter
20 148, 148C, 148D, 150, 150A, or 152, or any individual
21 who provides medical services under the authorization
22 of the licensee.

23 8. For the purposes of this section, "inducing a
24 termination of pregnancy" means the use of any means
25 to terminate the pregnancy of a woman known to be
26 pregnant with the intent other than to produce a live
27 birth or to remove a dead fetus.

28 Sec. 2. Section 144.52, Code 1997, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 7. Violates a provision of
31 section 144.29A."

Amendment H-1068 was adopted, placing the following amend-
ments out of order: H-1042, H-1044, H-1045, H-1046, H-1047,
H-1048, H-1049, H-1050, H-1051, H-1052, H-1054, H-1055, H-1056,
H-1057, H-1058, and H-1059.

SENATE FILE 128 SUBSTITUTED FOR HOUSE FILE 235

Carroll of Poweshiek asked and received unanimous consent to sub-
stitute Senate File 128 for House File 235.

Senate File 128, a bill for an act relating to the statistical report-
ing of terminations of pregnancy and establishing a penalty, was taken
up for consideration.

Grundberg of Polk asked and received unanimous consent that
amendment H-1116 be deferred.

Connors of Polk asked and received unanimous consent that amend-
ment H-1066 be deferred.

Carroll of Poweshiek offered the following amendment H-1071 filed
by him and Burnett of Story, and moved its adoption:

H-1071

- 1 Amend Senate File 128 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 7 and 8 and
- 4 inserting the following: "the occurrence. The health
- 5 care provider shall make a good faith effort to obtain
- 6 all of the following information that is available
- 7 with respect to each".
- 8 2. Page 3, line 2, by striking the word "avoids"
- 9 and inserting the following: "prevents".
- 10 3. Page 4, line 8, by striking the word
- 11 "Violates" and inserting the following: "Knowingly
- 12 violates".

Amendment H-1071 was adopted.

The following amendments were temporarily deferred by unanimous consent:

- H-1117 by Grundberg, et al.
- H-1731 by Grundberg, et al.
- H-1064 by Fallon.
- H-1758 by Ford.
- H-1067 by Huser.
- H-1063 by Bukta.
- H-1171 by Grundberg, et al.

Grundberg of Polk offered the following amendment H-1740 filed by Grundberg, et al., and moved its adoption:

H-1740

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 28 and
- 4 inserting the following:
- 5 "a. The confidential health care provider code as
- 6 assigned by the department.
- 7 b. The report tracking number.
- 8 c. The region of the department of human services
- 9 in which the patient resides.
- 10 d. The race of the patient.
- 11 e. The age of the patient.
- 12 f. The marital status of the patient.
- 13 g. The number of previous pregnancies, live
- 14 births, and spontaneous or induced termination of
- 15 pregnancies.
- 16 h. The month and year in which the termination
- 17 occurred.
- 18 i. The number of weeks since the patient's last

19 menstrual period and a clinical estimate of
20 gestation."

Gipp of Winneshiek in the chair at 2:43 p.m.

Roll call was requested by Carroll of Poweshiek and Veenstra of Sioux.

Rule 75 was invoked.

On the question "Shall amendment H-1740 be adopted?" (S.F. 128)

The ayes were, 49:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegen
Ford	Frevert	Grundberg	Hahn
Holveck	Huser	Jacobs	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Martin	Mascher	May	Metcalf
Millage	Moreland	Murphy	Nelson
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 49:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Greig	Greiner	Gries
Hansen	Heaton	Holmes	Houser
Huseman	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Mertz
Meyer	Mundie	O'Brien	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

Absent or not voting, 2:

Dinkla Myers

Amendment H-1740 lost.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1755 filed by him on April 15, 1997.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-1065 filed by him on February 19, 1997.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk on request of Schrader of Marion.

Mascher of Johnson offered the following amendment H-1069 filed by her and moved its adoption:

H-1069

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 9, by inserting after the word
- 4 "small" the following: ", with fifty or fewer
- 5 incidences always being considered too small,".

A non-record roll call was requested.

The ayes were 41, nays 49.

Amendment H-1069 lost.

Brand of Tama offered the following amendment H-1076 filed by him and moved its adoption:

H-1076

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 14, by inserting after the word
- 4 "compromised." the following: "'Aggregate form" also
- 5 means that any compilation of the information shall
- 6 not be based on an area which is smaller than a region
- 7 of the department of human services."

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H-1076 lost.

Brand of Tama asked and received unanimous consent that amendment H-1077 be deferred.

Doderer of Johnson offered the following amendment H-1715 filed by Doderer, et al., and moved its adoption:

H-1715

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 5 the
- 4 following:
- 5 "____. For the purposes of this section,
- 6 "spontaneous termination of pregnancy" means the
- 7 occurrence of an unintended termination of pregnancy
- 8 at any time during the period from conception to
- 9 twenty weeks gestation and which is not a spontaneous
- 10 termination of pregnancy at any time during the period
- 11 from twenty weeks or greater which is reported to the
- 12 department as a fetal death under this chapter."
- 13 2. By renumbering as necessary.

Amendment H-1715 was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-1115 filed by her and Metcalf of Polk on February 25, 1997.

Grundberg of Polk offered amendment H-1761 filed by her and Burnett of Story, Metcalf of Polk, Mascher of Johnson, Brand of Tama, Jacobs of Polk, Doderer of Johnson, Nelson of Marshall, Martin of Scott, Jochum of Dubuque and Ford of Polk, from the floor as follows:

H-1761

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 28 and
- 4 inserting the following:
- 5 "a. The confidential health care provider code as
- 6 assigned by the department.
- 7 b. The report tracking number.
- 8 c. The maternal health services region of the Iowa
- 9 department of public health, as designated as of July
- 10 1, 1997, in which the patient resides.
- 11 d. The race of the patient.
- 12 e. The age of the patient.
- 13 f. The marital status of the patient.
- 14 g. The educational level of the patient.
- 15 h. The number of previous pregnancies, live
- 16 births, and spontaneous or induced termination of
- 17 pregnancies.
- 18 i. The month and year in which the termination
- 19 occurred.
- 20 j. The number of weeks since the patient's last
- 21 menstrual period and a clinical estimate of
- 22 gestation."

Rants of Woodbury in the chair at 4:26 p.m.

Carroll of Poweshiek offered the following amendment H-1762, to amendment H-1761, filed by him from the floor and moved its adoption:

H-1762

- 1 Amend the amendment, H-1761, to Senate File 128, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 22 the
- 5 following:
- 6 " _ . Complications, if any.
- 7 _ . The cause of spontaneous termination, if
- 8 known.
- 9 _ . The type of termination procedure, if the
- 10 termination is induced."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 49.

Amendment H-1762, to amendment H-1761, lost.

Grundberg of Polk moved the adoption of amendment H-1761.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 46.

Amendment H-1761 was adopted placing out of order the following amendments:

H-1066 filed by Connors of Polk on February 19, 1997.

H-1114 filed by Doderer of Johnson and Metcalf of Polk on February 25, 1997.

H-1117 filed by Grundberg of Polk, et al., on February 25, 1997.

H-1731 filed by Grundberg of Polk, et al., on April 15, 1997.

H-1064 filed by Fallon of Polk on February 19, 1997.

H-1758 filed by Ford of Polk on April 16, 1997.

H-1067 filed by Huser of Polk on February 19, 1997.

H-1063 filed by Bukta of Clinton on February 19, 1997.

H-1171 filed by Grundberg of Polk, et al., on March 13, 1997.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1116 filed by her on February 25, 1997.

Brand of Tama asked and received unanimous consent to withdraw amendment H-1077 filed by him on February 21, 1997.

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. 128)

The ayes were, 79:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Bukta	Carroll	Chiodo
Churchill	Connors	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Drees
Eddie	Falck	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Holveck	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Nelson
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Rants,	
		Presiding	

The nays were, 18:

Bernau	Brand	Burnett	Chapman
Cohoon	Doderer	Dotzler	Fallon
Foege	Grundberg	Larkin	Mascher
Moreland	Myers	Schrader	Shoultz
Taylor	Whitead		

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 128** be immediately messaged to the Senate.

Senate File 241, a bill for an act adopting the uniform transfer on death security registration Act, with report of committee recommending amendment and passage, was taken up for consideration.

Lamberti of Polk offered amendment H-1568 filed by the committee on judiciary as follows:

H-1568

- 1 Amend Senate File 241, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 6 the
- 4 following:
- 5 "Sec . NEW SECTION. 633.800 SHORT TITLE -
- 6 RULES OF CONSTRUCTION.
- 7 1. This division shall be known and may be cited
- 8 as the uniform transfer on death security registration
- 9 Act.
- 10 2. The provisions of this division shall be
- 11 liberally construed and applied to promote its
- 12 underlying purposes and policy and to make uniform the
- 13 laws with respect to the subject of its provisions
- 14 among states enacting this uniform Act.
- 15 3. Unless displaced by the particular provisions
- 16 of this division, the principles of law and equity
- 17 supplement the provisions of this division."
- 18 2. Page 5, by striking lines 5 through 7.
- 19 3. By renumbering as necessary.

Lamberti of Polk asked and received unanimous consent to withdraw amendment H-1707, to the committee amendment H-1568, filed by him on April 14, 1997.

Lamberti of Polk offered the following amendment H-1753, to the committee amendment H-1568, filed by him and moved its adoption:

H-1753

- 1 Amend the amendment, H-1568, to Senate File 241, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 18.
- 5 2. By renumbering as necessary.

Amendment H-1753, to the committee amendment H-1568, was adopted.

Lamberti of Polk moved the adoption of the committee amendment H-1568, as amended.

The committee amendment H-1568, as amended, was adopted.

Chapman of Linn offered the following amendment H-1697 filed by Dinkla, et al., and moved its adoption:

H-1697

1 Amend Senate File 241 as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 633.3, Code 1997, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 18A. FUNCTIONAL LIMITATIONS -
8 means the behavior or condition of a person which
9 impairs the person's ability to care for the person's
10 personal safety or to attend to or provide for
11 necessities for the person.

12 Sec. 2. Section 633.3, subsection 22, Code 1997,
13 is amended to read as follows:

14 22. INCOMPETENT — includes means the condition of
15 any person who has been adjudicated by a court ~~to be~~
16 ~~incapable of managing the person's property, or caring~~
17 ~~for the person's own self, or both~~ to meet at least
18 one of the following conditions:

19 a. To have a decision-making capacity which is so
20 impaired that the person is unable to care for the
21 person's personal safety or to attend to or provide
22 for necessities for the person such as food, shelter,
23 clothing, or medical care, without which physical
24 injury or illness may occur.

25 b. To have a decision-making capacity which is so
26 impaired that the person is unable to make,
27 communicate, or carry out important decisions
28 concerning the person's financial affairs.

29 c. To have a decision-making capacity which is so
30 impaired that both paragraphs "a" and "b" are
31 applicable to the person."

32 2. Page 1, by inserting after line 6 the
33 following:

34 "Sec. NEW SECTION. 633.551A GUARDIANSHIPS
35 AND CONSERVATORSHIPS - GENERAL PROVISIONS.

36 1. The determination of incompetency of the
37 proposed ward or ward and the determination of the
38 need for the appointment of a guardian or conservator
39 or of the modification or termination of a
40 guardianship or conservatorship shall be supported by
41 clear and convincing evidence.

42 2. The burden of persuasion is on the petitioner
43 in an initial proceeding to appoint a guardian or
44 conservator. In a proceeding to modify or terminate a
45 guardianship or conservatorship, if the guardian or
46 conservator is the petitioner, the burden of
47 persuasion remains with the guardian or conservator.
48 In a proceeding to terminate a guardianship or

49 conservatorship, if the ward is the petitioner, the
50 ward shall make a prima facie showing of some

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1 decision-making capacity. Once a prima facie showing
2 is made, the burden of persuasion is on the guardian
3 or conservator to show by clear and convincing
4 evidence that the ward is incompetent.

5 3. In determining whether a guardianship or
6 conservatorship is to be established, modified, or
7 terminated, the district court shall consider if a
8 limited guardianship or conservatorship pursuant to
9 section 633.635 or 633.637 is appropriate. In making
10 the determination, the court shall make findings of
11 fact to support the powers conferred on the guardian
12 or conservator.

13 4. In proceedings to establish, modify, or
14 terminate a guardianship or conservatorship, in
15 determining if the proposed ward or ward is
16 incompetent as defined in section 633.3, the court
17 shall consider credible evidence from any source to
18 the effect of third-party assistance in meeting the
19 needs of the proposed ward or ward. However, neither
20 party to the action shall have the burden to produce
21 such evidence relating to third-party assistance.

22 Sec. ____ Section 633.552, subsection 2, paragraph
23 a, Code 1997, is amended to read as follows:

24 ~~a. By reason of mental, physical or other~~
25 ~~incapacity is unable to make or carry out important~~
26 ~~decisions concerning the proposed ward's person or~~
27 ~~affairs, other than financial affairs.~~

28 a. Is a person whose decision-making capacity is
29 so impaired that the person is unable to care for the
30 person's personal safety or to attend to or provide
31 for necessities for the person such as food, shelter,
32 clothing, or medical care, without which physical
33 injury or illness might occur.

34 Sec. ____ Section 633.556, Code 1997, is amended
35 to read as follows:

36 633.556 APPOINTMENT OF GUARDIAN.

37 1. If the allegations of the petition as to the
38 status of the proposed ward and the necessity for the
39 appointment of a guardian are proved by clear and
40 convincing evidence, the court may appoint a guardian.

41 2. In all proceedings to appoint a guardian, the
42 court shall consider the functional limitations of the
43 proposed ward and whether a limited guardianship, as
44 authorized in section 633.635, is appropriate.

45 3. Section 633.551A applies to the appointment of
46 a conservator.

47 Sec. ____ Section 633.557, Code 1997, is amended
48 to read as follows:

49 633.557. APPOINTMENT OF GUARDIAN ON VOLUNTARY
50 PETITION.

Page 3

1 1. A guardian may also be appointed by the court
2 upon the verified petition of the proposed ward,
3 without further notice, if the proposed ward is other
4 than a minor under the age of fourteen years, provided
5 the court determines that such an appointment will
6 inure to the best interest of the applicant. However,
7 if an involuntary petition is pending, the court shall
8 be governed by section 633.634. The petition shall
9 provide the proposed ward notice of a guardian's
10 powers as provided in section 633.562.

11 2. In all proceedings to appoint a guardian, the
12 court shall consider whether a limited guardianship,
13 as authorized in section 633.635, is appropriate.

14 Sec. ____ Section 633.560, Code 1997, is amended
15 to read as follows:

16 633.560 APPOINTMENT OF GUARDIAN ON A STANDBY
17 BASIS.

18 A petition for the appointment of a guardian on a
19 standby basis may be filed by any person under the
20 same procedure and requirements as provided in
21 sections 633.591 to 633.597, for appointment of
22 standby conservator, insofar as applicable. In all
23 proceedings to appoint a guardian, the court shall
24 consider whether a limited guardianship, as authorized
25 in section 633.635, is appropriate.

26 Sec. ____ Section 633.566, subsection 2, paragraph
27 a, Code 1997, is amended to read as follows:

28 ~~a. By reason of mental, physical or other~~
29 ~~incapacity is unable to make or carry out important~~
30 ~~decisions concerning the proposed ward's financial~~
31 ~~affairs.~~

32 a. Is a person whose decision-making capacity is
33 so impaired that the person is unable to make,
34 communicate, or carry out important decisions
35 concerning the person's financial affairs.

36 Sec. ____ Section 633.570, Code 1997, is amended
37 to read as follows:

38 633.570 APPOINTMENT OF CONSERVATOR.

39 1. If the allegations of the petition as to the
40 status of the proposed ward and the necessity for the
41 appointment of a conservator are proved by clear and
42 convincing evidence, the court may appoint a
43 conservator.

44 2. In all proceedings to appoint a conservator,
45 the court shall consider the functional limitations of
46 the person and whether a limited conservatorship, as
47 authorized in section 633.637, is appropriate.

48 3. Section 633.551A applies to the appointment of

49 a conservator.

50 Sec. ____ Section 633.572, Code 1997, is amended

Page 4

1 to read as follows:

2 633.572 APPOINTMENT OF CONSERVATOR ON VOLUNTARY
3 PETITION.

4 1. A conservator may also be appointed by the
5 court upon the verified petition of the proposed ward,
6 without further notice, if the proposed ward is other
7 than a minor under the age of fourteen years, provided
8 the court determines that such an appointment will
9 inure to the best interest of the applicant. However,
10 if an involuntary petition is pending, the court shall
11 be governed by section 633.634. The petition shall
12 provide the proposed ward notice of a conservator's
13 powers as provided in section 633.576.

14 2. In all proceedings to appoint a conservator,
15 the court shall consider whether a limited
16 conservatorship, as authorized in section 633.637, is
17 appropriate.

18 Sec. ____ Section 633.596, Code 1997, is amended
19 to read as follows:

20 633.596 ~~TIME OF~~ CONSIDERATIONS - APPOINTMENT OF
21 CONSERVATOR.

22 At the time such a standby petition is filed under
23 this part, the court, without any notice, may appoint
24 the conservator nominated in such petition or may set
25 the petition for hearing on such notice as the court
26 may prescribe shall consider whether a limited
27 conservatorship, as authorized in section 633.637, is
28 appropriate.

29 Sec. ____ Section 633.635, subsection 1,
30 unnumbered paragraph 1, Code 1997, is amended to read
31 as follows:

32 A Based upon the evidence produced at the hearing,
33 the court may grant a guardian may be granted the
34 following powers and duties which may be exercised
35 without prior court approval:

36 Sec. ____ Section 633.635, subsections 3 and 4,
37 Code 1997, are amended to read as follows:

38 3. The court may take into account all available
39 information concerning the capabilities of the ward
40 and any additional evaluation deemed necessary,
41 including the availability of third-party assistance
42 to meet the needs of the ward or proposed ward, and
43 may direct that the guardian have only a specially
44 limited responsibility for the ward. In that event,
45 the court shall state those areas of responsibility
46 which shall be supervised by the guardian and all
47 others shall be retained by the ward. The court may
48 make a finding that the ward lacks the capacity to

- 49 contract a valid marriage.
50 4. From time to time, upon a proper showing, the

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1 court may ~~alter~~ modify the respective responsibilities
2 of the guardian and the ward, after notice to the ward
3 and an opportunity to be heard. Any modification that
4 would be more restrictive or burdensome for the ward
5 shall be based on clear and convincing evidence that
6 the ward continues to fall within the categories of
7 section 633.552, subsection 2, paragraph "a" or "b",
8 and that the facts justify a modification of the
9 guardianship. Section 633.551A applies to the
10 modification proceedings. Any modification that would
11 be less restrictive for the ward shall be based upon
12 proof in accordance with the requirements of section
13 633.675.

14 Sec. ____ Section 633.637, Code 1997, is amended
15 to read as follows:

16 633.637 POWERS OF WARD.

17 A ward for whom a conservator has been appointed
18 shall not have the power to convey, encumber, or
19 dispose of property in any manner, other than by will
20 if the ward possesses the requisite testamentary
21 capacity, unless the court determines that the ward
22 has a limited ability to handle the ward's own funds.
23 If the court makes such a finding, it shall specify to
24 what extent the ward may possess and use the ward's
25 own funds.

26 Any modification of the powers of the ward that
27 would be more restrictive of the ward's control over
28 the ward's financial affairs shall be based upon clear
29 and convincing evidence and the burden of persuasion
30 is on the conservator. Any modification that would be
31 less restrictive of the ward's control over the ward's
32 financial affairs shall be based upon proof in
33 accordance with the requirements of section 633.675.

34 Sec. ____ Section 633.675, subsection 3, Code
35 1997, is amended to read as follows:

36 3. A determination by the court that the ward is
37 competent and capable of managing the ward's property
38 and affairs, and that the continuance of the
39 guardianship or conservatorship would not be in the
40 ward's best interests no longer a person whose
41 decision-making capacity is so impaired as to bring
42 the ward within the categories of section 633.552,
43 subsection 2, paragraph "a", or section 633.566,
44 subsection 2, paragraph "a". In a proceeding to
45 terminate a guardianship or a conservatorship, the
46 ward shall make a prima facie showing that the ward
47 has some decision-making capacity. Once the ward has
48 made that showing, the guardian or conservator has the

49 burden to prove by clear and convincing evidence that
 50 the ward's decision-making capacity is so impaired, as

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1 provided in section 633.552, subsection 2, paragraph
 2 "a", or section 633.566, subsection 2, paragraph "a",
 3 that the guardianship or conservatorship should not be
 4 terminated."

5 3: Title page, line 1, by inserting after the
 6 word "Act" the following: "relating to the probate
 7 code including guardianships and conservatorships
 8 and".

9 4. By renumbering as necessary.

Amendment H-1697 was adopted.

Lamberti of Polk asked and received unanimous consent to withdraw amendment H-1754 filed by him on April 15, 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.

On the question "Shall the bill pass?" (S.F. 241)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	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	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	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, 2:

Huser Weigel

Absent or not voting, 4:

Bradley Cataldo Dinkla Osterhaus

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

HOUSE FILE 235 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 235 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 241** be immediately messaged to the Senate.

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
Brad L. Hansen	264

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 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>
Legislative Research Analyst I	Lon W. Anderson	29-3 to	P-FT	04/04/97
Legislative Research Analyst II		32-2		

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Sandra J. Blodgett	17-2 to 17-3	S-O	04/04/97
Legislative Secretary	Alberta B. Bowdre	16-2 to 16-3	S-O	04/04/97
Legislative Secretary	Shirley J. Drake	16-2 to 16-3	S-O	04/04/97
Legislative Committee Secretary	Nancy D. Frank	17-2 to 17-3	S-O	04/04/97
Legislative Secretary	Dorothy A. Gries	15-2 to 15-3	S-O	04/04/97
Legislative Committee Secretary	Karen F. Klemme	17-2 to 17-3	S-O	04/04/97
Legislative Committee Secretary	Robert B. Martin	17-2 to 17-3	S-O	04/04/97
Legislative Secretary	Madeline J. Meyer	16-2 to 16-3	S-O	04/04/97
Legislative Secretary	V. Faye Mundie	16-2 to 16-3	S-O	04/04/97
Legislative Secretary	Ann D. Osterhaus	16-1 to 16-2	S-O	04/04/97
Legislative Secretary	Roberta J. Schrader	16-2 to 16-3	S-O	04/04/97
Legislative Secretary	Eileen M. Tyler	15-3 to 15-4	S-O	04/18/97
Legislative Committee Secretary	Ruth A. Welter	17-2 to 17-3	S-O	04/18/97

RANTS of Woodbury, Chair

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 16, 1997. Had I been present, I would have voted "aye" on Senate File 241.

BRADLEY of Clinton

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 16th day of April, 1997: House Files 167, 275, 475, 545 and 578.

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:

Fifty-one 9th grade students from Oelwein High School, Oelwein, accompanied by Mitch Murphy and Steve Piek. By Falck of Fayette.

Twenty-two 8th grade students from West Marshall High School, State Center, accompanied by Pat Anderson. By Garman of Story.

Thirty 6th grade students from McCallsburg Elementary School, McCallsburg, accompanied by Kathy Bendixen. By Garman of Story.

Six Advanced Government students from Winfield-Mt. Union High School, Winfield, accompanied by Jeff Batty. By Heaton of Henry.

Sixty 4th grade students from Northeast Elementary School, Ankeny, accompanied by Jane Schmidt. By Lamberti of Polk.

Three students from Winterset Community Schools, accompanied by Linda Jones. By Lord of Dallas.

Thirty 6th grade students from Hoover Elementary School, Iowa City, accompanied by Ronda Myrvick. By Mascher of Johnson.

Twenty-six FFA students from Central (Elkader) C and G.FFA, Elkader, Garnavillo, and Guttenberg, accompanied by Dan Lane and Steve Zaruba. By Thomas of Clayton.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1997\417 Mr. and Mrs. Rod Wheeler, Oelwein - For celebrating their 60th wedding anniversary.

1997\418 Casey Walker, Clinton - For being named to the Second All American Team of the National Junior College Athletic Association, Men's Division II.

1997\419 Agnes and Cletus Meyer, St. Lucas - For receiving the Pioneer Dairy Award of Fayette County.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 241 Ways and Means

Relating to the budgets of certain county emergency management agencies and providing an applicability date.

COMMITTEE RECOMMENDATION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 533, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1756 April 15, 1997.

AMENDMENTS FILED

H—1756	S.F.	533	Committee on Appropriations
H—1757	S.F.	40	Holveck of Polk
H—1759	H.F.	266	Larson of Linn
			Barry of Harrison
			Bradley of Clinton
			Drake of Pottawattamie
			Jenkins of Black Hawk
			Rants of Woodbury
			Van Fossen of Scott
			Welter of Jones
			Hansen of Pottawattamie
			Foege of Linn
H—1760	H.F.	724	Weigel of Chickasaw
H—1763	S.F.	429	Dolecheck of Ringgold
			Rayhons of Hancock
			Brunkhorst of Bremer
			May of Worth
H—1764	H.F.	722	Weigel of Chickasaw
H—1765	H.F.	722	Weigel of Chickasaw
H—1766	H.F.	722	Weigel of Chickasaw

H—1767	H.F.	724	Jochum of Dubuque Osterhaus of Jackson
H—1768	H.F.	724	Weigel of Chickasaw
H—1769	S.F.	533	Garman of Story Reynolds-Knight of Van Buren
H—1770	H.F.	724	Chiodo of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 5:48 p.m., until 8:45 a.m., Thursday, April 17, 1997.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 17, 1997

The House met pursuant to adjournment at 9:05 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Pastor Connie O. McWilliams, Reorganized Church of Jesus Christ of Later Day Saints, Persia.

The Journal of Wednesday, April 16, 1997 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk on request of Moreland of Wapello.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 142, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty.

Also: That the Senate has on April 16, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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 and including effective and applicability provisions.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 16, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 662, a bill for an act relating to 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.

Also: That the Senate has on April 16, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 16, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 698, a bill for an act relating to child abuse information and the central registry for child abuse information maintained by the department of human services and providing an effective date.

Also: That the Senate has on April 16, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 161, a bill for an act modifying the holding temperature required for the storage of eggs sold at retail.

Also: That the Senate has on April 16, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 193, a bill for an act relating to the election of trustees for special land use districts.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGE CONSIDERED

Senate File 161, by committee on agriculture, a bill for an act modifying the holding temperature required for the storage of eggs sold at retail.

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

The House stood at ease at 9:10 a.m., until the fall of the gavel.

The House resumed session at 9:14 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

ADOPTION OF HOUSE RESOLUTION 13

Rants of Woodbury called up for consideration House Resolution 13, a resolution relating to an annual budget for the daily operations of the House of Representatives, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 174, a bill for an act relating to the operation of motorboats on artificial lakes and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Brauns of Muscatine asked and received unanimous consent to withdraw amendment H-1555 filed by him on April 3, 1997.

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

On the question "Shall the bill pass?" (S.F. 174)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiòdo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	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	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, 2:

Fallon Holveck

Absent or not voting, 3:

Cataldo Dinkla Grundberg

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

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

Welter of Jones offered the following amendment H-1299 filed by the committee on transportation and moved its adoption:

H-1299

- 1 Amend Senate File 177, as amended, passed, and
- 2 reprinted by the senate, as follows:
- 3 1. Page 1, line 18, by striking the word
- 4 "EXHIBITION" and inserting the following: "CARELESS".
- 5 2. Page 1, line 19, by striking the word
- 6 "exhibition" and inserting the following: "careless".
- 7 3. Page 2, by striking lines 19 through 24.
- 8 4. Title page, line 2, by striking the word
- 9 "exhibition" and inserting the following: "careless".
- 10 5. Title page, line 3, by striking the words "and
- 11 handicapped parking,".
- 12 6. By renumbering as necessary.

The committee amendment H-1299 was adopted.

Carroll of Poweshiek offered amendment H-1622 filed by him as follows:

H-1622

- 1 Amend Senate File 177, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 321.178A DRIVER
- 6 EDUCATION - TEACHING PARENT.
- 7 1. TEACHING PARENT QUALIFICATIONS. As an
- 8 alternative to section 321.178, a teaching parent may
- 9 instruct a student in driver's education courses. To
- 10 qualify as a teaching parent, the parent or guardian
- 11 must hold a teaching certificate at the secondary
- 12 level and a valid certificate to teach driver's
- 13 education or comply with the definition of a teaching
- 14 parent in this section and provide certified evidence
- 15 that the requirements under this section have been
- 16 met.
- 17 2. DEFINITIONS. For purposes of this section:
- 18 a. "Student" means a person within the custody and
- 19 control of the teaching parent, who is between the
- 20 ages of fourteen and twenty-one years of age and who
- 21 satisfies preliminary licensing requirements of the
- 22 department.
- 23 b. "Teaching parent" means a person who is the
- 24 parent or guardian of a student who holds a current
- 25 valid Iowa license to operate a motor vehicle and who
- 26 elects to engage in instruction of the student.
- 27 3. COURSE OF INSTRUCTION. A driver education

28 course administered by a teaching parent shall consist
29 at a minimum of the following:

- 30 a. Thirty clock hours of classroom instruction.
31 b. Fifty hours of street or highway driving.
32 c. Four hours of classroom instruction concerning
33 substance abuse.

34 The content of the course of instruction required
35 under this subsection shall be equivalent to that
36 required under section 321.178. However, the course
37 requirements, reference and study materials, manuals,
38 study aids, workbooks, physical requirements,
39 classroom dimensions, type of chalkboards, extra
40 vehicle safety equipment, extra foot brake, cut-off
41 switches, and extra mirrors required for instruction
42 under section 321.178 shall not be required for the
43 course of instruction provided under this section.

44 4. COURSE COMPLETION AND CERTIFICATION. Upon
45 completion of a course under this section, the
46 teaching parent shall document or provide evidence
47 showing substantial statutory compliance with the
48 requirements of subsection 3 and certify by affidavit
49 to the department of education that the course has
50 been completed. Documentation shall include the

Page 2

1 following:

- 2 a. An affidavit attesting to satisfactory
3 completion of course work and laboratory experience.
4 b. A listing of subjects presented in classroom
5 training.
6 c. Copies of written tests completed by the
7 student.
8 d. A statement of the number of classroom hours of
9 instruction.
10 e. A log of street and highway instruction
11 including the date when the lessons were conducted,
12 the student's and the parent's name and initials noted
13 next to each entry, notes on driving activities,
14 including a list of driving deficiencies and
15 improvements, and the duration of the driving time for
16 each session. If the department of education is
17 satisfied that the course has been completed in
18 accordance with this section, the department shall
19 certify it as an approved driver's education course.
- 20 5. DRIVER'S LICENSE. Any student who successfully
21 completes an approved driver education course as
22 provided in this section shall be eligible for a
23 driver's license at the age of sixteen years upon
24 completion of a driving skills test administered
25 pursuant to section 321.186 or by an individual
26 certified by the department of education to teach
27 driver education."

- 28 2. Title page, line 3, by inserting after the
29 word "parking," the following: "allowing teaching
30 parents to provide driver's education instruction,"
31 3. By renumbering as necessary.

Weidman of Cass rose on a point of order that amendment H-1622 was not germane.

The Speaker ruled the point well taken and amendment H-1622 not germane.

Weidman of Cass asked and received unanimous consent to withdraw amendment H-1686 filed by him and Rayhons of Hancock on April 10, 1997.

Weidman of Cass offered the following amendment H-1752 filed by him and moved its adoption:

H-1752

- 1 Amend Senate File 177, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 19, by inserting after the words
4 "the person" the following: "intentionally".
5 2. Page 1, line 20, by inserting after the word
6 "vehicle" the following: "on a public road or
7 highway".
8 3. Page 4, line 7, by inserting after the word
9 "section" the following: "321.277A,".

Amendment H-1752 was adopted.

Brand of Tama offered the following amendment H-1771 filed by him from the floor and moved its adoption:

H-1771

- 1 Amend Senate File 177, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 24 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". The department shall
13 adopt rules as necessary to implement this section."
14 2. By renumbering as necessary.

Amendment H-1771 was adopted.

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

On the question "Shall the bill pass?" (S.F. 177)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	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	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:

Carroll

Absent or not voting, 3:

Cataldo Dinkla Schrader

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

Senate File 442, a bill for an act relating to the designation of certain correctional facilities, with report of committee recommending amendment and passage, was taken up for consideration.

Sukup of Franklin offered the following amendment H-1560 filed by the committee on judiciary and moved its adoption:

H-1560

- 1 Amend Senate File 442, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 19 and 20 and
- 4 inserting the following:
- 5 "8. ~~Correctional release~~ Newton correctional
- 6 facility."
- 7 2. Page 1, line 26, by striking the word
- 8 "RIVERVIEW" and inserting the following: "NEWTON".
- 9 3. Page 1, line 26, by striking the words "AT
- 10 NEWTON".
- 11 4. Page 1, line 27, by striking the word
- 12 "riverview".
- 13 5. Page 1, line 28, by striking the words "for
- 14 men".

The committee amendment H-1560 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. 442)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	Dix	Doderer	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	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	Millage	Moreland	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Vossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Cataldo	Dinkla	Dolecheck	Greiner
Jenkins	Meyer	Mundie	

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

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 1295 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

Ways and Means Calendar

House File 721, a bill for an act relating to an insurance premium tax credit for eligible businesses under the new jobs and income program, 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. 721)

The ayes were, 67:

Barry	Bell	Blodgett	Boddicker
Bogess	Bradley	Brand	Brauns
Brunkhorst	Bukta	Carroll	Churchill
Cohoon	Corbett, Spkr.	Cordack	Dix
Dolecheck	Drake	Eddie	Ford
Gipp	Greig	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Huseman	Jacobs	Jenkins
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Nelson
O'Brien	Rants	Rayhons	Richardson
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Van Maanen, Presiding	

The nays were, 30:

Arnold	Bernau	Burnett	Chapman
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Chiodo	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Garman	Greiner	Houser
Huser	Jochum	Koenigs	Moreland
Mundie	Murphy	Myers	Osterhaus
Reynolds-Knight	Scherrman	Shoultz	Taylor
Thomas	Witt		

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 174, 177, 442 and House File 721.**

SENATE AMENDMENT CONSIDERED

Rants of Woodbury called up for consideration **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 and including effective and applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-1776:

H-1776

1 Amend House File 331, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 2, the
 4 following:
 5 "Sec. ____ Section 808A.1, subsection 5, Code
 6 1997, is amended to read as follows:
 7 5. "Student search rule" means a rule established
 8 by the school board of a public school, pursuant to
 9 section 279.8 or 279.9, or the authorities in charge
 10 of a nonpublic school controlling the manner of the
 11 searching of students or protected student areas and
 12 school lockers, desks, and other facilities or spaces
 13 owned by the school. A student search rule, to be
 14 valid for purposes of this chapter, must shall require
 15 that all searches of students or protected student
 16 areas be reasonable reasonably related in scope to the
 17 circumstances which gave rise to the need for the
 18 search and shall be based upon consideration of
 19 relevant factors which include, but are not limited
 20 to, the following:

- 21 a. The ~~seriousness~~ nature of the violation for
 22 which a ~~the~~ search ~~may be~~ is being instituted.
- 23 b. The age or ages ~~and~~ gender of the students
 24 ~~which who~~ may be searched pursuant to the rule.
- 25 c. The ~~information or suspicion which must exist~~
 26 ~~to warrant the institution of a~~ objectives to be
 27 accomplished by the search.”
- 28 2. Page 1, line 7, by inserting after the word
 29 “establish” the following: “and may search a student
 30 or protected student area pursuant to”.
- 31 3. Page 1, line 13, by striking the words “If
 32 the” and inserting the following: “The”.
- 33 4. Page 1, by striking lines 17 through 24, and
 34 inserting the following:
 35 “b. The search is conducted in a manner which is
 36 reasonably related to the objectives of the search and
 37 which is not excessively intrusive in light of the age
 38 and gender of the student and the nature of the
 39 infraction.”
- 40 5. Page 2, line 19, by striking the word
 41 “subsection.” and inserting the following:
 42 “subsection and inserting in lieu thereof the
 43 following:
 44 5. If a student is not or will not be present at
 45 the time a search of a student protected area is
 46 conducted pursuant to subsection 1, the student shall
 47 be informed of the search either prior to or as soon
 48 as is reasonably practicable after the search is
 49 conducted.”
- 50 6. By renumbering, relettering, or redesignating

Page 2

- 1 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1776.

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.

On the question “Shall the bill pass?” (H.F. 331)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chiodo	Churchill	Cohon
Connors	Corbett, Spkr.	Cormack	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Foege	Ford	Frevett

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	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, 5:

Bernau	Doderer	Falck	Fallon
Moreland			

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 331** be immediately messaged to the Senate.

Ways and Means Calendar

House File 266, 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, was taken up for consideration.

Vande Hoef of Osceola in the chair at 10:45 a.m.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-1571 filed by him and Koenigs of Mitchell on April 7, 1997.

Larson of Linn asked and received unanimous consent to withdraw amendment H-1759 filed by Larson, et al., on April 16, 1997.

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. 266)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carrroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
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	Van Maanen	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Vande Hoef, Presiding

The nays were, none.

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 266** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 16, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 17, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 379, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1793:

H-1793

- 1 Amend House File 611 as follows:
- 2 1. By striking page 1, line 29, through page 2,
- 3 line 6.
- 4 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1793.

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

On the question "Shall the bill pass?" (H.F. 611)

The ayes were, 56:

Barry	Blodgett	Boguess	Bradley
Brauns	Brunkhorst	Carroll	Chapman
Chiodo	Churchill	Corbett, Spkr.	Cormack
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	Moreland
Mundie	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Veenstra
Weidman	Welter	Wise	Vande Hoef, Presiding

The nays were, 41:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Holveck	Huser	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, 3:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 611** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates.

MARY PAT GUNDERSON, Secretary

Ways and Means Calendar

House File 724, 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, was taken up for consideration.

SPECIAL PRESENTATION

Siegrist of Pottawattamie presented to the House the Honorable Dan Peterson, former state representative from Muscatine County.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:18 a.m., until 1:30 p.m. (House File 724 pending.)

AFTERNOON SESSION

The House reconvened at 1:30 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 fifty-nine members present, forty-one absent.

The House stood at ease at 2:15 p.m., until the fall of the gavel.

The House resumed session at 3:46 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 17, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 17, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 515, a bill for an act relating to the determination of annual salaries for deputy sheriffs.

MARY PAT GUNDERSON, Secretary

BUSINESS PENDING AT RECESS

Ways and Means Calendar

The House resumed consideration of **House File 724**, 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, pending at recess.

Weigel of Chickasaw asked and received unanimous consent that amendment H-1777 be deferred.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-1746 filed by him on April 15, 1997.

Weigel of Chickasaw offered the following amendment H-1768 filed by him and moved its adoption:

H-1768

- 1 Amend House File 724 as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 "with a population of twenty-five thousand or more".
- 4 2. Page 1, line 17, by inserting after the word
- 5 "tracts," the following: "block numbering areas, or
- 6 block groups, or by designating census-designated
- 7 places".
- 8 3. Page 1, line 19, by striking the words "with a
- 9 population of twenty-five thousand or more".
- 10 4. Page 1, line 20, by inserting after the word
- 11 "tracts" the following: ", block numbering areas,
- 12 block groups, or designated places".
- 13 5. Page 1, line 21, by inserting after the word
- 14 "tracts" the following: ", block numbering areas,
- 15 block groups, or designated places".
- 16 6. Page 1, by striking lines 23 through 25 and
- 17 inserting the following: "one enterprise zone."

Gipp of Winneshiek in the chair at 3:55 p.m.

A non-record roll call was requested.

The ayes were 35, nays 49.

Amendment H-1768 lost.

Chiodo of Polk asked and received unanimous consent that amendment H-1779 be deferred.

Chiodo of Polk offered the following amendment H-1748 filed by him and moved its adoption:

H-1748

- 1 Amend House File 724 as follows:
- 2 1. Page 2, by inserting after line 8 the
- 3 following:
- 4 "___ Is not a meatpacking business, if the

5 enterprise zone is located in a city with a population
6 in excess of one hundred eighty thousand."

A non-record roll call was requested.

The ayes were 30, nays 48.

Amendment H-1748 lost.

Weigel of Chickasaw asked and received unanimous consent that amendment H-1798 be deferred.

Huser of Polk asked and received unanimous consent that amendment H-1804 be deferred.

Weigel of Chickasaw offered amendment H-1760 filed by him and requested division as follows:

H-1760

1 Amend House File 724 as follows:

H-1760A

2 1. Page 2, line 12, by striking the word "ninety"
3 and inserting the following: "one hundred".

H-1760B

4 2. Page 2, by striking line 13 and inserting the
5 following: "percent of the average county".
6 3. Page 2, line 14, by striking the word
7 "regional".

Weigel of Chickasaw moved the adoption of amendment H-1760A.

Roll call was requested by Weigel of Chickasaw and Fallon of Polk.

On the question "Shall amendment H-1760A be adopted?" (H.F. 724)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drake
Drees	Falck	Fallon	Foege
Ford	Frevort	Garman	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, 50:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Eddie	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	Gipp, Presiding		

Absent or not voting, 3:

Blodgett	Cataldo	Dinkla
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Amendment H-1760A lost, placing out of order amendment H-1767.

Weigel of Chickasaw moved the adoption of amendment H-1760B.

A non-record roll call was requested.

The ayes were 30, nays 57.

Amendment H-1760B lost.

Jenkins of Black Hawk offered amendment H-1773 filed by him from the floor and requested division as follows:

H-1773

- 1 Amend House File 724 as follows:

H-1773A

- 2 1. Page 2, line 15, by striking the word
- 3 "average".

H-1773B

- 4 2. Page 3, lines 11 and 12, by striking the words
- 5 "in an area".
- 6 3. Page 3, line 13, by striking the word "area"
- 7 and inserting the following: "county".
- 8 4. Page 3, line 16, by striking the word "area"

- 9 and inserting the following: "county".
10 5. Page 3, line 19, by striking the word "area"
11 and inserting the following: "county".
12 6. Page 3, line 22, by striking the word "area"
13 and inserting the following: "county".

Jenkins of Black Hawk moved the adoption of amendment H-1773A.

Amendment H-1773A was adopted.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-1747 filed by him on April 15, 1997.

Chiodo of Polk offered the following amendment H-1770 filed by him and moved its adoption:

H-1770

- 1 Amend House File 724 as follows:
2 1. Page 2, line 16, by inserting after the word
3 "hour." the following: "However, where the enterprise
4 zone is located in a county with a population in
5 excess of two hundred fifty thousand and where the
6 enterprise zone does not consist of a designated urban
7 enterprise community under Title XIII of the federal
8 Omnibus Budget Reconciliation Act of 1993, the
9 business shall pay an average wage that is at or
10 greater than one hundred percent of the average county
11 wage."

Amendment H-1770 lost.

Drake of Pottawattamie offered the following amendment H-1778 filed by him and Jenkins of Black Hawk from the floor, and moved its adoption:

H-1778

- 1 Amend House File 724 as follows:
2 1. Page 2, line 18, by inserting after the word
3 "years." the following: "For an existing business in
4 counties with a population of ten thousand or less,
5 the commission may adopt a provision that allows the
6 business to create at least five initial jobs with the
7 additional jobs to be added in five years. The
8 business shall include in its strategic plan the
9 timeline for job creation. If the existing business
10 fails to meet the ten-job creation requirement within
11 the five-year period all incentives or assistance will
12 cease immediately."

Amendment H-1778 was adopted.

Jenkins of Black Hawk moved the adoption of amendment H-1773B.

Roll call was requested by Wise of Lee and Moreland of Wapello.

On the question "Shall amendment H-1773B be adopted?" (H.F. 724)

The ayes were, 62:

Arnold	Barry	Blodgett	Boddicker
Boggett	Bradley	Brauns	Brunkhorst
Carroll	Chapman	Churchill	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Eddie	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Jacobs	Jenkins	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larson	Lord	Martin	May
Metcalf	Meyer	Millage	Murphy
Nelson	Osterhaus	Rants	Rayhons
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Witt	Gipp, Presiding		

The nays were, 36:

Bell	Bernau	Brand	Bukta
Burnett	Chiodo	Cphoon	Connors
Doderer	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Huser	Kinzer	Kreiman	Larkin
Mascher	Mertz	Moreland	Mundie
Myers	O'Brien	Reynolds-Knight	Richardson
Scherrman	Schrader	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise

Absent or not voting, 2:

Cataldo	Greig
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Amendment H-1773B was adopted.

Huser of Polk offered the following amendment H-1809 filed by her and Connors of Polk from the floor, and moved its adoption:

H-1809

- 1 Amend House File 724 as follows:
- 2 1. Page 4, line 24, by inserting after the word
- 3 "commission." the following: "However, if there is a
- 4 city or cities contiguous to a city in which is
- 5 located an enterprise zone, then one of the four

6 remaining members shall be a representative of the
7 contiguous city which is closest to the border of the
8 enterprise zone."

Amendment H-1809 lost.

Richardson of Warren offered the following amendment H-1745
filed by him and moved its adoption:

H-1745

1 Amend House File 724 as follows:
2 1. Page 6, line 34, by inserting after the word
3 "zone." the following: "A city or county that will
4 exempt from property taxation all or a portion of the
5 property of an eligible business shall notify by mail
6 the school district or districts in which the property
7 is located. However, property shall not be exempt
8 from the property taxes certified by a school district
9 in which the property is located if the board of
10 directors of the school district passes, within sixty
11 days of receipt of the notification, a resolution
12 specifying that the property of the eligible business
13 is not exempt from school property taxes."

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-1745 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sukup of Franklin on request of Siegrist of Pottawattamie; Koenigs of Mitchell
on request of Schrader of Marion.

Chiodo of Polk offered the following amendment H-1808 filed by
Chiodo, Huser of Polk and Fallon of Polk, from the floor and moved its
adoption:

H-1808

1 Amend House File 724 as follows:
2 1. Page 2, by inserting after line 8 the
3 following:
4 " . Is not a meatpacking business if the
5 enterprise zone is located in a county with a
6 population of at least two hundred fifty thousand
7 unless the business will be located in the part of the
8 enterprise zone which is west of Iowa state highway 28
9 or west of a line extending north from the point at

- 10 which Iowa state highway 28 intersects with United
 11 States Interstate 80."

Roll call was requested by Chiodo of Polk and Siegrist of Pottawattamie.

On the question "Shall amendment H-1808 be adopted?" (H.F. 724)

The ayes, were, 36:

Bell	Bernau	Brand	Burnett
Chapman	Chiodo	Cohoon	Connors
Doderer	Dotzler	Falck	Fallon
Foege	Ford	Frevert	Huser
Jochum	Kinzer	Larkin	Mascher
May	Mertz	Mundie	Murphy
Myers	O'Brien	Osterhaus	Rants
Reynolds-Knight	Richardson	Scherman	Shoultz
Taylor	Thomas	Warnstadt	Whitead

The nays were, 55:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Churchill	Cormack
Dinkla	Dolecheck	Drake	Drees
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Klemme	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rayhons	Siegrist	Teig
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Weigel	Welter
Wise	Witt	Gipp, Presiding	

Absent or not voting, 9:

Cataldo	Corbett, Spkr.	Dix	Eddie
Koenigs	Moreland	Schrader	Sukup
Thomson			

Amendment H-1808 lost.

Weigel of Chickasaw offered the following amendment H-1777 filed by him from the floor and moved its adoption:

H-1777

- 1 Amend House File 724 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:

4 "Section 1. Section 15.102, Code 1997, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 6. "Average regional wage" means
 7 an arithmetic mean computed from all values in the
 8 counties or other areas as a whole which comprise the
 9 region."

Amendment H-1777 lost.

Ford of Polk offered the following amendment H-1779 filed by him from the floor and moved its adoption:

H-1779

1 Amend House File 724 as follows:
 2 1. Page 1, line 18, by inserting after the word
 3 "purpose." the following: "If there is an area in the
 4 city which is a designated urban enterprise community
 5 under Title XIII of the federal Omnibus Budget
 6 Reconciliation Act of 1993, such area shall be
 7 designated by the state an economic development
 8 enterprise zone. The area within a designated urban
 9 enterprise community shall not be included for the
 10 purpose of determining the area limitation pursuant to
 11 subsection 3."
 12 2. Page 4, line 19, by inserting after the words
 13 "four members." the following: "If the enterprise
 14 zone consists of a designated urban enterprise
 15 community under Title XIII of the federal Omnibus
 16 Budget Reconciliation Act of 1993, one of the
 17 remaining four members shall be a representative of
 18 that zone."

Amendment H-1779 was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 6:12 p.m.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-1798 filed by him from the floor.

Huser of Polk offered the following amendment H-1804 filed by her from the floor and moved its adoption:

H-1804

1 Amend House File 724 as follows:
 2 1. Page 2, by striking line 9.
 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 19, nays 44.

Amendment H-1804 lost.

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. 724)

The ayes were, 79:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Churchill	Cohon
Corbett, Spkr.	Cormack	Dinkla	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Foege	Ford	Frevort
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Scherrman	Shoultz
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Whitead	Witt	Van Maanen,	
		Presiding	

The nays were, 18:

Bell	Bernau	Brand	Burnett
Chapman	Chiodo	Falck	Fallon
Garman	Huser	Larkin	Moreland
Reynolds-Knight	Richardson	Schrader	Taylor
Weigel	Wise		

Absent or not voting, 3:

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

INTRODUCTION OF BILLS

House File 727, by committee on appropriations, 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 placed on the **appropriations calendar**.

House File 728, by Siegrist, 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, providing for employee compensation for certain subsequent injuries, and providing an effective date.

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

House File 729, by committee on ways and means, a bill for an act 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.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 724** be immediately messaged to the Senate.

Siegrist of Pottawattamie asked and received unanimous consent to consider Senate File 533.

Appropriations Calendar

Senate File 533, a bill for an act relating to and making appropriations to the justice system and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Garman of Story offered amendment H-1756 filed by the committee on appropriations and requested division as follows:

H-1756

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-1756A

- 3 1. Page 5, by striking lines 24 through 28.
- 4 2. Page 8, by striking lines 20 through 23 and
- 5 inserting the following: "corrections for final
- 6 approval and payment."

H-1756B

- 7 3. Page 9, line 30, by striking the word "may"
8 and inserting the following: "shall".

H-1756A

- 9 4. Page 11, by striking lines 7 through 11.
10 5. By striking page 17, line 27, through page 18,
11 line 31.

H-1756B

- 12 6. Page 19, by striking lines 15 through 31.
13 7. Page 28, line 23, by striking the word
14 "eligible".
15 8. Page 28, by striking lines 26 through 29.
16 9. By striking page 32, line 23, through page 33,
17 line 21.

H-1756A

- 18 10. By striking page 34, line 30, through page
19 35, line 4.
20 11. Page 36, by striking lines 3 through 6.
21 12. Page 36, by striking lines 10 through 13.

H-1756B

- 22 13. By renumbering as necessary.

Garman of Story asked and received unanimous consent to withdraw the committee amendment H-1756A.

Garman of Story moved the adoption of the committee amendment H-1756B.

The committee amendment H-1756B was adopted.

Reynolds-Knight of Van Buren offered the following amendment H-1780 filed by her from the floor and moved its adoption:

H-1780

- 1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 28 the
4 following:
5 "In addition to the moneys appropriated and
6 disbursed in this subsection and notwithstanding
7 contrary provisions of section 904.508A, there is
8 appropriated to the department of justice from the
9 inmate telephone rebate fund created in section

- 10 904.508A an additional \$200,000 for use as legal
 11 services for persons in poverty grants as provided in
 12 section 13.34 for distressed farmer assistance
 13 programs."

Roll call was requested by Bell of Jasper and Chiodo of Polk.

On the question "Shall amendment H-1780 be adopted?" (S.F. 533)

The ayes were, 41:

Bell	Brand	Bukta	Burnett
Chapman	Chiodo	Cohoon	Dolecheck
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	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	Doderer	Drake	Drees
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, 4:

Bernau	Cataldo	Connors	Dix
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Amendment H-1780 lost.

Moreland of Wapello offered the following amendment H-1781 filed by him from the floor and moved its adoption:

H-1781

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 4, by striking lines 29 through 32 and
 4 inserting the following:
 5 "In addition to the moneys appropriated in this
 6 subsection and notwithstanding contrary provisions of
 7 section 904.508A, there is appropriated from the
 8 inmate telephone rebate fund created in section
 9 904.508A an additional \$450,000".

Gipp of Winneshiek in the chair at 7:50 p.m.

Roll call was requested by Bell of Jasper and Rants of Woodbury.

On the question "Shall amendment H-1781 be adopted?" (S.F. 533)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Doderer	Dotzler	Drees	Falck
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	Shultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dolecheck	Drake	Eddie	Fallon
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	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

Absent or not voting, 4:

Cataldo	Connors	Dinkla	Dix
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Amendment H-1781 lost.

Ford of Polk offered the following amendment H-1810 filed by him and Fallon of Polk from the floor and moved its adoption:

H-1810

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 18 the
- 4 following:
- 5 "In addition to the moneys appropriated in this
- 6 paragraph and notwithstanding contrary provisions of
- 7 section 904.508A, there is appropriated to the
- 8 department of corrections from the inmate telephone
- 9 rebate fund created in section 904.508A an additional
- 10 \$25,000 for enhancing the library at the correctional
- 11 facility."
- 12 2. Page 6, by inserting after line 26 the
- 13 following:
- 14 "In addition to the moneys appropriated in this
- 15 paragraph and notwithstanding contrary provisions of
- 16 section 904.508A, there is appropriated to the
- 17 department of corrections from the inmate telephone
- 18 rebate fund created in section 904.508A an additional
- 19 \$25,000 for enhancing the library at the correctional.
- 20 facility."

A non-record roll call was requested.

The ayes were 39, nays 43.

Amendment H-1810 lost.

Larkin of Lee offered the following amendment H-1782 filed by him from the floor and moved its adoption:

H-1782

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 32 the
- 4 following:
- 5 "4. The department of corrections shall issue a
- 6 request for proposals for the construction of a
- 7 supermaximum security correctional facility at a
- 8 location determined by the department, which would
- 9 only be constructed if the proposal is accepted. The
- 10 department of corrections shall include specifications
- 11 concerning the number of correctional beds in the
- 12 request for proposals and issue the request for
- 13 proposals in such a manner that responses are due and
- 14 shall be included in a report submitted by the
- 15 department to the general assembly on or before
- 16 January 12, 1998. The department of corrections shall
- 17 not accept a proposal received in accordance with this
- 18 subsection without specific authorization through the
- 19 enactment of legislation to fund the proposal."
- 20 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 36, nays 46.

Amendment H-1782 lost.

Ford of Polk offered the following amendment H-1811 filed by him and Fallon of Polk from the floor and moved its adoption:

H-1811

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by striking line 31 and inserting the
- 4 following:
- 5 "..... \$ 3,150,600
- 6 Of the moneys appropriated in this subsection,
- 7 \$200,000 shall be used by the department for providing
- 8 life skills programs to inmates."

Roll call was requested by Chiodo of Polk and Ford of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-1811 be adopted?" (S.F. 533)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Dotzler	Drees	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, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churhill	Corbett, Spkr.	Cormack
Dinkla	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	Tyrell	Van Fossen	Van Maanen

Vande Hoef
Gipp,
Presiding

Veenstra

Weidman

Welter

Absent or not voting, 4:

Cataldo

Dix

Doderer

Moreland

Amendment H-1811 lost.

Richardson of Warren offered the following amendment H-1783 filed by him from the floor and moved its adoption:

H-1783

- 1 Amend Senate 533, as amended, passed, and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 11, by inserting after line 6 the
- 4 following:
- 5 "To maximize the funding for educational programs,
- 6 the department shall establish guidelines and
- 7 procedures to prioritize the availability of
- 8 educational and vocational training for inmates based
- 9 upon the goal of facilitating an inmate's successful
- 10 release from the correctional institution."

Roll call was requested by Richardson of Warren and Chapman of Linn.

On the question "Shall amendment H-1783 be adopted?" (S.F. 533)

The ayes were, 42:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Dotzler	Falck	Fallon
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, 54:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dolecheck	Drake	Drees
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
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Gipp, Presiding		

Absent or not voting, 4:

Cataldo	Dix	Doderer	O'Brien
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Amendment H-1783 lost.

Richardson of Warren offered the following amendment H-1784 filed by him, Bell of Jasper, Larkin of Lee and Myers of Johnson from the floor and moved its adoption:

H-1784

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by inserting after line 7 the
- 4 following:
- 5 "14. The department of corrections shall submit a
- 6 report to the general assembly by January 1, 1998,
- 7 concerning the receipt and expenditure of moneys by
- 8 the department from the inmate telephone rebate fund
- 9 created under section 904.508A and maintained in each
- 10 institution under the control of the department for
- 11 the fiscal year beginning July 1, 1996, and ending
- 12 June 30, 1997. The report shall detail the projects
- 13 authorized to be funded from the rebate fund, the
- 14 moneys expended from the fund for each project, and
- 15 the status of each project authorized, including any
- 16 anticipated completion date if applicable."
- 17 2. By renumbering as necessary.

Roll call was requested by Bell of Jasper and Siegrist of Pottawattamie.

On the question "Shall amendment H-1784 be adopted?" (S.F. 533)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cphoon
Connors	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	Schräder	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
Dinkla	Dolecheck	Drake	Eddie
Garman	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	Gipp, Presiding

Absent or not voting, 5:

Cataldo	Dix	Doderer	Drees
Houser			

Amendment H-1784 lost.

Warnstadt of Woodbury offered the following amendment H-1785 filed by him and Whitead of Woodbury from the floor and moved its adoption:

H-1785

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by inserting after line 25 the
- 4 following:
- 5 "(3) In addition to the moneys appropriated in
- 6 this subsection and notwithstanding contrary
- 7 provisions of section 904.508A, there is appropriated
- 8 to the district department from the inmate telephone
- 9 rebate fund created in section 904.508A an additional
- 10 \$35,000 to be used for the purposes provided in this
- 11 subsection."
- 12 2. By renumbering as necessary.

Amendment H-1785 lost.

Ford of Polk offered the following amendment H-1812 filed by him from the floor and moved its adoption:

H-1812

- 1 Amend Senate File 533, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 18, line 32, by inserting after the word
 4 "INDUSTRIES" the following: "- INMATE LABOR".
 5 2. Page 19, line 9, by inserting after the word
 6 "industries." the following: "In addition, state
 7 agencies are encouraged to utilize inmate labor to
 8 assist in performing duties of the agency."
 9 3. Page 19, line 11, by inserting after the word
 10 "report" the following: "of the use, if any, of
 11 inmate labor to perform duties of the agency and".

Roll call was requested by Garman of Story and Vande Hoef of Osceola.

On the question "Shall amendment H-1812 be adopted?" (S.F. 533)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	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
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 52:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dolecheck	Drake	Eddie	Fallon
Garman	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	Gipp, Presiding

Absent or not voting, 5:

Blodgett	Cataldo	Dix	Drees
Houser			

Amendment H-1812 lost.

Myers of Johnson offered the following amendment H-1786 filed by Myers of Johnson, Ford of Polk, Larkin of Lee, Shoultz of Black Hawk and Connors of Polk from the floor and moved its adoption:

H-1786

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 19 the
- 4 following:
- 5 "i. In addition to the moneys appropriated in this
- 6 subsection and notwithstanding contrary provisions of
- 7 section 904.508A, there is appropriated to the
- 8 judicial department from the inmate telephone rebate
- 9 fund created in section 904.508A \$175,000 to be used
- 10 for the purpose of hiring five additional juvenile
- 11 court officers."
- 12 2. By renumbering as necessary.

Roll call was requested by Bell of Jasper and Siegrist of Pottawattamie.

On the question "Shall amendment H-1786 be adopted?" (S.F. 533)

The ayes were, 42:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Falck
Foege	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
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dolecheck	Drake	Eddie
Fallon	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, 5:

Cataldo	Dix	Drees	Mertz
Van Maanen			

Amendment H-1786 lost.

Bell of Jasper offered the following amendment H-1787 filed by him and Larkin of Lee from the floor and moved its adoption:

H-1787

1 Amend Senate File 533, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, by inserting after line 26 the
 4 following:
 5 "In addition to the moneys appropriated in this
 6 subsection and notwithstanding contrary provisions of
 7 section 904.508A, there is appropriated to the Iowa
 8 law enforcement academy from the inmate telephone
 9 rebate fund created in section 904.508A an additional
 10 \$50,000 to be used for the purposes provided in this
 11 subsection.
 12 It is the intent of the general assembly that the
 13 moneys appropriated in this subsection shall be used
 14 for the purpose of providing notebooks and
 15 informational materials to students."

Roll call was requested by Bell of Jasper and Chapman of Linn.

On the question "Shall amendment H-1787 be adopted?" (S.F. 533)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Carroll	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
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
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Boggett	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dolecheck	Drake	Eddie	Fallon
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
Tyrrell	Van Fossen	Van Maanen	Veenstra
Weidman	Welter	Gipp, Presiding	

Absent or not voting, 5:

Cataldo	Dix	Mascher	Thomson
Vande Hoef			

Amendment H-1787 lost.

Warnstadt of Woodbury offered the following amendment H-1788 filed by him from the floor and moved its adoption:

H-1788

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 26, by inserting after line 6 the
- 4 following:
- 5 "In addition to the moneys appropriated in this
- 6 subsection and notwithstanding contrary provisions of
- 7 section 904.508A, there is appropriated to the
- 8 military division from the inmate telephone rebate
- 9 fund created in section 904.508A an additional
- 10 \$200,000 to be used for the purpose of funding the
- 11 computerized preventive maintenance management system
- 12 at national guard facilities."

Roll call was requested by Siegrist of Pottawattamie and Millage of Scott.

On the question "Shall amendment H-1788 be adopted?" (S.F. 533)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	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	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carrroll	Churchill	Cormack	Dinkla
Dolecheck	Drake	Eddie	Fallon
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rayhons	Sukup	Teig	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Gipp,	
		Presiding	

Absent or not voting, 6:

Cataldo	Corbett, Spkr.	Dix	Rants
Siegrist	Thomson		

Amendment H-1788 lost.

Jochum of Dubuque offered the following amendment H-1789 filed by her from the floor and moved its adoption:

H-1789

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by inserting after line 26 the
- 4 following:
- 5 "In addition to the moneys appropriated in this
- 6 paragraph and notwithstanding contrary provisions of
- 7 section 904.508A, there is appropriated for the
- 8 division of narcotics enforcement from the inmate
- 9 telephone rebate fund created in section 904.508A an
- 10 additional \$61,000 to be used for the purposes
- 11 provided in this paragraph."

Roll call was requested by Bell of Jasper and Rants of Woodbury.

On the question "Shall amendment H-1789 be adopted?" (S.F. 533)

The ayes were, 42:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Falck
Fooge	Frevert	Holveck	Huser

Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherriman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dolecheck	Drake	Drees	Eddie
Fallon	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

Absent or not voting, 5:

Cataldo	Corbett, Spkr.	Dix	Ford
Nelson			

Amendment H-1789 lost.

Garman of Story offered the following amendment H-1769 filed by her and Reynolds-Knight of Van Buren and moved its adoption:

H-1769

- 1 Amend Senate File 533, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 28, line 23, by inserting after the word
- 4 "training" the following: "and equipment needs".
- 5 2. Page 35, line 7, by inserting after the word
- 6 "training" the following: "and equipment needs".

Amendment H-1769 was adopted.

Reynolds-Knight of Van Buren offered the following amendment H-1790 filed by her, Falck of Fayette and Thomas of Clayton from the floor and moved its adoption:

H-1790

- 1 Amend Senate File 533, as amended, passed, and

2 reprinted by the Senate, as follows:
 3 1. Page 28, by inserting after line 25 the
 4 following:
 5 "In addition to the moneys appropriated in this
 6 subsection and notwithstanding contrary provisions of
 7 section 904.508A, there is appropriated to the
 8 department of public safety from the inmate telephone
 9 rebate fund created in section 904.508A an additional
 10 \$326,208 to be used for the purposes provided in this
 11 subsection."

Amendment H-1790 lost.

Richardson of Warren offered the following amendment H-1791 filed by him and Larkin of Lee from the floor and moved its adoption:

H-1791

1 Amend Senate File 533, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 29, by inserting after line 2 the
 4 following:
 5 "In addition to the moneys appropriated in this
 6 subsection and notwithstanding contrary provisions of
 7 section 904.508A, there is appropriated to the
 8 department of public safety from the inmate telephone
 9 rebate fund created in section 904.508A an additional
 10 \$352,000 to be used for the purpose of creating a DNA
 11 profiling unit."

Roll call was requested by Bell of Jasper and Foege of Linn.

On the question "Shall amendment H-1791 be adopted?" (S.F. 533)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cphoon
Connors	Doderer	Dotzler	Drees
Falck	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shultz	Taylor	Thomas
Warnstadt	Weidman	Weigel	Whitead
Wise	Witt		

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack

Dinkla	Dolecheck	Drake	Eddie
Fallon	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Welter	Gipp, Presiding

Absent or not voting, 2:

Cataldo Dix

Amendment H-1791 lost.

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

On the question "Shall the bill pass?" (S.F. 533)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	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	Gipp, Presiding	

The nays were, 3:

Fallon Ford Kreiman

Absent or not voting, 2:

Cataldo Dix

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

MARY PAT GUNDERSON, Secretary

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 533** be immediately messaged to the Senate.

SPONSOR WITHDRAWN (House File 389)

Heaton of Henry requested to be withdrawn as a sponsor of House File 389.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 15, 1997. Had I been present, I would have voted "aye" on Senate File 232.

FREVERT of Palo Alto

On Thursday, April 17, 1997, I inadvertently voted "aye" on House File 721. I meant to vote "nay."

KINZER of Scott

PRESENTATION OF VISITORS

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

Ninety-four members of the Linn County 4-H. By Chapman, Corbett, Foege, Larson, Taylor, and Thomson, all of Linn County.

Twenty-five 8th grade students from Isaac Newton Christian Academy, Cedar Rapids, accompanied by Karen Brunkhorst. By Corbett of Linn.

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\420 Juanita and Ancel Swackhammer, Des Moines - For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

Senate File 161

Appropriations: Meyer, Chair; Gipp and Reynolds-Knight.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 241

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

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 408), 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.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1997.

Committee Bill, relating to public budgeting, regulatory, and organizational matters, making fund transfers and appropriations, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 17, 1997.

Committee Bill, relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 17, 1997.

COMMITTEE ON WAYS AND MEANS

Senate File 531, a bill for an act relating to the increase in the physical plant and equipment levy.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-1802** April 17, 1997.

Committee Bill (Formerly House Study Bill 239), 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.

Fiscal Note is required.

Recommended **Do Pass** April 17, 1997.

AMENDMENTS FILED

H—1772	H.F.	694	Senate Amendment
H—1774	H.F.	142	Senate Amendment
H—1775	H.F.	662	Senate Amendment
H—1792	S.F.	184	Martin of Scott Doderer of Johnson Moreland of Wapello
H—1794	H.F.	553	Senate Amendment
H—1795	H.F.	612	Senate Amendment
H—1796	H.F.	698	Senate Amendment
H—1797	H.F.	722	Shoultz of Black Hawk
H—1799	S.F.	246	Blodgett of Cerro Gordo
H—1800	H.F.	405	Dolecheck of Ringgold
H—1801	H.F.	515	Senate Amendment
H—1802	S.F.	531	Committee on Ways and Means
H—1803	S.F.	79	Arnold of Lucas
H—1805	H.F.	726	Greig of Emmet
H—1806	H.F.	726	Meyer of Sac
H—1807	H.F.	726	Greig of Emmet

H—1813

H.F. 715 Senate Amendment

H—1814

H.F. 698 Boddicker of Cedar
Murphy of Dubuque

On motion by Siegrist of Pottawattamie, the House adjourned at 11:00 p.m., until 1:00 p.m., Monday, April 21, 1997.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 21, 1997

The House met pursuant to adjournment at 1:03 p.m., Speaker Corbett in the chair.

Prayer was offered by Father Linus Rasing, St. Clements Catholic Church, Bankston.

The Journal of Thursday, April 17, 1997 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Father Linus Rasing, Bankston.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Churchill of Polk on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILLS

House File 730, by committee on appropriations, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

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

House File 731, by committee on appropriations, a bill for an act relating to public budgeting, regulatory, and organizational matters, making fund transfers and appropriations, and providing effective dates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 21, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 21, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 552, a bill for an act eliminating notice requirements relating to the location of certain electric transmission lines, wires, or cables.

Also: That the Senate has on April 21, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 616, a bill for an act relating to instruments filed or recorded with the county recorder.

Also: That the Senate has on April 18, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 693, a bill for an act relating to 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.

Also: That the Senate has on April 21, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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, and providing an effective date.

Also: That the Senate has on April 21, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 410, 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.

Also: That the Senate has on April 21, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 21, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 545, a bill for an act relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness owed to or being collected by the state in pilot project counties, and providing an effective date.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Veenstra of Sioux called up for consideration **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, amended by the Senate amendment H-1647 as follows:

H-1647

1 Amend House File 335, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 14 the
 4 following:
 5 "Sec. ____ NEW SECTION. 125.83A PLACEMENT IN
 6 CERTAIN FEDERAL FACILITIES.
 7 If upon completion of the commitment hearing, the
 8 court finds that the contention that the respondent is
 9 a chronic substance abuser has been sustained by clear
 10 and convincing evidence, and the court is furnished
 11 evidence that the respondent is eligible for care and
 12 treatment in a facility operated by the veterans
 13 administration or another agency of the United States
 14 government and that the facility is willing to receive
 15 the respondent, the court may so order. The
 16 respondent, when so placed in a facility operated by
 17 the veterans administration or another agency of the
 18 United States government within or outside of this
 19 state, shall be subject to the rules of the veterans
 20 administration or other agency, but shall not lose any
 21 procedural rights afforded the respondent by this
 22 chapter. The chief officer of the facility shall
 23 have, with respect to the respondent so placed, the
 24 same powers and duties as the chief medical officer of
 25 a hospital in this state would have in regard to
 26 submission of reports to the court, retention of
 27 custody, transfer, convalescent leave or discharge.
 28 Jurisdiction is retained in the court to maintain
 29 surveillance of the respondent's treatment and care,
 30 and at any time to inquire into the respondent's
 31 condition and the need for continued care and custody.
 32 2. Upon receipt of a certificate stating that a
 33 respondent placed under this chapter is eligible for
 34 care and treatment in a facility operated by the

35 veterans administration or another agency of the
36 United States government which is willing to receive
37 the respondent without charge to the state of Iowa or
38 any county in the state, the chief medical officer may
39 transfer the respondent to that facility. Upon so
40 doing, the chief medical officer shall notify the
41 court which ordered the respondent's placement in the
42 same manner as would be required in the case of a
43 transfer under section 125.86, subsection 2, and the
44 respondent transferred shall be entitled to the same
45 rights as the respondent would have under that
46 subsection. No respondent shall be transferred under
47 this section who is confined pursuant to conviction of
48 a public offense or whose placement was ordered upon
49 contention of incompetence to stand trial by reason of
50 mental illness, without prior approval of the court

Page 2

1 which ordered that respondent's placement.
2 3. A judgment or order of commitment by a court of
3 competent jurisdiction of another state or the
4 District of Columbia, under which any person is
5 hospitalized or placed in a facility operated by the
6 veterans administration or another agency of the
7 United States government, shall have the same force
8 and effect with respect to that person while the
9 person is in this state as the judgment or order would
10 have if the person were in the jurisdiction of the
11 court which issued it. That court shall be deemed to
12 have retained jurisdiction of the person so placed for
13 the purpose of inquiring into that person's condition
14 and the need for continued care and custody, as do
15 courts in this state under this section. Consent is
16 given to the application of the law of the state or
17 district in which the court is situated which issued
18 the judgment or order as regards authority of the
19 chief officer of any facility, operated in this state
20 by the veterans administration or another agency of
21 the United States government, to retain custody,
22 transfer, place on convalescent leave or discharge the
23 person so committed."

24 2. Page 2, line 2, by striking the word
25 "subsection" and inserting the following:
26 "subsections".

27 3. Page 2, by inserting after line 2 the
28 following:

29 "NEW SUBSECTION. 7. Review team members and their
30 agents are immune from any liability, civil or
31 criminal, which might otherwise be incurred or imposed
32 as a result of any act, omission, proceeding,
33 decision, or determination undertaken or performed, or
34 recommendation made as a review team member or agent

- 35 provided that the review team members or agents acted
36 in good faith and without malice in carrying out their
37 official duties in their official capacity. The
38 department shall adopt rules pursuant to chapter 17A
39 to administer this subsection. A complainant bears
40 the burden of proof in establishing malice or lack of
41 good faith in an action brought against review team
42 members involving the performance of their duties and
43 powers under this section.”
- 44 4. Page 2, line 3, by striking the figure “7” and
45 inserting the following: “8”.
- 46 5. Page 6, line 6, by striking the word “anytime”
47 and inserting the following: “any time”.
- 48 6. Page 6, line 15, by striking the word “or” and
49 inserting the following: “and”.
- 50 7. Page 6, by striking lines 17 through 19 and

Page 3

- 1 inserting the following: “entered on the certificate
2 of birth ~~without the written consent of the mother and~~
3 ~~the person to be named as the father, unless a~~
4 ~~determination of paternity has been made”.~~
- 5 8. Page 7, line 6, by striking the word “A” and
6 inserting the following: “1. A”.
- 7 9. Page 7, line 11, by inserting after the word
8 “chapter.” the following: “A death certificate shall
9 include the social security number, if provided, of
10 the deceased person.”
- 11 10. Page 7, by inserting after line 13 the
12 following:
13 “2. All information included on a death
14 certificate may be provided as mutually agreed upon by
15 the division and the child support recovery unit,
16 including by automated exchange.”
- 17 11. Page 7, line 14, by striking the word “If”
18 and inserting the following: “3. If”.
- 19 12. Page 9, by inserting after line 34, the
20 following:
21 “Sec. ____ Section 144.32, unnumbered paragraph 1,
22 Code 1997, is amended to read as follows:
23 If a person other than a funeral director, medical
24 examiner, emergency medical service, or an authorized
25 agent of a funeral or cremation establishment assumes
26 custody of a dead body or fetus, the person shall
27 secure a burial-transit permit. To be valid, the
28 burial-transit permit must be issued by the county
29 medical examiner, a funeral director, or the county
30 registrar of the county where the certificate of death
31 or fetal death was filed. The permit shall be
32 obtained prior to the removal of the body or fetus
33 from the place of death and the permit shall accompany
34 the body or fetus to the place of final disposition.”

- 35 13. Title page, line 2, by inserting after the
 36 word "statistics," the following: "chemical substance
 37 abuse,".
 38 14. By renumbering, relettering, or redesignating
 39 and correcting internal references as necessary.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1684 filed by him on April 10, 1997.

Lord of Dallas offered the following amendment H-1694, to the Senate amendment H-1647, filed by him and Kreiman of Davis and moved its adoption:

H-1694

- 1 Amend the Senate amendment, H-1647, to House File
 2 335, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 3, by striking lines 24 and 25 and
 5 inserting the following: "examiner, or emergency
 6 medical service assumes".

A non-record roll call was requested.

The ayes were 47, nays 26.

Amendment H-1694, to the Senate amendment H-1647, was adopted.

On motion by Veenstra of Sioux, the House concurred in the Senate amendment H-1647, as amended.

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

On the question "Shall the bill pass?" (H.F. 335)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
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	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:

Brunkhorst Cormack Mundie

Absent or not voting, 1:

Churchill

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

SENATE MESSAGES CONSIDERED

Senate File 410, by Tinsman, 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**.

Senate File 545, by committee on ways and means, a bill for an act relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness owed to or being collected by the state in pilot project counties, and providing an effective 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 April 21, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 11, a concurrent resolution requesting the

United States government ensure that the Farm Service Agency of the United States Department of Agriculture be supported and structured in a manner that preserves the efficient operation of the agency at the community level.

MARY PAT GUNDERSON, Secretary

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 335** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration **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, amended by the Senate amendment H-1796 as follows:

H-1796

- 1 Amend House File 698, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 3 the
- 4 following:
- 5 "Sec. ____ Section 232.68, unnumbered paragraph 1,
- 6 Code 1997, is amended to read as follows:
- 7 The definitions in section 235A.13 are applicable
- 8 to this part 2 of division III. As used in sections
- 9 232.67 through 232.77 and 235A.12 through 235A.23,
- 10 unless the context otherwise requires:"
- 11 2. Page 1, by striking lines 33 and 34 and
- 12 inserting the following: "correct the information
- 13 report data and disposition data pursuant to section
- 14 235A.19, and of the procedures to correct the
- 15 information data. The juvenile court".
- 16 3. Page 3, by striking line 19 and inserting the
- 17 following: "injury was not minor or was not isolated
- 18 or is likely to reoccur."
- 19 4. Page 3, line 24, by striking the word
- 20 "another" and inserting the following: "a prior".
- 21 5. Page 4, by striking line 10 and inserting the
- 22 following: "injury was not minor or was not isolated
- 23 or is likely to reoccur, in".
- 24 6. Page 5, line 3, by inserting after the word
- 25 "department" the following: "of human services and
- 26 the department of inspections and appeals".
- 27 7. Page 5, by inserting after line 11 the
- 28 following:
- 29 "(11) The Iowa braille and sight saving school and
- 30 the Iowa school for the deaf controlled by the state
- 31 board of regents."

32 8. Page 5, line 16, by striking the words "child
33 abuse information is" and inserting the following:
34 "report data and disposition data are".

35 9. Page 5, by striking lines 21 through 25 and
36 inserting the following:

37 "4. a. The confidentiality of all of the
38 following shall be maintained in accordance with
39 section 217.30:

40 (1) Investigation or assessment data.

41 (2) Information pertaining to an allegation of
42 child abuse for which there was no investigation or
43 assessment performed.

44 (3) Information pertaining to an allegation of
45 child abuse which was determined to not meet the
46 definition of child abuse. Individuals identified in
47 section 235A.15, subsection 4, are authorized to have
48 access to such information under section 217.30.

49 (4) Report data and disposition data pertaining to
50 an allegation of child abuse determined to meet the

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1 definition of child abuse which is not subject to
2 placement in the central registry. Individuals
3 identified in section 235A.15, subsection 3, are
4 authorized to have access to such data under section
5 217.30.

6 b. The confidentiality of report data and
7 disposition data pertaining to an allegation of child
8 abuse determined to meet the definition of child abuse
9 which is subject to placement in the central registry,
10 shall be maintained as provided in chapter 235A."

11 10. Page 5, by inserting before line 26 the
12 following:

13 "Sec. ____ Section 235A.13, Code 1997, is amended
14 by adding the following new subsection:

15 NEW SUBSECTION. 2A. "Department" means the
16 department of human services.

17 Sec. ____ Section 235A.13, subsections 1, 6, and
18 8, Code 1997, are amended to read as follows:

19 1. "Child abuse information" means any or all of
20 the following data maintained by the department in a
21 manual or automated data storage system and
22 individually identified:

23 a. Report data.

24 b. Investigation or assessment data.

25 c. Disposition data.

26 6. "Investigation or assessment data" means any of
27 the following information pertaining to the
28 department's evaluation of report data, including a
29 family:

30 ~~a. Additional information as to the nature, extent~~
31 ~~and cause of the injury, and the identity of persons~~

32 responsible therefor.

33 ~~b. The names and conditions of other children in~~
34 ~~the home.~~

35 ~~c. The child's home environment and relationships~~
36 ~~with parents or others responsible for the child's~~
37 ~~care.~~

38 a. Identification of the strengths and needs of
39 the child, and of the child's parent, home, and
40 family.

41 b. Identification of services available from the
42 department and informal and formal services and other
43 support available in the community to meet identified
44 strengths and needs.

45 8. "Report data" means any of the following
46 information pertaining to any occasion involving or
47 reasonably believed to involve an investigation or
48 assessment of an allegation of child abuse, including
49 in which the department has determined the alleged
50 child abuse meets the definition of child abuse:

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1 a. The name and address of the child and the
2 child's parents or other persons responsible for the
3 child's care.

4 b. The age of the child.

5 c. The nature and extent of the injury, including
6 evidence of any previous injury.

7 ~~d. Any other Additional information believed to be~~
8 ~~helpful in establishing as to the nature, extent, and~~
9 ~~cause of the injury, and the identity of the person or~~
10 ~~persons alleged to be responsible therefor for the~~
11 ~~injury.~~

12 e. The names and conditions of other children in
13 the child's home.

14 f. Any other information believed to be helpful in
15 establishing the information in paragraph "d".

16 Sec. ____ Section 235A.14, subsection 6, Code
17 1997, is amended to read as follows

18 6. The central registry shall include ~~but not be~~
19 ~~limited to report data, investigation data and~~
20 ~~disposition data which is subject to placement in the~~
21 ~~central registry under section 232.71D. The central~~
22 ~~registry shall not include assessment data."~~

23 11. Page 5, line 33, by striking the words "child
24 abuse information" and inserting the following:
25 "child abuse information".

26 12. Page 5, line 34, by striking the word "is"
27 and inserting the following: "is report data and
28 disposition data subject to placement in the central
29 registry pursuant to section 232.71D are".

30 13. Page 6, line 10, by inserting after the word
31 "investigation" the following: "or assessment".

- 32 14. Page 6, line 20, by inserting after the word
 33 "investigation" the following: "or assessment".
- 34 15. Page 7, lines 6 and 7, by striking the words
 35 "child abuse information" and inserting the following:
 36 "report data and disposition data".
- 37 16. Page 7, line 9, by inserting after the word
 38 "data" the following: "and, if authorized in law to
 39 the extent necessary for purposes of an employment
 40 evaluation, report data".
- 41 17. Page 7, by striking lines 21 through 29 and
 42 inserting the following:
 43 "~~(3) To an employee or agent of the department of~~
 44 ~~human services responsible for registering or~~
 45 ~~licensing or approving the registration or licensing~~
 46 ~~of an agency or facility, or to an individual~~
 47 ~~providing care to a child and regulated by the~~
 48 ~~department.~~
 49 (4) ~~To an employee of the department of human~~
 50 ~~services responsible for an adoptive placement, a~~

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- 1 ~~certified adoption investigator, or licensed child~~
 2 ~~placing agency responsible for an adoptive placement."~~
- 3 18. Page 7, line 30, by striking the figure "3"
 4 and inserting the following: "1".
- 5 19. Page 7, line 32, by striking the figure "4"
 6 and inserting the following: "2".
- 7 20. Page 7, line 33, by striking the word
 8 "information" and inserting the following:
 9 "information data".
- 10 21. Page 8, line 1, by striking the figure "5"
 11 and inserting the following: "3".
- 12 22. Page 8, line 2, by striking the word
 13 "information" and inserting the following:
 14 "information data".
- 15 23. Page 8, line 5, by striking the figure "6"
 16 and inserting the following: "4".
- 17 24. Page 8, line 6, by striking the word
 18 "information" and inserting the following:
 19 "information data".
- 20 25. Page 8, line 9, by striking the figure "7"
 21 and inserting the following: "5".
- 22 26. Page 8, line 10, by striking the word
 23 "information" and inserting the following:
 24 "information data".
- 25 27. Page 8, line 12, by striking the figure "8"
 26 and inserting the following: "6".
- 27 28. Page 8, line 13, by striking the word
 28 "information" and inserting the following:
 29 "information data".
- 30 29. Page 8, line 16, by striking the figure "9"
 31 and inserting the following: "7".

- 32 30. Page 8, line 18, by striking the word
33 "information" and inserting the following:
34 "information data".
- 35 31. Page 8, line 21, by striking the figure "10"
36 and inserting the following: "8".
- 37 32. Page 8, line 24, by striking the word
38 "information" and inserting the following:
39 "information data".
- 40 33. Page 8, line 26, by striking the figure "11"
41 and inserting the following: "9".
- 42 34. Page 8, line 29, by striking the word
43 "information" and inserting the following:
44 "information data".
- 45 35. Page 8, by inserting after line 30 the
46 following:
47 "(10) To an administrator of a child day care
48 resource and referral agency which has entered into an
49 agreement authorized by the department to provide
50 child day care resource and referral services. Access

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- 1 is authorized if the data concerns a person providing
2 child day care services or a person employed by a
3 provider of such services and the agency includes the
4 provider as a referral or the provider has requested
5 to be included as a referral."
- 6 36. Page 8, line 31, by striking the word
7 "Relating" and inserting the following: "Relating
8 Report data and disposition data, and investigation or
9 assessment data to the extent necessary for resolution
10 of the proceeding, relating".
- 11 37. Page 8, line 35, by striking the word
12 "information" and inserting the following:
13 "information data".
- 14 38. Page 9, line 4, by striking the words "child
15 abuse information" and inserting the following:
16 "child abuse information report data and disposition
17 data".
- 18 39. Page 9, line 7, by striking the words "child
19 abuse information" and inserting the following:
20 "child abuse information report data and disposition
21 data".
- 22 40. Page 9, line 14, by inserting after the word
23 "follows" the following: ", but only with respect to
24 report data and disposition data for cases of founded
25 child abuse subject to placement in the registry
26 pursuant to section 232.71D".
- 27 41. Page 9, line 16, by striking the word
28 "information" and inserting the following:
29 "information data".
- 30 42. Page 9, line 17, by striking the word
31 "information" and inserting the following:

32 "information data".

33 43. Page 9, line 22, by striking the word
34 "information" and inserting the following:

35 "information data":

36 44. Page 9, line 26, by striking the word
37 "registry" and inserting the following: "registry
38 department".

39 45. Page 9, line 30, by striking the word
40 "Information" an inserting the following: "Data".

41 46. Page 9, line 33, by inserting after the word
42 "investigating" the following: "or assessing".

43 47. Page 9, line 34, by inserting after the word
44 "investigating" the following: "or assessing".

45 48. Page 10, by striking lines 1 through 3 and
46 inserting the following:

47 "(5) To a public or licensed child-placing agency
48 of another state responsible for an adoptive or foster
49 care preplacement or placement evaluation."

50 49. Page 10, line 4, by striking the figures "(6)

Page 6

1 (5)" and inserting the following: "(6)".

2 50. Page 10, by striking lines 6 through 11.

3 51. Page 10, line 12, by striking the figures
4 "~~(7)~~ (2)" and inserting the following: "(7)".

5 52. Page 10, line 14, by striking the figures
6 "~~(8)~~ (3)" and inserting the following: "(8)".

7 53. Page 10, line 18, by striking the figures
8 "~~(9)~~ (4)" and inserting the following: "(9)".

9 54. Page 10, line 21, by striking the figures
10 "~~(10)~~ (5)" and inserting the following: "(10)".

11 55. Page 10, line 25, by striking the figures
12 "~~(11)~~ (6)" and inserting the following: "(11)".

13 56. Page 10, line 31, by striking the figures
14 "~~(12)~~ (7)" and inserting the following: "(12)".

15 57. By striking page 10, line 34, through page
16 11, line 6, and inserting the following:

17 "~~(13) To an administrator of a child day care~~
18 ~~resource and referral agency which has entered into an~~
19 ~~agreement authorized by the department to provide~~
20 ~~child day care resource and referral services. Access~~
21 ~~is authorized if the information concerns a person~~
22 ~~providing child day care services or a person employed~~
23 ~~by a provider of such services and the agency includes~~
24 ~~the provider as a referral or the provider has~~
25 ~~requested to be included as a referral."~~

26 58. Page 11, line 7, by striking the figure "(9)"
27 and inserting the following: "(13)".

28 59. Page 11, by inserting after line 9 the
29 following:

30 "(14) To an employee or agent of the department
31 responsible for registering or licensing or approving

32 the registration or licensing of an agency or
33 facility, or to an individual providing care to a
34 child and regulated by the department.
35 (15) To an employee of the department responsible
36 for an adoptive placement, a certified adoption
37 investigator, or licensed child placing agency
38 responsible for an adoptive placement.
39 f. The following, but only with respect to
40 disposition data for cases of founded child abuse
41 subject to placement in the central registry pursuant
42 to section 232.71D:"
43 60. Page 11, line 10, by striking the figure
44 "(10)".
45 61. Page 11, line 11, by striking the word
46 "information" and inserting the following:
47 "information data".
48 62. Page 11, by inserting after line 20 the
49 following:
50 "3. Access to report data and disposition data for

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1 a case of child abuse determined to meet the
2 definition of child abuse, which data is not subject
3 to placement in the central registry pursuant to
4 section 232.71D, is authorized only to the following
5 persons:
6 a. Subjects of a report identified in subsection
7 2, paragraph "a".
8 b. Persons involved in an investigation or
9 assessment of child abuse identified in subsection 2,
10 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
11 and (9).
12 c. Others identified in subsection 2, paragraph
13 "e", subparagraphs (2), (3), and (6).
14 4. Access to report data for a case of child abuse
15 determined to not meet the definition of child abuse,
16 which data is not subject to placement in the central
17 registry pursuant to section 232.71D, is authorized
18 only to the following:
19 a. Subjects of a report identified in subsection
20 2, paragraph "a".
21 b. Persons involved in an investigation or
22 assessment of child abuse identified in subsection 2,
23 paragraph "b", subparagraphs (2), (6), and (7).
24 c. Others identified in subsection 2, paragraph
25 "e", subparagraph (2)."
26 63. Page 11, by striking line 21 and inserting
27 the following:
28 "3. Access to ~~founded child abuse information~~
29 disposition data subject to placement in".
30 64. Page 11, line 26, by striking the words
31 "Child abuse information" and inserting the following:

- 32 "~~Child abuse information~~ Disposition data".
33 65. Page 11, line 33, by inserting after the word
34 "investigation" the following: "or assessment".
35 66. Page 11, line 35, by inserting after the word
36 "investigation" the following: "or assessment".
37 67. Page 12, line 1, by inserting after the word
38 "investigation" the following: "or assessment".
39 68. Page 12, line 5, by inserting after the word
40 "investigation" the following: "or assessment".
41 69. Page 12, line 9, by inserting after the word
42 "investigation" the following: "or assessment".
43 70. Page 12, line 10, by inserting after the word
44 "investigation" the following: "or assessment".
45 71. Page 12, line 12, by inserting after the word
46 "investigation" the following: "or assessment".
47 72. Page 12, line 23, by striking the words
48 "child abuse information has" and inserting the
49 following: "report data and disposition data have".
50 73. Page 12, line 33, by striking the words

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- 1 "Child abuse information" and inserting the following:
2 "Report data and disposition data".
3 74. Page 13, line 3, by striking the words "Child
4 abuse information" and inserting the following:
5 "Child abuse information Report and disposition data".
6 75. Page 13, line 6, by striking the words "child
7 abuse by information" and inserting the following:
8 "abuse by data".
9 76. Page 13, line 7, by striking the word
10 "information" and inserting the following:
11 "information data".
12 77. Page 13, line 10, by striking the words
13 "child abuse information" and inserting the following:
14 "data placed in the registry".
15 78. Page 13, line 11, by striking the word
16 "information" and inserting the following: "data".
17 79. Page 13, line 13, by striking the word
18 "information" and inserting the following:
19 "information data".
20 80. Page 13, line 15, by striking the word
21 "information" and inserting the following:
22 "information data".
23 81. Page 13, line 17, by striking the word
24 "Information" and inserting the following: "Data".
25 82. Page 13, line 18, by striking the words "from
26 the central registry".
27 83. Page 13, line 19, by striking the word
28 "information" and inserting the following:
29 "information data".
30 84. Page 14, by striking lines 5 through 12 and
31 inserting the following:

32 ~~“3. However, if a correction of child abuse~~
33 ~~information is requested under section 235A.19 and the~~
34 ~~issue is not resolved at the end of the one year~~
35 ~~period, the information shall be retained until the~~
36 ~~issue is resolved and if the child abuse information~~
37 ~~is not determined to be founded, the information shall~~
38 ~~be expunged at the appropriate time under subsection~~
39 ~~2.~~

40 ~~4. 3. The registry, at least once a year, shall~~
41 ~~review and”.~~

42 85. By striking page 14, line 31, through page
43 15, line 3, and inserting the following: “information
44 shall be expunged from the central registry. Child
45 abuse information which is expunged from the central
46 registry under this subsection shall not be retained
47 by the department any longer than the time period in
48 rule for retaining information which is not placed in
49 the central registry, allowing credit for the amount
50 of time the information was held in the central

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1 registry. If the review”.

2 86. By striking page 15, line 19, through page
3 16, line 11, and inserting the following:

4 “Sec. ____ Section 235A.19, Code 1997, is amended
5 to read as follows:

6 235A.19 EXAMINATION, REQUESTS FOR CORRECTION OR
7 EXPUNGEMENT AND APPEAL.

8 1. A subject of a child abuse report, as
9 identified in section 235A.15, subsection 2, paragraph
10 “a”, shall have the right to examine ~~child abuse~~
11 ~~information in the registry report data and~~
12 disposition data which refers to the subject. The
13 registry department may prescribe reasonable hours and
14 places of examination.

15 2. a. A subject of a child abuse report may file
16 with the department within six months of the date of
17 the notice of the results of an investigation required
18 by section 232.71, subsection 7, or an assessment
19 performed in accordance with section 232.71A, a
20 written statement to the effect that ~~child abuse~~
21 ~~information report data and disposition data~~ referring
22 to the subject is in whole or in part erroneous, and
23 may request a correction of that information data or
24 of the findings of the investigation or assessment
25 report. The department shall provide the subject with
26 an opportunity for an evidentiary hearing pursuant to
27 chapter 17A to correct the information data or the
28 findings, unless the department corrects the
29 information data or findings as requested. The
30 ~~department shall delay the expungement of information~~
31 ~~which is not determined to be founded until the~~

32 ~~conclusion of a proceeding to correct the information~~
33 ~~or findings.~~ The department may defer the hearing
34 until the conclusion of a pending juvenile or district
35 court case relating to the information data or
36 findings.

37 b. The department shall not disclose any child
38 ~~abuse information report data or disposition data~~
39 until the conclusion of the proceeding to correct the
40 information data or findings, except as follows:

41 (1) As necessary for the proceeding itself.

42 (2) To the parties and attorneys involved in a
43 judicial proceeding.

44 (3) For the regulation of child care or child
45 placement.

46 (4) Pursuant to court order.

47 (5) To the subject of an investigation or
48 assessment or a report.

49 (6) For the care or treatment of a child named in
50 a report as a victim of abuse.

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1 (7) To persons involved in an investigation or
2 assessment of child abuse.

3 3. The subject of a child abuse report may appeal
4 the decision resulting from a hearing held pursuant to
5 subsection 2 to the district court of Polk county or
6 to the district court of the district in which the
7 subject of the child abuse report resides.

8 Immediately upon appeal the court shall order the
9 department to file with the court a certified copy of
10 ~~the child-abuse information report data or disposition~~
11 data. Appeal shall be taken in accordance with
12 chapter 17A.

13 4. Upon the request of the appellant, the record
14 and evidence in such cases shall be closed to all but
15 the court and its officers, and access ~~thereto~~ to the
16 record and evidence shall be prohibited unless
17 otherwise ordered by the court. The clerk shall
18 maintain a separate docket for such actions. ~~No~~ A
19 person other than the appellant shall not permit a
20 copy of any of the testimony or pleadings or the
21 substance ~~thereof~~ of the testimony or pleadings to be
22 made available to any person other than a party to the
23 action or the party's attorney. Violation of the
24 provisions of this subsection shall be a public
25 offense punishable under section 235A.21.

26 5. Whenever the registry department corrects or
27 eliminates information data as requested or as ordered
28 by the court, the registry department shall advise all
29 persons who have received the incorrect information
30 data of such fact. Upon application to the court and
31 service of notice on the registry department, any

32 subject of a child abuse report may request and obtain
33 a list of all persons who have received ~~child abuse~~
34 information report data or disposition data referring
35 to the subject.

36 6. In the course of any proceeding provided for by
37 this section, the identity of the person who reported
38 the disputed ~~information data~~ and the identity of any
39 person who has been reported as having abused a child
40 may be withheld upon a determination by the ~~registry~~
41 department that disclosure of their identities would
42 be detrimental to their interests.

43 Sec. ____ Section 235A.20, Code 1997, is amended
44 to read as follows:

45 235A.20 CIVIL REMEDY.

46 Any aggrieved person may institute a civil action
47 for damages under chapter 669 or 670 or to restrain
48 the dissemination of child abuse information in
49 violation of this chapter, and any person, agency or
50 other recipient proven to have disseminated or to have

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1 requested and received child abuse information in
2 violation of this chapter, or any employee of the
3 department who destroys investigation or assessment
4 data except in accordance with rule as established by
5 the department for retention of child abuse
6 information under section 235A.18 shall be liable for
7 actual damages and exemplary damages for each
8 violation and shall be liable for court costs,
9 expenses, and reasonable attorney's fees incurred by
10 the party bringing the action. In no case shall the
11 award for damages be less than one hundred dollars.

12 Sec. ____ Section 235A.21, subsection 1, Code
13 1997, is amended to read as follows:

14 1. Any person who willfully requests, obtains, or
15 seeks to obtain child abuse information under false
16 pretenses, or who willfully communicates or seeks to
17 communicate child abuse information to any agency or
18 person except in accordance with sections 235A.15 and
19 235A.17, or any person connected with any research
20 authorized pursuant to section 235A.15 who willfully
21 falsifies child abuse information or any records
22 relating thereto to child abuse information, or any
23 employee of the department who destroys investigation
24 or assessment data except in accordance with rule as
25 established by the department for retention of child
26 abuse information under section 235A.18 is guilty of a
27 serious misdemeanor. Any person who knowingly, but
28 without criminal purposes, communicates or seeks to
29 communicate child abuse information except in
30 accordance with sections 235A.15 and 235A.17 shall be
31 guilty of a simple misdemeanor."

32 87. Page 16, by inserting after line 31 the
33 following:
34 "Sec. ____ 1997 Iowa Acts, Senate File 176,
35 section 2, if enacted, is amended by striking the
36 section and inserting in lieu thereof the following:
37 SEC. 2. Section 232.70, Code 1997, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 7. If a report would be
40 determined to constitute an allegation of child abuse
41 as defined under section 232.68, subsection 2,
42 paragraph "c" or "e", except that the suspected abuse
43 resulted from the acts or omissions of a person other
44 than a person responsible for the care of the child,
45 the department shall refer the report to the
46 appropriate law enforcement agency having jurisdiction
47 to investigate the allegation. The department shall
48 refer the report orally as soon as practicable and in
49 writing within seventy-two hours of receiving the
50 report.

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1 Sec. ____ 1997 Iowa Acts, Senate File 230,
2 sections 14, 15, and 16 amending section 235A.15, if
3 enacted, are repealed.
4 Sec. ____ 1997 Iowa Acts, Senate File 230,
5 sections 18 and 19, amending section 235A.18, Code
6 1997, if enacted, are repealed.
7 Sec. ____ 1997 Iowa Acts, Senate File 230, section
8 20, amending section 235A.19, subsection 2, paragraph
9 a, if enacted, is repealed."
10 88. Page 16, line 32, by inserting before the
11 word "REGISTRY" the following: "RETROACTIVE".
12 89. Page 17, line 4, by striking the figure "2"
13 and inserting the following: "3".
14 90. Page 17, line 14, by inserting before the
15 word "child" the following: "experienced parents from
16 families of various sizes and with children of various
17 ages and".
18 91. Page 17, by inserting after line 22 the
19 following:
20 "Sec. ____ EVALUATION. It is the intent of the
21 general assembly that the department of human services
22 will seek funding for the fiscal year beginning July
23 1, 1998, and ending June 30, 1999, for an independent
24 evaluation of the changes implemented in the state's
25 child protection system pursuant to the enactments of
26 the Seventy-seventh General Assembly, 1997 Session.
27 The evaluation should be conducted during the fiscal
28 year beginning July 1, 1998, for submission to the
29 governor and general assembly during the 1999
30 legislative session. The evaluation should include
31 but is not limited to a determination of whether the

32 system changes have improved the safety of children
33 and the support of families in the community, and
34 should identify indicators of increased community
35 involvement in child protection.”

36 92. Page 17, line 32, by striking the words
37 “child abuse information” and inserting the following:
38 “report data or disposition data”.

39 93. Page 17, line 34, by striking the word
40 “information” and inserting the following: “data”.

41 94. By striking page 17, line 35, through page
42 18, line 4, and inserting the following:

43 “Sec. ____ Section 232.71D, subsection 1, as
44 enacted by this Act, is amended to read as follows:

45 1. The requirements of this section shall apply to
46 child abuse information ~~in the report of an~~
47 ~~investigation performed in accordance with section~~
48 ~~232.71 or in the report of relating to a report of~~
49 ~~child abuse and to an assessment performed in~~
50 accordance with section ~~232.71A~~ 232.71B.

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1 Sec. ____ Section 232.71D, subsection 5, paragraph
2 a, subparagraphs (1) and (2), Code 1997, as enacted by
3 this Act, are amended to read as follows:

4 (1) ~~Investigation or assessment~~ Assessment data.

5 (2) Information pertaining to an allegation of
6 child abuse for which there was no ~~investigation or~~
7 assessment performed.

8 Sec. ____ Section 235A.13, unnumbered paragraph 1,
9 Code 1997, is amended to read as follows:

10 As used in chapter 232, division III, part 2, and
11 sections 235A.13 to 235A.23, unless the context
12 otherwise requires:

13 Sec. ____ Section 235A.13, subsection 1, paragraph
14 b, Code 1997, as amended by this Act, is amended to
15 read as follows:

16 b. ~~Investigation or assessment~~ Assessment data.

17 Sec. ____ Section 235A.13, subsection 5, Code 1997,
18 is amended to read as follows:

19 5. “Individually identified” means any report,
20 ~~investigation assessment~~, or disposition data which
21 names the person or persons responsible or believed
22 responsible for the child abuse.

23 Sec. ____ Section 235A.13, subsection 6,
24 unnumbered paragraph 1, Code 1997, as amended by this
25 Act, is amended to read as follows:

26 “~~Investigation or assessment~~ Assessment data” means
27 any of the following information pertaining to the
28 department’s evaluation of a family:

29 Sec. ____ Section 235A.13, subsection 8,
30 unnumbered paragraph 1, Code 1997, as amended by this
31 Act, is amended to read as follows:

32 "Report data" means any of the following
33 information pertaining to an ~~investigation or~~
34 assessment of an allegation of child abuse in which
35 the department has determined the alleged child abuse
36 meets the definition of child abuse;

37 Sec. ____ Section 235A.15, subsection 2, paragraph
38 b, unnumbered paragraph 1, Code 1997, as amended by
39 this Act, is amended to read as follows:

40 b. Persons involved in an ~~investigation~~ assessment
41 of child abuse as follows:

42 Sec. ____ Section 235A.15, subsection 2, paragraph
43 b, subparagraphs (2), (3), (4), and (8), Code 1997, as
44 amended by this Act, are amended to read as follows:

45 (2) To an employee or agent of the department of
46 human services responsible for the ~~investigation~~
47 assessment of a child abuse report.

48 (3) To a law enforcement officer responsible for
49 assisting in an ~~investigation~~ assessment of a child
50 abuse allegation or for the temporary emergency

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1 removal of a child from the child's home.

2 (4) To a multidisciplinary team, if the department
3 of human services approves the composition of the
4 multidisciplinary team and determines that access to
5 the team is necessary to assist the department in the
6 ~~investigation~~, diagnosis, assessment, and disposition
7 of a child abuse case.

8 (8) To a licensing authority for a facility
9 providing care to a child named in a report, if the
10 licensing authority is notified of a relationship
11 between facility policy and the alleged child abuse
12 under section ~~232-71, subsection 4~~ 232.71B.

13 Sec. ____ Section 235A.15, subsection 2, paragraph
14 d, unnumbered paragraph 1, Code 1997, as amended by
15 this Act, is amended to read as follows:

16 Report data and disposition data, and ~~investigation~~
17 ~~or~~ assessment data to the extent necessary for
18 resolution of the proceeding, relating to judicial and
19 administrative proceedings as follows:

20 Sec. ____ Section 235A.15, subsection 3, paragraph
21 b, Code 1997, as amended by this Act, is amended to
22 read as follows:

23 b. Persons involved in an ~~investigation or~~
24 assessment of child abuse identified in subsection 2,
25 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
26 and (9).

27 Sec. ____ Section 235A.15, subsection 4, paragraph
28 b, Code 1997, as amended by this Act, is amended to
29 read as follows:

30 b. Persons involved in an ~~investigation or~~
31 assessment of child abuse identified in subsection 2,

32 paragraph "b", subparagraphs (2), (6), and (7).

33 Sec. ____ Section 235A.15, subsection 6, Code

34 1997, as amended by this Act, is amended to read as
35 follows:

36 6. a. If a child who is a legal resident of
37 another state is present in this state and a report of
38 child abuse is made concerning the child, the
39 department shall act to ensure the safety of the
40 child. The department shall contact the child's state
41 of legal residency to coordinate the investigation
42 assessment of the report. If the child's state of
43 residency refuses to conduct an investigation, the
44 department shall commence an appropriate investigation
45 assessment.

46 b. If a report of child abuse is made concerning
47 an alleged perpetrator who resides in this state and a
48 child who resides in another state, the department
49 shall assist the child's state of residency in
50 conducting an investigation assessment of the report.

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1 The assistance shall include but is not limited to an
2 offer to interview the alleged perpetrator and any
3 other relevant source. If the child's state of
4 residency refuses to conduct an investigation of the
5 report, the department shall commence an appropriate
6 investigation assessment. The department shall seek
7 to develop protocols with states contiguous to this
8 state for coordination in the investigation or
9 assessment of a report of child abuse when a person
10 involved with the report is a resident of another
11 state.

12 Sec. ____ Section 235A.17, subsection 2, Code
13 1997, as amended by this Act, is amended to read as
14 follows:

15 2. The department of human services may notify
16 orally the mandatory reporter in an individual child
17 abuse case of the results of the case investigation
18 assessment and of the confidentiality provisions of
19 sections 235A.15 and 235A.21. The department shall
20 subsequently transmit a written notice to the
21 mandatory reporter of the results and confidentiality
22 provisions. If the report data and disposition data
23 have been placed in the registry as founded child
24 abuse pursuant to section 232.71D, a copy of the
25 written notice shall be transmitted to the registry
26 and shall be maintained by the registry as provided in
27 section 235A.18. Otherwise, a copy of the written
28 notice shall be retained by the department with the
29 case file.

30 Sec. ____ Section 235A.19, subsection 2, paragraph
31 a, Code 1997, as amended by this Act, is amended to

32 read as follows:

33 a. A subject of a child abuse report may file with
 34 the department within six months of the date of the
 35 notice of the results of an investigation required by
 36 ~~section 232.71, subsection 7,~~ or an assessment
 37 performed in accordance with section 232.71A, a
 38 written statement to the effect that report data and
 39 disposition data referring to the subject is in whole
 40 or in part erroneous, and may request a correction of
 41 that data or of the findings of the ~~investigation or~~
 42 assessment report. The department shall provide the
 43 subject with an opportunity for an evidentiary hearing
 44 pursuant to chapter 17A to correct the data or the
 45 findings, unless the department corrects the data or
 46 findings as requested. The department may defer the
 47 hearing until the conclusion of a pending juvenile or
 48 district court case relating to the data or findings.
 49 Sec. ____ Section 235A.19, subsection 2, paragraph
 50 b, subparagraphs (5) and (7), Code 1997, as amended by

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1 this Act, are amended to read as follows:

2 (5) To the subject of an ~~investigation or~~
 3 assessment or a report.

4 (7) To persons involved in an ~~investigation or~~
 5 assessment of child abuse."

6 95. By renumbering as necessary.

Boddicker of Cedar offered the following amendment H-1814, to the Senate amendment H-1796, filed by him and Murphy of Dubuque, and moved its adoption:

H-1814

1 Amend the Senate amendment, H-1796, to House File
 2 698, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by inserting after line 15 the
 5 following:

6 "____ Page 2, line 34, by inserting after the
 7 word "abuse" the following: "and any other child
 8 abuse information".

9 ____ Page 3, line 4, by inserting after the word
 10 "perpetrator" the following: "and the report data and
 11 disposition data".

12 2. Page 1, line 22, by striking the word "injury"
 13 and inserting the following: "welfare".

14 3. Page 1, by striking lines 32 through 34 and
 15 inserting the following:

16 "____ Page 5, by striking line 16 and inserting
 17 the following:

18 "4. If report data and disposition data are placed

- 19 in the central”.
- 20 4. Page 1, line 37, by striking the figure “4”
21 and inserting the following: “5”.
- 22 5. Page 7, line 28, by striking the figure “3”
23 and inserting the following: “4 5.”
- 24 6. Page 7, by inserting after line 32 the
25 following:
26 “_. Page 11, line 29, by striking the figure
27 “4” and inserting the following: “6”.
- 28 7. Page 9, by inserting after line 1 the
29 following:
30 “_. Page 15, line 15, by striking the figure
31 “5” and inserting the following: “4”.
- 32 8. Page 11, line 3, by inserting before the word
33 “destroys” the following: “knowingly”.
- 34 9. Page 11, line 23, by inserting before the word
35 “destroys” the following: “knowingly”.
- 36 10. Page 12, by inserting after line 13 the
37 following:
38 “_. Page 17, line 8, by striking the figure “4”
39 and inserting the following: “3”.
- 40 11. Page 16, by inserting after line 5 the
41 following:
42 “Sec. ___. Section 235A.20, Code 1997, as amended
43 by this Act, is amended to read as follows:
44 235A.20 CIVIL REMEDY.
45 Any aggrieved person may institute a civil action
46 for damages under chapter 669 or 670 or to restrain
47 the dissemination of child abuse information in
48 violation of this chapter, and any person, agency or
49 other recipient proven to have disseminated or to have
50 requested and received child abuse information in

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- 1 violation of this chapter, or any employee of the
2 department who knowingly destroys investigation or
3 assessment data except in accordance with rule as
4 established by the department for retention of child
5 abuse information under section 235A.18 shall be
6 liable for actual damages and exemplary damages for
7 each violation and shall be liable for court costs,
8 expenses, and reasonable attorney’s fees incurred by
9 the party bringing the action. In no case shall the
10 award for damages be less than one hundred dollars.
11 Sec. ___. Section 235A.21, subsection 1, Code
12 1997, as amended by this Act, is amended to read as
13 follows:
14 1. Any person who willfully requests, obtains, or
15 seeks to obtain child abuse information under false
16 pretenses, or who willfully communicates or seeks to
17 communicate child abuse information to any agency or
18 person except in accordance with sections 235A.15 and

19 235A.17, or any person connected with any research
 20 authorized pursuant to section 235A.15 who willfully
 21 falsifies child abuse information or any records
 22 relating to child abuse information, or any employee
 23 of the department who knowingly destroys investigation
 24 or assessment data except in accordance with rule as
 25 established by the department for retention of child
 26 abuse information under section 235A.18 is guilty of a
 27 serious misdemeanor. Any person who knowingly, but
 28 without criminal purposes, communicates or seeks to
 29 communicate child abuse information except in
 30 accordance with sections 235A.15 and 235A.17 shall be
 31 guilty of a simple misdemeanor.””
 32 12. By renumbering, relettering, redesignating,
 33 and correcting internal designations and references as
 34 necessary.

Amendment H-1814, to the Senate amendment H-1796, was adopted.

On motion by Boddicker of Cedar, the House concurred in the Senate amendment H-1796, as amended.

Boddicker of Cedar 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. 698)

The ayes were, 85:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Carroll	Cataldo
Chiodo	Cohon	Connors	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	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel

Welter
Mr. Speaker
Corbett

Whitead

Wise

Witt

The nays were, 14:

Bernau
Doderer
Kinzer
Schrader

Bukta
Dotzler
Mascher
Taylor

Burnett
Foege
Myers

Chapman
Jochum
Scherrman

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.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 19

Bukta of Clinton called up for consideration House Concurrent Resolution 19, a concurrent resolution congratulating Clinton Community College for 50 years of service to the people of Clinton County, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Dolecheck of Ringgold called up for consideration **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, amended by the Senate amendment H-1584 as follows:

H-1584

- 1 Amend House File 405, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 23, by striking the word "real".
- 4 2. Page 2, line 27, by inserting after the word
- 5 "resolution," the following: "The notice shall also
- 6 describe the property. A locally known address for
- 7 real property may be substituted for a legal
- 8 description of real property contained in the
- 9 resolution."

Dolecheck of Ringgold offered the following amendment H-1800, to the Senate amendment H-1584, filed by him and moved its adoption:

H-1800

- 1 Amend the Senate amendment, H-1584, to House File

2 405, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 9 the
5 following:

6 " Page 2, by inserting after line 33 the
7 following:

8 "However, property having a value of not more than
9 five thousand dollars, other than real property, may
10 be disposed of by any procedure which is adopted by
11 the board and each sale shall be published by at least
12 one insertion each week for two consecutive weeks in a
13 newspaper having general circulation in the
14 district."

Amendment H-1800, to the Senate amendment H-1584, was adopted.

On motion by Dolecheck of Ringgold, the House concurred in the Senate amendment H-1584, as amended.

Dolecheck of Ringgold 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. 405)

The ayes were, 99:

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	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
Wise

Weigel
Witt

Welter
Mr. Speaker
Corbett

Whitead

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.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 19 and House Files 405 and 698.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar on request of Siegrist of Pottawattamie.

SENATE AMENDMENT CONSIDERED

Sukup of Franklin called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1794:

H-1794

- 1 Amend House File 553, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "employee," the following: "member, manager."
- 5 2. Page 1, line 28, by inserting after the word
- 6 "partner," the following: "member, manager."

The motion prevailed and the House concurred in the Senate amendment H-1794.

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

On the question "Shall the bill pass?" (H.F. 553)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	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
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, 4:

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

MOTION TO RECONSIDER PREVAILED

Martin of Scott called up for consideration the motion to reconsider Senate File 184, filed on April 14, 1997, and moved to reconsider the vote by which **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, passed the House and was placed on its last reading on April 14, 1997.

A non-record roll call was requested.

The ayes were 56, nays none.

The motion prevailed and the House reconsidered Senate File 184, placing out of order the motion to reconsider filed by Moreland of Wapello on April 14, 1997.

Martin of Scott asked and received unanimous consent to reconsider the vote by which amendment H-1563, found on pages 1203 through 1206 of the House Journal, was adopted by the House on April 14, 1997.

Martin of Scott offered the following amendment H-1792, to amendment H-1563, filed by Martin, et al., and moved its adoption:

H-1792

- 1 Amend the amendment, H-1563, to Senate File 184, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 37, by inserting after the word
- 5 "sheriff." the following: "However, irrespective of
- 6 whether the judgment lien for the amount of the claim
- 7 has been perfected, the claim shall not have priority
- 8 over competing claims for child support obligations
- 9 owed by the person."

Amendment H-1792, to amendment H-1563, was adopted.

Martin of Scott moved the adoption of amendment H-1563, as amended.

Amendment H-1563, as amended, 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?" (S.F. 184)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Cohoon
Connors	Cormack	Dinkla	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	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, 4:

Chapman	Doderer	Fallon	Ford
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Absent or not voting, 2:

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

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 497, a bill for an act prohibiting the possession or distribution of gamma-hydroxybutyric acid under certain circumstances, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 497)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boguess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
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	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:

Fallon

Absent or not voting, 2:

Boddicker

Churchill

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 553, Senate Files 184 and 497.**

Carroll of Poweshiek in the chair at 2:35 p.m.

Ways and Means Calendar

House File 726, a bill for an act 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, was taken up for consideration.

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 4:20 p.m., Speaker Corbett in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 453, a bill for an act relating to the grounds for termination of parental rights of a putative father.

MARY PAT GUNDERSON, Secretary

The House resumed consideration of House File 726.

Brunkhorst of Bremer asked and received unanimous consent that amendment H-1806 be deferred.

Greig of Emmet offered the following amendment H-1807 filed by him and moved its adoption:

H-1807

- 1 Amend House File 726 as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "Beginning with For" and inserting the following:
- 4 "Beginning with".
- 5 2. Page 1, line 22, by striking the word
- 6 "annually" and inserting the following: "annually".
- 7 3. By striking page 1, line 24, through page 2,
- 8 line 4, and inserting the following: "this division.
- 9 Notwithstanding section 422.120, for tax years
- 10 beginning on or after January 1, 1997, the livestock
- 11 production tax credit shall only be allowed for cow-
- 12 calf operations."
- 13 4. Title page, line 1, by striking the words
- 14 "increasing appropriations for" and inserting the
- 15 following: "relating to".

Amendment H-1807 was adopted.

Greig of Emmet offered the following amendment H-1805 filed by him and moved its adoption:

H-1805

- 1 Amend House File 726 as follows:
- 2 1. Page 3, line 13, by inserting after the figure
- 3 "1997," the following: "and ending on or before June
- 4 30, 2002.".
- 5 2. Page 3, by inserting after line 33 the
- 6 following:
- 7 "d. This subsection is repealed June 30, 2002, for
- 8 fiscal years beginning after that date."

Amendment H-1805 was adopted.

Greig of Emmet offered the following amendment H-1818 filed by him from the floor and moved its adoption:

H-1818

- 1 Amend House File 726 as follows:
- 2 1. Page 3, line 20, by inserting after the word
- 3 "infrastructure." the following: "The county
- 4 treasurer shall provide to each city located in the
- 5 county the total amount of excess tax credit
- 6 reimbursement received by the city."
- 7 2. Page 3, line 25, by inserting after the figure
- 8 "445.5." the following: "The county treasurer shall
- 9 provide the county auditor with the total amount of
- 10 excess tax credit reimbursement received by the
- 11 county."

Amendment H-1818 was adopted.

Richardson of Warren offered the following amendment H-1816 filed by him from the floor and moved its adoption:

H-1816

- 1 Amend House File 726 as follows:
- 2 1. Page 3, by striking lines 23 through 25 and
- 3 inserting the following: "for infrastructure."

Amendment H-1816 lost.

Richardson of Warren offered the following amendment H-1822 filed by him and Bell, Schrader, 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, Bernau, Scherrman, Shoultz, Taylor, Thomas, Warnstadt, Weigel, Whitead, Wise and Witt, from the floor and moved its adoption:

H-1822

- 1 Amend House File 726 as follows:
- 2 1. Page 5, by inserting before line 23 the
- 3 following:
- 4 "Sec. 100. Section 425.23, subsection 1, paragraph
- 5 a, Code 1997, is amended to read as follows:
- 6 a. The tentative credit or reimbursement for a
- 7 claimant described in section 425.17, subsection 2,
- 8 paragraph "a", and paragraph "b" if no appropriation
- 9 is made to the fund created in section 425.40 shall be
- 10 determined in accordance with the following schedule:

11		Percent of property taxes
12		due or rent constituting
13		property taxes paid
14	If the household	allowed as a credit or
15	income is:	reimbursement:
16	\$ 0 - 5,999.99.....	100%
17	6,000 - 6,999.99.....	85
18	7,000 - 7,999.99.....	70
19	8,000 - 9,999.99.....	50
20	10,000 - 11,999.99.....	35
21	12,000 - 13,999.99.....	25

22 Sec. 101. Section 425.23, subsection 1, paragraph
 23 b, Code 1997, is amended by striking the paragraph and
 24 inserting in lieu thereof the following:

25 b. The tentative credit or reimbursement for a
 26 claimant described in section 425.17, subsection 2,
 27 paragraph "b", shall be determined in accordance with
 28 the following schedule:

29		Percent of property taxes
30		due or rent constituting
31		property taxes paid
32	If the household	allowed as a credit or
33	income is:	reimbursement:
34	\$ 0 - 5,999.99.....	100%
35	6,000 - 6,999.99.....	85
36	7,000 - 7,999.99.....	70
37	8,000 - 9,999.99.....	50
38	10,000 - 11,999.99.....	35
39	12,000 - 13,999.99.....	25

40 Sec. 102. Section 425.23, subsection 3, paragraph
 41 a, Code 1997, is amended to read as follows:

42 a. A person who is eligible to file a claim for
 43 credit for property taxes due and who has a household
 44 income of six thousand dollars or less and who has an
 45 unpaid special assessment levied against the homestead
 46 may file a claim for a special assessment credit with
 47 the county treasurer. The department shall provide to
 48 the respective treasurers the forms necessary for the
 49 administration of this subsection. The claim shall be
 50 filed not later than September 30 of each year. Upon

Page 2

1 the filing of the claim, interest for late payment
 2 shall not accrue against the amount of the unpaid
 3 special assessment due and payable. The claim filed
 4 by the claimant constitutes a claim for credit of an
 5 amount equal to the actual amount due upon the unpaid
 6 special assessment, plus interest, payable during the
 7 fiscal year for which the claim is filed against the
 8 homestead of the claimant. However, where the
 9 claimant is an individual described in section 425.17,
 10 subsection 2, paragraph "b", and the tentative credit

11 is determined according to the schedule in section
 12 425.23, subsection 1, paragraph "b", subparagraph (2),
 13 the claim filed constitutes a claim for credit of an
 14 amount equal to one half of the actual amount due and
 15 payable during the fiscal year. The treasurer shall
 16 certify to the director of revenue and finance not
 17 later than October 15 of each year the total amount of
 18 dollars due for claims allowed. The amount of
 19 reimbursement due each county shall be paid by the
 20 director of revenue and finance by November 15 of each
 21 year, drawn upon warrants payable to the respective
 22 treasurer. There is appropriated annually from the
 23 general fund of the state to the department of revenue
 24 and finance an amount sufficient to carry out the
 25 provisions of this subsection. The treasurer shall
 26 credit any moneys received from the department against
 27 the amount of the unpaid special assessment due and
 28 payable on the homestead of the claimant."

29 2. Page 5, by inserting after line 34 the
 30 following:

31 "Sec. 105. Section 425.40, subsection 1, Code
 32 1997, is amended to read as follows:

33 ~~1.~~ A low-income tax credit and reimbursement fund
 34 is created. There is appropriated annually from the
 35 general fund of the state to the department of revenue
 36 and finance to be credited to the low-income tax
 37 credit and reimbursement fund, from funds not
 38 otherwise appropriated, an amount sufficient to
 39 implement this division for claimants described in
 40 section 425.17, subsection 2, paragraph "b".

41 Sec. 106. Section 425.40, subsection 2, Code 1997,
 42 is amended by striking the subsection."

43 3. Page 6, line 2, by striking the word and
 44 figures "8, and 9" and inserting the following: "100,
 45 101, 102, 8, 9, 105, and 106".

46 4. Title page, line 3, by inserting after the
 47 word "service," the following: "low-income,".

Roll call was requested by Richardson of Warren and Siegrist of Pottawattamie.

On the question "Shall amendment H-1822 be adopted?" (H.F. 726)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Holveck	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	Bogges
Bradley	Brauns	Brunkhorst	Carrall
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	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:

Boddicker	Churchill	Ford
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Amendment H-1822 lost.

Witt of Black Hawk offered amendment H-1823 filed by him and Osterhaus of Jackson from the floor as follows:

H-1823

- 1 Amend House File 726 as follows:
- 2 1. Page 5, by inserting after line 34 the
- 3 following:
- 4 "Sec. 301. NEW SECTION. 426C.1 COMMERCIAL
- 5 PROPERTY CREDIT FUND - APPORTIONMENT - PAYMENT.
- 6 1. A commercial property credit fund is created.
- 7 There is appropriated annually from the general fund
- 8 of the state to the department of revenue and finance
- 9 to be credited to the commercial property credit fund,
- 10 an amount sufficient to implement this chapter.
- 11 The director of revenue and finance shall issue
- 12 warrants on the commercial property credit fund
- 13 payable to the county treasurers of the several
- 14 counties of the state under this chapter.
- 15 "Commercial property" as used in this chapter means
- 16 buildings and land assessed as commercial property
- 17 which is owned by a person operating a retail business
- 18 occupying the property and employing ten or fewer
- 19 full-time equivalent positions.
- 20 2. The commercial property credit fund shall be

21 apportioned each year so as to give a credit against
22 the tax on each eligible commercial property in the
23 state in an amount equal to the actual levy on the
24 first fifteen thousand dollars of actual value for
25 each eligible commercial property.

26 3. The amount due each county shall be paid in two
27 payments on November 15 and March 15 of each fiscal
28 year, drawn upon warrants payable to the respective
29 county treasurers. The two payments shall be as
30 nearly equal as possible.

31 4. Annually the department of revenue and finance
32 shall estimate the credit not to exceed the actual
33 levy on the first fifteen thousand dollars of actual
34 value of each eligible commercial property, and shall
35 certify to the county auditor of each county the
36 credit and its amount in dollars. Each county auditor
37 shall then enter the credit against the tax levied on
38 each eligible commercial property in each county
39 payable during the ensuing year, designating on the
40 tax lists the credit as being from the commercial
41 property credit fund, and credit shall then be given
42 to the several taxing districts in which eligible
43 commercial properties are located in an amount equal
44 to the credits allowed on the taxes of the commercial
45 properties. The amount of credits shall be
46 apportioned by each county treasurer to the several
47 taxing districts as provided by law, in the same
48 manner as though the amount of the credit had been
49 paid by the owners of the commercial properties.
50 However, the several taxing districts shall not draw

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1 the funds so credited until after the semiannual
2 allocations have been received by the county
3 treasurer, as provided in this chapter. Each county
4 treasurer shall show on each tax receipt the amount of
5 credit received from the commercial property credit
6 fund.

7 5. The commercial property tax credit allowed in
8 this chapter shall not exceed the actual amount of
9 taxes payable on the eligible commercial property,
10 exclusive of any special assessments levied against
11 the commercial property.

12 Sec. 302. NEW SECTION. 426C.2 QUALIFYING FOR
13 CREDIT.

14 A person who wishes to qualify for the credit
15 allowed under this chapter shall obtain the
16 appropriate forms for filing for the credit from the
17 assessor. The person claiming the credit shall file a
18 verified statement and designation of commercial
19 property with the assessor for the year for which the
20 person is first claiming the credit. The claim shall

21 be filed not later than July 1 of the year for which
 22 the person is claiming the credit. A claim filed
 23 after July 1 of the year for which the person is
 24 claiming the credit shall be considered as a claim
 25 filed for the following year.

26 Upon the filing and allowance of the claim, the
 27 claim shall be allowed on that commercial property for
 28 successive years without further filing as long as the
 29 property is legally or equitably owned and used as
 30 commercial property by that person or that person's
 31 spouse on July 1 of each of those successive years.
 32 When the property is sold or transferred, the buyer or
 33 transferee who wishes to qualify shall refile for the
 34 credit.

35 Sec. 303. NEW SECTION. 426C.3 FORMS - RULES.

36 The director of revenue and finance shall prescribe
 37 the form for the making of verified statement and
 38 designation of commercial property, the form for the
 39 supporting affidavits required herein, and such other
 40 forms as may be necessary for the proper
 41 administration of this chapter. Whenever necessary,
 42 the department of revenue and finance shall forward to
 43 the county auditors of the several counties in the
 44 state the prescribed sample forms, and the county
 45 auditors shall furnish blank forms prepared in
 46 accordance therewith with the assessment rolls, books,
 47 and supplies delivered to the assessors. The
 48 department of revenue and finance shall prescribe and
 49 the county auditors shall provide on the forms for
 50 claiming the commercial property credit a statement to

Page 3

1 the effect that the owner realizes that the owner must
 2 give written notice to the assessor when the owner
 3 changes the use of the property.

4 The director of revenue and finance may prescribe
 5 rules, not inconsistent with the provisions of this
 6 chapter, necessary to carry out and effectuate its
 7 purposes."

8 2. Page 6, by inserting after line 5 the
 9 following:

10 "Sec. __. Sections 301, 302, and 303 of this
 11 division of this Act, being deemed of immediate
 12 importance, take effect upon enactment.

Greig of Emmet rose on a point of order that amendment H-1823 was not germane.

The Speaker ruled the point well taken and amendment H-1823 not germane.

Gries of Crawford offered the following amendment H-1825 filed by Gries, Brunkhorst and Grundberg from the floor and moved its adoption:

H-1825

- 1 Amend House File 726 as follows:
- 2 1. Page 7, by striking lines 7 through 9 and
- 3 inserting the following: "and. However, if the
- 4 political subdivision is a school district, as defined
- 5 in section 257.2, its budget shall be certified not
- 6 later than April 15 of each year."
- 7 2. By striking page 7, line 15, through page 11,
- 8 line 29.
- 9 3. By renumbering as necessary.

Amendment H-1825 was adopted.

Vande Hoef of Osceola offered the following amendment H-1817 filed by him and Dix of Butler from the floor and moved its adoption:

H-1817

- 1 Amend House File 726 as follows:
- 2 1. Page 7, line 13, by striking the words "local
- 3 budgets" and inserting the following: "taxes".
- 4 2. Page 14, by inserting after line 18 the
- 5 following:
- 6 "Sec. ____ Section 384.22, Code 1997, is amended
- 7 to read as follows:
- 8 384.22 ANNUAL REPORT.
- 9 Not later than ~~October~~ December 1 of each year, a
- 10 city shall publish an annual report as provided in
- 11 section 362.3 containing a summary for the preceding
- 12 fiscal year of all collections and receipts, all
- 13 accounts due the city, and all expenditures, the
- 14 current public debt of the city, and the legal debt
- 15 limit of the city for the current fiscal year. The
- 16 report shall be prepared on forms and pursuant to
- 17 instructions prescribed by the auditor of state. A
- 18 copy of this report must be furnished to filed with
- 19 the auditor of state not later than December 1 of each
- 20 year.
- 21 A city that fails to meet the filing deadline
- 22 imposed by this section shall have withheld from
- 23 payments to be made to the city pursuant to chapter
- 24 405A an amount equal to five cents per capita until
- 25 the annual report is filed with the auditor of state."
- 26 3. By renumbering as necessary.

Amendment H-1817 was adopted.

Carroll of Poweshiek offered the following amendment H-1749 filed by him and moved its adoption:

H-1749

- 1 Amend House File 726 as follows:
- 2 1. Page 13, by striking lines 3 through 24.

Amendment H-1749 was adopted.

Weigel of Chickasaw offered amendment H-1826 filed by him from the floor as follows:

H-1826

- 1 Amend House File 726 as follows:
- 2 1. Page 14, by inserting after line 18 the
- 3 following:
- 4 "Sec. ____ Section 441.37, subsection 1, Code
- 5 1997, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. f. That an animal feeding
- 8 operation, other than a small animal feeding
- 9 operation, as defined in section 455B.161, is
- 10 established or expanded within one mile of the
- 11 assessed property."

Dix of Butler rose on a point of order that amendment H-1826 was not germane.

The Speaker ruled the point well taken and amendment H-1826 not germane.

Garman of Story offered the following amendment H-1828 filed by her from the floor and moved its adoption:

H-1828

- 1 Amend House File 726 as follows:
- 2 1. Page 1, by striking lines 3 through 10.

Speaker pro tempore Van Maanen of Marion in the chair at 5:30 p.m.

Roll call was requested by Schrader of Marion and Bernau of Story.

Rule 75 was invoked.

On the question "Shall amendment H-1828 be adopted?" (H.F. 726)

The ayes were, 52:

Bell

Bernau

Brand

Bukta

Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Garman	Grundberg
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Kremer	Larkin
Martin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Thomson	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 46:

Arnold	Barry	Blodgett	Boguess
Bradley	Brauns	Brunkhorst	Carroll
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Lamberti	Larson	Lord	Metcalf
Meyer	Millage	Rants	Rayhons
Siegrist	Sukup	Teig	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 2:

Boddicker Churchill

Amendment H-1828 was adopted.

Meyer of Sac asked and received unanimous consent to withdraw amendment H-1806 filed by him on April 17, 1997.

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. 726)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boguess	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	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Hölveck
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:

Boddicker Churchill

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 726** be immediately messaged to the Senate.

HOUSE FILE 657 WITHDRAWN

Dinkla of Guthrie asked and received unanimous consent to withdraw House File 657 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Houser of Pottawattamie called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1813:

H-1813

1 Amend House File 715, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 32, line 32, by striking the figure

4 "1998" and inserting the following: "1999".

5 2. Page 37, by inserting after line 34 the

6 following:

7 "The department shall develop a plan for

8 implementing a dual diagnosis program at the state

9 mental institute at Mount Pleasant to commence July 1,

10 1998. The department shall submit the plan to the

11 governor and the general assembly on or before January

12 2, 1998."

13 3. Page 41, line 2, by inserting after the word

14 "funds." the following: "Programs or areas which have

15 previously received funding shall be eligible for

16 additional funding under this appropriation."

17 4. Page 48, by inserting after line 7 the

18 following:

19 "If an expenditure reduction or other cost-saving

20 measure is deemed necessary to maintain expenditures

21 within the amount appropriated to the department in

22 this section, the department shall not implement the

23 reduction or other measure in a manner which reduces

24 service funding for disability rehabilitation

25 programs, including but not limited to, statewide

26 supported employment programs or reduces the drawdown

27 of federal funding."

28 5. Page 53, line 15, by inserting after the word

29 "system" the following: "without use of county

30 funds".

31 6. Page 55, line 6, by inserting after the word

32 "support," the following: "state hospital-schools,".

33 7. Page 55, line 18, by inserting after the word

34 "coordination" the following: ", financing,".

35 8. By renumbering, relettering, or redesignating

36 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1813.

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

On the question "Shall the bill pass?" (H.F. 715)

The ayes were, 90:

Arnold
Bogges
Bukta
Chiodo

Barry
Bradley
Carroll
Cohon

Bernau
Brauns
Cataldo
Connors

Blodgett
Brunkhorst
Chapman
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	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson	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
Witt	Van Maanen,		
	Presiding		

The nays were, 7:

Bell	Brand	Burnett	Kreiman
Moreland	O'Brien	Wise	

Absent or not voting, 3:

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

SENATE AMENDMENT CONSIDERED

Thomson of Linn called up for consideration **House File 597**, a bill for an act relating to school attendance by applying school attendance requirements under the family investment program, and providing a civil penalty for truancy, applicability provisions, and an effective date, amended by the Senate amendment H-1693 as follows:

H-1693

- 1 Amend House File 597, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 17, through page 2,
- 4 line 19, and inserting the following: "deemed to be
- 5 truant, the child's family shall be subject to
- 6 sanction as".
- 7 2. Page 3, by striking lines 1 through 4 and
- 8 inserting the following:
- 9 "5. The sanction under this section shall be a

10 deduction of twenty-five percent from the net cash
11 assistance grant amount payable to the child's family
12 prior to any deduction for recoupment of prior
13 overpayment."

14 3. Page 3, by striking lines 21 through 27.

15 4. By striking page 3, line 33, through page 4,
16 line 6, and inserting the following: "that the child
17 does attend. Prior to deeming a child who has
18 completed educational requirements through the sixth
19 grade truant, the school may utilize an attendance
20 cooperation process which substantially conforms with
21 the provisions of section 299.12. If the parent,"

22 5. Page 5, line 12, by striking the words "TRUANT
23 CHILDREN" and inserting the following: "VIOLATION OF
24 ATTENDANCE POLICY".

25 6. By striking page 5, line 19, through page 6,
26 line 9, and inserting the following:

27 "___ Prior to a child who has not completed
28 educational requirements through the sixth grade being
29 deemed to be truant, the school truancy officer shall
30 contact the child's parent, guardian, or legal or
31 actual custodian to participate as a member of an
32 attendance team for the child. Parties who are
33 members of an attendance team may include the child
34 and shall include the child's parent, guardian, or
35 legal or actual custodian and the school truancy
36 officer. If the child is a member of a family
37 receiving assistance under the family investment
38 program, the department of human services shall be
39 notified and shall make the contacts for attendance
40 team participation in lieu of the school truancy
41 officer. For a child who is a member of a family
42 receiving assistance under the family investment
43 program, the attendance team shall include the child's
44 parent or specified relative whose needs are included
45 in the child's assistance grant and a representative
46 of the department of human services. The school
47 truancy officer or the representative of the
48 department of human services making the attendance
49 team participation contacts may invite other school
50 officials, a designee of the juvenile court, the

Page 2

1 county attorney or the county attorney's designee, or
2 other persons deemed appropriate to participate in the
3 attendance team.

4 ___ The attendance team shall hold an attendance
5 cooperation meeting. The purpose of the attendance
6 cooperation meeting is for the parties participating
7 in the meeting to attempt to ascertain the cause of
8 the child's nonattendance, to cause the parties to
9 arrive at an agreement relative to addressing the

10 child's attendance, and to initiate referrals to any
11 services or counseling that the attendance team
12 believes to be appropriate under the circumstances.
13 The terms agreed to shall be reduced to writing in an
14 attendance cooperation agreement and signed by the
15 parties to the agreement. Each party signing the
16 agreement shall receive a copy of the agreement, which
17 shall set forth the cause identified for the child's
18 nonattendance and future responsibilities of each
19 party.

20 _____. If an attendance team determines that a
21 monitor would improve compliance with the attendance
22 cooperation agreement, the attendance team may
23 designate a person to monitor the agreement. The
24 monitor may be a volunteer, a member of the attendance
25 team, a designee of the public school board or
26 governing body of the accredited nonpublic school, or
27 other appropriate person. A monitor shall contact
28 parties to the attendance cooperation agreement on a
29 periodic basis as appropriate to monitor performance
30 of the agreement.

31 _____. If the parties fail to enter into an
32 attendance cooperation agreement, or the child's
33 parent, guardian, or custodian acting as a party
34 violates a term of the attendance cooperation
35 agreement or fails to participate in an attendance
36 cooperation meeting, the child may be deemed to be
37 truant.

38 _____. a. If a child deemed to be truant under this
39 section is a member of a family receiving family
40 investment program assistance under chapter 239 and
41 has not completed the sixth grade, the school truancy
42 officer may provide notification to the department of
43 human services. An initial and any subsequent
44 notification shall be made in writing. The form of
45 the notification shall be mutually determined by the
46 departments of human services and education.

47 _____. b. Notwithstanding any other provision of this
48 chapter to the contrary, unless prohibited by federal
49 law, a school truancy officer may release information
50 to the department of human services and may receive

Page 3

1 information from the department of human services
2 regarding a child described in paragraph "a". In
3 addition, the school truancy officer may utilize other
4 sources available to the officer as necessary to
5 verify whether a child is a member of a family
6 receiving family investment program assistance.
7 Release of information under this section shall be
8 limited to the minimum access to information necessary
9 to achieve the purposes of this section.

10 __. A public school board or governing body of an
11 accredited nonpublic school shall exercise the
12 authority granted under this section as a means of
13 increasing and ensuring school attendance of young
14 children, as education is a critical element in the
15 success of individuals and good attendance habits
16 should be developed and reinforced at an early age."

17 7. Page 6, by inserting before line 10 the
18 following:

19 "Sec. __. NEW SECTION. 299.13 CIVIL
20 ENFORCEMENT.

21 A person shall not disseminate or redisseminate
22 information shared with the person pursuant to section
23 235.5B, 299.5A, or 299.12, unless specifically
24 authorized to do so by section 217.30, 235.5B, 299.5A,
25 or 299.12. Unless a prohibited dissemination or
26 redissemination of information is subject to
27 injunction or sanction under other state or federal
28 law, an action for judicial enforcement may be brought
29 in accordance with this section. An aggrieved person,
30 the attorney general, or a county attorney may seek
31 judicial enforcement of the requirements of this
32 section in an action brought against the public school
33 or accredited nonpublic school or any other person who
34 has been granted access to information pursuant to
35 section 235.5B, 299.5A, or 299.12. Suits to enforce
36 this section shall be brought in the district court
37 for the county in which the information was
38 disseminated or redisseminated. Upon a finding by a
39 preponderance of the evidence that a person has
40 violated this section, the court shall issue an
41 injunction punishable by civil contempt ordering the
42 person in violation of this section to comply with the
43 requirements of, and to refrain from any violations of
44 section 235.5B, 299.5A, or 299.12 with respect to the
45 dissemination or redissemination of information shared
46 with the person pursuant to section 235.5B, 299.5A, or
47 299.12."

48 8. By renumbering as necessary.

Thomson of Linn offered the following amendment H-1819, to the Senate amendment H-1693, filed by her from the floor and moved its adoption:

H-1819

1 Amend the Senate amendment, H-1693, to House File
2 597, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 17 through 21 and
5 inserting the following: "does attend. For a child
6 who has completed educational requirements through the
7 sixth grade, the means may include but are not limited

8 to the use of an attendance cooperation process which
9 substantially conforms with the provisions of section
10 299.12. If the parent,."

11 2. Page 1, by striking lines 27 through 33 and
12 inserting the following:

13 "____. This section is not applicable to a child
14 who is receiving competent private instruction in
15 accordance with the requirements of chapter 299A. If
16 a child is not in compliance with the attendance
17 requirements established under section 299.1, and has
18 not completed educational requirements through the
19 sixth grade, and the school has used every means
20 available to assure the child does attend, the school
21 truancy officer shall contact the child's parent,
22 guardian, or legal or actual custodian to participate
23 in an attendance cooperation meeting. The parties to
24 the attendance cooperation meeting may include the
25 child".

26 3. Page 1, lines 39 and 40, by striking the words
27 "attendance team participation" and inserting the
28 following: "participation in the attendance
29 cooperation meeting".

30 4. Page 1, line 43, by striking the words
31 "attendance team" and inserting the following:
32 "attendance cooperation meeting".

33 5. Page 1, lines 48 and 49, by striking the words
34 "making the attendance team participation contacts"
35 and inserting the following: "contacting the
36 participants in the attendance cooperation meeting".

37 6. Page 2, line 3, by striking the words
38 "attendance team" and inserting the following:
39 "attendance cooperation meeting".

40 7. Page 2, by striking lines 4 and 5 and
41 inserting the following:

42 "____. The purpose of the attendance".

43 8. Page 2, line 11, by striking the words
44 "attendance team" and inserting the following:
45 "parties".

46 9. Page 2, line 12, by striking the word
47 "believes" and inserting the following: "believe".

48 10. Page 2, line 20, by striking the words "an
49 attendance team determines" and inserting the
50 following: "the parties to an attendance cooperation

Page 2

1 meeting determine".

2 11. Page 2, line 22, by striking the words
3 "attendance team" and inserting the following:
4 "parties".

5 12. Page 2, by striking lines 24 through 27 and
6 inserting the following: "monitor shall be a designee
7 of the public school board or governing body of the

- 8 accredited nonpublic school, or a designee of the
 9 department of human services, if the department made
 10 the contacts for the attendance cooperation meeting.
 11 The monitor may be a volunteer if the volunteer is
 12 approved by all parties to the agreement and receives
 13 a written authorization for access to confidential
 14 information and for performing monitor activities from
 15 the child's parent, guardian, or custodian. A monitor
 16 shall contact".
- 17 13. Page 2, line 36, by striking the word "may"
 18 and inserting the following: "shall".
- 19 14. Page 2, line 42, by striking the word "may"
 20 and inserting the following: "shall".
- 21 15. By renumbering as necessary.

Amendment H-1819, to the Senate amendment H-1693, was adopted.

On motion by Thomson of Linn, the House concurred in the Senate amendment H-1693, as amended.

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

On the question "Shall the bill pass?" (H.F. 597)

The ayes were, 93:

Arnold	Barry	Bell	Blodgett
Boggess	Bradley	Brauns	Brunkhorst
Bukta	Burnett	Carroll	Cataldo
Chapman	Chiodo	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	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
Van Maanen,
Presiding

Whitead

Wise

Witt

The nays were, 5:

Bernau
Ford

Brand

Doderer

Fallon

Absent or not voting, 2:

Boddicker

Churchill

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 715 and 597.**

HOUSE FILE 727 REREFERRED

The Speaker announced that House File 727, previously placed on the **appropriations calendar** was rereferred to committee on **ways and means.**

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of April, 1997: House Files 132, 178, 229, 232, 233, 495, 550, 655, 659, 685 and 688.

Also presented to the Governor for his approval on this 21st day of April, 1997: House Files 383, 384, 449, 542, 577, 596 and 644.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 18, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 167, an act relating to eligibility requirements for workers' compensation.

House File 275, an act relating to trademarks and service marks registered with the secretary of state.

House File 313, an act requiring criminal and child abuse record checks of persons receiving state funding for providing child day-care, and making a penalty applicable.

House File 354, 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.

House File 368, 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.

House File 370, an act relating to workers' compensation benefits for professional athletes and providing an effective date.

House File 372, an act establishing a county issuance of motor vehicle licenses study and providing effective dates.

House File 475, an act relating to the acquisition of a branch of a savings association by a newly chartered bank and providing an effective date.

House File 545, 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.

House File 578, an act providing for the continued operation of the department of human rights and including an effective date.

House File 653, an act relating to financial assurance requirements for waste tire collection and processing sites.

Senate File 75, an act relating to the qualifications of groundwater professionals.

Senate File 104, 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.

Senate File 118, 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.

Senate File 222, an act relating to the use tax on motor vehicle leasing.

Senate File 230, 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.

Senate File 296, an act relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

Senate File 361, an act relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

Senate File 395, 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.

Senate File 457, 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.

Senate File 501, 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.

Senate File 516, 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.

Senate File 523, an act relating to health care facilities by requiring employment checks of prospective health care facility employees.

PRESENTATION OF VISITORS

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

Sixty-eight 5th grade students from Jefferson Elementary School, Clinton, accompanied by their principal, Mr. Garrison, and teachers Lyn Anderson, Karen Jetter, and Alex Esquivel. By Bukta of Clinton.

Twenty-nine 8th grade students from Ruthven/Ayrshire School, Ruthven, accompanied by Mr. Jon Josephson and Mr. Johnson. By Frevert of Palo Alto.

Three Boy Scouts from Troop 270 Winnebago Council, Staceyville, accompanied by Sharon Brown, troop leader. By Koenigs of Mitchell.

Thirty-five 8th grade students from Odebolt-Arthur Middle School, Arthur, accompanied by Steve Walsh, Bob Mollhoff, Pippa Fineran, and Keith Fineran. 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\421 Nora Beth Martin, Ames – For receiving the Myron and Jaqueline Blank Scholarship for participation in the 1997 Creative Writing Workshop in the Institute for Arts and Sciences at the University of Iowa.
- 1997\422 Dr. Jack Sunderbruch, Davenport – For outstanding work in the field of medicine and for long, distinguished service to the people of Scott County and the State of Iowa.
- 1997\423 Mark Hardinger, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\424 Jason Clark, Rowley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\425 Jason Kruse, Creston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\426 Patricia and Earl Hanson, Sioux City – For celebrating their 50th wedding anniversary.
- 1997\427 Dolores and William Loeb sack, Sioux City – For celebrating their 50th wedding anniversary.
- 1997\428 Marlene Scott, Leon – For receiving the Teacher of the Year Award from the Iowa Association of Family and Consumer Sciences, I.A.F.C.S.
- 1997\429 George Lawton, Davenport – For celebrating his 100th birthday.
- 1997\430 Gladys Teachout, Shenandoah – For celebrating her 95th birthday.
- 1997\431 Lulu Robinson, Lenox – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 728

Labor and Industrial Relations: Lamberti, Chair; Sukup and Taylor.

Senate File 528

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

RESOLUTION FILED

HCR 23, by Hahn, Siegrist, Schrader, Eddie, Meyer, Drees, Boggess, Frevert, Greig, Greiner, Heaton, Huseman, Houser, Klemme, Koenigs, Kreiman, May, Mertz, Mundie, Reynolds-Knight, Scherrman, Teig, Welter, O'Brien, Lord, Rayhons, Drake, Bradley, Dolecheck, Brand, Weigel, Foege, Thomas, Myers, Bukta, Cohoon, Dotzler, Falck, Kinzer,

Whitead, Warnstadt, Osterhaus, Bernau, Huser, Bell, Connors, Chapman, Wise, Moreland, Mascher, Witt, Millage, Tyrrell, Van Fossen, Hansen, Nelson, Churchill, Rants, Brauns, Dix, Jacobs, Vande Hoef, Holmes, Weidman, Thomson, Van Maanen, Carroll, Metcalf, Blodgett, Veenstra, Arnold, Lamberti, Larson, Jenkins, Martin, Brunkhorst, Boddicker, Gipp, Gries, Corbett, and Grundberg, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—1815	H.F.	693	Senate Amendment
H—1820	H.F.	720	Jochum of Dubuque
H—1821	H.F.	722	Teig of Hamilton
H—1824	H.F.	453	Senate Amendment
H—1827	S.F.	473	Weigel of Chickasaw
H—1829	H.F.	730	Falck of Fayette
H—1830	H.F.	730	Falck of Fayette
H—1831	H.F.	682	Klemme of Plymouth Dix of Butler
H—1832	H.F.	730	Kreiman of Davis
H—1833	H.F.	730	Brunkhorst of Bremer

On motion by Siegrist of Pottawattamie, the House adjourned at 6:08 p.m., until 8:45 a.m., Tuesday, April 22, 1997.

JOURNAL OF THE HOUSE

One hundredth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 22, 1997

The House met pursuant to adjournment at 8:57 a.m., Speaker Corbett in the chair.

Prayer was offered by Craig Schoenfeld, Legislative Research Analyst for the House of Representatives.

The Journal of Monday, April 21, 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 April 21, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 241, a bill for an act adopting the uniform transfer on death security registration Act.

Also: That the Senate has on April 21, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 547, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, and providing a penalty.

Also: That the Senate has on April 21, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Unfinished Business Calendar

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, with report of committee recommending passage, 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?" (S.F. 21)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
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, 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 **Senate File 21** be immediately messaged to the Senate.

Senate File 281, a bill for an act relating to judicial administration, with report of committee recommending amendment and passage, was taken up for consideration.

Larson of Linn offered the following amendment H-1559 filed by the committee on judiciary and moved its adoption:

H-1559

- 1 Amend Senate File 281, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 7 through 34.
- 4 2. Page 2, by inserting after line 12 the
- 5 following:
- 6 "Sec. ____ Section 602.8107, subsection 5,
- 7 unnumbered paragraph 1, Code 1997, is amended to read
- 8 as follows:
- 9 If a county attorney does not file the notice and
- 10 list of cases required in section 331.756, subsection
- 11 5, the judicial department may assign obligations
- 12 cases to the centralized collection unit of the
- 13 department of revenue and finance or its designee to
- 14 collect delinquent debts owed to the clerk of the
- 15 district court."
- 16 3. By renumbering as necessary.

The committee amendment H-1559 was adopted.

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

On the question "Shall the bill pass?" (S.F. 281)

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	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 was agreed to.

SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1815:

H-1815

- 1 Amend House File 693 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 135.11, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 18A. Consult with the office of
- 8 statewide clinical education programs at the
- 9 university of Iowa college of medicine and annually
- 10 submit a report to the general assembly by January 15
- 11 verifying the number of physicians in active practice,
- 12 in Iowa by county who are engaged in providing
- 13 obstetrical care. To the extent data are readily
- 14 available, the report shall include information
- 15 concerning the number of deliveries per year by
- 16 specialty and county, the age of physicians performing
- 17 deliveries, and the number of current year graduates
- 18 of the university of Iowa college of medicine and the
- 19 university of osteopathic medicine and health sciences
- 20 entering into residency programs in obstetrics,
- 21 gynecology, and family practice. The report may
- 22 include additional data relating to access to
- 23 obstetrical services that may be available."
- 24 2. Page 1, line 6, by inserting after the figure
- 25 "668.13" the following: " , except for interest due
- 26 pursuant to section 85.30 for which the rate shall be
- 27 ten percent per year".
- 28 3. Page 1, line 27, by striking the word "twelve"
- 29 and inserting the following: "fifteen".
- 30 4. Page 2, line 6, by striking the word "twelve-
- 31 year" and inserting the following: "fifteen-year".

- 32 5. Page 2, line 12, by inserting after the word
33 "cause." the following: "This subsection shall not
34 apply to cases governed by section 614.1, subsection
35 11."
- 36 6. Page 3, line 9, by striking the word "six" and
37 inserting the following: "eight".
- 38 7. Page 3, line 11, by striking the word "eighth"
39 and inserting the following: "tenth".
- 40 8. Page 3, line 33, by inserting after the words
41 "physician assistant," the following: "advanced
42 registered nurse practitioner."
- 43 9. Page 4, line 10, by inserting after the words
44 "physician assistants," the following: "advanced
45 registered nurse practitioners".
- 46 10. Page 4, line 12, by inserting after the words
47 "physician assistants," the following: "advanced
48 registered nurse practitioners".
- 49 11. Page 4, line 30, by inserting after the words
50 "physician assistant," the following: "advanced

Page 2

- 1 registered nurse practitioner".
- 2 12. Page 5, line 10, by inserting after the words
3 "physician assistant," the following: "advanced
4 registered nurse practitioner".
- 5 13. Page 5, line 16, by inserting after the words
6 "physician assistant," the following: "advanced
7 registered nurse practitioner".
- 8 14. Page 5, line 25, by inserting after the word
9 "counsel" the following: "in a manner consistent with
10 the Iowa rules of civil procedure providing for notice
11 of deposition".
- 12 15. Page 5, line 26, by inserting after the words
13 "physician assistant," the following: "advanced
14 registered nurse practitioner".
- 15 16. Page 5, line 27, by striking the words "may
16 be" and inserting the following: "has the right to
17 be".
- 18 17. Page 5, line 30, by inserting after the word
19 "assistant," the following: "advanced registered
20 nurse practitioner".
- 21 18. Page 6, line 3, by inserting after the word
22 "assistant," the following: "advanced registered
23 nurse practitioner".
- 24 19. Page 6, line 6, by inserting after the word
25 "assistant," the following: "advanced registered
26 nurse practitioner".
- 27 20. Page 6, line 7, by inserting after the words
28 "physician assistant," the following: "advanced
29 registered nurse practitioner".
- 30 21. Page 6, line 10, by inserting after the words
31 "physician assistant," the following: "advanced

32 registered nurse practitioner."

33 22. Page 6, line 17, by inserting after the words

34 "physician assistant," the following: "advanced

35 registered nurse practitioner."

36 23. Page 9, by inserting after line 4 the

37 following:

38 "Sec. 13. Section 668.13, subsection 3, Code 1997,

39 is amended to read as follows:

40 3. Interest shall be calculated as of the date of
41 judgment at a rate equal to the coupon issue yield
42 equivalent, as determined by the United States
43 secretary of the treasury, of the average accepted
44 auction price for the last auction of fifty-two week
45 United States treasury bills settled immediately prior
46 to the date of the judgment plus two percent. The
47 state court administrator shall distribute notice
48 monthly of that rate and any changes to that rate to
49 all district courts.

50 Sec. ____ If any provision of this Act or the

Page 3

1 application thereof to any person is invalid, the
2 invalidity shall not affect the provisions or
3 applications of this Act which can be given effect
4 without the invalid provisions or application, and to
5 this end the provisions of this Act are severable.

6 Sec. ____ EFFECTIVE DATES. Sections 1, 2, 3, 7, 8,
7 9, 10, 11, 12, and 13 of this Act shall apply to
8 actions filed after July 1, 1997. Section 4 of this
9 Act shall apply to actions filed after July 1, 1997,
10 except that any cause of action having actually
11 accrued as of the date of enactment of this Act shall
12 be preserved according to the law applicable to the
13 statute of limitations in effect at the time of
14 accrual. Sections 5 and 6 of this Act shall apply to
15 all causes of action accruing on or after July 1,
16 1997, and to all causes of action accruing before July
17 1, 1997, and filed after July 1, 1999."

18 24. Title page, by striking line 5 and inserting
19 the following: "actions, joint and several liability,
20 and providing effective dates."

21 25. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1815.

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

On the question "Shall the bill pass?" (H.F. 693)

The ayes were, 56:

Arnold	Barry	Blodgett	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
Mundie	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 43:

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	Moreland
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

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.

Unfinished Business Calendar

Senate File 358, a bill for an act relating to the adoption of the interstate emergency management assistance compact, with report of committee recommending passage, 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?" (S.F. 358)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
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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 was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 281** and **House File 693**.

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration **House File 453**, a bill for an act relating to the grounds for termination of parental rights of a putative father, amended by the Senate, and moved that the House concur in the following Senate amendment H-1824:

H-1824

- 1 Amend House File 453 as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 1, line 22, by striking the word "full".
 4 2. Page 1, by striking lines 28 and 29, and
 5 inserting the following: "child."
 6 3. Page 1, line 34, by striking the word "full".
 7 4. Page 2, line 3, by striking the word "full".
 8 5. Page 2, line 19, by striking the figure "(1)".
 9 6. Page 2, line 26, by striking the word "(a)"
 10 and inserting the following: "(1)".
 11 7. Page 2, line 29, by striking the word "(b)"
 12 and inserting the following: "(2)".
 13 8. Page 2, by inserting after line 33, the
 14 following:
 15 "(3) Openly living with the child for a period of
 16 six months within the one-year period immediately
 17 preceding the termination of parental rights hearing
 18 and during that period openly holding himself out to
 19 be the father of the child."
 20 9. Page 2, line 34, by striking the figure "(2)"
 21 and inserting the following: "c."
 22 10. Page 3, by striking lines 1 through 4, and
 23 inserting the following: "specified in paragraph "a"
 24 or "b" manifesting such intent, does not preclude a
 25 determination that the putative father has abandoned
 26 the child. In making a determination, the court
 27 shall".
 28 11. Page 3, line 7, by striking the word and
 29 figure "subparagraph (1)" and inserting the following:
 30 "paragraph "a" or "b"".
 31 12. Page 3, by striking lines 9 through 15, and
 32 inserting the following: "mother during the
 33 pregnancy. Demonstration of a commitment to the child
 34 is not met by the putative father marrying the mother
 35 of the child after adoption of the child."
 36 13. By renumbering, relettering, or redesignating
 37 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1824.

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

On the question "Shall the bill pass?" (H.F. 453)

The ayes were, 96:

Arnold	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	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
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:

Kreiman

Absent or not voting, 3:

Barry

Murphy

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 453** be immediately messaged to the Senate.

Greig of Emmet called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1772:

H-1772

- 1 Amend House File 694, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 17, by striking the word
- 4 "domesticated" and inserting the following:
- 5 "designated".
- 6 2. Page 9, line 11, by striking the word
- 7 "domesticated" and inserting the following:

- 8 "designated".
 9 3. Page 10, line 21, by striking the word
 10 "domesticated" and inserting the following:
 11 "designated".
 12 4. Page 12, line 27, by striking the word
 13 "domesticated" and inserting the following:
 14 "designated".

The motion prevailed and the House concurred in the Senate amendment H-1772.

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

On the question "Shall the bill pass?" (H.F. 694)

The ayes were, 96:

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
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	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:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 694** be immediately messaged to the Senate.

Unfinished Business Calendar

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, with report of committee recommending passage, 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?" (S.F. 116)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
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	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	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, 7:

Boddicker	Brauns	Eddie	Grundberg
Millage	Schrader	Siegrist	

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 116** be immediately messaged to the Senate.

House File 671, 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, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-1663 filed by him and moved its adoption:

H-1663

- 1 Amend House File 671 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 CERTIFICATES OF TITLE
- 6 Section 1. NEW SECTION. 321G.29 OWNER'S
- 7 CERTIFICATE OF TITLE - IN GENERAL.
- 8 1. The owner of a snowmobile or all-terrain
- 9 vehicle, other than a snowmobile or all-terrain
- 10 vehicle used exclusively as a farm implement, shall
- 11 apply to the county recorder of the county in which
- 12 the owner resides for a certificate of title for the
- 13 snowmobile or all-terrain vehicle. The owner of a
- 14 snowmobile or all-terrain vehicle used exclusively as
- 15 a farm implement may obtain a certificate of title.
- 16 2. A certificate of title shall contain the
- 17 information and shall be issued on a form the
- 18 department prescribes.
- 19 3. An owner of a snowmobile or all-terrain vehicle
- 20 shall apply to the county recorder for issuance of a
- 21 certificate of title within thirty days after
- 22 acquisition. The application shall be on forms the
- 23 department prescribes and accompanied by the required
- 24 fee. The application shall be signed and sworn to
- 25 before a notary public or other person who administers
- 26 oaths, or shall include a certification signed in
- 27 writing containing substantially the representation
- 28 that statements made are true and correct to the best
- 29 of the applicant's knowledge, information, and belief,
- 30 under penalty of perjury. The application shall
- 31 contain the date of sale and gross price of the
- 32 snowmobile or all-terrain vehicle or the fair market

33 value if no sale immediately preceded the transfer and
34 any additional information the department requires.
35 If the application is made for a snowmobile or all-
36 terrain vehicle last previously registered or titled
37 in another state or foreign country, the application
38 shall contain this information and any other
39 information the department requires.

40 4. If a dealer buys or acquires a snowmobile or
41 all-terrain vehicle for resale, the dealer shall
42 report the acquisition to the county recorder on forms
43 provided by the department and may apply for and
44 obtain a certificate of title as provided in this
45 chapter. If a dealer buys or acquires a used
46 snowmobile or all-terrain vehicle, the dealer may
47 apply for a certificate of title in the dealer's name
48 within fifteen days. If a dealer buys or acquires a
49 new snowmobile or all-terrain vehicle for resale, the
50 dealer may apply for a certificate of title in the

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1 dealer's name.

2 5. A manufacturer or dealer shall not transfer
3 ownership of a new snowmobile or all-terrain vehicle
4 without supplying the transferee with the
5 manufacturer's or importer's certificate of origin
6 signed by the manufacturer's or importer's authorized
7 agent. The certificate shall contain information the
8 department requires. The department may adopt rules
9 providing for the issuance of a certificate of origin
10 for a snowmobile or all-terrain vehicle by the
11 department upon good cause shown by the owner.

12 6. A dealer transferring ownership of a snowmobile
13 or all-terrain vehicle under this chapter shall assign
14 the title to the new owner, or in the case of a new
15 snowmobile or all-terrain vehicle, assign the
16 certificate of origin. Within fifteen days the dealer
17 shall forward all moneys and applications to the
18 county recorder.

19 7. The county recorder shall maintain a record of
20 any certificate of title which the county recorder
21 issues and shall keep each certificate of title on
22 record until the certificate of title has been
23 inactive for five years. When issuing a title for a
24 new snowmobile or all-terrain vehicle, the county
25 recorder shall obtain and keep on file the certificate
26 of origin.

27 8. Once titled, a person shall not sell or
28 transfer ownership of a snowmobile or all-terrain
29 vehicle without delivering to the purchaser or
30 transferee a certificate of title with an assignment
31 on it showing title in the purchaser or transferee. A
32 person shall not purchase or otherwise acquire a

33 snowmobile or all-terrain vehicle without obtaining a
34 certificate of title for it in that person's name.

35 9. The county recorder shall transmit a copy of
36 the certificate of title to the department, which
37 shall be the central repository of title information
38 for snowmobiles and all-terrain vehicles.

39 Sec. 2. NEW SECTION. 321G.30 FEES.— SURCHARGE
40 — DUPLICATES.

41 1. The county recorder shall charge a ten dollar
42 fee to issue a certificate of title, a transfer of
43 title, a duplicate, or a corrected certificate of
44 title.

45 2. If a certificate of title is lost, stolen,
46 mutilated, destroyed, or becomes illegible, the first
47 lienholder or, if there is none, the owner named in
48 the certificate, as shown by the county recorder's
49 records, shall within thirty days obtain a duplicate
50 by applying to the county recorder. The applicant

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1 shall furnish information the department requires
2 concerning the original certificate and the
3 circumstances of its loss, mutilation, or destruction.
4 Mutilated or illegible certificates shall be returned
5 to the department with the application for a
6 duplicate.

7 3. The duplicate certificate of title shall be
8 marked plainly "duplicate" across its face and mailed
9 or delivered to the applicant.

10 4. If a lost or stolen original certificate of
11 title for which a duplicate has been issued is
12 recovered, the original shall be surrendered promptly
13 to the department for cancellation.

14 5. Five dollars of the certificate of title fees
15 collected under this section shall be remitted by the
16 county recorder to the treasurer of state for deposit
17 in the special conservation fund created under section
18 321G.7. The remaining five dollars shall be retained
19 by the county and deposited into the general fund of
20 the county.

21 Sec. 3. NEW SECTION. 321G.31 TRANSFER OR
22 REPOSSESSION OF SNOWMOBILE OR ALL-TERRAIN VEHICLE BY
23 OPERATION OF LAW.

24 1. If ownership of a snowmobile or all-terrain
25 vehicle is transferred by operation of law, such as by
26 inheritance, order in bankruptcy, insolvency,
27 replevin, or execution sale, the transferee, within
28 thirty days after acquiring the right to possession of
29 the snowmobile or all-terrain vehicle, shall mail or
30 deliver to the county recorder satisfactory proof of
31 ownership as the county recorder requires, together
32 with an application for a new certificate of title,

33 and the required fee.

34 2. If a lienholder repossesses a snowmobile or
35 all-terrain vehicle by operation of law and holds it
36 for resale, the lienholder shall secure a new
37 certificate of title and shall pay the required fee.

38 Sec. 4. NEW SECTION. 321G.32 SECURITY INTEREST
39 - PERFECTION AND TITLES - FEE.

40 1. A security interest created in this state in a
41 snowmobile or all-terrain vehicle is not perfected
42 until the security interest is noted on the
43 certificate of title.

44 a. To perfect the security interest, an
45 application for security interest must be presented
46 along with the original title. The county recorder
47 shall note the security interest on the face of the
48 title and on the copy in the recorder's office.

49 b. The application fee for a security interest is
50 ten dollars. Five dollars of the fee shall be

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1 credited to the special conservation fund created
2 under section 321G.7. The remaining five dollars
3 shall be retained by the county and deposited into the
4 general fund of the county.

5 2. The certificate of title shall be presented to
6 the county recorder when the application for security
7 interest or for assignment of the security interest is
8 presented and a new or endorsed certificate of title
9 shall be issued to the secured party with the name and
10 address of the secured party upon it.

11 3. The secured party shall present the certificate
12 of title to the county recorder when a release
13 statement is filed and a new or endorsed certificate
14 shall be issued to the owner.

15 DIVISION II

16 POINT OF SALE REGISTRATION

17 Sec. 5. Section 321G.15, Code 1997, is amended to
18 read as follows:

19 321G.15 OPERATION PENDING REGISTRATION.

20 The commission shall furnish snowmobile and all-
21 terrain vehicle dealers with pasteboard cards bearing
22 the words "registration applied for" and space for the
23 date of purchase. An unregistered all-terrain vehicle
24 or snowmobile sold by a dealer shall bear one of these
25 cards which entitles the purchaser to operate it for
26 ten days immediately following the purchase. The
27 purchaser of a registered all-terrain vehicle or
28 snowmobile may operate it for ten days immediately
29 following the purchase, without having completed a
30 transfer of registration. ~~A person who purchases an~~
31 ~~all-terrain vehicle or snowmobile from a dealer shall,~~
32 ~~within five days of the purchase, apply for an all-~~

33 terrain vehicle or snowmobile registration or transfer
34 of registration. A snowmobile or all-terrain vehicle
35 dealer shall make application and pay all registration
36 fees on behalf of the purchaser of a snowmobile or
37 all-terrain vehicle.

38 DIVISION III

39 REGISTRATION FEES

40 Sec. 6. Section 321G.6, unnumbered paragraphs 1
41 and 2, Code 1997, are amended to read as follows:
42 Every all-terrain vehicle or snowmobile
43 registration certificate and number issued expires at
44 midnight December 31, and renewals expire every two
45 years thereafter unless sooner terminated or
46 discontinued in accordance with this chapter. After
47 the first day of September each even-numbered year, an
48 unregistered all-terrain vehicle or snowmobile and
49 renewals may be registered for the subsequent biennium
50 beginning January 1. An all-terrain vehicle or

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1 snowmobile registered between January 1 and September
2 1 of even-numbered years shall be registered for a fee
3 of ~~ten dollars~~ twelve dollars and fifty cents for the
4 remainder of the registration period.

5 After the first day of September in even-numbered
6 years an unregistered all-terrain vehicle or
7 snowmobile may be registered for the remainder of the
8 current registration period and for the subsequent
9 registration period in one transaction. The fee shall
10 be five dollars for the remainder of the current
11 period, in addition to the registration fee of twenty
12 twenty-five dollars for an all-terrain vehicle and
13 twenty-five dollars for a snowmobile for the
14 subsequent biennium beginning January 1, and a writing
15 fee. Registration certificates and numbers may be
16 renewed upon application of the owner in the same
17 manner as provided in securing the original
18 registration. The all-terrain vehicle or snowmobile
19 registration fee is in lieu of personal property tax
20 for each year of the registration.

21 DIVISION IV

22 DEFINITIONS

23 Sec. 7. Section 321.1, subsection 4, Code 1997, is
24 amended to read as follows:

25 4. "All-terrain vehicle" means a motor vehicle
26 designed to travel on three or more wheels and
27 designed primarily for off-road recreational use but
28 not including farm tractors or equipment, construction
29 equipment, forestry vehicles, or lawn and grounds
30 maintenance vehicles.

31 Sec. 8. Section 321G.1, subsection 1, Code 1997,
32 is amended to read as follows:

33 1. "All-terrain vehicle" means a motorized
 34 flotation-tire vehicle with not less than three low
 35 pressure tires, but not more than six low pressure
 36 tires, or a two-wheeled off-road motorcycle, that is
 37 limited in engine displacement to less than eight
 38 hundred cubic centimeters and in total dry weight to
 39 less than seven hundred fifty pounds and that has a
 40 seat or saddle designed to be straddled by the
 41 operator and handlebars for steering control.

42 DIVISION V

43 EFFECTIVE DATE

44 Sec. 9. EFFECTIVE DATE: This Act takes effect
 45 January 1, 1998."

46 2. Title page, by striking lines 1 through 4 and
 47 inserting the following: "An Act relating to
 48 snowmobiles and all-terrain vehicles including the
 49 definition of all-terrain vehicle and by requiring
 50 title certificates, increasing snowmobile and all-

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1 terrain vehicle registration fees, providing for point
 2 of sale registration, and providing an effective
 3 date."

Amendment H-1663 was adopted, placing amendment H-1488 out of order.

SENATE FILE 246 SUBSTITUTED FOR HOUSE FILE 671

Blodgett of Cerro Gordo asked and received unanimous consent to substitute Senate File 246 for House File 671.

Senate File 246, 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, was taken up for consideration.

Schrader of Marion offered the following amendment H-1665 filed by him and moved its adoption:

H-1665

1 Amend Senate File 246, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 5, by striking the words "or all-
 4 terrain vehicle".
 5 2. Page 1, line 6, by striking the words "or all-
 6 terrain vehicle".
 7 3. Page 1, line 9, by striking the words "or all-
 8 terrain vehicle".

- 9 4. Page 1, line 10, by striking the words "or
10 all-terrain vehicle".
- 11 5. Page 1, line 14, by striking the words "or
12 all-terrain vehicle".
- 13 6. Page 1, line 25, by striking the words "or
14 all-terrain vehicle".
- 15 7. Page 1, line 28, by striking the words "or
16 all-terrain vehicle".
- 17 8. Page 1, lines 32 and 33, by striking the words
18 "or all-terrain vehicle".
- 19 9. Page 2, line 2, by striking the words "or all-
20 terrain vehicle".
- 21 10. Page 2, lines 4 and 5, by striking the words
22 "or all-terrain vehicle".
- 23 11. Page 2, line 8, by striking the words "or
24 all-terrain vehicle".
- 25 12. Page 2, line 14, by striking the words "or
26 all-terrain vehicle".
- 27 13. Page 2, lines 16 and 17, by striking the
28 words "or all-terrain vehicle".
- 29 14. Page 2, lines 18 and 19, by striking the
30 words "or all-terrain vehicle".
- 31 15. Page 2, line 26, by striking the words "or
32 all-terrain vehicle".
- 33 16. Page 2, line 30, by striking the words "or
34 all-terrain vehicle".
- 35 17. Page 2, line 34, by striking the words "or
36 all-terrain vehicle".
- 37 18. Page 3, lines 3 and 4, by striking the words
38 "and all-terrain vehicles".
- 39 19. Page 3, line 34, by striking the words "OR
40 ALL-TERRAIN VEHICLE".
- 41 20. Page 3, line 35, by striking the words "or
42 all-terrain vehicle".
- 43 21. Page 4, line 4, by striking the words "or
44 all-terrain vehicle".
- 45 22. Page 4, lines 9 and 10, by striking the words
46 "or all-terrain vehicle".
- 47 23. Page 4, line 16, by striking the words "or
48 all-terrain vehicle".

A non-record roll call was requested.

The ayes were 44, nays 27.

Amendment H-1665 was adopted.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 246 be deferred.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:14 a.m., until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS

House File 732, by committee on appropriations, a bill for an act relating to housing development and making an appropriation.

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

House File 733, by committee on appropriations, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations.

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

SENATE MESSAGES CONSIDERED

Senate File 547, by committee on ways and means, 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**.

Senate File 549, by committee on appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 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 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.

Also: That the Senate has on April 22, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 22, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

The House resumed consideration of **Senate File 246**, 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, previously deferred.

Blodgett of Cerro Gordo offered the following amendment H-1843 filed by him from the floor and moved its adoption:

H-1843

- 1 Amend Senate File 246, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "snowmobile" the following: "acquired on or after
- 5 January 1, 1998".

Amendment H-1843 was adopted.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-1799 filed by him on April 17, 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?" (S.F. 246)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	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
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	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
Wise	Witt		

The nays were, 3:

Kreiman	Rants	Mr. Speaker Corbett
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Absent or not voting, 3:

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

Speaker pro tempore Van Maanen of Marion in the chair at 2:15 p.m.

HOUSE FILE 671 WITHDRAWN

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw House File 671 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 246** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Welter of Jones called up for consideration **House File 515**, a bill for an act relating to the determination of annual salaries for deputy sheriffs, amended by the Senate, and moved that the House concur in the following Senate amendment H-1801:

H-1801

- 1 Amend House File 515, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 14 and
- 4 inserting the following: "deputy sheriff."

The motion prevailed and the House concurred in the Senate amendment H-1801.

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

On the question "Shall the bill pass?" (H.F. 515)

The ayes were, 96:

Arnold	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	Hólveck
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:

Barry

Chiodo

Houser

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 515** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 731.

Appropriations Calendar

House File 731, a bill for an act relating to public budgeting, regulatory, and organizational matters, making fund transfers and appropriations, and providing effective dates, was taken up for consideration.

Brunkhorst of Bremer offered the following amendment H-1836 filed by Brunkhorst, Churchill and Van Fossen from the floor and moved its adoption:

H-1836

- 1 Amend House File 731 as follows:
- 2 1. Page 4, by inserting after line 29 the
- 3 following:
- 4 "Sec. ____ EXCESS LOTTERY REVENUES - FY 1994-
- 5 1995. The lottery revenues received during the fiscal
- 6 year beginning July 1, 1994, which remain in the
- 7 lottery fund following transfers made pursuant to 1995
- 8 Iowa Acts, chapter 220, section 16, and 1996 Iowa
- 9 Acts, chapter 1219, section 14, and following the
- 10 amounts appropriated and enacted under any Act of the
- 11 Seventy-seventh General Assembly, 1997 Session, shall
- 12 be transferred and credited to the general fund of the
- 13 state."

Amendment H-1836 was adopted.

Witt of Black Hawk offered the following amendment H-1842 filed by him from the floor and moved its adoption:

H-1842

- 1 Amend House File 731 as follows:
- 2 1. By striking page 4, line 29, through page 6,

3 line 18, and inserting the following:

4 "LOTTERY TRANSFER

5 Sec. ____ Notwithstanding the requirement in
6 section 99E.10, subsection 1, to transfer lottery
7 revenue remaining after expenses are deducted,
8 notwithstanding the requirement under section 99E.20,
9 subsection 2, for the commissioner to certify and
10 transfer a portion of the lottery fund to the CLEAN
11 fund, and notwithstanding the appropriations and
12 allocations in section 99E.34, all lottery revenues
13 received during the fiscal year beginning July 1,
14 1997, and ending June 30, 1998, after deductions as
15 provided in section 99E.10, subsection 1, and as
16 appropriated under any Act of the Seventy-seventh
17 General Assembly, 1997 Session, shall not be
18 transferred to and deposited into the CLEAN fund but
19 shall be transferred and credited to the general fund
20 of the state."

Amendment H-1842 lost.

Murphy of Dubuque offered the following amendment H-1837 filed by him and Wise of Lee from the floor and moved its adoption:

H-1837

1 Amend House File 731 as follows:

2 1. Page 6, by striking line 26 and inserting the
3 following: "~~fourteen~~ seventeen million ~~five-hundred~~
4 ~~twenty~~".

5 2. Page 6, line 31, by striking the words "~~eight~~
6 million ~~six~~ three" and inserting the following: "ten
7 million ~~six~~ one".

8 3. Page 6, line 32, by striking the words
9 "~~seventy~~ twenty" and inserting the following:
10 "seventy".

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall amendment H-1837 adopted?" (H.F. 731)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chioldo
Cohoön	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
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, none.

Amendment H-1837 lost.

Millage of Scott offered amendment H-1834 filed by him from the floor as follows:

H-1834

- 1 Amend House File 731 as follows:
- 2 1. Page 15, by striking lines 3 and 4.
- 3 2. Page 17, line 5, by striking the word "survey"
- 4 and inserting the following: "survey bureau".
- 5 3. Page 17, line 8, by striking the words "The
- 6 department" and inserting the following: "The
- 7 department".
- 8 4. Page 17, by striking lines 9 through 25 and
- 9 inserting the following: "shall also develop and the
- 10 department shall adopt no later than June 30, 1986, a
- 11 plan for delineation of flood plain and floodway
- 12 boundaries for selected stream reaches in the various
- 13 river basins of the state. Selection of the stream
- 14 reaches and assignment of priorities for mapping of
- 15 the selected reaches shall be based on consideration
- 16 of flooding characteristics, the type and extent of
- 17 existing and anticipated flood plain development in
- 18 particular stream reaches, and the needs of local
- 19 governmental bodies for assistance in delineating
- 20 flood plain and floodway boundaries. The plan of
- 21 flood plain mapping shall be for the period from June
- 22 30, 1986, to December 31, 2004. After the department

23 ~~adopts a plan of flood plain mapping, the department~~
24 ~~shall submit a progress report and proposed~~
25 ~~implementation schedule to the general assembly~~
26 ~~biennially. The department may modify the flood plain~~
27 ~~mapping plan as needed in response to changing~~
28 ~~circumstances."~~

29 5. Page 18, line 35, by striking the figure
30 "307.40,".

31 6. Page 21, by inserting after line 11 the
32 following:

33 "DIVISION ____
34 TECHNICAL AMENDMENTS

35 Sec. ____ 1997 Iowa Acts, House File 655, section
36 29, is amended to read as follows:

37 SEC. 29. On or before June 30, 1998, the board of
38 directors of the Iowa seed capital corporation shall
39 wind up the affairs of the corporation, including
40 termination of staff, dissolution of the corporation,
41 and transfer of remaining assets and liabilities to
42 the Iowa capital investment board pursuant to H.F. 652
43 722, if enacted. In the event that the remaining
44 assets and liabilities cannot be transferred to the
45 Iowa capital investment board, the board of directors
46 of the Iowa seed capital corporation shall provide for
47 the orderly liquidation of all assets, settle existing
48 liabilities, and transfer remaining moneys to the
49 general fund of the state. The joint appropriations
50 subcommittee on economic development supports the

Page 2

1 implementation of H.F. 652 722 relating to the
2 increasing of venture capital in Iowa.

3 Sec. ____ 1997 Iowa Acts, House File 715, section
4 9, subsection 3, unnumbered paragraph 1, if enacted,
5 is amended to read as follows:

6 For the purposes of this subsection, the term
7 "poverty level" means the poverty level defined by the
8 poverty income guidelines published by the United
9 States department of health and human services.
10 Effective ~~October~~ July 1, 1997, the department shall
11 increase to 125 percent the maximum federal poverty
12 level used to determine eligibility for state child
13 care assistance. Based upon the availability of the
14 funding provided in subsection 2 the department shall
15 establish waiting lists for state child care
16 assistance in descending order of prioritization as
17 follows:

18 Sec. ____ 1997 Iowa Acts, Senate File 131, section
19 1, amending section 239.14, if enacted, is repealed.

20 Sec. ____ 1997 Iowa Acts, Senate File 131, section
21 2, amending section 239.17, if enacted, is repealed."

22 7. Title page, line 3, by inserting after the

23 word "appropriations," the following: "and providing
24 technical provisions,".

Weigel of Chickasaw offered amendment H-1848, to amendment H-1834, filed by him from the floor as follows:

H-1848

1 Amend the amendment, H-1834, to House File 731 as
2 follows:
3 1. Page 2, by inserting after line 17 the
4 following:
5 "Sec. ____ Section 441.37, subsection 1, Code
6 1997, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. f. That an animal feeding
9 operation, other than a small animal feeding
10 operation, as defined in section 455B.161, is
11 established within one mile from the assessed
12 property."

Veenstra of Sioux in the chair at 2:58 p.m.

Meyer of Sac rose on a point of order that amendment H-1848 was not germane.

The Speaker ruled the point well taken and amendment H-1848 not germane.

Weigel of Chickasaw moved to suspend the rules to consider amendment H-1848.

A non-record roll call was requested.

The ayes were 44, nays 51.

The motion to suspend the rules lost.

Weigel of Chickasaw rose on a point of order that amendment H-1834 was not germane.

The Speaker ruled the point well taken and amendment H-1834 not germane.

Millage of Scott moved to suspend the rules to consider amendment H-1834.

A non-record roll call was requested.

The ayes were 51, nays 41.

The motion prevailed and the rules were suspended.

Millage of Scott moved the adoption of amendment H-1834.

Amendment H-1834 was adopted.

The Speaker announced that amendment H-1841 filed by Weigel of Chickasaw from the floor, was out of order with the consideration of amendment H-1848.

Weigel of Chickasaw asked and received unanimous consent that amendments H-1849 and H-1851 be deferred.

Weigel of Chickasaw offered amendment H-1838 filed by him from the floor as follows:

H-1838

- 1 Amend House File 731 as follows:
- 2 1. Page 21, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ Section 441.37, subsection 1, Code
- 5 1997, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. f. That an animal feeding
- 8 operation, other than a small animal feeding
- 9 operation, as defined in section 455B.161, is
- 10 established within one mile from the assessed
- 11 property."
- 12 3. Title page, line 3, by inserting after the
- 13 word "appropriations," the following: "providing for
- 14 protests of property tax assessments,".

Meyer of Sac rose on a point of order that amendment H-1838 was not germane.

The Speaker ruled the point well taken and amendment H-1838 not germane.

Weigel of Chickasaw offered the following amendment H-1851 filed by him from the floor and moved its adoption:

H-1851

- 1 Amend House File 731 as follows:
- 2 1. Page 19, by striking lines 4 through 31.
- 3 2. Page 19, line 32, by inserting after the
- 4 figure "15E.152," the following: "152E.153,
- 5 15E.154,".
- 6 3. By striking page 19, line 35, through page 20,
- 7 line 10.

Amendment H-1851 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-1849 filed by him from the floor.

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. 731)

The ayes were, 99:

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	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	Veenstra, Presiding	

The nays were, none.

Absent or not voting, 1:

Houser

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 358 and House File 731.**

Ways and Means Calendar

House File 722, 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, was taken up for consideration.

Weigel of Chickasaw asked and received unanimous consent that amendment H-1766 be deferred.

Weigel of Chickasaw offered the following amendment H-1764 filed by him and moved its adoption:

H-1764

- 1 Amend House File 722 as follows:
- 2 1. Page 2, lines 12 and 13, by striking the words
- 3 "the current and anticipated value of any tax credits
- 4 given,".
- 5 2. Page 2, by striking lines 16 through 30.
- 6 3. Page 2, by striking lines 33 and 34 and
- 7 inserting the following: "moneys to be credited to
- 8 the board programs. The board in".
- 9 4. By striking page 3, line 15, through page 4,
- 10 line 3.
- 11 5. Page 5, by striking lines 6 and 7.
- 12 6. Title page, lines 1 and 2, by striking the
- 13 words "tax credits,".
- 14 7. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Shoultz of Black Hawk.

On the question "Shall amendment H-1764 be adopted?" (H.F. 722)

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, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack

Dinkla	Dix	Dolecheck	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Weidman	Welter	Veenstra, Presiding

Absent or not voting, 2:

Garman Martin

Amendment H-1764 lost.

Weigel of Chickasaw offered the following amendment H-1765 filed by him and moved its adoption:

H-1765

- 1 Amend House File 722 as follows:
- 2 1. Page 2, line 28, by inserting after the word
- 3 "invested" the following: "in Iowa businesses".
- 4 2. Page 2, line 30, by inserting after the word
- 5 "board" the following: "attributable to investments
- 6 made in Iowa businesses".

Roll call was requested by Weigel of Chickasaw and Kreiman of Davis.

On the question "Shall amendment H-1765 be adopted?" (H.F. 722)

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	Blodgett	Boddicker
Boggess	Bradley	Brunkhorst	Carroll

Churchill	Corbett, Spkr.	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	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Warnstadt	Weidman	Welter	Veenstra, Presiding

Absent or not voting, 3:

Brauns Garman Rants

Amendment H-1765 lost.

Teig of Hamilton offered the following amendment H-1821 filed by him and moved its adoption:

H-1821

1 Amend House File 722 as follows:

2 1. Page 3, by striking lines 16 through 30 and
3 inserting the following:

4 "1. For tax years beginning on or after January 1,
5 1997, there shall be allowed a tax credit against the
6 taxes imposed in chapter 422, divisions II and III,
7 for cash invested in the Iowa capital investment
8 board. An individual may claim the credit of a
9 partnership, limited liability company, subchapter S
10 corporation, estate, or trust electing to have the
11 income taxed directly to the individual. The amount
12 claimed by the individual shall be based upon the pro
13 rata share of the individual's earnings from the
14 partnership, limited liability company, subchapter S
15 corporation, estate, or trust. Any tax credit in
16 excess of the taxpayer's liability for the tax year
17 may be credited to the tax liability for the following
18 three years or until depleted, whichever is earlier.
19 A tax credit shall not be carried back to the tax year
20 prior to the tax year in which the termination or
21 insolvency of the Iowa capital investment board
22 occurs. A tax credit shall not be refunded.

23 a. The Iowa capital investment board shall furnish
24 to each person making an investment in the Iowa
25 capital investment board during the preceding year a
26 written statement showing the name of the investor,
27 taxpayer identification number, the total amount of
28 investment in the Iowa capital investment board made
29 by such person, and such other information as the

30 director of revenue and finance may require. The
 31 statement shall be attached to the income tax return
 32 of such person in order to qualify for the tax credit.
 33 b. The taxpayer making the original investment in
 34 the Iowa capital investment board may, during the year
 35 of the termination or insolvency of the Iowa capital
 36 investment board or during the three years following
 37 such termination or insolvency, transfer any unused
 38 tax credit to another taxpayer who may use the tax
 39 credit against the taxes imposed under chapter 422,
 40 divisions II and III, for any tax year the original
 41 investor could have claimed the tax credit."

Amendment H-1821 was adopted.

Shoultz of Black Hawk offered the following amendment H-1797
 filed by him and moved its adoption:

H-1797

- 1 Amend House File 722 as follows:
 2 1. Page 4, by striking lines 10 through 15 and
 3 inserting the following: "corporation and shall
 4 liquidate".
 5 2. Page 5, by striking lines 8 through 11.
 6 3. By renumbering as necessary.

Amendment H-1797 lost.

Weigel of Chickasaw offered the following amendment H-1766 filed
 by him and moved its adoption:

H-1766

- 1 Amend House File 722 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Sec. ____ The legislative council is requested to
 5 establish an interim committee to examine the costs,
 6 benefits, and feasibility of the venture capital
 7 investment proposal in House File 652. In addition to
 8 members of the general assembly, the committee shall
 9 include representatives of the state university
 10 research parks, the Iowa seed capital corporation, the
 11 John Pappajohn entrepreneurial centers, the Iowa
 12 banking industry, the Iowa brokerage industry, the
 13 department of revenue and finance, and the securities
 14 bureau of the insurance division of the department of
 15 commerce. The committee shall submit a report of its
 16 findings and recommendations to the general assembly
 17 by December 15, 1997."
 18 2. Title page, by striking lines 1 through 4 and
 19 inserting the following: "An Act relating to the

- 20 establishment of a committee to study the venture
 21 capital investment proposal.”
 22 3. By renumbering as necessary.

Amendment H-1766 lost.

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. 722)

The ayes were, 57:

Arnold	Barry	Bell	Blodgett
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	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
May	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Weidman	Welter
Veenstra, Presiding			

The nays were, 43:

Bernau	Boddicker	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegel
Ford	Frovert	Garman	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	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.

Speaker Corbett in the chair at 6:45 p.m.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 722** be immediately messaged to the Senate.

HOUSE FILE 375 WITHDRAWN

Teig of Hamilton asked and received unanimous consent to withdraw House File 375 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **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, amended by the Senate amendment H-1692 as follows:

H-1692

1 Amend House File 707, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321.12, Code 1997, is amended
6 to read as follows:

7 321.12 OBSOLETE RECORDS DESTROYED.

8 1. The director may destroy any records of the
9 department which have been maintained on file for
10 three years which the director deems obsolete and of
11 no further service in carrying out the powers and
12 duties of the department, except as otherwise provided
13 in this section.

14 2. However, operating ~~Operating~~ records relating15 to a person who has
16 issued a commercial driver's
17 license shall be maintained on file in accordance with
18 rules adopted by the department.

19 3. The following records may be destroyed
20 according to the following requirements:

21 a. Records concerning suspensions authorized under
22 section 321.210, subsection 1, paragraph "g", and
23 section 321.210A may be destroyed six months after the
24 suspension is terminated and the requirements of
25 section 321.191 have been satisfied.

26 b. Records concerning suspensions and surrender of
27 licenses or registrations required under section
28 321A.31 for failing to maintain proof of financial
29 responsibility, as defined in section 321A.1, may be
destroyed six months after the requirements of

30 sections 321.191 and 321A.29 have been satisfied.
31 4. The director shall not destroy any operating
32 records pertaining to arrests or convictions for
33 operating while intoxicated, in violation of section
34 321J.2, ~~which are more than twelve years old. The~~
35 ~~twelve year period shall commence with the date of the~~
36 ~~arrest or conviction for the offense, whichever first~~
37 ~~occurs. However, the director shall not destroy~~
38 ~~operating records which pertain to arrests or~~
39 ~~convictions for operating while intoxicated after the~~
40 ~~expiration of twelve years when the motor vehicle~~
41 ~~being operated was a commercial motor vehicle or if~~
42 ~~all of the provisions of the court order have not been~~
43 ~~satisfied.~~
44 ~~The director shall destroy any or~~ operating records
45 pertaining to revocations for violations of section
46 321J.2A ~~which are more than twelve years old. The~~
47 ~~twelve year period shall commence with the date the~~
48 ~~revocation of the person's operating privileges~~
49 ~~becomes effective. This paragraph shall not apply to~~
50 ~~records of revocations which pertain to violations of~~

Page 2

1 section 321J.2A by persons operating a commercial
2 motor vehicle, except for the following:
3 a. One conviction or revocation under section
4 321J.2 or 321J.2A shall be deleted from the operating
5 records during the lifetime of the individual driver
6 if the following conditions are satisfied:
7 (1) The conviction or revocation occurred when the
8 individual was under the age of twenty-one.
9 (2) No other convictions or revocations pursuant
10 to chapter 321J were imposed on the individual between
11 the time of the first conviction or revocation under
12 chapter 321J and the time the individual reached the
13 age of twenty-five.
14 b. A conviction or revocation under section 321J.2
15 shall be deleted from the operating records twelve
16 years after the date of conviction or the effective
17 date of revocation."
18 2. Page 1, by inserting before line 5 the
19 following:
20 "Sec. ____ NEW SECTION. 321J.1A PUBLICATION OF
21 LAW.
22 1. The department of public safety, the governor's
23 traffic safety bureau, the state department of
24 transportation, the governor, and the attorney general
25 shall cooperate in an ongoing public education
26 campaign to inform the citizens of this state of the
27 dangers and the specific legal consequences of driving
28 drunk in this state. The entities shall use their
29 best efforts to utilize all available opportunities

30 for making public service announcements on television
 31 and radio broadcasts, and to obtain and utilize
 32 federal funds for highway safety and other grants in
 33 conducting the public education campaign.

34 2. The department shall publish pamphlets
 35 containing the criminal and administrative penalties
 36 for drunk driving, and related laws, rules,
 37 instructions, and explanatory matter. This
 38 information may be included in pamphlets containing
 39 information related to other motor vehicle laws,
 40 published pursuant to section 321.15. Copies of such
 41 pamphlets shall be given wide distribution, and a
 42 supply shall be made available to each county
 43 treasurer."

44 3. Page 1, by striking lines 9 through 19 and
 45 inserting the following:

46 "a. A serious misdemeanor for the first offense
 47 and shall be imprisoned, punishable by all of the
 48 following:

49 (1) Imprisonment in the county jail or community-
 50 based correctional facility for not less than forty-

Page 3

1 eight hours, to be served consecutively, as ordered by
 2 the court, less credit for any time the person was
 3 confined in a jail or detention facility following
 4 arrest, and assessed. Pursuant to subsection 2A, this
 5 sentence shall not be deferred or suspended. However,
 6 the court, in ordering service of the sentence and in
 7 its discretion, may accommodate the defendant's work
 8 schedule.

9 (2) Assessment of a fine of not less than five
 10 hundred dollars nor more than one thousand dollars.
 11 As an alternative to a portion or all of the fine, the
 12 court may order the person to perform not more than
 13 two hundred hours of unpaid community service. The
 14 court may accommodate the sentence to the work
 15 schedule of the defendant.

16 (3) Revocation of the person's motor vehicle
 17 license pursuant to section 321J.4, subsection 1,
 18 section 321J.9, or section 321J.12, which includes a
 19 minimum revocation period of one hundred eighty days,
 20 including a minimum period of ineligibility for a
 21 temporary restricted license of thirty days, and may
 22 involve a revocation period of one year.

23 (4) Assignment to substance abuse evaluation and
 24 treatment, a course for drinking drivers, and, if
 25 available and appropriate, a reality education
 26 substance abuse prevention program pursuant to
 27 subsection 2A."

28 4. Page 1, by striking line 25, and inserting the
 29 following: "fine of not less than seven one thousand

30 five hundred fifty dollars nor more than five thousand
31 dollars."

32 5. Page 1, by striking line 31, and inserting the
33 following: "of not less than seven two thousand five
34 hundred fifty dollars nor more than seven thousand
35 five hundred dollars. The minimum"

36 6. Page 2, line 23, by striking the word
37 "minimum".

38 7. By striking page 2, line 24, through page 3,
39 line 3, and inserting the following: "applicable to
40 the defendant under subsection 2."

41 8. Page 3, by striking line 7 and inserting the
42 following:

43 "c. Where the program is available and is
44 appropriate for the convicted person, a person
45 convicted of an offense under subsection 2 shall be
46 ordered to participate in a reality education
47 substance abuse prevention program as provided in
48 section 321J.24.

49 d. A minimum term of imprisonment in a county jail
50 or".

Page 4

1 9. Page 3, by striking lines 22 through 30 and
2 inserting the following:

3 "~~3. No conviction for, deferred judgment for, or~~
4 ~~plea of guilty to, a violation of this section which~~
5 ~~occurred more than six years prior to the date of the~~
6 ~~violation charged shall be considered in determining~~
7 ~~that the violation charged is a second, third, or~~
8 ~~subsequent offense. For the purpose of In determining~~
9 ~~if a violation charged is a second, third, or~~
10 ~~subsequent offense, deferred for purposes of criminal~~
11 ~~sentencing or license revocation under this chapter:~~

12 a. Any conviction or revocation deleted from motor
13 vehicle operating records pursuant to section 321.12
14 shall not be considered as a previous offense.

15 b. Deferred judgments entered pursuant to previous
16 versions of section 907.3 for violations of this
17 section and convictions shall be counted as previous
18 offenses.

19 c. Convictions or the equivalent of deferred
20 judgments for".

21 10. Page 4, line 18, by striking the word
22 "other".

23 11. Page 4, line 20, by striking the words "or
24 receiving a deferred judgment for" and inserting the
25 following: "~~or receiving a deferred judgment for~~".

26 12. Page 7, by inserting before line 22 the
27 following:

28 "Sec. __. Section 321J.3, Code 1997, is amended
29 by adding the following new subsection:

30 **NEW SUBSECTION.** 3. The state department of
 31 transportation, in cooperation with the judicial
 32 department, shall adopt rules, pursuant to the
 33 procedure in section 125.33, regarding the assignment
 34 of persons ordered under section 321J.17 to submit to
 35 substance abuse evaluation and treatment. The rules
 36 shall be applicable only to persons other than those
 37 committed to the custody of the director of the
 38 department of corrections under section 321J.2. The
 39 rules shall be consistent with the practices and
 40 procedures of the judicial department in sentencing
 41 persons to substance abuse evaluation and treatment
 42 under section 321J.2. The rules shall include the
 43 requirement that the treatment programs utilized by a
 44 person pursuant to an order of the department meet the
 45 licensure standards of the division of substance abuse
 46 for the department of public health. The rules shall
 47 also include provisions for payment of costs by the
 48 offenders, including insurance reimbursement on behalf
 49 of offenders, or other forms of funding, and shall
 50 also address reporting requirements of the facility,

Page 5

1 consistent with the provisions of sections 125.84 and
 2 125.86. The department shall be entitled to treatment
 3 information contained in reports to the department,
 4 notwithstanding any provision of chapter 125 that
 5 would restrict department access to treatment
 6 information and records."

7 13. Page 7, by striking lines 31 and 32 and
 8 inserting the following: "conviction or revocation
 9 under this chapter ~~within the previous six years and~~
 10 ~~the.~~ The defendant shall not be".

11 14. Page 8, by striking line 13, and inserting
 12 the following: "under this chapter ~~within the~~
 13 ~~previous six years.~~ The".

14 15. Page 10, lines 21 and 22, by striking the
 15 words "or as a condition of a deferred judgment for"
 16 and inserting the following: "~~or as a condition of a~~
 17 ~~deferred judgment for~~".

18 16. Page 12, by striking lines 17 through 19 and
 19 inserting the following:

20 "The clerk of court shall send notice of a
 21 conviction of an offense for which the vehicle was
 22 impounded to the impounding authority upon conviction
 23 of the defendant for such offense.

24 Impoundment of the vehicle under this section may
 25 occur in addition to any criminal penalty imposed
 26 under chapter 321 or this chapter for the underlying
 27 criminal offense."

28 17. Page 18, line 14, by striking the word "this"
 29 and inserting the following: "this".

30 18. Page 21, line 2, by striking the words
31 "~~twenty-four hours~~" and inserting the following: "a
32 reasonable time".

33 19. Page 21, by striking line 17, and inserting
34 the following: "previous revocation ~~within the~~
35 ~~previous six years~~ under".

36 20. Page 21, by striking lines 19 through 21 and
37 inserting the following:

38 "~~b. Five hundred forty days~~ Two years if the
39 person has ~~one or more~~ had a previous ~~revocations~~
40 ~~within the previous six years~~ revocation under this
41 chapter."

42 21. Page 22, by striking line 8 and inserting the
43 following: "revocation ~~within the previous six years~~
44 under this".

45 22. Page 22, by striking lines 10 through 12 and
46 inserting the following:

47 "b. One year if the person has had ~~one or more a~~
48 ~~previous revocations within the previous six years~~
49 revocation under this chapter."

50 23. Page 22, by striking lines 15 through 29 and

Page 6

1 inserting the following:

2 "5. Upon certification, subject to penalty of
3 perjury, by the peace officer that there existed
4 reasonable grounds to believe that the person had been
5 operating a motor vehicle in violation of section
6 321J.2A, that there existed one or more of the
7 necessary conditions for chemical testing described in
8 section 321J.6, subsection 1, and that the person
9 submitted to chemical testing and the test results
10 indicated an alcohol concentration as defined in
11 section 321J.1 of .02 or more but less than .10, the
12 department shall revoke the person's motor vehicle
13 license or operating privilege for a period of sixty
14 days if the person has had no ~~revocations within the~~
15 ~~previous six years~~ previous revocation under section
16 321J.2A this chapter, and for a period of ninety days
17 if the person has had ~~one or more a~~ previous
18 ~~revocations within the previous six years~~ revocation
19 under section 321J.2A this chapter."

20 24. Page 23, by inserting before line 18 the
21 following:

22 "The court or department may request that the
23 community college conducting the course for drinking
24 drivers which the person is ordered to attend
25 immediately report to the court or department that the
26 person has successfully completed the course for
27 drinking drivers. The court or department may request
28 that the treatment program which the person attends
29 periodically report on the defendant's attendance and

30 participation in the program, as well as the status of
31 treatment or rehabilitation."

32 25. Page 24, lines 3 and 4, by striking the words
33 "within the previous six twelve years" and inserting
34 the following: "~~within the previous six~~ years".

35 26. Page 26, by inserting before line 35 the
36 following:

37 "Sec. ____ Section 321J.24, subsection 1,
38 paragraph b, Code 1997, is amended to read as follows:

39 b. "Participant" means a person ~~who is sixteen~~
40 ~~years of age or older but under the age of twenty-one,~~
41 ~~and~~ who is ordered by the court to participate in the
42 reality education substance abuse prevention program.

43 Sec. ____ Section 321J.24, subsection 2, Code
44 1997, is amended to read as follows:

45 2. A reality education substance abuse prevention
46 program is established in those judicial districts
47 where the chief judge of the judicial district
48 authorizes participation in the program. Upon a
49 conviction or adjudication for a violation of section
50 321J.2, ~~or the entry of a deferred judgment concerning~~

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1 ~~a violation of section 321J.2, the court or juvenile~~
2 ~~court, with the consent of the defendant or delinquent~~
3 ~~child, may order a defendant who is sixteen years of~~
4 ~~age or older but under the age of twenty-one or~~
5 ~~delinquent child who is sixteen years of age or older~~
6 ~~to participate~~ participation in the reality education
7 substance abuse prevention program as a term and
8 condition of probation or disposition in addition to
9 any other term or condition of probation or
10 disposition required or authorized by law. The court
11 or juvenile court shall require the defendant or
12 delinquent child to abstain from consuming any
13 controlled substance, alcoholic liquor, wine, or beer
14 ~~before reaching age twenty-one~~ while participating in
15 the program.

16 Sec. ____ Section 321J.25, subsection 4, Code
17 1997, is amended to read as follows:

18 4. Upon the revocation of the motor vehicle
19 license or operating privileges of a person who is
20 fourteen years of age or older for a violation of
21 section 321J.2A, if the person has had no previous
22 revocations under either section 321J.2 or section
23 321J.2A, a person may participate in the substance
24 abuse awareness program. The state department of
25 transportation shall notify a potential program
26 participant of the possibility and potential benefits
27 of attending a program and shall notify a potential
28 program participant of the availability of programs
29 which exist in the area in which the person resides.

30 The state department of transportation shall consult
31 with the Iowa department of public health to determine
32 what programs are available in various areas of the
33 state. The period of revocation for a person whose
34 motor vehicle license or operating privilege has been
35 revoked under section 321J.2A, shall be reduced by
36 fifty percent upon receipt by the state department of
37 transportation of a certification by a program
38 provider that the person has completed a program."

39 27. Page 27, by inserting before line 30 the
40 following:

41 "d. Where the program is available and appropriate
42 for the defendant, the court shall also order the
43 defendant to participate in a reality education
44 substance abuse prevention program as provided in
45 section 321J.24."

46 28. Page 28, by striking lines 18 through 33 and
47 inserting the following: "operation of a motor
48 vehicle while intoxicated."

49 29. Page 29, by inserting before line 9 the
50 following:

Page 8

1 "Sec. __. Section 811.1, subsections 1 and 2,
2 Code 1997, are amended to read as follows:

3 1. A defendant awaiting judgment of conviction and
4 sentencing following either a plea or verdict of
5 guilty of a class "A" felony, murder, any class "B"
6 felony included in section 707.6A, felonious assault,
7 felonious child endangerment, sexual abuse in the
8 second degree, sexual abuse in the third degree,
9 kidnapping, robbery in the first degree, arson in the
10 first degree, or burglary in the first degree, or any
11 felony included in section 124.401, subsection 1,
12 paragraph "a".

13 2. A defendant appealing a conviction of a class
14 "A" felony, murder, any class "B" felony included in
15 section 707.6A, felonious assault, felonious child
16 endangerment, sexual abuse in the second degree,
17 sexual abuse in the third degree, kidnapping, robbery
18 in the first degree, arson in the first degree, or
19 burglary in the first degree, or any felony included
20 in section 124.401, subsection 1, paragraph "a".

21 30. Page 29, lines 11 and 12, by striking the
22 words "and, within the previous ~~six~~ twelve years," and
23 inserting the following: "and, ~~within the previous~~
24 six years,".

25 31. Page 29, by striking lines 18 through 32 and
26 inserting the following: "intoxicated."

27 32. By striking page 30, line 23, through page
28 31, line 3, and inserting the following: "involving
29 operation of a motor vehicle while intoxicated."

- 30 33. By striking page 31, line 33, through page
 31 32, line 13, and inserting the following: "of a motor
 32 vehicle while intoxicated."
- 33 34. Title page, by striking line 7 and inserting
 34 the following: "certain bail restrictions and
 35 penalties."
- 36 35. By renumbering as necessary.

Lamberti of Polk offered the following amendment H-1852, to the Senate amendment H-1692, filed by Lamberti, Kreiman, Moreland, Larson and Churchill from the floor and moved its adoption:

H-1852

- 1 Amend the Senate amendment, H-1692, to House File
 2 707, as amended, passed, and reprinted by the House,
 3 as follows:
- 4 1. Page 2, by striking lines 2 through 14 and
 5 inserting the following: "~~motor vehicle, except that~~
 6 a conviction or revocation under section 321J.2".
- 7 2. By striking page 2, line 49 through page 3,
 8 line 5, and inserting the following:
 9 "(1) Imprisonment in the county jail for not less
 10 than forty-eight hours, to be served as ordered by the
 11 court, less credit for any time the person was
 12 confined in a jail or detention facility following
 13 arrest, ~~and assessed.~~ However."
- 14 3. Page 3, by striking lines 38 through 40 and
 15 inserting the following:
 16 "__. Page 3, by inserting before line 4 the
 17 following:
 18 "(5) If the offense under chapter 321J results in
 19 bodily injury to a person other than the defendant."
- 20 4. Page 4, lines 15 and 16, by striking the words
 21 "previous versions of".
- 22 5. Page 4, by striking lines 23 through 25.
 23 6. Page 5, by striking lines 14 through 17.
- 24 7. By striking page 6, line 50, through page 7,
 25 line 1, and inserting the following: "321J.2, or the
 26 entry of a deferred judgment concerning a violation of
 27 section 321J.2, the court or juvenile".
- 28 8. Page 8, by inserting before line 25 the
 29 following:
 30 "__. Page 29, by striking lines 15 through 18
 31 and inserting the following: "321J.9, or 321J.12
 32 under chapter 321J, and any of the following apply."
- 33 9. Page 8, by striking lines 25 and 26 and
 34 inserting the following:
 35 "__. Page 29, by inserting before line 33 the
 36 following:
 37 "(5) If the offense under chapter 321J results in
 38 bodily injury to a person other than the defendant."
- 39 10. Page 8, by inserting before line 27 the

40 following:

41 “__ Page 29, by inserting before line 33 the

42 following:

43 “Sec. __. Section 907.3, subsection 1, Code 1997,
44 is amended by adding the following new paragraph:
45 NEW PARAGRAPH. j. The offense is a violation of
46 section 707.6A, subsection 1; or a violation of
47 section 707.6A, subsection 3, involving operation of a
48 motor vehicle while intoxicated.”

49 11. Page 8, by striking lines 27 through 29, and
50 inserting the following:

Page 2

1 “__ Page 30, by striking lines 21 through 23,
2 and inserting the following:

3 “c. Section 321J.2, subsection 1, i)”.

4 12. Page 8, by inserting before line 30 the
5 following:

6 “__ Page 31, by inserting before line 4 the
7 following:

8 “(5) If the offense under chapter 321J results in
9 bodily injury to a person other than the defendant.

10 d. Section 707.6A, subsection 1; or section
11 707.6A, subsection 3, involving operation of a motor
12 vehicle while intoxicated.”

13 13. Page 8, by striking lines 30 through 32 and
14 inserting the following:

15 “__ Page 31, by striking lines 31 through 33
16 and inserting the following: “321J.2, subsection 1,
17 if any of the following”.”

18 14. Page 8, by inserting before line 33 the
19 following:

20 “__ Page 32, by inserting before line 14 the
21 following:

22 “(5) If the offense under chapter 321J results in
23 bodily injury to a person other than the defendant.
24 d. A sentence imposed pursuant to section 707.6A,
25 subsection 1; or section 707.6A, subsection 3,
26 involving operation of a motor vehicle while
27 intoxicated.”

28 15. By renumbering as necessary.

Amendment H-1852, to the Senate amendment H-1692, was adopted.

Millage of Scott offered the following amendment H-1853, to the Senate amendment H-1692, filed by him from the floor and moved its adoption:

H-1853

1 Amend the Senate amendment, H-1692, to House File

2 707, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 3, by inserting after line 10 the
5 following: "However, in the discretion of the court,
6 if no personal or property injury has resulted from
7 the defendant's actions, up to five hundred dollars of
8 the fine may be waived."
9 2. By renumbering as necessary.

Amendment H-1853, to the Senate amendment H-1692, was adopted.

On motion by Lamberti of Polk, the House concurred in the Senate amendment H-1692, as amended.

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

On the question "Shall the bill pass?" (H.F. 707)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolécheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foegé
Frévert	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, 1:

Ford

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 707** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 732.

Appropriations Calendar

House File 732, a bill for an act relating to housing development and making an appropriation, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-1845 filed by her from the floor and moved its adoption:

H-1845

- 1 Amend House File 732 as follows:
- 2 1. Page 3, by striking lines 16 through 21 and
- 3 inserting the following: "consisting of any moneys
- 4 appropriated".
- 5 2. Page 5, by inserting after line 26 the
- 6 following:
- 7 "Sec. ____ Section 428A.8, Code 1997, is amended
- 8 to read as follows:
- 9 428A.8 REMITTANCE TO STATE TREASURER - PORTION
- 10 RETAINED IN COUNTY.
- 11 1. On or before the tenth day of each month the
- 12 county recorder shall determine and pay to the
- 13 treasurer of state eighty-two and three-fourths
- 14 percent of the receipts from the real estate transfer
- 15 tax collected during the preceding month and the
- 16 treasurer of state shall deposit ninety-five percent
- 17 of the receipts in the general fund of the state and
- 18 transfer five percent of the receipts to the Iowa
- 19 finance authority for deposit in the housing
- 20 improvement fund created in section 16.100. the
- 21 receipts as follows:
- 22 a. For the fiscal year beginning July 1, 1997, and
- 23 ending June 30, 1998, eighty-seven and one-half
- 24 percent of the receipts shall be deposited in the
- 25 general fund of the state and twelve and one-half
- 26 percent of the receipts shall be transferred to the
- 27 department of economic development to be deposited in
- 28 the local housing assistance program fund established

29 in section 15.354.

30 b. For the fiscal year beginning July 1, 1998, and
31 ending June 30, 1999, seventy-five percent of the
32 receipts shall be deposited in the general fund of the
33 state and twenty-five percent of the receipts shall be
34 transferred to the department of economic development
35 to be deposited in the local housing assistance
36 program fund established in section 15.354.

37 c. For the fiscal year beginning July 1, 1999, and
38 ending June 30, 2000, sixty-two and one-half percent
39 of the receipts shall be deposited in the general fund
40 of the state and thirty-seven and one-half percent of
41 the receipts shall be transferred to the department of
42 economic development to be deposited in the local
43 housing assistance program fund established in section
44 15.354.

45 d. For the fiscal year beginning July 1, 2000, and
46 ending June 30, 2001, fifty percent of the receipts
47 shall be deposited in the general fund of the state
48 and fifty percent of the receipts shall be transferred
49 to the department of economic development to be
50 deposited in the local housing assistance program fund

Page 2

1 established in section 15.354.

2' e. For the fiscal year beginning July 1, 2001, and
3 ending June 30, 2002, thirty-seven and one-half
4 percent of the receipts shall be deposited in the
5 general fund of the state and sixty-two and one-half
6 percent of the receipts shall be transferred to the
7 department of economic development to be deposited in
8 the local housing assistance program fund established
9 in section 15.354.

10 f. For the fiscal year beginning July 1, 2002, and
11 ending June 30, 2003, twenty-five percent of the
12 receipts shall be deposited in the general fund of the
13 state and seventy-five percent of the receipts shall
14 be transferred to the department of economic
15 development to be deposited in the local housing
16 assistance program fund established in section 15.354.

17 g. For the fiscal year beginning July 1, 2003, and
18 ending June 30, 2004, twelve and one-half percent of
19 the receipts shall be deposited in the general fund of
20 the state and eighty-seven and one-half percent of the
21 receipts shall be transferred to the department of
22 economic development to be deposited in the local
23 housing assistance program fund established in section
24 15.354.

25 h. For the fiscal year beginning July 1, 2004, and
26 each subsequent fiscal year, one hundred percent of
27 the receipts shall be transferred to the department of
28 economic development to be deposited in the local

29 housing assistance program fund established in section
30 15.354.

31 2. The county recorder shall deposit the remaining
32 seventeen and one-fourth percent of the receipts in
33 the county general fund.

34 3. The county recorder shall keep records and make
35 reports with respect to the real estate transfer tax
36 as the director of revenue and finance prescribes."

37 3. Title page, lines 1 and 2, by striking the
38 words "making an appropriation" and inserting the
39 following: "providing for funding from the real
40 estate transfer tax".

41 4. By renumbering as necessary.

Carroll of Poweshiek in the chair at 7:18 p.m.

Roll call was requested by Jochum of Dubuque and Murphy of Dubuque.

On the question "Shall amendment H-1845 be adopted?" (H.F. 732)

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, 55:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
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	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Carroll,	
		Presiding	

Absent or not voting, none.

Amendment H-1845 lost.

Meyer of Sac offered amendment H-1846 filed by him from the floor as follows:

H-1846

- 1 Amend House File 732 as follows:
- 2 1. Page 5, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ Section 403.22, subsection 1, Code
- 5 1997, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. For a municipality with
- 8 a population of five thousand or less, the
- 9 municipality need not provide any low and moderate
- 10 income family housing assistance if the municipality
- 11 has completed a housing needs assessment meeting the
- 12 standards set out by the department of economic
- 13 development, which shows no low and moderate income
- 14 housing need and the department of economic
- 15 development agrees that no low and moderate family
- 16 housing assistance is needed."
- 17 2. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H-1846 was not germane.

The Speaker ruled the point well taken and amendment H-1846 not germane.

Meyer of Sac moved to suspend the rules to consider amendment H-1846.

A non-record roll call was requested.

The ayes were 52, nays 35.

The motion prevailed and the rules were suspended.

Meyer of Sac moved the adoption of amendment H-1846.

A non-record roll call was requested.

The ayes were 51, nays 29.

Amendment H-1846 was adopted.

Richardson of Warren offered the following amendment H-1850 filed by him from the floor and moved its adoption:

H-1850

- 1 Amend House File 732 as follows:

2 1. Page 5, line 26, by inserting after the word
 3 "years." the following: "A city or county that has
 4 designated an area under section 404.1, subsection 5,
 5 and in which residential property will be eligible to
 6 receive a property tax exemption shall notify by mail
 7 the school district or districts in which the
 8 residential property is located. However,
 9 notwithstanding contrary provisions of this or other
 10 chapters, residential property shall not be exempt
 11 from the property taxes certified by a school district
 12 in which the property is located if the board of
 13 directors of the school district passes, within sixty
 14 days of receipt of the notification, a resolution
 15 specifying that the residential property is not exempt
 16 from school property taxes."

Amendment H-1850 lost.

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. 732)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Chapman	Chioldo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	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
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, 2:

Garman Kreiman

Absent or not voting, 2:

Cataldo 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 732** be immediately messaged to the Senate.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 22

House Concurrent Resolution 22, 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, was taken up for consideration.

Doderer of Johnson offered amendment H-1690 filed by her. Division was requested as follows:

H-1690

1 Amend House Concurrent Resolution 22 as follows:

H-1690A

- 2 1. Page 2, line 4, by striking the word
- 3 "credits," and inserting the following: "credits".
- 4 2. Page 2, line 7, by striking the words
- 5 "franchise tax on banks," and inserting the following:
- 6 "tax on financial institutions,".
- 7 3. Page 2, line 8, by inserting after the word
- 8 "including" the following: "partnerships,".

H-1690B

- 9 4. By striking page 2, line 15, through page 3,
- 10 line 22, and inserting the following:
- 11 "BE IT FURTHER RESOLVED, That the task force shall
- 12 consist of fifteen members.
- 13 1. Twelve of the members shall be selected as
- 14 follows:
- 15 a. Five who are members of the senate, three
- 16 appointed by the majority leader of the senate and two
- 17 appointed by the minority leader of the senate.

- 18 b. Five who are members of the house of
19 representatives, three appointed by the speaker of the
20 house and two appointed by the minority leader of the
21 house.
22 c. Two members of the general public, one
23 appointed by the majority leader of the senate and the
24 other appointed by the speaker of the house of
25 representatives.
26 2. Three members, from the following associations
27 and appointed by the Legislative Council, shall be
28 selected as follows:
29 a. One member from an association of Iowa
30 counties.
31 b. One member from an association of Iowa cities.
32 c. One member from an association of Iowa school
33 boards."

Doderer of Johnson moved the adoption of amendment H-1690A.

Amendment H-1690A was adopted.

Doderer of Johnson offered the following amendment H-1859 filed by her from the floor and moved its adoption:

H-1859

- 1 Amend House Concurrent Resolution 22, as follows:
2 1. Page 2, line 4 by striking the word "and".

Amendment H-1859 was adopted.

The following amendment H-1861 filed by Connors of Polk from the floor was adopted by unanimous consent:

H-1861

- 1 Amend amendment H-1690, to House Concurrent
2 Resolution 22, as follows:
3 1. Page 1, line 10, by striking the numerals "22"
4 and inserting the following: "19".

Siegrist of Pottawattamie asked and received unanimous consent that House Concurrent Resolution 22 be deferred. (Amendment H-1690B pending.)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 22, 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 597, a bill for an act relating to school attendance by applying school attendance requirements under the family investment program, and providing a civil penalty for truancy, applicability provisions, and an effective date.

Also: That the Senate has on April 22, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 22, 1997, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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 22, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 539, a bill for an act to legalize the proceedings taken by the Cedar Rapids Community School District to participate in an instructional support program and providing an effective and retroactive applicability date.

MARY PAT GUNDERSON, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 21, 1997. Had I been present, I would have voted "aye" on House Files 335, 405, 553, 597, 698, 715, 726, and Senate Files 184 and 497.

CHURCHILL of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 132, an act relating to the liability of persons involved in domesticated animal activities.

House File 178, 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.

House File 229, an act relating to the availability of a map indicating the location of electric transmission lines related to the extension of a franchise.

House File 232, an act providing for court-ordered treatment of a criminal defendant judged mentally incapable of standing trial.

House File 233, an act relating to cooperative associations, by providing for the filing of documents and providing for the effective date of a merger or consolidation.

House File 495, an act relating to certain machinery, equipment, and computers for purposes of property taxation and providing an applicability date.

House File 550, an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

House File 659, an act relating to the regulation of the practice of respiratory care.

House File 685, an act relating to the required business hours of a motorcycle dealer.

House File 688, 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.

Senate File 30, 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.

Senate File 95, 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.

Senate File 131, an act relating to fraudulent practices involving family investment and medical assistance program benefits and making penalties applicable.

Senate File 219, an act relating to trespassing or stray livestock and providing remedies and an effective date.

Senate File 232, an act relating to notarial acts and providing an effective date.

Senate File 235, 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.

Senate File 238, an act repealing the procedures for disposition of the contents of a decedent's safe deposit box and providing an effective date.

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

April 22, 1997

The Honorable Ron Corbett
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 655, 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.

House File 655 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve Section 29, in its entirety, which relates to the dissolution of the Iowa Seed Capital Corporation. This provision was intended to be enacted in conjunction with House File 652, which would establish a new structure for seed and venture capital programs in Iowa. Due to the uncertain outcome of the General Assembly's deliberations concerning House File 652, I am unable to approve this provision. If House File 652 fails to be enacted, the Iowa Seed Capital Corporation should remain in existence until the General Assembly again has the opportunity to consider the state's seed and venture capital policies in the 1998 session.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 655 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

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

Eleven student council members from Beckman High School, Dyersville, accompanied by Marilyn Noel and Pat Lehmann. By Scherrman of Dubuque.

Forty-three 6th grade students from Nashua-Plainfield School District, Nashua, accompanied by Mr. Andersen. By Weigel of Chickasaw, Koenigs of Mitchell and Brunkhorst of Bremer.

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\432 Lucille and Vernon Hall, Independence – For celebrating their 50th wedding anniversary.
- 1997\433 Jean and Don McNeeley, Libertyville – For celebrating their 50th wedding anniversary.
- 1997\434 Wilma and James Pratt, Fairfield – For celebrating their 50th wedding anniversary.
- 1997\435 Mr. and Mrs. Ed Cutler, Keosauqua – For celebrating their 50th wedding anniversary.
- 1997\436 Helen and Ray Mielke, Monona – For celebrating their 60th wedding anniversary.
- 1997\437 Ruth and Dwight Vredenburg, Chariton – For celebrating their 60th wedding anniversary.
- 1997\438 Beulah and Ivan Gibbs, Promise City – For celebrating their 65th wedding anniversary.
- 1997\439 Marjorie Snively, West Union – For celebrating her 87th birthday.
- 1997\440 Bill Jantsch, Dubuque – For his retirement after 38 years as athletic director, coach, and administrator for the Dubuque public schools.
- 1997\441 Ella Cue, Westgate – For celebrating her 90th birthday.
- 1997\442 Bernice McFarland, Darlington, WI – For celebrating her 100th birthday.
- 1997\443 Andrew Hansen, Iowa Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\444 Tharon and Glenn Haltom, Norwood – For celebrating their 50th wedding anniversary.
- 1997\445 Mary and Ben Johnson, Evansdale – For celebrating their 50th wedding anniversary.
- 1997\446 Zetta and Arnold Nielsen, Waterloo – For celebrating their 50th wedding anniversary.
- 1997\447 Nathan Yoder, Riverside – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

Senate File 410

Ways and Means: Holmes, Chair; Jochum and Van Fossen.

Senate File 545

Ways and Means: Drake, Chair; Dix and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 242 Ways and Means

Relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 723), relating to housing development.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 21, 1997.

Committee Bill, making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 21, 1997.

COMMITTEE ON WAYS AND MEANS

Senate File 528, 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.

Fiscal Note is not required.

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

AMENDMENTS FILED

H—1835	S.F.	526	Carroll of Poweshiek
	Fallon of Polk		Foege of Linn

	Veenstra of Sioux		Lord of Dallas
	Van Maanen of Marion		Murphy of Dubuque
H—1839	S.F.	79	Fallon of Polk
			Garman of Story
			Sukup of Franklin
H—1840	H.F.	504	Rants of Woodbury
H—1844	H.F.	670	Van Fossen of Scott
H—1847	H.F.	695	Mascher of Johnson
			Teig of Hamilton
H—1854	H.F.	612	Boddicker of Cedar
H—1855	H.F.	733	Cohoon of Des Moines
H—1856	H.F.	733	Koenigs of Mitchell
H—1857	H.F.	733	Millage of Scott
H—1858	H.F.	733	Brunkhorst of Bremer
			Brand of Tama
			Millage of Scott
			Hansen of Pottawattamie
H—1860	H.F.	733	Greiner of Washington
H—1862	H.F.	733	Hansen of Pottawattamie
			Houser of Pottawattamie
			Barry of Harrison
			Brand of Tama

On motion by Siegrist of Pottawattamie, the House adjourned at 8:32 p.m., until 8:45 a.m., Wednesday, April 23, 1997.

JOURNAL OF THE HOUSE

One hundred first Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 23, 1997

The House met pursuant to adjournment at 8:52 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Dr. Allen Call, First United Methodist Church, Sioux City.

The Journal of Tuesday, April 22, 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 April 16, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 514, a bill for an act relating to 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.

Also: That the Senate has on April 22, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 542, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 714, a bill for an act relating to hospitals and health care facilities, including licensing and license fees, inspections and inspection fees and fines, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 714)

The ayes were, 95:

Arnold
Blodgett

Barry
Boddicker

Bell
Bogess

Bernau
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	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	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	

The nays were, 5:

Hansen	Larson	Rants	Thomas
Mr. Speaker			
Corbett			

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 AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration **House File 612**, a bill for an act relating to child support recovery, providing penalties, and providing effective dates, amended by the Senate amendment H-1795 as follows:

H-1795

- 1 Amend House File 612 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 26, line 27, through page 27,
- 4 line 7, and inserting the following: "amended by
- 5 striking the subsection."
- 6 2. Page 27, line 30, by inserting after the word
- 7 "methods." the following: "The department shall
- 8 utilize, to the maximum extent possible, every
- 9 available automated process to collect support

10 payments prior to referral of a case to a private
 11 collection agency."

12 3. By inserting after page 31, line 22 the
 13 following:

14 "Sec. NEW SECTION. 252B.6A EXTERNAL
 15 SERVICES.

16 1. Provided that the action is consistent with
 17 applicable federal law and regulation, an attorney
 18 licensed in this state shall receive compensation as
 19 provided in this section for support collected as the
 20 direct result of a judicial proceeding maintained by
 21 the attorney, if all of the following apply to the
 22 case:

23 a. The unit is providing services under this
 24 chapter.

25 b. The current support obligation is terminated
 26 and only arrearages are due under an administrative or
 27 court order and there has been no payment under the
 28 order for at least the twelve-month period prior to
 29 the provision of notice to the unit by the attorney
 30 under this section.

31 c. Support is assigned to the state based upon
 32 cash assistance paid under chapter 239, or its
 33 successor.

34 d. The attorney has provided written notice to the
 35 central office of the unit and to the obligee at the
 36 last known address of the obligee of the intent to
 37 initiate a specified judicial proceeding, at least
 38 thirty days prior to initiating the proceeding.

39 e. The attorney has provided documentation to the
 40 unit that the attorney is insured against loss caused
 41 by the attorney's legal malpractice or acts or
 42 omissions of the attorney which result in loss to the
 43 state or other person.

44 f. The collection is received by the collection
 45 services center within ninety days of provision of the
 46 notice to the unit. An attorney may provide
 47 subsequent notices to the unit to extend the time for
 48 receipt of the collection by subsequent ninety-day
 49 periods.

50 2. a. If, prior to February 15, 1998, notice is

Page 2

1 provided pursuant to subsection 1 to initiate a
 2 specific judicial proceeding, this section shall not
 3 apply to the proceeding unless the unit consents to
 4 the proceeding.

5 b. (1) If, on or after February 15, 1998, notice
 6 is provided pursuant to subsection 1 to initiate a
 7 specific judicial proceeding, this section shall apply
 8 to the proceeding only if the case is exempt from

9 application of rules adopted by the department
10 pursuant to subparagraph (2) which limit application
11 of this section.

12 (2) The department shall adopt rules which
13 include, but are not limited to, exemption from
14 application of this section to proceedings based upon,
15 but not limited to, any of the following:

16 (a) A finding of good cause pursuant to section
17 252B.3.

18 (b) The existence of a support obligation due
19 another state based upon public assistance provided by
20 that state.

21 (c) The maintaining of another proceeding by an
22 attorney under this section for which the unit has not
23 received notice that the proceeding has concluded or
24 the ninety-day period during which a collection may be
25 received pertaining to the same case has not yet
26 expired.

27 (d) The initiation of a seek employment action
28 under section 252B.21, and the notice from the
29 attorney indicates that the attorney intends to pursue
30 a contempt action.

31 (e) Any other basis for exemption of a specified
32 proceeding designated by rule which relates to
33 collection and enforcement actions provided by the
34 unit.

35 3. The unit shall issue a response to the attorney
36 providing notice within ten days of receipt of the
37 notice. The response shall advise the attorney
38 whether the case to which the specified judicial
39 proceeding applies meets the requirements of this
40 section.

41 4. For the purposes of this section, a "judicial
42 proceeding" means an action to enforce support filed
43 with a court of competent jurisdiction in which the
44 court issues an order which identifies the amount of
45 the support collection which is a direct result of the
46 court proceeding. "Judicial proceedings" include but
47 are not limited to those pursuant to chapters 598,
48 626, 633, 642, 654, or 684 and also include contempt
49 proceedings if the collection payment is identified in
50 the court order as the result of such a proceeding.

Page 3

1 "Judicial proceedings" do not include enforcement
2 actions which the unit is required to implement under
3 federal law including, but not limited to, income
4 withholding.

5 5. All of the following are applicable to a
6 collection which is the result of a judicial
7 proceeding which meets the requirements of this
8 section:

9 a. All payments made as the result of a judicial
10 proceeding under this section shall be made to the
11 clerk of the district court or to the collection
12 services center and shall not be made to the attorney.
13 Payments received by the clerk of the district court
14 shall be forwarded to the collection services center
15 as provided in section 252B.15.

16 b. The attorney shall be entitled to receive an
17 amount which is equal to twenty-five percent of the
18 support collected as the result of the specified
19 judicial proceeding not to exceed the amount of the
20 nonfederal share of assigned support collected as the
21 result of that proceeding. The amount paid under this
22 paragraph is the full amount of compensation due the
23 attorney for a proceeding under this section and is in
24 lieu of any attorney fees. The court shall not order
25 the obligor to pay additional attorney fees. The
26 amount of compensation calculated by the unit is
27 subject, upon application of the attorney, to judicial
28 review.

29 c. Any support collected shall be disbursed in
30 accordance with federal requirements and any support
31 due the obligee shall be disbursed to the obligee
32 prior to disbursement to the attorney as compensation.

33 d. The collection services center shall disburse
34 compensation due the attorney only from the nonfederal
35 share of assigned collections. The collection
36 services center shall not disburse any compensation
37 for court costs.

38 e. The unit may delay disbursement to the attorney
39 pending the resolution of any timely appeal by the
40 obligor or obligee.

41 f. Negotiation of a partial payment or settlement
42 for support shall not be made without the approval of
43 the unit and the obligee, as applicable.

44 6. The attorney initiating a judicial proceeding
45 under this section shall notify the unit when the
46 judicial proceeding is completed.

47 7. a. An attorney who initiates a judicial
48 proceeding under this section represents the state for
49 the sole and limited purpose of collecting support to
50 the extent provided in this section.

Page 4

1 b. The attorney is not an employee of the state
2 and has no right to any benefit or compensation other
3 than as specified in this section.

4 c. The state is not liable or subject to suit for
5 any acts or omissions resulting in any damages as a
6 consequence of the attorney's acts or omissions under
7 this section.

8 d. The attorney shall hold the state harmless from

9 any act or omissions of the attorney which may result
10 in any penalties or sanctions, including those imposed
11 under federal bankruptcy laws, and the state may
12 recover any penalty or sanction imposed by offsetting
13 any compensation due the attorney under this section
14 for collections received as a result of any judicial
15 proceeding initiated under this section.

16 e. The attorney initiating a proceeding under this
17 section does not represent the obligor.

18 8. The unit shall comply with all state and
19 federal laws regarding confidentiality. The unit may
20 release to an attorney who has provided notice under
21 this section, information regarding child support
22 balances due, to the extent provided under such laws.

23 9. This section shall not be interpreted to
24 prohibit the unit from providing services or taking
25 other actions to enforce support as provided under
26 this chapter."

27 4. Page 35, by striking lines 14 through 21 and
28 inserting the following: "subject to a penalty of one
29 hundred dollars per refusal."

30 5. Page 35, by striking lines 23 through 27 and
31 inserting the following: "subpoena, fails to request
32 a conference, and fails to pay a fine imposed under
33 subparagraph (4), the unit may petition the district
34 court to compel the person to comply with this
35 paragraph. If the person objects to imposition of the
36 fine, the person may seek judicial review by the
37 district court."

38 6. Page 41, by inserting after line 11 the
39 following:

40 "Sec. ____ Section 252B.14, subsection 3, Code
41 1997, is amended to read as follows:

42 3. For a support order as to which subsection 2
43 does not apply, support payments made pursuant to the
44 order shall be directed to and disbursed by the clerk
45 of the district court in the county in which the order
46 for support is filed. The clerk of the district court
47 may require the obligor to submit payments by bank
48 draft or money order if the obligor submits an
49 insufficient funds support payment to the clerk of the
50 district court."

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1 7. Page 46, by striking lines 24 through 26 and
2 inserting the following: "the unpaid difference
3 between the amount under the approved order and the
4 amount under the order of the court on appeal is
5 satisfied."

6 8. By striking page 115, line 21, through page
7 116, line 28.

8 9. Page 119, by striking lines 31 through 33 and

9 inserting the following:

10 "NEW SUBSECTION. 5A. The court may order a
11 postsecondary education subsidy if good cause is
12 shown.

13 a. In determining whether good cause exists for
14 ordering a postsecondary education subsidy, the court
15 shall consider the age of the child, the ability of
16 the child relative to postsecondary education, the
17 child's financial resources, whether the child is
18 self-sustaining, and the financial condition of each
19 parent. If the court determines that good cause is
20 shown for ordering a postsecondary education subsidy,
21 the court shall determine the amount of subsidy as
22 follows:

23 (1) The court shall determine the cost of
24 postsecondary education based upon the cost of
25 attending an in-state public institution for a course
26 of instruction leading to an undergraduate degree and
27 shall include the reasonable costs for only necessary
28 postsecondary education expenses.

29 (2) The court shall then determine the amount, if
30 any, which the child may reasonably be expected to
31 contribute, considering the child's financial
32 resources, including but not limited to the
33 availability of financial aid whether in the form of
34 scholarships, grants, or student loans, and the
35 ability of the child to earn income while attending
36 school.

37 (3) The child's expected contribution shall be
38 deducted from the cost of postsecondary education and
39 the court shall apportion responsibility for the
40 remaining cost of postsecondary education to each
41 parent on a pro rata basis, in accordance with each
42 parent's income.

43 b. A postsecondary education subsidy shall be
44 payable to the child, to the educational institution,
45 or to both, but shall not be payable to the custodial
46 parent.

47 c. A postsecondary education subsidy shall not be
48 awarded if the child has disenfranchised the parent by
49 publicly disowning the parent, refusing to acknowledge
50 the parent, or by acting in a similar manner.

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1 d. Unless otherwise specified by the parties, a
2 postsecondary education subsidy awarded by the court
3 shall be terminated upon the child's completion of the
4 first calendar year of course instruction if the child
5 fails to maintain a cumulative grade point average in
6 the median range or above during that first calendar
7 year."

8 10. Page 120, by striking lines 1 through 16 and

9 inserting the following: "the residence of the minor
10 child to another state, the court shall modify the
11 order to preserve, as nearly as possible, the existing
12 relationship between the nonrelocating parent and the
13 minor child. If modified, the order shall, at a
14 minimum, include a provision for extended".

15 11. Page 125, by inserting after line 15 the
16 following:

17 "The clerk of the district court in the county in
18 which the order for support is filed and to whom
19 support payments are made pursuant to the order may
20 require the person obligated to pay support to submit
21 payments by bank draft or money order if the obligor
22 submits an insufficient funds support payment to the
23 clerk of the district court."

24 12. Page 127, by striking lines 2 through 11.

25 13. By striking page 128, line 22, through page
26 130, line 5 and inserting the following:

27 "Sec. ____ EFFECTIVE DATE. Section 187, being
28 deemed of immediate importance, takes effect upon
29 enactment."

30 14. Page 136, by striking lines 19 through 31 and
31 inserting the following:

32 "Sec. 216. Section 600B.41A, subsections 4 and 6,
33 Code 1997, are amended by striking the subsections and
34 inserting in lieu thereof the following:

35 4. If the court finds that the establishment of
36 paternity is overcome, in accordance with all of the
37 conditions prescribed, the court shall enter an order
38 which provides all of the following:

39 a. That the established father is relieved of any
40 and all future support obligations owed on behalf of
41 the child from the date that the order determining
42 that the established father is not the biological
43 father is filed.

44 b. That any unpaid support due prior to the date
45 the order determining that the established father is
46 not the biological father is filed, is satisfied.

47 6. a. If the court determines that test results
48 conducted in accordance with section 600B.41 or
49 chapter 252F exclude the established father as the
50 biological father, the court may dismiss the action

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1 to overcome paternity and preserve the paternity
2 determination only if all of the following apply:

3 (1) The established father requests that paternity
4 be preserved and that the parent-child relationship,
5 as defined in section 600A.2, be continued.

6 (2) The court finds that it is in the best
7 interest of the child to preserve paternity. In
8 determining the best interest of the child, the court

9 shall consider all of the following:

10 (a) The age of the child.

11 (b) The length of time since the establishment of
12 paternity.

13 (c) The previous relationship between the child
14 and the established father, including but not limited
15 to the duration and frequency of any time periods
16 during which the child and established father resided
17 in the same household or engaged in a parent-child
18 relationship as defined in section 600A.2.

19 (d) The possibility that the child could benefit
20 by establishing the child's actual paternity.

21 (e) Additional factors which the court determines
22 are relevant to the individual situation.

23 (3) The biological father is a party to the action
24 and does not object to termination of the biological
25 father's parental rights, or the established father
26 petitions the court for termination of the biological
27 father's parental rights and the court grants the
28 petition pursuant to chapter 600A.

29 b. If the court dismisses the action to overcome
30 paternity and preserves the paternity determination
31 under this subsection, the court shall enter an order
32 establishing that the parent-child relationship exists
33 between the established father and the child, and
34 including establishment of a support obligation
35 pursuant to section 598.21 and provision of custody
36 and visitation pursuant to section 598.41.

37 Sec. 216A. Section 600B.41A, Code 1997, is amended
38 by adding the following new subsection:

39 NEW SUBSECTION. 6A. a. For any order entered
40 under this section on or before the effective date of
41 this subsection in which the court's determination
42 excludes the established father as the biological
43 father but dismisses the action to overcome paternity
44 and preserves paternity, the established father may
45 petition the court to issue an order which provides
46 all of the following:

47 (1) That the parental rights of the established
48 father are terminated.

49 (2) That the established father is relieved of any
50 and all future support obligations owed on behalf of

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1 the child from the date the order under this
2 subsection is filed.

3 b. The established father may proceed pro se under
4 this subsection. The supreme court shall prescribe
5 standard forms for use under this subsection and shall
6 distribute the forms to the clerks of the district
7 courts.

8 c. If a petition is filed pursuant to this section

9 and notice is served on any parent of the child not
10 filing the petition and any assignee of the support
11 obligation, the court shall grant the petition.”

12 15. Page 136, by inserting after line 32, the
13 following:

14 “Sec. 218. Sections 215, 216, and 216A of this
15 Act, being deemed of immediate importance, take effect
16 upon enactment.”

17 16. Page 138, by striking lines 34 and 35 and
18 inserting the following: “state shall be filed with
19 the county as directed by the state registrar of the
20 county in which the death occurs, within three days
21 after the death”.

22 17. Page 139, line 2, by striking the word
23 “registrar” and inserting the following: “county
24 registrar”.

25 18. Page 139, by striking lines 10 through 22 and
26 inserting the following:

27 ~~“If the place of death is unknown, a death~~
28 ~~certificate shall be filed in the county in which a~~
29 ~~dead body is found within three days after the body is~~
30 ~~found.~~

31 3. The county in which a dead body is found is the
32 county of death. If death occurs in a moving
33 conveyance, a death certificate shall be filed in the
34 county in which the dead body is first removed from
35 the conveyance is the county of death.

36 ~~If a person dies outside of the county of the~~
37 ~~person’s residence, the state registrar shall send a~~
38 ~~copy of the death certificate to the county registrar~~
39 ~~of the county of the decedent’s residence. The county~~
40 ~~registrar shall record the death certificate in the~~
41 ~~same records in which death certificates of persons~~
42 ~~who died within the county are recorded.”~~

43 19. Page 144, by inserting after line 2 the
44 following:

45 “Sec. ____ NEW SECTION. 595.3A APPLICATION FORM
46 AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.

47 In addition to any other information contained in
48 an application form for a marriage license and a
49 marriage license, the application form and license
50 shall contain the following statement in bold print:

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1 “The laws of this state affirm your right to enter
2 into this marriage and at the same time to live within
3 the marriage under the full protection of the laws of
4 this state with regard to violence and abuse. Neither
5 of you is the property of the other. Assault, sexual
6 abuse, and willful injury of a spouse or other family
7 member are violations of the laws of this state and
8 are punishable by the state.””

9 20. Page 144, by inserting after line 22 the
10 following:

11 "Sec. ____ Section 614.1, subsection 6, Code 1997,
12 is amended to read as follows:

13 6. JUDGMENTS OF COURTS OF RECORD. Those founded
14 on a judgment of a court of record, whether of this or
15 of any other of the United States, or of the federal
16 courts of the United States, within twenty years
17 except that a time period limitation shall not apply
18 to an action to recover a judgment for child support,
19 spousal support, or a judgment of distribution of
20 marital assets.

21 Sec. ____ Section 624.23, subsection 1, Code 1997,
22 is amended to read as follows:

23 1. Judgments in the appellate or district courts
24 of this state, or in the circuit or district court of
25 the United States within the state, are liens upon the
26 real estate owned by the defendant at the time of such
27 rendition, and also upon all the defendant may
28 subsequently acquire, for the period of ten years from
29 the date of the judgment except that a time period
30 limitation shall not apply to such liens with regard
31 to judgments for child support, spousal support, or a
32 judgment of distribution of marital assets."

33 21. Page 144, by inserting after line 33 the
34 following:

35 "Sec. ____ NEW SECTION. 627.6A EXEMPTIONS FOR
36 SUPPORT - PENSIONS AND SIMILAR PAYMENTS.

37 1. Notwithstanding the provisions of section
38 627.6, a debtor shall not be permitted to claim
39 exemptions with regard to payment or a portion of
40 payment under a pension, annuity, individual
41 retirement account, profit-sharing plan, universal
42 life insurance policy, or similar plan or contract due
43 to illness, disability, death, age, or length of
44 service for child, spousal, or medical support.

45 2. In addition to subsection 1, if another
46 provision of law otherwise provides that payments,
47 income, or property are subject to attachment for
48 child, spousal, or medical support, those provisions
49 shall supersede section 627.6."

50 22. By renumbering as necessary.

Boddicker of Cedar offered amendment H-1854, to the Senate amend-
ment H-1795, filed by him. Division was requested as follows:

H-1854

1 Amend the Senate amendment, H-1795, to House File
2 612 as amended, passed, and reprinted by the House, as
3 follows:

H-1854A

- 4 1. Page 5, by striking lines 6 and 7.

H-1854B

- 5 2. Page 5, by striking lines 41 and 42 and
6 inserting the following: "parent. The amount paid by
7 each parent shall not exceed thirty-three and one-
8 third percent of the total cost of postsecondary
9 education."

H-1854A

- 10 3. Page 5, line 48, by striking the word
11 "disenfranchised" and inserting the following:
12 "repudiated".
13 4. Page 6, line 1, by inserting after the word
14 "d." the following: "The child shall forward, to each
15 parent, reports of grades awarded at the completion of
16 each academic session, within ten days of receipt of
17 the reports."
18 5. Page 6, line 10, by inserting after the word
19 "state" the following: "or to a location which is one
20 hundred fifty miles or more from the residence of the
21 minor child at the time that custody is awarded".
22 6. Page 6, by striking lines 25 through 29 and
23 inserting the following:
24 "_. Page 130, line 3, by inserting after the
25 figure "181," the following: "187,"."
26 7. Page 9, by striking lines 21 through 32.
27 8. By renumbering as necessary.

Boddicker of Cedar moved the adoption of amendment H-1854A, to the Senate amendment H-1795.

Amendment H-1854A, to the Senate amendment H-1795, was adopted.

Van Fossen of Scott in the chair at 10:04 a.m.

Speaker Corbett in the chair at 10:08 a.m.

Boddicker of Cedar moved the adoption of amendment H-1854B, to the Senate amendment H-1795.

Roll call was requested by Chapman of Linn and Bernau of Story.

On the question "Shall amendment H-1854B, to the Senate amendment H-1795, be adopted?" (H.F. 612)

The ayes were, 56:

Arnold

Barry

Blodgett

Boddicker

Bogges	Bradley	Brauns	Brunkhorst
Cormack	Dinkla	Dix	Dolecheck
Drake	Drees	Eddie	Falck
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson	O'Brien	Rants	Rayhons
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 38:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Doderer	Dotzler	Fallon
Foege	Ford	Frevert	Heaton
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
Murphy	Myers	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 6:

Carroll	Churchill	Connors	Gipp
Moreland	Siegrist		

Amendment H-1854B, to the Senate amendment H-1795, was adopted.

Holveck of Polk offered the following amendment H-1865, to the Senate amendment H-1795, filed from the floor and moved its adoption:

H-1865

- 1 Amend the Senate amendment, H-1795, to House File
- 2 612, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by striking lines 1 through 7.

Amendment H-1865, to the Senate amendment H-1795, lost.

Boddicker of Cedar moved that the House concur in the Senate amendment H-1795, as amended.

A non-record roll call was requested.

The ayes were 51, nays 27.

The House concurred in the Senate amendment H-1795, as amended.

Boddicker of Cedar 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. 612)

The ayes were, 59:

Arnold	Barry	Boddicker	Boggess
Bradley	Brauns	Carroll	Churchill
Connors	Cormack	Dinkla	Dix
Dolecheck	Drake	Drees	Falck
Fallon	Garman	Gipp	Greig
Greiner	Gries	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kr�mer
Lamberti	Larson	Lord	Martin
Mertz	Metcalf	Meyer	Millage
Mundie	Nelson	O'Brien	Rants
Rayhons	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 37:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Doderer	Dotzler	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Murphy	Myers	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 4:

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

Connors of Polk asked and received unanimous consent that the following persons be allowed to be recorded as voting on House File 612: Chiodo, Churchill, Fallon, Ford, Grundberg, Jacobs and Metcalf, and the votes were so recorded.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 612** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Bradley of Clinton called up for consideration **House File 514**, a bill for an act relating to 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1864:

H-1864

- 1 Amend House File 514, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3 the
- 4 following:
- 5 "This subsection does not apply to the operator of
- 6 a motor vehicle owned or leased to the United States,
- 7 this state, or any political subdivision of this state
- 8 or to a motor vehicle which is subject to section
- 9 325.26, 327.15, 327A.5, or 327B.6."
- 10 2. Page 2, line 4, by inserting after the figure
- 11 "2." the following: "a."
- 12 3. Page 2, by striking line 14 and inserting the
- 13 following:
- 14 "b. The insurance division and the department, as
- 15 appropriate, shall adopt rules regarding the".
- 16 4. Page 2, line 18, by inserting after the word
- 17 "a" the following: "financial".
- 18 5. Page 2, line 20, by inserting after the word
- 19 "a" the following: "financial".
- 20 6. Page 2, line 22, by inserting after the word
- 21 "insurance" the following: "or the director, as
- 22 applicable".
- 23 7. Page 4, by inserting after line 17 the
- 24 following:
- 25 "4A. The department shall establish by rule
- 26 standardized criteria for determining whether to
- 27 impound a vehicle or remove the license plates and
- 28 registration under subsection 4. The department shall
- 29 provide a copy of such criteria to local jurisdictions
- 30 for use in developing local standardized criteria for
- 31 such actions when taken by a peace officer associated
- 32 with a local law enforcement agency."
- 33 8. Page 6, by striking lines 18 through 21 and
- 34 inserting the following: "require exhibition of the
- 35 driver's motor vehicle license, to serve a summons or
- 36 memorandum of traffic".

- 37 9. Page 6, by inserting after line 27 the
 38 following:
 39 "Sec. ____ Section 321.492, Code 1997, is amended
 40 by adding the following new unnumbered paragraph after
 41 unnumbered paragraph 1:
 42 NEW UNNUMBERED PARAGRAPH. A peace officer having
 43 probable cause to stop a vehicle may require
 44 exhibition of the proof of insurance card issued for
 45 the vehicle if the vehicle is a motor vehicle
 46 registered in this state."
 47 10. By striking page 9, line 30, through page 10,
 48 line 1, and inserting the following: "or use of any
 49 vehicle owned by such the person. A person issued a
 50 certificate of self-insurance pursuant to this section

Page 2

- 1 shall maintain a financial liability coverage card as
 2 provided in section 321.20B, subsection 2, paragraph
 3 "b".
 4 11. By renumbering, relettering, or redesignating
 5 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1864.

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

On the question "Shall the bill pass?" (H.F. 514)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	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	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, 2:

Koenigs Murphy

Absent or not voting, 2:

Chiodo Dolecheck

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 531, a bill for an act relating to the increase in the physical plant and equipment levy, with report of committee recommending amendment and passage, was taken up for consideration.

Teig of Hamilton offered the following amendment H-1802 filed by the committee on ways and means and moved its adoption:

H-1802

- 1 Amend Senate File 531, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 33 the
- 4 following:
- 5 "Sec. ____ Section 298.3, Code 1997, is amended by
- 6 adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Revenue from the regular
- 8 and voter-approved physical plant and equipment levies
- 9 shall not be expended for school district employee
- 10 salaries or travel expenses, supplies, printing costs
- 11 or media services, or for any other purpose not
- 12 expressly authorized in this section."

The committee amendment H-1802 was adopted.

Van Fossen of Scott in the chair at 11:20 a.m.

Speaker Corbett in the chair at 11:28 a.m.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 531 be deferred and that the bill retain its place on the calendar.

Unfinished Business Calendar

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

Fallon of Polk offered amendment H-1839 filed by Fallon, et al., as follows:

H-1839

1 Amend Senate File 79, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 99D.9, subsection 6, Code
6 1997, is amended to read as follows:

7 6. A licensee may shall not loan to any person
8 money or any other thing of value or permit a
9 financial institution, vendor, or other person to loan
10 money on the basis of a credit card or similar
11 instrument in person or through an electronic or
12 mechanical device including but not limited to a
13 satellite terminal as defined in section 527.2 for the
14 purpose of permitting that person to wager on any
15 race. The use of a check or a debit card with
16 overdraft protection is not prohibited by this
17 subsection."

18 2. Page 1, by inserting before line 11 the
19 following:

20 "Sec. ____ Section 99F.7, subsection 9, Code 1997,
21 is amended to read as follows:

22 9. A licensee shall not loan to any person money
23 or any other thing of value or permit a financial
24 institution, vendor, or other person to loan money on
25 the basis of a credit card or similar instrument in
26 person or through an electronic or mechanical device
27 including but not limited to a satellite terminal as
28 defined in section 527.2 for the purpose of permitting
29 that person to wager on any game of chance. The use
30 of a check or a debit card with overdraft protection
31 is not prohibited by this subsection."

32 3. Title page, line 2, by inserting after the
33 word "games" the following: ", the use of credit for
34 gambling,".

35 4. By renumbering as necessary.

Rants of Woodbury rose on a point of order that amendment H-1839 was not germane.

The Speaker ruled the point well taken and amendment H-1839 not germane.

Fallon of Polk asked and received unanimous consent to suspend the rules to consider amendment H-1839.

Fallon of Polk moved the adoption of amendment H-1839.

Amendment H-1839 was adopted.

Arnold of Lucas offered the following amendment H-1803 filed by him and moved its adoption:

H-1803

1 Amend Senate File 79, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 4, by inserting after the figure
4 "1997," the following: "for an excursion gambling
5 boat operation on the Mississippi or Missouri river,
6 or on or before December 31, 1997, for an excursion
7 gambling boat operation on a lake or water reservoir
8 approved by a county electorate before the effective
9 date of this Act,".

Amendment H-1803 was adopted, placing out of order amendment H-1493.

Cormack of Webster offered the following amendment H-1542 filed by him and moved its adoption:

H-1542

1 Amend Senate File 79, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "Sec. ____ **NEW SECTION. 99F.4D MORATORIUM ON**
6 **ADDITIONAL GAMBLING DEVICES OR TABLES.**
7 Before July 1, 2000, the commission shall not allow
8 a licensee to operate a larger number of slot
9 machines, game tables, or other gambling devices or
10 games than the licensee was authorized to operate on
11 the effective date of this Act."
12 2. Title page, line 2, by inserting after the
13 word "games" the following: "and on the number of
14 gambling games or devices,".

Rants of Woodbury rose on a point of order that amendment H-1542 was not germane.

The Speaker ruled the point well taken and amendment H-1542 not germane.

Cormack of Webster asked for unanimous consent to suspend the rules to consider amendment H-1542.

Objection was raised.

Cormack of Webster moved to suspend the rules to consider amendment H-1542.

A non-record roll call was requested.

The ayes were 42, nays 52.

The motion to suspend the rules lost.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 79 be deferred and that the bill retain its place on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 539, by Lundby, Horn, and Dvorsky, a bill for an act to legalize the proceedings taken by the Cedar Rapids Community School District to participate in an instructional support program and providing an effective and retroactive applicability date.

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

Senate File 542, by committee on appropriations, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 613, a bill for an act relating to linked deposit investment programs.

Also: That the Senate has on April 23, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 214, a bill for an act relating to the regulation of the use and disposal of sewage sludge and providing a penalty.

Also: That the Senate has on April 23, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 541, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project.

MARY PAT GUNDERSON, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 12:15 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:42 p.m., Speaker Corbett in the chair.

QUORUM CALL

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

Gipp of Winneshiek in the chair at 1:55 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 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 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.

Also: That the Senate has on April 23, 1997, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 533, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

MARY PAT GUNDERSON, Secretary

HOUSE RECEDES

Carroll of Poweshiek called up for consideration **Senate File 163**, a bill for an act relating to the sale of cigarettes and tobacco products through vending machines, amended by the House and moved that the House recede from its amendment.

The motion prevailed and the House recesses.

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. 163)

The ayes were, 98:

Arnold	Barry	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Brauns	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	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	Gipp,		
	Presiding,		

The nays were, none.

Absent or not voting, 2:

Bell Chapman

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 163** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Garman of Story called up for consideration **Senate File 533**, a bill for an act relating to and making appropriations to the justice system and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1876:

H-1876

1 Amend the House amendment, S-3603, to Senate File
2 533, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "_. Page 11, by striking lines 32 through 34
7 and inserting the following: "correctional farms
8 under the control of the department at the same or
9 greater level of participation and involvement as
10 existed as of January 1, 1997, and shall further
11 attempt to provide meaningful job opportunities at the
12 farms for inmates.""

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

15 "_. By striking page 11, line 35, through page
16 12, line 7 and inserting the following:

17 "13. The department of corrections, to the extent
18 permissible by law, shall implement, as soon as
19 possible but in no event later than July 1, 1997, a
20 program to limit the availability of television to
21 inmates in correctional facilities under the control
22 of the department to channels representing networks or
23 stations for which under normal circumstances a fee is
24 not required.""

25 3. Page 1, by inserting after line 14 the
26 following:

27 "_. Page 36, by inserting after line 2 the
28 following:

29 "_. Section 5, subsection 13, relating to the
30 availability of television to inmates in correctional
31 facilities, being deemed of immediate importance,
32 takes effect upon enactment.""

33 4. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-1876.

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

On the question "Shall the bill pass?" (S.F. 533)

The ayes were, 97:

Arnold
Blodgett
Brand

Barry
Boddicker
Brauns

Bell
Boggess
Brunkhorst

Bernau
Bradley
Bukta

Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Dodeier	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Frevert	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Harisen
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
Gipp, Presiding			

The nays were, 3:

Fallon	Ford	Kreiman
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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 **Senate File 533** and **House File 714** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **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, previously deferred.

Blodgett of Cerro Gordo offered the following amendment H-1879 filed by him from the floor and moved its adoption:

H-1879

- 1 Amend Senate File 79, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by inserting after line 10 the
4 following:
5 "Sec. ____ Section 99F.7, subsection 1, Code 1997,
6 is amended to read as follows:
7 1. If the commission is satisfied that this
8 chapter and its rules adopted under this chapter
9 applicable to licensees have been or will be complied
10 with, the commission shall issue a license for a
11 period of not more than three years to an applicant to
12 own a gambling game operation and to an applicant to
13 operate an excursion gambling boat. The commission
14 shall decide which of the gambling games authorized
15 under this chapter it will permit. The Except as
16 otherwise provided in section 1 of this Act, the
17 commission shall decide the number, location, and type
18 of excursion gambling boats licensed under this
19 chapter for operation only on the Mississippi and
20 Missouri rivers, lakes, and reservoirs of this state.
21 The license shall set forth the name of the licensee,
22 the type of license granted, the place where the
23 excursion gambling boats will operate and dock, and
24 the time and number of days during the excursion
25 season and the off season when gambling may be
26 conducted by the licensee. The commission shall not
27 allow a licensee to conduct gambling games on an
28 excursion gambling boat while docked during the off
29 season if the licensee does not operate gambling
30 excursions for a minimum number of days during the
31 excursion season. The commission may delay the
32 commencement of the excursion season at the request of
33 a licensee."
34 2. Page 1, line 11, by striking the word "This"
35 and inserting the following: "Section 1 of this".
36 3. By renumbering as necessary.

Amendment H-1879 was adopted.

Fallon of Polk asked and received unanimous consent to reconsider the vote by which amendment H-1839, filed by him and found on page 1477 of the House Journal, was adopted on April 23, 1997.

Fallon of Polk offered the following amendment H-1880, to amendment H-1839, filed by Fallon, Garman and Sukup from the floor and moved its adoption:

H-1880

- 1 Amend the amendment, H-1839, to Senate File 79, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 5 through 17 and
5 inserting the following:

6 "Section 1. Section 99D.24, Code 1997, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 7. A licensee shall not knowingly
 9 allow a financial institution or vendor to loan money
 10 on its premises on the basis of a credit card or
 11 similar instrument through an electronic or mechanical
 12 device, including, but not limited to, a satellite
 13 terminal as defined in section 572.2 for the purpose
 14 of permitting that person to wager on any race. The
 15 use of a check or a debit card with overdraft
 16 protection is not prohibited by this subsection. The
 17 acceptance and cashing of checks by a licensee is not
 18 prohibited and the use of ATM and debit cards at on-
 19 site premises is not prohibited by this subsection."
 20 2. Page 1, by striking lines 20 through 31 and
 21 inserting the following:

22 "Sec. ____ Section 99F.15, Code 1997, is amended
 23 by adding the following new subsection:
 24 NEW SUBSECTION. 7. A licensee shall not knowingly
 25 allow a financial institution or vendor to loan money
 26 on its premises on the basis of a credit card or
 27 similar instrument through an electronic or mechanical
 28 device, including, but not limited to, a satellite
 29 terminal as defined in section 572.2 for the purpose
 30 of permitting that person to wager on any game of
 31 chance. The use of a check or a debit card with
 32 overdraft protection is not prohibited by this
 33 subsection. The acceptance and cashing of checks by a
 34 licensee is not prohibited and the use of ATM and
 35 debit cards at on-site premises is not prohibited by
 36 this subsection."

Amendment H-1880, to amendment H-1839, was adopted.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment H-1882, to amendment H-1839, filed by him from the floor.

Fallon of Polk moved the adoption of amendment H-1839, as amended.

Amendment H-1839, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 79)

The ayes were, 97:

Arnold
Blodgett

Barry
Boddicker

Bell
Boggess

Bernau
Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Dinkla	Dix	Doderer
Dolecheck.	Dotzler	Drake	Drees
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	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
Gipp, Presiding			

The nays were, 2:

Cormack Larkin

Absent or not voting, 1:

Eddie

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 79** be immediately messaged to the Senate.

Speaker Corbett in the chair at 2:32 p.m.

SENATE MESSAGE CONSIDERED

Senate File 541, by Iverson and Gronstal, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 23

Hahn of Muscatine called up for consideration House Concurrent

Resolution 23, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol, 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 23** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 733.

Appropriations Calendar

House File 733, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations, was taken up for consideration.

The House stood at ease at 2:45 p.m., until the fall of the gavel.

The House resumed session at 4:22 p.m., Speaker Corbett in the chair.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 514** be immediately messaged to the Senate.

Cohoon of Des Moines offered the following amendment H-1855 filed by him and moved its adoption:

H-1855

- 1 Amend House File 733 as follows:
- 2 1. Page 1, by inserting after line 18 the

3 following:

- 4 "3. For a feasibility study by the city of
 5 Burlington regarding the construction of a replica of
 6 the first territorial capitol of Iowa:
 7 \$ 25,000"

Amendment H-1855 was adopted.

Ford of Polk offered the following amendment H-1881 filed by him from the floor and moved its adoption:

H-1881

- 1 Amend House File 733 as follows:
 2 1. Page 1, by inserting after line 18 the
 3 following:
 4 "3. For a grant to procure the property on which
 5 Fort Des Moines, which is listed on the national
 6 historic registry, is located:
 7 \$ 500,000
 8 Allocation of moneys pursuant to this subsection
 9 shall be contingent upon at least a dollar-for-dollar
 10 local match of state grant moneys."

Amendment H-1881 lost.

Cohon of Des Moines asked and received unanimous consent that amendment H-1874 be deferred.

Brauns of Muscatine offered the following amendment H-1870 filed by him from the floor and moved its adoption:

H-1870

- 1 Amend House File 733 as follows:
 2 1. Page 2, line 13, by inserting after the figure
 3 "5" the following: "in accordance with capitol
 4 complex renovation plans".
 5 2. Page 2, line 19, by inserting after the figure
 6 "15" the following: "in accordance with capitol
 7 complex renovation plans".
 8 3. Page 6, line 29, by inserting after the word
 9 and figure "subsection 3" the following: "provided
 10 that the department, to the best of its abilities,
 11 expend the funds on projects which meet the definition
 12 of vertical infrastructure".

Amendment H-1870 was adopted.

Falck of Fayette offered the following amendment H-1875 filed by Falck, Heaton, Doderer and Mascher from the floor and moved its adoption:

H-1875

- 1 Amend House File 733 as follows:
- 2 1. Page 2, line 18, by inserting after the word
- 3 "resurfacing," the following: "new handicapped
- 4 parking signs which comply with the provisions of
- 5 chapter 321L, as amended by 1997 Iowa Acts, House File
- 6 688."

Amendment H-1875 was adopted.

Koenigs of Mitchell offered the following amendment H-1856 filed by him and moved its adoption:

H-1856

- 1 Amend House File 733 as follows:
- 2 1. Page 3, line 1, by inserting after the word
- 3 "property" the following: ", public school property,
- 4 and city and county property".
- 5 2. Page 5, line 14, by inserting after the word
- 6 "property" the following: ", public school property,
- 7 and city and county property".

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H-1856 lost.

Huser of Polk offered the following amendment H-1867 filed by her from the floor and moved its adoption:

H-1867

- 1 Amend House File 733 as follows:
- 2 1. Page 3, line 4, by inserting after the word
- 3 "survey" the following: "and provide an accounting of
- 4 how the appropriation in subsection 1 was spent".

Amendment H-1867 was adopted.

Taylor of Linn offered the following amendment H-1868 filed by him from the floor and moved its adoption:

H-1868

- 1 Amend House File 733 as follows:
- 2 1. Page 6, line 1, by striking the words "private
- 3 person" and inserting the following: "public or
- 4 private entity".
- 5 2. Page 6, line 5, by inserting after the word
- 6 "property." the following: "The department shall

7 contract with an independent entity to develop a bid
 8 for the division of design and construction to conduct
 9 the survey which shall be considered along with other
 10 bids received regarding the survey."

Amendment H-1868 lost.

Millage of Scott offered the following amendment H-1857 filed by him and moved its adoption:

H-1857

1 Amend House File 733 as follows:
 2 1. Page 6, line 11, by striking the word
 3 "purposes" and inserting the following: "purpose".
 4 2. Page 6, line 12, by striking the figure "1."
 5 3. Page 6, by striking lines 14 and 15.
 6 4. By striking page 17, line 32, through page 18,
 7 line 32.
 8 5. By renumbering as necessary.

Amendment H-1857 lost.

Rayhons of Hancock in the chair at 5:05 p.m.

Moreland of Wapello offered the following amendment H-1888 filed by him from the floor and moved its adoption:

H-1888

1 Amend House File 733 as follows:
 2 1. Page 6, line 12, by striking the words "living
 3 history farms" and inserting the following: "the Des
 4 Moines international airport".

A non-record roll call was requested.

The ayes were 36, nays 49.

Amendment H-1888 lost.

Greiner of Washington offered the following amendment H-1860 filed by her and moved its adoption:

H-1860

1 Amend House File 733 as follows:
 2 1. Page 9, by inserting after line 16 the
 3 following:
 4 "Sec. ____ There is appropriated from the rebuild
 5 Iowa infrastructure fund, notwithstanding section
 6 8.57, subsection 5, paragraph "c", to the division of
 7 soil conservation of the department of agriculture and

8 land stewardship for the fiscal year beginning July 1,
 9 1997, and ending June 30, 1998, the following amount,
 10 or so much thereof as is necessary, to be used for the
 11 purpose designated:

12 For allocation to soil and water conservation
 13 districts in equal amounts to support the voluntary
 14 establishment of soil and water conservation practices
 15 on a cost-share basis as provided in section 161A.73:
 16 \$ 742,500"

17 2. Page 11, by striking lines 17 through 28.

18 3. Title page, line 7, by striking the words

19 "Loess Hills development and conservation authority,"

20 4. By renumbering as necessary.

Speaker pro tempore Van Maanen of Marion in the chair at 5:35 p.m.

Speaker Corbett in the chair at 6:00 p.m.

Roll call was requested by Gries of Crawford and Greiner of Washington.

On the question "Shall amendment H-1860 be adopted?" (H.F. 733)

The ayes were, 30:

Brand	Bukta	Cohoon	Falck
Foege	Ford	Frevert	Garman
Greiner	Heaton	Holmes	Holveck
Huser	Jochum	Koenigs	Kreiman
Larkin	Millage	Moreland	Murphy
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Thomas	Van Maanen
Weigel	Wise		

The nays were, 67:

Arnold	Barry	Bell	Bernau
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Chiodo	Churchill	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Fallon	Gipp	Gries	Grundberg
Hahn	Hansen	Houser	Huseman
Jacobs	Jenkins	Kinzer	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Mundie	Myers
Nelson	O'Brien	Rants	Rayhons
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Whitead	Witt	Mr. Speaker	
		Corbett	

Absent or not voting, 3:

Blodgett

Chapman

Greig

Amendment H-1860 lost.

Hansen of Pottawattamie offered the following amendment H-1862 filed by Hansen, et al., and moved its adoption:

H-1862

- 1 Amend House File 733 as follows:
- 2 1. Page 13, by striking lines 31 and 32 and
- 3 inserting the following:
- 4 "f. Conditioned upon the state board of regents
- 5 allocating funding for building maintenance at the
- 6 Iowa school for the deaf for the fiscal year beginning
- 7 July 1, 1997, and ending June 30, 1998, in an amount
- 8 equal to or greater than the amount of funding
- 9 allocated for that purpose in the previous fiscal
- 10 year, the following amount, to be used for a visual
- 11 alert system and to address fire safety deficiencies
- 12 at the Iowa school for the deaf."
- 13 2. Page 13, line 33, by striking the figure
- 14 "50,000" and inserting the following: "110,000".
- 15 3. Page 13, by striking lines 34 and 35 and
- 16 inserting the following:
- 17 "g. Conditioned upon the state board of regents
- 18 allocating funding for building maintenance at the
- 19 Iowa braille and sight saving school for the fiscal
- 20 year beginning July 1, 1997, and ending June 30, 1998,
- 21 in an amount equal to or greater than the amount of
- 22 funding allocated for that purpose in the previous
- 23 fiscal year, the following amount, to be used for
- 24 deferred maintenance at the Iowa braille and sight
- 25 saving school."
- 26 4. Page 14, line 1, by striking the figure
- 27 "25,000" and inserting the following: "95,000".

Amendment H-1862 was adopted.

Brunkhorst of Bremer offered the following amendment H-1858 filed by Brunkhorst, et al., and moved its adoption:

H-1858

- 1 Amend House File 733 as follows:
- 2 1. Page 14, line 31, by inserting after the
- 3 figure "2001" the following: ", except for project or
- 4 planning funding requested for the Iowa school for the
- 5 deaf or the Iowa braille and sight saving school".

Amendment H-1858 was adopted.

Witt of Black Hawk offered the following amendment H-1877 filed by Witt, Huseman, Thomas and Klemme from the floor and moved its adoption:

H-1877

- 1 Amend House File 733 as follows:
2 1. Page 17, by inserting after line 18 the
3 following:
4 "DIVISION ____
5 BLUFFSLANDS PROTECTION PROGRAM
6 Sec. ____ NEW SECTION. 161A.80 BLUFFLANDS
7 PROTECTION PROGRAM - REVOLVING FUND.
8 1. As used in this section, unless the context
9 otherwise requires:
10 a. "Bluffland" means a cliff, headland, or hill
11 with a broad steep face along the channel or
12 floodplain of a river and its tributaries.
13 b. "Conservation organization" means a nonprofit
14 corporation incorporated in Iowa or an entity
15 organized and operated primarily to enhance and
16 protect natural resources in this state.
17 2. A blufflands protection revolving fund is
18 created in the state treasury. The revolving fund
19 shall consist of five hundred thousand dollars
20 appropriated from the rebuild Iowa infrastructure fund
21 each fiscal year for the fiscal period beginning July
22 1, 1997, and ending June 30, 2017, and any other
23 moneys obtained or retained for the fund. The
24 proceeds of the revolving fund are appropriated to
25 make loans to conservation organizations which agree
26 to purchase conservation easements on blufflands along
27 the Mississippi river or to purchase blufflands along
28 the Mississippi river for resale with restrictive
29 covenants attached to the property. The
30 administrative director of the division of soil
31 conservation shall administer the revolving fund.
32 Notwithstanding section 12C.7, interest or earnings on
33 investments made pursuant to this section or as
34 provided in section 12B.10 shall be credited to the
35 blufflands protection revolving fund. Notwithstanding
36 section 8.33, unobligated or unencumbered funds
37 credited to the blufflands protection revolving fund
38 shall not revert at the close of a fiscal year.
39 However, the maximum balance in the blufflands
40 protection fund shall not exceed two million five
41 hundred thousand dollars. Any funds in excess of two
42 million five hundred thousand dollars shall be
43 credited to the rebuild Iowa infrastructure fund.
44 3. The administrative director of the division
45 shall establish a blufflands protection program to
46 demonstrate creative land protection techniques and

47 encourage private landowners to protect the natural
48 beauty of the blufflands along the Mississippi river.
49 The commissioners of each soil and water conservation
50 district which has a boundary which is coterminous

Page 2

1 with the Mississippi river shall cooperate with and
2 assist the director in administering the blufflands
3 protection program within their respective districts.
4 The director shall provide, by rule, for a uniform
5 application form, the content of the form, provisions
6 for a loan agreement model conservation easement and
7 restrictive covenant requirements for blufflands, and
8 minimum qualifications of conservation organizations
9 which are eligible to participate in the blufflands
10 protection program. The administrative director shall
11 specify the eligible purposes for which a loan
12 authorized under this section can be expended
13 including, but not limited to, the purchase of
14 blufflands, the acquisition of conservation easements
15 on blufflands, the establishment of landowner
16 associations, payment for loss of land value due to
17 restrictive covenants, and payment for administrative
18 and legal costs.

19 4. An applicant for a loan from the blufflands
20 protection revolving fund shall apply to the soil and
21 water conservation district of the county in which the
22 bluffland is located. The application shall be on
23 forms prepared by the division and shall include the
24 information required by rule of the division. Each
25 conservation organization which applies for a loan
26 under this section shall demonstrate its financial
27 capability to qualify for a loan to the commissioners
28 and its commitment to natural resource protection and
29 appropriate development. If there is a loss of value
30 of a blufflands protection project funded under this
31 section resulting from restrictive covenants, the
32 conservation organization shall be forgiven seventy-
33 five percent of the amount of the loss not exceeding
34 the amount of the loan. If a loan is used to purchase
35 a conservation easement on a blufflands protection
36 project, the conservation organization shall be
37 forgiven seventy-five percent of the loan. The
38 application shall be reviewed and feasibility of the
39 proposed project shall be investigated by the
40 commissioners of the district and its report and
41 recommendation shall be sent to the administrative
42 director and the committee for approval.

43 5. Except as otherwise provided in this
44 subsection, each loan made under this section shall be
45 for a period not to exceed five years, shall bear no
46 interest for the first year, and shall be repayable to

47 the blufflands protection revolving fund. After the
48 first year and for each subsequent year that the
49 principal remains unpaid, interest shall be charged
50 against any unpaid balance of the loan. The interest

Page 3

1 rate shall be set at the prevailing market rate for
2 similar real estate in the county as determined by the
3 director. All interest payments shall be credited to
4 the blufflands protection revolving fund. Each loan
5 shall be repaid as provided in the loan agreement.
6 However, interest on the principal of a loan shall be
7 due and payable thirty days after the conclusion of
8 the second year and each subsequent year that the
9 principal or a part of the principal remains unpaid.

10 A loan may be extended annually beyond the original
11 five years with the approval of the district
12 commissioners and the administrative director.

13 6. The administrative director may:

14 a. Contract, sue and be sued, and adopt
15 administrative rules pursuant to chapter 17A and
16 approved by the committee, necessary to carry out this
17 section, but the administrative director, the
18 committee, or the district commissioners shall not
19 directly or indirectly pledge the credit of the state
20 of Iowa.

21 b. Authorize payment from the blufflands
22 protection revolving fund from moneys received under
23 section 99F.11, subsection 4, and from any income
24 received by investments of any money in the fund for
25 costs, commissions, attorney fees, and other
26 reasonable expenses related to and necessary for the
27 making and protecting of direct loans under this
28 section, and for recovery of moneys loaned or the
29 management of property acquired in connection with the
30 loans.

31 7. The principal and interest from any blufflands
32 protection loans outstanding on July 1, 2017, and
33 payable to the blufflands protection revolving fund,
34 shall be paid to the administrative director of the
35 division of soil conservation on or after July 1,
36 2017, pursuant to the terms of the loan agreement and
37 shall be credited to the rebuild Iowa infrastructure
38 fund.

39 8. This section is repealed on July 1, 2017."

40 2. By renumbering as necessary.

Roll call was requested by Witt of Black Hawk and Fallon of Polk.

On the question "Shall amendment H-1877 be adopted?" (H.F. 733)

The ayes were, 48:

Bernau	Boggest	Bradley	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Connors	Dotzler
Drake	Falck	Fallon	Foege
Ford	Frevert	Hahn	Holveck
Houser	Huseman	Huser	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shultz	Taylor	Thomas
Weigel	Whitead	Wise	Witt

The nays were, 48:

Arnold	Barry	Bell	Blodgett
Boddicker	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Eddie	Garman	Gipp
Greiner	Gries	Grundberg	Hansen
Heaton	Holmes	Jacobs	Jenkins
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 4:

Doderer	Drees	Greig	Moreland
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Amendment H-1877 lost.

Sukup of Franklin offered the following amendment H-1863 filed by him from the floor and moved its adoption:

H-1863

- 1 Amend House File 733 as follows:
- 2 1. Page 21, by inserting after line 31 the
- 3 following:
- 4 "Sec. ____ Section 452A.79, subsection 1, Code
- 5 1997, is amended to read as follows:
- 6 1. Dredging and renovation of natural or state-
- 7 maintained lakes of this state."
- 8 2. By renumbering as necessary.

Amendment H-1863 was adopted.

Wise of Lee offered amendment H-1874 filed by Wise, Cohoon, Koenigs, Warnstadt, Richardson, Thomas, Bukta, Murphy, Mascher, Frevert, Jochum, Kreiman, Foege, Burnett and Bernau from the floor as follows:

H-1874

1 Amend House File 733 as follows:

2 1. Page 2, by striking lines 3 through 6.

3 2. Page 2, by striking lines 11 through 24.

4 3. Page 6, line 10, by striking the word
5 "amounts" and inserting the following: "amount".

6 4. Page 6, line 11, by striking the word
7 "purposes" and inserting the following: "purpose".

8 5. Page 6, by striking lines 12 and 13.

9 6. Page 6, line 14, by striking the figure "2."

10 7. By striking page 8, line 6, through page 9,
11 line 15.

12 8. Page 10, by striking lines 1 through 34 and
13 inserting the following:

14 "DEPARTMENT OF EDUCATION

15 Sec. ____ There is appropriated from the rebuild
16 Iowa infrastructure fund to the department of
17 education for the fiscal year beginning July 1, 1997,
18 and ending June 30, 1998, the following amount, or so
19 much thereof as is necessary, to be used for the
20 purpose designated:

21 For the matching school vertical infrastructure
22 grant program:

23 \$ 11,000,000"

24 9. Page 11, by striking lines 17 through 28.

25 10. Page 17, by inserting after line 18 the
26 following:

27 "DIVISION ____

28 MATCHING SCHOOL VERTICAL INFRASTRUCTURE GRANT PROGRAM.

29 Sec. ____ NEW SECTION. 257D.3 MATCHING SCHOOL
30 VERTICAL INFRASTRUCTURE GRANT PROGRAM.

31 1. The department of education shall establish a
32 matching school vertical infrastructure grant program.
33 The program shall make matching grants to eligible
34 school districts for vertical infrastructure projects
35 within the school district from moneys appropriated to
36 the department or from moneys otherwise obtained or
37 accepted by the department. The department shall
38 allocate five million five hundred thousand dollars
39 for grants to be distributed October 1 and five
40 million five hundred thousand dollars for grants to be
41 distributed April 1 of each year if such funds are
42 available for the program. The director of the
43 department shall recommend rules to the state board of
44 education regarding the administration of the program.

45 The board shall adopt rules which include at least all
46 of the following:
47 a. That a school district certify that the
48 district is seeking a bond issue under chapter 298 to
49 finance vertical infrastructure projects in the
50 district and transmit to the department a description

Page 2

1 of the projects to be funded through the bond issue.
2 b. That the school district apply for the grant
3 not later than five days following action by the board
4 of directors of the district to adopt the bond
5 resolution and place the bond issue before the voters
6 of the district.
7 c. Criteria for the content of the application.
8 d. Procedures for the review of each application.
9 2. The department shall review each application
10 and approve, modify, or reject the application and
11 notify the district within ten days of the date the
12 application is received by the department. Matching
13 grants are contingent on the approval of the bond
14 issue by the voters of the school district. Matching
15 grants which are not made due to the failure of the
16 school district to approve a bond issue shall remain
17 in the fund and be available for award to another
18 district.
19 3. The department shall award matching grants for
20 vertical infrastructure projects in accordance with
21 the following priorities:
22 a. Projects that reduce or eliminate known life
23 safety violations shall receive the highest priority.
24 b. Projects regarding a planned reorganization of
25 a district which involve the construction of new or
26 significant renovation of existing vertical
27 infrastructure in the district.
28 c. Cooperative education projects involving the
29 acquisition of vertical infrastructure, including
30 joint facilities pursuant to chapter 28E. In
31 evaluating cooperative projects, preference shall be
32 given in the following order to projects involving
33 joint libraries and media centers; recreational
34 facilities; congregate meal and elder care recreation
35 facilities adjacent to or part of a school building
36 utilizing school kitchen or recreational facilities;
37 Iowa communication network facilities; and other
38 facilities jointly operated and maintained by cities,
39 counties, school corporations, or the state board of
40 regents under chapter 28E.
41 d. Projects connecting schools to the Iowa
42 communications network.
43 4. The maximum matching grant awarded to any
44 school district shall be one million dollars. A

45 school district may receive only one matching grant in
46 any five-year period."

47 11. Title page, lines 3 and 4, by striking the

48 words "human services, revenue and finance, public
49 safety,".

50 12. Title page, line 5, by striking the words

Page 3

1 "workforce development,".

2 13. Title page, line 7, by striking the words

3 "Loess Hills development and conservation authority,".

4 14. By renumbering as necessary.

Huser of Polk offered the following amendment H-1883, to amend-
ment H-1874, filed by her from the floor and moved its adoption:

H-1883

1 Amend the amendment, H-1874, to House File 733, as
2 follows:

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

4 following:

5 "_. Page 1, line 32, by striking the figure

6 "9,000,000" and inserting the following:

7 "8,900,000".

8 2. Page 1, by striking line 8.

9 3. By renumbering as necessary.

Amendment H-1883, to amendment H-1874, was adopted.

Wise of Lee moved the adoption of amendment H-1874, as amended.

A non-record roll call was requested.

The ayes were 34, nays 48.

Amendment H-1874 lost.

MOTION TO RECONSIDER LOST

Bell of Jasper called up for consideration the motion to reconsider
amendment H-1877 to House File 733, filed by him from the floor, and
moved to reconsider the vote by which amendment H-1877 failed to
pass the House on April 23, 1997.

A non-record roll call was requested.

The ayes were 45, nays 50.

The motion to reconsider lost.

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

On the question "Shall the bill pass?" (H.F. 733)

The ayes were, 93:

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	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
Mundie	Murphy	Myers	Nelson
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	Witt
Mr. Speaker Corbett			

The nays were, 7:

Fallon	Ford	Koenigs	Moreland
O'Brien	Shoultz	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.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1997, refused to concur in the House amendment as amended the following bill in which the concurrence of the Senate was asked:

House File 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates.

Also: That the Senate has on April 23, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 128, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty.

Also: That the Senate has on April 23, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 432, a bill for an act relating to the disposition of private property condemned under eminent domain.

Also: That the Senate has on April 23, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 503, a bill for an act relating to 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.

Also: That the Senate has on April 23, 1997, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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.

Also: That the Senate has on April 23, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 543, a bill for an act relating to public retirement systems by providing for the exclusion of certain publicly elected officials from membership, and the calculation of dividends for certain retirees, under the Iowa public employees' retirement system.

MARY PAT GUNDERSON, Secretary

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 733** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 22

The House resumed consideration of House Concurrent Resolution 22, 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, previously deferred. (Amendment H-1690B pending.)

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-1690B filed by her on April 10, 1997, placing amendment H-1871 filed from the floor, to amendment H-1690B, and amendment H-1861, previously adopted on page 1453 of the House Journal, out of order.

Weigel of Chickasaw offered the following amendment H-1889 filed by him from the floor and moved its adoption:

H-1889

- 1 Amend House Concurrent Resolution 22 as follows:
 - 2 1. Page 2, line 12, by striking the word "tax."
 - 3 and inserting the following: "tax and the
 - 4 recordkeeping burdens on retailers caused by
 - 5 collecting the tax."
- Amendment H-1889 was adopted.

Doderer of Johnson offered the following amendment H-1890 filed by her and Dinkla of Guthrie from the floor and moved its adoption:

H-1890

- 1 Amend House Concurrent Resolution 22 as follows:
- 2 1. Page 2, line 16, by striking the word
- 3 "seventeen" and inserting the following: "nineteen".
- 4 2. Page 2, line 17, by striking the word "Eight"
- 5 and inserting the following: "Ten".
- 6 3. Page 2, line 19, by striking the word "Three"
- 7 and inserting the following: "Five".
- 8 4. Page 2, line 20, by striking the word "two"
- 9 and inserting the following: "three".
- 10 5. Page 2, line 21, by striking the word "one"
- 11 and inserting the following: "two".
- 12 6. Page 2, line 23, by striking the word "Three"
- 13 and inserting the following: "Five".
- 14 7. Page 2, line 24, by striking the word "two"
- 15 and inserting the following: "three".
- 16 8. Page 2, line 25, by striking the word "one"
- 17 and inserting the following: "two".
- 18 9. Page 2, by striking lines 27 through 30.
- 19 10. Page 3, by inserting after line 22 the
- 20 following: "The nonlegislative members appointed to
- 21 the task force shall be nonvoting members of the task
- 22 force in accordance with section 2.61."
- 23 11. Page 4, line 15, by striking the words "its
- 24 final recommendations".

25 12. Page 4, line 16, by striking the figure
26 "1999" and inserting the following: "1998".

Amendment H-1890 was adopted.

Connors of Polk asked and received unanimous consent to withdraw amendment H-1872 filed by him from the floor.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-1873 filed by her from the floor.

Dinkla of Guthrie moved the adoption of House Concurrent Resolution 22, as amended.

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 22** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Brunkhorst of Bremer called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1897:

H-1897

1 Amend the amendment, S-3527, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting before line 3 the
5 following:
6 " Page 5, line 16, by striking the figure
7 "100,000" and inserting the following: "120,000"."
8 2. Page 1, by striking lines 3 through 6.
9 3. Page 1, by inserting after line 6 the
10 following:
11 " Page 9, by inserting after line 2 the
12 following:
13 "Sec. ____ NONREVERSION. Notwithstanding section
14 8.33, unobligated moneys remaining on June 30, 1997,
15 from moneys appropriated to the department of general
16 services in 1996 Iowa Acts, chapter 1219, section 44,
17 shall not revert to the general fund of the state but
18 shall be available for expenditure for the following
19 fiscal year for the purposes for which appropriated."

- 20 4. Page 1, by striking lines 23 and 24 and
21 inserting the following: "from winning tickets back
22 on the equipment. However, such lottery equipment may
23 be leased or purchased if the credits from winning
24 tickets are printed out on a receipt".
25 5. Page 1, by striking lines 26 through 31.
26 6. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-1897.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 529** be immediately messaged to the Senate.

HOUSE INSISTS

Boddicker of Cedar called up for consideration **House File 612**, a bill for an act relating to child support recovery, providing penalties, and providing effective dates, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 612)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **House File 612**: Boddicker of Cedar, Chair; Millage of Scott, Lamberti of Polk, Brand of Tama and Burnett of Story.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 612** be immediately messaged to the Senate.

Appropriations Calendar

House File 730, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates, was taken up for consideration.

Jacobs of Polk offered the following amendment H-1891 filed by her from the floor and moved its adoption:

H-1891

1 Amend House File 730 as follows:
2 1. Page 2, by striking lines 12 through 14 and
3 inserting the following: "The general assembly
4 declares its support for, and that it is the intent of
5 the general assembly to continue, subsidization of
6 video rates charged to public or nonpublic schools for
7 grades kindergarten through twelve. Notwithstanding".
8 2. Page 2, by striking lines 17 through 21 and
9 inserting the following: "and the revenue generated.
10 The commission shall annually provide a written report
11 to the general assembly by January 15 regarding
12 whether funding available to subsidize rates, as
13 permitted, is sufficient and an explanation as to why
14 funding was sufficient or insufficient, for the
15 immediately preceding fiscal year. If funding is
16 insufficient, the commission shall refer to section
17 8D.3, subsection 3, paragraph "i", for possible
18 guidance in eliminating any deficit associated with
19 the subsidization of rates. The elimination of the
20 deficit should not, to the extent practicable, affect
21 the rates charged to public or nonpublic schools for
22 grades kindergarten through twelve.
23 e. The Iowa telecommunications and technology
24 commission shall review and determine the level of
25 subsidization for courses offered through the use of
26 the network which are noncredit customized courses.
27 The commission shall evaluate the need for the
28 subsidization of such courses. The commission shall
29 provide a written report to the general assembly by
30 January 1, 1998, which shall include the findings of
31 the commission and any recommendations related to the
32 issues reviewed."

Amendment H-1891 was adopted.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-1829 filed by him on April 21, 1997.

Weigel of Chickasaw offered the following amendment H-1878 filed by him from the floor and moved its adoption:

H-1878

1 Amend House File 730 as follows:
2 1. Page 6, line 22, by striking the word
3 "Notwithstanding" and inserting the following:
4 (1) Notwithstanding".
5 2. Page 6, by striking line 29 and inserting the
6 following: "appropriation was made.
7 (2) Notwithstanding subparagraph (1), prior to
8 reverting any funds remaining unobligated or

9 unexpended from the appropriation to the department of
10 human services for medical assistance in 1996 Iowa
11 Acts, chapter 1213, section 3, at the close of the
12 fiscal year beginning July 1, 1996, the department
13 shall retain \$1,500,000 which shall remain available
14 to be used for the purposes designated in this section
15 in the succeeding fiscal year. The moneys retained
16 shall be transferred to the Iowa department of public
17 health. Of the moneys transferred, \$1,000,000 shall
18 be used for the public health nursing program and
19 \$500,000 shall be used for the home care aid/chore
20 program. Notwithstanding section 8.39, moneys
21 transferred pursuant to this section are not subject
22 to further transfer.
23 (3) Notwithstanding section 8.33, for an".

Gipp of Winneshiek in the chair at 8:04 p.m.

Amendment H-1878 lost.

Jacobs of Polk offered the following amendment H-1892 filed by her from the floor and moved its adoption:

H-1892

1 Amend House File 730 as follows:
2 1. Page 6, line 24, by striking the word "years"
3 and inserting the following: "year".
4 2. Page 6, line 25, by striking the words and
5 figures "and July 1, 1997".
6 3. Page 6, by striking line 32 and inserting the
7 following: "fiscal year beginning July 1, 1996, 100".
8 4. Page 7, line 18, by striking the figure and
9 words "25 million dollars" and inserting the
10 following: "\$15 million".

Amendment H-1892 was adopted.

Murphy of Dubuque offered the following amendment H-1884 filed by him from the floor and moved its adoption:

H-1884

1 Amend House File 730 as follows:
2 1. Page 7, by inserting after line 8 the
3 following:
4 "c. Notwithstanding paragraph "b", the first \$2.5
5 million which would otherwise be deposited in the
6 reversion incentive program fund shall be used for
7 purposes other than the reversion incentive program."
8 2. Page 7, by inserting before line 9 the
9 following:
10 "d. There is appropriated to the department of

- 11 education for the fiscal year beginning July 1, 1997,
 12 and ending June 30, 1998, from moneys subject to
 13 reversion under section 8.33, \$2.5 million to be
 14 allocated to the child development coordinating
 15 council established in chapter 256A for the purposes
 16 set out in section 279.51, subsection 2, and section
 17 256A.3. This amount is in addition to the funds
 18 appropriated in section 279.51, subsection 1."
 19 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Jacobs of Polk.

On the question "Shall amendment H-1884 be adopted?" (H.F. 730)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Grundberg	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
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Greig	Greiner
Gries	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	Gipp, Presiding

Absent or not voting, 1:

Houser

Amendment H-1884 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1832 filed by him on April 21, 1997.

Jacobs of Polk offered the following amendment H-1895 filed by her from the floor and moved its adoption:

H-1895

1 Amend House File 730 as follows:
2 1. Page 9, by inserting after line 4 the
3 following:
4 "4. This section shall not apply to moneys
5 otherwise specifically exempted from reversion by the
6 general assembly; moneys subject to reversion under
7 section 8.33, the reversion of which the general
8 assembly has specifically provided for in another Act
9 enacted during a previous legislative session, or
10 another Act enacted during the 1997 regular session,
11 whether or not such Act is effective before or after
12 the effective date of this section; moneys deposited
13 in a separate account or fund in the state treasury,
14 the unencumbered amounts of which are to be retained
15 in such account or fund as provided by the general
16 assembly; and appropriations which are item vetoed by
17 the governor."

Amendment H-1895 was adopted.

Jacobs of Polk offered the following amendment H-1894 filed by her from the floor and moved its adoption:

H-1894

1 Amend House File 730 as follows:
2 1. Page 9, by inserting after line 8 the
3 following:
4 "LEGISLATIVE OVERSIGHT
5 Sec. 101. LEGISLATIVE OVERSIGHT COMMITTEE.
6 1. COMMITTEE ESTABLISHED. It is the intent of the
7 general assembly that the legislative council
8 establish a legislative oversight committee which
9 shall be composed of ten members, consisting of three
10 members of the majority party in the senate appointed
11 by the majority leader and two members of the minority
12 party in the senate appointed by the minority leader,
13 and three members of the majority party and two
14 members of the minority party in the house of
15 representatives appointed by the speaker of the house
16 in consultation with the minority leader. The
17 majority leader of the senate and the speaker of the
18 house of representatives shall each designate a co-
19 chairperson and co-vice chairperson, and the minority
20 leader of the senate and of the house of
21 representatives shall each designate a co-ranking
22 member.

23 2. POWERS AND DUTIES OF COMMITTEE.

24 a. The purpose of the legislative oversight
25 committee is to review and analyze the structure and
26 operations of state government and the use of
27 information technology in providing services and
28 enhancing the ability of the public to interact with
29 government.

30 b. The legislative oversight committee shall be
31 staffed by the legislative fiscal bureau and the
32 legislative service bureau.

33 c. The legislative oversight committee may,
34 subject to the approval of the legislative council,
35 conduct a review of one or more programs or
36 regulations administered or enforced by state
37 government.

38 d. The legislative oversight committee shall
39 prepare a final report and a summary of the report for
40 submission to the general assembly not later than the
41 first day of each regular session of the general
42 assembly as provided in section 2.1. The report shall
43 contain findings and recommendations of the
44 legislative oversight committee, which may include
45 proposed bills or resolutions.

46 3. COMPENSATION AND EXPENSES. Members of the
47 legislative oversight committee who are not members of
48 the legislative council shall be entitled to receive
49 the same expenses and compensation provided for the
50 members of the legislative council.

Page 2

1 Sec. ____ EFFECTIVE DATE. Section 101, as enacted
2 in this division of this Act, being deemed of
3 immediate importance, take effective upon enactment.

4 DIVISION IV"

5 2. By renumbering as necessary.

Amendment H-1894 was adopted.

Falck of Fayette offered the following amendment H-1830 filed by
him and moved its adoption:

H-1830

1 Amend House File 730 as follows:

2 1. Page 9, by striking lines 14 through 19.

3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment H-1830 lost.

Brunkhorst of Bremer offered the following amendment H-1833 filed by him and moved its adoption:

H-1833

- 1 Amend House File 730 as follows:
- 2 1. By striking page 10, line 13, through page 11,
- 3 line 21.

Amendment H-1833 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. 730)

The ayes were, 62:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Cataldo	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Foege
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Kinzer	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Mertz	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Richardson
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Gipp, Presiding		

The nays were, 38:

Bell	Bernau	Brand	Burnett
Chapman	Chiodo	Cohon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Ford	Frevert	Holveck
Huser	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Scherrman	Schrader
Shoultz	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.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 730** be immediately messaged to the Senate.

Speaker Corbett in the chair at 9:08 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Maanen of Marion for the remainder of the day, on request of Siegrist of Pottawattamie.

Unfinished Business Calendar

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

Frevort of Palo Alto asked and received unanimous consent to withdraw amendment H-1698 filed by her on April 14, 1997.

Weigel of Chickasaw offered amendment H-1827 filed by him as follows:

H-1827

- 1 Amend Senate File 473, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 5 the
- 4 following:
- 5 "Sec. ____ Section 441.37, subsection 1, Code
- 6 1997, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. f. That an animal feeding
- 9 operation, other than a small animal feeding
- 10 operation, as defined in section 455B.161, is
- 11 established within one mile from the assessed
- 12 property."
- 13 2. Title page, line 1, by inserting after the
- 14 word "Act" the following: "relating to environmental
- 15 protection, by".
- 16 3. Title page, line 8, by inserting after the
- 17 word "expenses," the following: "providing for
- 18 property tax assessments,".

Teig of Hamilton rose on a point of order that amendment H-1827 was not germane.

The Speaker ruled the point well taken and amendment H-1827 not germane.

Mertz of Kossuth offered the following amendment H-1688 filed by her and moved its adoption:

H-1688

- 1 Amend Senate File 473, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 21, by striking the figure "1998"
- 4 and inserting the following: "2001".

Amendment H-1688 lost.

Mertz of Kossuth offered the following amendment H-1689 filed by her and moved its adoption:

H-1689

- 1 Amend Senate File 473, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 19 through 29 and
- 4 inserting the following: "ensure compliance with this
- 5 section, as required by the county board of
- 6 supervisors in the county in which the agricultural
- 7 drainage well is located."
- 8 2. Page 5, line 31, by striking the words "and
- 9 drainage districts".
- 10 3. Page 5, line 33, by striking the words "or
- 11 drainage district".
- 12 4. Page 6, by striking lines 22 through 29 and
- 13 inserting the following: "agricultural drainage
- 14 well."
- 15 5. Page 6, by striking lines 33 and 34 and
- 16 inserting the following: "section 159.29 to each
- 17 county board of supervisors in which".
- 18 6. Page 7, by striking lines 5 through 16 and
- 19 inserting the following: "The department shall
- 20 provide the notice in cooperation with the county
- 21 board of supervisors in the county where the
- 22 agricultural drainage well is located."
- 23 7. By renumbering as necessary.

Amendment H-1689 was adopted.

Drees of Carroll asked and received unanimous consent to withdraw amendment H-1576 filed by him on April 7, 1997.

Koenigs of Mitchell offered the following amendment H-1564 filed by him and moved its adoption:

H-1564

- 1 Amend Senate File 473, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 28, by inserting after the figure
- 4 "1." the following: "a."
- 5 2. Page 8, line 6, by striking the figure "2."
- 6 and inserting the following: "b."
- 7 3. Page 8, by inserting after line 7 the
- 8 following:
- 9 "2. Moneys collected from the assessment of civil
- 10 penalties and interest on civil penalties as provided
- 11 for in this section shall be deposited in the manure
- 12 storage indemnity fund as created in section 204.2."

Amendment H-1564 was adopted.

Mertz of Kossuth offered the following amendment H-1706 filed by her and moved its adoption:

H-1706

- 1 Amend Senate File 473, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by striking lines 10 through 17 and
- 4 inserting the following: "chapter shall be reimbursed
- 5 by the division from any moneys received by the
- 6 department of agriculture and land stewardship from
- 7 the agricultural management account of the groundwater
- 8 protection fund as created in section 455E.11."

Amendment H-1706 lost.

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

On the question "Shall the bill pass?" (S.F. 473)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	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
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	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
Mr. Speaker Corbett			

The nays were, 1:

Mertz

Absent or not voting, 2:

Connors

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 **Senate File 473** 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 23, 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 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.

Also: That the Senate has on April 23, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 218, a bill for an act relating to service of notices of appraisal of property for state inheritance tax purposes.

Also: That the Senate has on April 23, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 23, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 23, 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 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 23, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 485, a bill for an act relating to drainage districts by eliminating notice by petitioning landowners regarding the establishment of subdistricts.

Also: That the Senate has on April 23, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 492, a bill for an act relating to supplemental needs trusts for persons with disabilities.

Also: That the Senate has on April 23, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 23, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 23, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 23, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 643, a bill for an act providing for grandparent and great-grandparent visitation rights.

Also: That the Senate has on April 23, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 658, a bill for an act relating to city ordinances and other official actions of a city council and mayor.

Also: That the Senate has on April 23, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation.

Also: That the Senate has on April 22, 1997, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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 April 23, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 281, a bill for an act relating to judicial administration.

Also: That the Senate has on April 23, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 23, 1997, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 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 23, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 530, a bill for an act relating to the establishment of an E911 commission and establishing a surcharge.

MARY PAT GUNDERSON, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the evening of April 22, 1997. Had I been present, I would have voted "aye" on House File 732.

CATALDO of Polk

I was necessarily absent from the House chamber on the evening of April 22, 1997. Had I been present, I would have voted "aye" on House File 732.

MORELAND of Wapello

PROOF OF PUBLICATION

(Senate File 539)

Published copy of Senate File 539 and verified proof of publication of said bill in The Cedar Rapids Gazette, a daily newspaper printed and published in Linn County, Iowa on April 4, 1997, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

SPECIAL PRESENTATION

Greiner of Washington introduced to the House, George Swearingen, former state representative from Keokuk County.

PRESENTATION OF VISITORS

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

One hundred twenty 3rd grade students from Lincoln Elementary School, Clear Lake, accompanied by Judy Allen. By Blodgett of Cerro Gordo.

Corning High School Y-teens, accompanied by Linda Shearer. By Boggess of Taylor.

The 5th grade class from Pocahontas Catholic Elementary School, accompanied by their teacher, Julie Meyer, and chaperones Bonnie Wood, Kay Stoullil, and Cindy Murphy. By Eddie of Buena Vista.

Students from Dunkerton High School, Dunkerton. By Kremer of Buchanan.

Fifty 12th grade students from Dunkerton High School, Dunkerton, accompanied by George Pickup. By Kremer of Buchanan.

Twenty-seven students from Prairie Valley, Gowrie, accompanied by Mary Sersland. By Mundie of Webster.

Forty-five students from North High School, Sioux City, accompanied by Larry Twait, Katie Strapp and Kris Vint. By Warnstadt and Whitead of Woodbury.

Forty-two students from North High School, Sioux City, accompanied by Mrs. Lucas, Mrs. Redwine, and Mr. Lessman. By Warnstadt and Whitead of Woodbury.

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\448 Elsie Mae Anderman, Fayette – For celebrating her 100th birthday.
- 1997\449 Peter Francis Mullarkey, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\450 Josh Cantu, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\451 Jack Roberts, Colo – For his 35 years of educating students of Iowa, primarily in the Colo-Nesco School District.
- 1997\452 Gary Heineman, Westwood Schools, Sloan – For his 34 years of educating students of Iowa, primarily in the Westwood Schools.
- 1997\453 Teresa Zidon, Bondurant-Farrar Speech Team – For being named an All-Stater at the All-State Speech Contest.
- 1997\454 Jamie Morgan, Bondurant-Farrar Speech Team – For being named an All-Stater at the All-State Speech Contest.

1997\455 Angie Durbin, Bondurant-Farrar Speech Team – For being named an All-Stater at the All-State Speech Contest.

1997\456 Sarah Bein, Bondurant-Farrar Speech Team – For being named an All-Stater at the All-State Speech Contest.

SUBCOMMITTEE ASSIGNMENT

Senate File 541

Human Resources: Kremer, Chair; Barry and Murphy.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 242

Ways and Means: Drake, Chair; Holmes and Osterhaus.

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 161, a bill for an act modifying the holding temperature required for the storage of eggs sold at retail.

Fiscal Note is not required.

Recommended **Do Pass** April 22, 1997.

Senate File 542, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1893** April 23, 1997.

Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1866** April 22, 1997.

AMENDMENTS FILED

H—1866	S.F.	549	Committee on Appropriations
H—1869	H.F.	613	Senate Amendment
H—1885	S.F.	549	Ford of Polk
H—1886	S.F.	549	Larson of Linn
H—1887	S.F.	549	Meyer of Sac
H—1893	S.F.	542	Committee on Appropriations
H—1896	S.F.	549	Veenstra of Sioux
H—1898	S.F.	549	Dinkla of Guthrie
			Lamberti of Polk Churchill of Polk
			Warnstadt of Woodbury Myers of Johnson
			Murphy of Dubuque
H—1899	S.F.	549	Mascher of Johnson
H—1900	S.F.	549	Mascher of Johnson
H—1901	S.F.	549	Warnstadt of Woodbury Rants of Woodbury Whitead of Woodbury Klemme of Plymouth
H—1902	H.F.	702	Senate Amendment
H—1903	S.F.	515	Senate Amendment
H—1904	H.F.	635	Senate Amendment
H—1905	H.F.	557	Senate Amendment
H—1906	H.F.	544	Senate Amendment
H—1907	S.F.	177	Senate Amendment
H—1908	H.F.	330	Senate Amendment
H—1909	S.F.	549	Wise of Lee Cohoon of Des Moines Shoultz of Black Hawk Warnstadt of Woodbury Foege of Linn
			Larkin of Lee Huser of Polk Mascher of Johnson May of Worth Brand of Tama
H—1910	S.F.	549	Wise of Lee Mascher of Johnson Shoultz of Black Hawk Huser of Polk Cohoon of Des Moines Warnstadt of Woodbury May of Worth Larkin of Lee Foege of Linn Brand of Tama
H—1911	S.F.	549	Mascher of Johnson Wise of Lee Foege of Linn Brand of Tama Taylor of Linn Richardson of Warren Myers of Johnson Shoultz of Black Hawk Cohoon of Des Moines

Dotzler of Black Hawk

Huser of Polk

Witt of Black Hawk

Bukta of Clinton

Falck of Fayette

Frevort of Palo Alto

Warnstadt of Woodbury

Chapman of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 10:24 p.m., until 8:45 a.m., Thursday, April 24, 1997.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 24, 1997

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

Prayer was offered by Reverend Steve Pike, Martelle Christian Church, Martelle.

The Journal of Wednesday, April 23, 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 530, by committee on ways and means, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system.

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

Senate File 543, by Iverson and Gronstal, a bill for an act relating to public retirement systems by providing for the effectiveness of termination provisions of a school district retirement system, and by providing for the exclusion of certain publicly elected officials from membership, and the calculation of dividends for certain retirees, under the Iowa public employees' retirement system.

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 April 23, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 674, a bill for an act providing a cause of action against the state for wrongful imprisonment.

HOUSE FILE 652 WITHDRAWN

Larson of Linn asked and received unanimous consent to withdraw House File 652 from further consideration by the House.

CONSIDERATION OF BILLS
Unfinished Business Calendar

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

Carroll of Poweshiek offered the following amendment H-1835 filed by Carroll, et al., and moved its adoption:

H-1835

1 Amend Senate File 526, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 19 the
4 following:
5 "3: It is the intent of the general assembly to
6 provide communities with the discretion and authority
7 to redesign existing local programs and services
8 targeted at and assisting families expecting babies
9 and families with children who are newborn through
10 five years of age. The Iowa department of public
11 health, department of human services, department of
12 education, and other state agencies and programs, as
13 appropriate, shall provide technical assistance and
14 support to communities desiring to redesign their
15 local programs and shall facilitate the consolidation
16 of existing state funding appropriated and made
17 available to the community for family support
18 services. Funds which are consolidated in accordance
19 with this subsection shall be used to support the
20 redesigned service delivery system. In redesigning
21 services, communities are encouraged to implement a
22 single uniform family risk assessment mechanism and
23 shall demonstrate the potential for improved outcomes
24 for children and families. Requests by local
25 communities for the redesigning of services shall be
26 submitted to and subject to joint approval of the Iowa
27 department of public health, department of human
28 services, and department of education based on the
29 innovation zones principles established in section
30 8A.2."

Amendment H-1835 was adopted.

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

On the question "Shall the bill pass?" (S.F. 526)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carrall	Cataldo	Chapman
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	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

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

SENATE AMENDMENTS CONSIDERED

Larson of Linn called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1903 to the House amendment:

H-1903

- 1 Amend the House amendment, S-3529, to Senate File
- 2 515, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 46, by inserting after the figure
- 5 "123.47" the following: "which is committed by a
- 6 child".

The motion prevailed and the House concurred in the Senate amendment H-1903, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 515)

The ayes were, 93:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo

Cohoon	Connors	Cormack	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falch	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, 4:

Bernau	Doderer	Fallon	Holveck
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Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 526 and 515.**

Veenstra of Sioux in the chair at 9:06 a.m.

Weidman of Cass called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1907 to the House amendment:

H-1907

1 Amend the House amendment, S-3573, to Senate File

- 2 177, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 11 the
 5 following:
 6 "— Page 1, line 21, by striking the words
 7 "engine noise,""
 8 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1907, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 177)

The ayes were, 96:

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
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Frevrt
Garman	Gipp	Greig	Greiner
Gries	Grundberg	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	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	Veenstra, Presiding

The nays were, none.

Absent or not voting, 4:

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

Metcalf of Polk called up for consideration **House File 613**, a bill for an act relating to linked deposit investment programs, amended by the Senate, and moved that the House concur in the following Senate amendment H-1869:

H-1869

- 1 Amend House File 613, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 15, by striking the words "sixty-
- 4 five" and inserting the following: "sixty-eight".
- 5 2. Page 2, lines 23 and 24, by striking the words
- 6 "three one" and inserting the following: "three".
- 7 3. Page 2, line 33, by striking the words "under
- 8 a single management".
- 9 4. Page 3, by striking lines 5 through 11.
- 10 5. Page 3, line 13, by inserting after the word
- 11 "sales" the following: "for establishments holding a
- 12 class "C" liquor license issued pursuant to section
- 13 123.30".
- 14 6. Page 3, by striking lines 29 through 31 and
- 15 inserting the following: "shall be fifty thousand
- 16 dollars.".
- 17 7. Page 4, line 23, by striking the words "one
- 18 hundred percent" and inserting the following: "fifty-
- 19 one percent or more".
- 20 8. Page 5, line 19, by striking the words "under
- 21 a single management".
- 22 9. Page 5, by striking lines 26 through 33.
- 23 10. Page 5, line 35, by inserting after the word
- 24 "sales" the following: "for establishments holding a
- 25 class "C" liquor license issued pursuant to section
- 26 123.30".
- 27 11. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1869.

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

On the question "Shall the bill pass?" (H.F. 613)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	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	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	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	Veenstra, Presiding		

The nays were, none.

Absent or not voting, 2:

Dix

Lamberti

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 729, a bill for an act 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, 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. 729)

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	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
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	Veenstra, Presiding		

The nays were, none.

Absent or not voting, 2:

Houser Lamberti

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

HOUSE FILE 648 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 648 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 177, House Files 613 and 729.**

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

Hansen of Pottawattamie offered the following amendment H-1172 filed by the committee on ways and means and moved its adoption:

H-1172

1 Amend Senate File 83, as passed by the Senate, as

2 follows:

3 1. Page 1, by inserting after line 13 the

4 following:

5 "This section applies to property donated on or
6 after July 1, 1992, for purposes of property taxes or
7 special assessments due and payable in fiscal years
8 beginning on or after July 1, 1997.

9 Nothing in this section allows or requires the
10 imposition and collection of property taxes or special
11 assessments on donated property payable in any fiscal
12 year during the period beginning July 1, 1992, and
13 ending June 30, 1997, and nothing in this section
14 requires the payment of refunds of property taxes or
15 special assessments paid on donated property in any
16 fiscal year during the period beginning July 1, 1992,
17 and ending June 30, 1997."

The committee amendment H-1172 was adopted.

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?" (S.F. 83)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	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	Frevert	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	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	Welter	Whitead	Wise
Witt	Veenstra,		
	Presiding		

The nays were, 1:

Weigel

Absent or not voting, 1:

Lamberti

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

HOUSE FILE 9 WITHDRAWN

Vande Hoef of Osceola asked and received unanimous consent to withdraw House File 9 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 15

Connors of Polk called up for consideration House Resolution 15, a resolution paying tribute to the memory of Mrs. Billie Jean Walling and recognizing her many contributions to the Iowa House of Representatives, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Representative Connors of Polk introduced to the House the family of Billie Walling. The House stood for a moment of silence in remembrance of Billie.

HOUSE FILE 723 WITHDRAWN

Millage of Scott asked and received unanimous consent to withdraw House File 723 from further consideration by the House.

SENATE AMENDMENTS CONSIDERED

Boddicker of Cedar called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1904:

H-1904

- 1 Amend House File 635, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "officer" the following: "corrections officer, or
- 5 corrections official".
- 6 2. Page 1, line 9, by inserting after the word
- 7 "officer" the following: "corrections officer, or

8 corrections official".

9 3. Page 1, by inserting after line 17 the
10 following:

11 "Sec. ____ Section 724.2, Code 1997, is amended by
12 adding the following new subsections:
13 NEW SUBSECTION. 8. A resident of this state, who
14 possesses an offensive weapon which is a curio or
15 relic firearm under the federal Firearms Act, 18
16 U.S.C. ch. 44, solely for use in the official
17 functions of a historical reenactment organization of
18 which the person is a member, if the offensive weapon
19 has been permanently rendered unfit for the firing of
20 live ammunition. The offensive weapon may, however,
21 be adapted for the firing of blank ammunition.

22 NEW SUBSECTION. 9. A nonresident, who possesses
23 an offensive weapon which is a curio or relic firearm
24 under the federal Firearms Act, 18 U.S.C. ch. 44,
25 solely for use in official functions in this state of
26 a historical reenactment organization of which the
27 person is a member, if the offensive weapon is legally
28 possessed by the person in the person's state of
29 residence and the offensive weapon is at all times
30 while in this state rendered incapable of firing live
31 ammunition. A nonresident who possesses an offensive
32 weapon under this subsection while in this state shall
33 not have in the person's possession live ammunition.
34 The offensive weapon may, however, be adapted for the
35 firing of blank ammunition."

36 4. Title page, line 1, by striking the words "to
37 consider" and inserting the following: "relating to
38 weapons and munitions by considering".

39 5. Title page, line 2, by inserting after the
40 word "force" the following: "and relating to the
41 possession of curio or relic firearms by members of
42 certain organizations".

43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-1904.

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

On the question "Shall the bill pass?" (H.F. 635)

The ayes were, 98:

Arnold
Blodgett
Brand
Burnett

Barry
Boddicker
Brauns
Carroll

Bell
Boggess
Brunkhorst
Cataldo

Bernau
Bradley
Bukta
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	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	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Veenstra, Presiding		

The nays were, none.

Absent or not voting, 2:

Lamberti Taylor

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

Vande Hoef of Osceola called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1906:

H-1906

- 1 Amend House File 544, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by striking the word "child"
- 4 and inserting the following: "family".
- 5 2. Page 2, line 14, by inserting before the word
- 6 "foster" the following: "family".
- 7 3. Page 3, line 6, by inserting after the figure
- 8 "1998." the following: "The standards shall not
- 9 impose unnecessary paperwork requirements and shall be
- 10 developed as part of the placement agreements, which
- 11 shall be attached to children's case permanency
- 12 plans."

The motion prevailed and the House concurred in the Senate amendment H-1906.

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

On the question "Shall the bill pass?" (H.F. 544)

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	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	Veenstra, Presiding	

The nays were, none.

Absent or not voting, 1:

Lamberti

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

Bernau of Story called up for consideration **House File 674**, a bill for an act providing a cause of action against the state for wrongful imprisonment, amended by the Senate, and moved that the House concur in the following Senate amendment H-1913:

H-1913

- 1 Amend House File 674, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 22, the
- 4 following:
- 5 "_. The individual was imprisoned solely on the
- 6 basis of the conviction that was vacated, dismissed,
- 7 or reversed and on which no further proceedings can be
- 8 or will be had."
- 9 2. Page 1, by striking lines 23 and 24 and
- 10 inserting the following:
- 11 "2. Upon receipt of an order vacating, dismissing,
- 12 or reversing the conviction and sentence in a case for
- 13 which no further proceedings can be or will be held
- 14 against an individual on any facts and circumstances
- 15 alleged in the proceedings which resulted in the
- 16 conviction, the district court shall make a
- 17 determination whether there is clear and convincing
- 18 evidence to establish either of the".
- 19 3. Page 1, line 27, by striking the words "and
- 20 sentenced" and inserting the following: ", sentenced,
- 21 and imprisoned".
- 22 4. Page 1, line 30, by striking the words "and
- 23 sentenced" and inserting the following: ", sentenced,
- 24 and imprisoned".
- 25 5. Page 1, by striking lines 32 and 33 and
- 26 inserting the following:
- 27 "3. If the district court finds that there is
- 28 clear and convincing evidence to support either of".
- 29 6. Page 1, line 34, by striking the words and
- 30 figure "1, paragraph "e"" and inserting the following:
- 31 "2".
- 32 7. Page 2, by striking lines 9 through 12, and
- 33 inserting the following: "of this section, to the
- 34 individual named in the order."
- 35 8. Page 2, line 24, by striking the words
- 36 "include any of" and inserting the following: "are
- 37 limited to".
- 38 9. By striking page 2, line 34, through page 3,
- 39 line 3, and inserting the following:
- 40 "_. An amount of liquidated damages in an amount
- 41 equal to fifty dollars per day of wrongful
- 42 imprisonment."
- 43 10. Page 3, lines 5 and 6, by striking the words
- 44 "arrest, prosecution, conviction," and inserting the
- 45 following: "conviction".
- 46 11. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1913.

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

On the question "Shall the bill pass?" (H.F. 674)

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	Frevert	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	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	Veenstra, Presiding		

The nays were, none.

Absent or not voting, 2:

Ford

Lamberti

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 83, House Files 635, 544 and 674.**

Unfinished Business Calendar

House File 695, a bill for an act relating to household hazardous

materials and retail labeling requirements, was taken up for consideration.

Mascher of Johnson offered the following amendment H-1847 filed by her and Teig of Hamilton, and moved its adoption:

H-1847

- 1 Amend House File 695 as follows:
- 2 1. Page 1, lines 29 and 30, by striking the words
- 3 "~~quantities and selection of alternative products~~" and
- 4 inserting the following: "quantities, and selection
- 5 of alternative products, and".
- 6 2. Page 2, line 4, by inserting after the word
- 7 "repealed" the following: "on January 1, 1998".

Amendment H-1847 was adopted.

SENATE FILE 285 SUBSTITUTED FOR HOUSE FILE 695

Teig of Hamilton asked and received unanimous consent to substitute Senate File 285 for House File 695.

Senate File 285, a bill for an act relating to household hazardous materials and retail labeling requirements, 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?" (S.F. 285)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	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	Grund	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Koenigs
Kreiman	Kremer	Larkin	Larson
Lord	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	Veenstra, Presiding	

The nays were, 2:

Fallon Martin

Absent or not voting, 3:

Brunkhorst Klemme Lamberti

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

HOUSE FILE 695 WITHDRAWN

Teig of Hamilton asked and received unanimous consent to withdraw House File 695 from further consideration by the House.

Speaker Corbett in the chair at 10:13 a.m.

Ways and Means Calendar

The House resumed consideration of **Senate File 531**, a bill for an act relating to the increase in the physical plant and equipment levy, previously deferred.

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

On the question "Shall the bill pass?" (S.F. 531)

The ayes were, 96:

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
Huseman	Huser	Jacobs	Jenkins

Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	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, 1:

Larson

Absent or not voting, 3:

Holveck

Houser

Lamberti

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 285 and 531.**

HOUSE REFUSED TO CONCUR

Brauns of Muscatine called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1701 to the House amendment:

H-1701

1 Amend the amendment, S-3453, to Senate File 391, as

- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 6 through 11.
- 5 2. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-1701, to the House amendment.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 391** be immediately messaged to the Senate.

The House stood at ease at 10:28 a.m., until the fall of the gavel.

The House resumed session at 10:35 a.m., Speaker Corbett in the chair.

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

The House resumed session at 11:53 a.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 24, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 24, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 456, a bill for an act relating to city civil service and providing an effective date.

Also: That the Senate has on April 24, 1997, appointed the conference committee to House File 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates, and the members of the Senate are: The Senator from Shelby, Senator Boettger, Chair; the Senator from Black Hawk, Senator Redfern; the Senator from Iowa, Senator Schuerer; the Senator from Johnson, Senator Neuhauser; the Senator from Henry, Senator Vilsack.

Also: That the Senate has on April 24, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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, and providing for an effective date.

Also: That the Senate has on April 24, 1997, insisted on its amendment to 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, and the members of the Conference Committee on the part of the Senate are: The Senator from Muscatine, Senator Drake, Chair; the Senator from Buena Vista, Senator Freeman; the Senator from Sac, Senator King; the Senator from Webster, Senator Halvorson; the Senator from Dubuque, Senator Connolly.

Also: That the Senate has on April 24, 1997, insisted on its amendment to 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, and the members of the Conference Committee on the part of the Senate are: The Senator from Linn, Senator Lundby, Chair; the Senator from Worth, Senator Bartz; the Senator from Kossuth, Senator J. Black; the Senator from Polk, Senator McCoy; the Senator from Wapello, Senator Gettings.

Also: That the Senate has on April 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 550, a bill for an act establishing an oversight and communications committee, establishing a legislative information technology bureau, and providing an effective date.

Also: That the Senate has on April 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 551, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGE CONSIDERED

Senate File 551, by committee on appropriations, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

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

CONFERENCE COMMITTEE APPOINTED
(Senate File 391)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 391: Brauns of Muscatine, Chair; Rayhons of Hancock, Bradley of Clinton, Cohoon of Des Moines and Warnstadt of Woodbury.

CONFERENCE COMMITTEE APPOINTED
(Senate File 529)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 529: Brunkhorst of Bremer, Chair; Holmes of Scott, Klemme of Plymouth, Cataldo of Polk and Taylor of Linn.

On motion by Gipp of Winneshiek, the House was recessed at 11:55 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:03 p.m., Speaker Corbett in the chair.

QUORUM CALL

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

RULES SUSPENDED

Barry of Harrison asked and received unanimous consent to suspend the rules to consider Senate File 528.

CONSIDERATION OF BILLS
Ways and Means Calendar

Senate File 528, 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, with report of committee recommending passage, was taken up for consideration.

Fallon of Polk offered amendment H-1926 filed by him from the floor, and requested division as follows:

H-1926

- 1 Amend Senate File 528, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-1926A

- 3 1. Page 25, by striking line 26.

H-1926B

- 4 2. Page 25, by striking line 35 and inserting the
- 5 following:
- 6 "___ The Iowa groundwater association."
- 7 3. By renumbering, relettering, and redesignating
- 8 as necessary.

Fallon of Polk asked and received unanimous consent that amendment H-1926A be deferred.

Fallon of Polk moved the adoption of amendment H-1926B.

Amendment H-1926B lost.

Fallon of Polk moved the adoption of amendment H-1926A.

Amendment H-1926A lost.

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. 528)

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	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.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 528** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Hansen of Pottawattamie called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1905:

H-1905

- 1 Amend House File 557, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 19 the
- 4 following:
- 5 "Sec. __. **NEW SECTION. 514B.33 ESTABLISHMENT OF**
- 6 **LIMITED SERVICE ORGANIZATIONS.**
- 7 1. A person may apply to the commissioner for and
- 8 obtain a certificate of authority to establish and
- 9 operate a limited service organization in compliance
- 10 with this chapter. A person shall not establish or
- 11 operate a limited service organization in this state,
- 12 or sell, offer to sell, or solicit offers to purchase
- 13 or receive advance or periodic consideration in
- 14 conjunction with a limited service organization
- 15 without obtaining a certificate of authority under
- 16 this chapter.
- 17 2. The commissioner shall adopt rules pursuant to
- 18 chapter 17A establishing a certification process for
- 19 limited service organizations.

20 3. a. For purposes of this section, "limited
21 service organization" means an organization providing
22 dental care services, vision care services, mental
23 health services, substance abuse services,
24 pharmaceutical services, podiatric care services, or
25 such other services as may be determined by the
26 commissioner.

27 b. "Limited service organization" does not include
28 an organization providing hospital, medical, surgical,
29 or emergency services, except as such services are
30 provided incident to those services identified in
31 paragraph "a."

32 2. Page 10, by inserting after line 23 the
33 following:

34 "Sec. ____ Section 515D.4, subsection 2,
35 unnumbered paragraph 1, Code 1997, is amended to read
36 as follows:

37 ~~Coverage under a policy~~ A person shall not be
38 ~~canceled except by notice to the insured as provided~~
39 ~~in this chapter. Notice of cancellation of coverage~~
40 ~~under a policy is not effective~~ excluded from the
41 policy unless it the exclusion is based on one or more
42 of the following reasons:

43 Sec. ____ Section 515D.5, Code 1997, is amended to
44 read as follows:

45 515D.5 DELIVERY OF NOTICE.

46 1. Notwithstanding the provisions of sections
47 515.80 through 515.81A, a notice of cancellation of a
48 policy shall not be effective unless mailed or
49 delivered by the insurer to the named insured at least
50 twenty days prior to the effective date of

Page 2

1 cancellation, or, where the cancellation is for
2 nonpayment of premium notwithstanding the provisions
3 of sections 515.80 and 515.81A at least ten days prior
4 to the date of cancellation. A post office department
5 certificate of mailing to the named insured at the
6 address shown in the policy shall be proof of receipt
7 of such mailing. Unless the reason accompanies the
8 notice of cancellation, the notice shall state that,
9 upon written request of the named insured, mailed or
10 delivered to the insurer not less than fifteen days
11 prior to the date of cancellation, the insurer will
12 state the reason for cancellation, together with
13 notification of the right to a hearing before the
14 commissioner within fifteen days as provided in this
15 chapter.

16 When the reason does not accompany the notice of
17 cancellation, the insurer shall, upon receipt of a
18 timely request by the named insured, state in writing
19 the reason for cancellation. A statement of reason

- 20 shall be mailed or delivered to the named insured
 21 within five days after receipt of a request.
 22 2. A notice of exclusion of a person under a
 23 policy pursuant to section 515D.4, is not effective
 24 unless written notice is mailed or delivered to the
 25 named insured at least twenty days prior to the
 26 effective date of the exclusion. The written notice
 27 shall state the reason for the exclusion, together
 28 with notification of the right to a hearing before the
 29 commissioner pursuant to section 515D.10 within
 30 fifteen days of receipt or delivery of a statement of
 31 reason as provided in this section."
 32 3. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1905.

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

On the question "Shall the bill pass?" (H.F. 557)

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	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Holmes	Holveck	Houser
Huseman	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:

Garman

Heaton

Huser

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 557** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules to consider Senate File 551.

Appropriations Calendar

Senate File 551, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, with report of committee recommending passage, was taken up for consideration.

Garman of Story asked and received unanimous consent to withdraw amendment H-1927 filed by her from the floor.

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.

Under the provision of Rule 76, Fallon of Polk refrained from voting.

On the question "Shall the bill pass?" (S.F. 551)

The ayes were, 54:

Barry	Bell	Bernau	Blodgett
Boguess	Burnett	Carroll	Cataldo
Chiodo	Churchill	Cohoon	Connors
Dinkla	Doderer	Drees	Eddie
Ford	Garman	Gipp	Greig
Gries	Grundberg	Holmes	Huseman
Jenkins	Jochum	Kremer	Lamberti
Larkin	Lord	Mascher	Metcalf
Millage	Moreland	Murphy	Myers
Nelson	Osterhaus	Rants	Schrader
Shoultz	Siegrist	Taylor	Teig
Thomson	Tyrell	Van Fossen	Van Maanen

Vande Hoef
Wise

Veenstra
Mr. Speaker
Corbett

Weigel

Welter

The nays were, 45:

Arnold	Boddicker	Bradley	Brand
Brauns	Brunkhorst	Bukta	Chapman
Cormack	Dix	Dolecheck	Dotzler
Drake	Falck	Foege	Frevert
Greiner	Hahn	Hansen	Heaton
Holveck	Houser	Huser	Jacobs
Kinzer	Klëmme	Koenigs	Kreiman
Larson	Martin	May	Mertz
Meyer	Mundie	O'Brien	Rayhons
Reynolds-Knight	Richardson	Scherrman	Sukup
Thomas	Warnstadt	Weidman	Whitead
Witt			

Absent or not voting, 1:

Fallon

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 551** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules to consider Senate File 549.

Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Grundberg of Polk offered amendment H-1866 filed by the committee on appropriations as follows:

H-1866

- 1 Amend Senate File 549, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 13 through 17.
4 2. Page 2, line 11, by striking the figure
5 "650,000" and inserting the following: "625,000".
6 3. Page 3, line 17, by striking the figure
7 "1,132,167" and inserting the following: "1,212,167".
8 4. Page 3, line 23, by striking the figure
9 "2,790,905" and inserting the following: "2,840,905".
10 5. Page 4, by inserting after line 1 the
11 following:
12 "The department of cultural affairs shall
13 collaborate with the tourism division of the
14 department of economic development to promote
15 attendance at the state historical building and at
16 this state's historic sites."
17 6. Page 5, by inserting after line 2 the
18 following:
19 "The department of education shall require the
20 board of directors of a school district to submit by
21 September 1, 1997, on forms provided by the
22 department, a list of all school fees charged and
23 collected by the district during fiscal year 1996-1997
24 and a list of the school fees the district intends to
25 charge during fiscal year 1997-1998. The department
26 shall compile and evaluate the information submitted
27 by the districts and submit a report to the general
28 assembly by October 1, 1997."
29 7. Page 5, line 19, by striking the figure
30 "4,379,622" and inserting the following: "4,349,622".
31 8. Page 5, by inserting after line 30 the
32 following:
33 "Except where prohibited under federal law, the
34 division of vocational rehabilitation services of the
35 department of education shall accept client
36 assessments, or assessments of potential clients,
37 performed by other agencies in order to reduce
38 duplication of effort."
39 9. Page 6, line 21, by striking the figure
40 "2,793,352" and inserting the following: "2,674,725".
41 10. Page 6, by inserting after line 22 the
42 following: "Reimbursement of the institutions of
43 higher learning under the state board of regents for
44 participation in the access plus program during the
45 fiscal year beginning July 1, 1997, and ending June
46 30, 1998, shall not exceed the total amount of
47 reimbursement paid to the regents institutions of
48 higher learning for participation in the access plus
49 program during the fiscal year beginning July 1, 1996,
50 and ending June 30, 1997."

Page 2

- 1 11. Page 6, line 30, by striking the figure
2 "7,226,694" and inserting the following: "7,276,694".

3 12. Page 7, line 32, by striking the figure
4 "107,900" and inserting the following: "127,900".

5 13: Page 8, by striking lines 2 through 7.

6 14. Page 8, by striking lines 12 and 13 and
7 inserting the following:

8 "The department of education shall make the funds
9 appropriated to the department for purposes of the
10 reading recovery program as provided in this Act
11 available to reimburse a school district for costs
12 incurred by the district in incorporating the reading
13 recovery program into the curriculum of the district,
14 for training a teacher in reading recovery techniques,
15 and other expenses related to the district's costs of
16 implementing the reading recovery program. Funds
17 appropriated to the department for purposes of the
18 reading recovery program shall not be used for the
19 administrative costs of the department.

20 Each area education agency shall employ at least
21 one person knowledgeable in reading recovery
22 techniques to assist school districts in incorporating
23 the reading recovery program into school district
24 curricula."

25 15. Page 8, by inserting before line 14 the
26 following:

27 " _ REHABILITATING COMPUTERS FOR SCHOOLS AND
28 LIBRARIES

29 \$ 50,000

30 _ LOCAL ARTS COMPREHENSIVE EDUCATIONAL
31 STRATEGIES PROGRAM (LACES)

32 \$ 50,000

33 _ COMMUNITY COLLEGE GOVERNANCE STUDY

34 For purposes of studying the community college
35 governance structure as provided in this subsection:

36 \$ 20,000

37 a. The department shall establish a steering
38 committee whose voting members shall include the
39 director of the department of education, a
40 representative from the Iowa association of community
41 college trustees, a representative from the Iowa
42 association of community college presidents, and two
43 persons representing the general public appointed by
44 the state board of education. Nonvoting, ex officio
45 members of the steering committee shall include a
46 representative from the legislative fiscal bureau and
47 the legislative service bureau. The steering
48 committee shall select a chairperson from among the
49 members appointed by the state board of education.

50 b. The steering committee shall define the charge

Page 3

1 of the study. However, the study shall include, but
2 is not limited to, all of the following:

3 (1) A review of the existing community college
 4 governance structure including relationships between
 5 the community colleges, the Iowa association of
 6 community college trustees, the Iowa association of
 7 community college presidents, the state board of
 8 education, the department of education, local school
 9 districts, and other postsecondary institutions in
 10 this state.

11 (2) An analysis of the strengths and weaknesses of
 12 the current governance structure.

13 (3) Proposals for at least three governance
 14 structures, one of which shall include only minimal,
 15 but necessary, changes in the current governance
 16 structure. However, proposals shall be based upon the
 17 assumption that the board of directors for each
 18 community college shall remain unchanged due to
 19 property tax and local representation concerns. Each
 20 proposal shall include an analysis of the advantages
 21 and disadvantages of each alternative governance
 22 structure.

23 c. The steering committee shall contract with a
 24 person to conduct the study of the community college
 25 governance structure.

26 d. The steering committee shall submit its
 27 findings and recommendations to the general assembly
 28 by December 31, 1997."

29 16. By striking page 8, line 21, through page 9,
 30 line 3, and inserting the following:

31 "..... \$ 130,487,051

32 The funds appropriated in this subsection shall be
 33 allocated as follows:

34 a. Merged Area I	\$ 6,232,003
35 b. Merged Area II	\$ 7,348,515
36 c. Merged Area III	\$ 6,938,937
37 d. Merged Area IV	\$ 3,380,604
38 e. Merged Area V	\$ 7,071,116
39 f. Merged Area VI	\$ 6,552,805
40 g. Merged Area VII	\$ 9,347,407
41 h. Merged Area IX	\$ 11,460,931
42 i. Merged Area X	\$ 17,789,061
43 j. Merged Area XI	\$ 19,004,903
44 k. Merged Area XII	\$ 7,548,672
45 l. Merged Area XIII	\$ 7,720,702
46 m. Merged Area XIV	\$ 3,424,483
47 n. Merged Area XV	\$ 10,681,583
48 o. Merged Area XVI	\$ 5,985,329"

49 17. Page 9, by striking lines 18 through 28 and
 50 inserting the following:

3 library cooperation plan of action task force. The
4 task force shall consist of the following members:
5 1. The director of the library science department
6 at an institution of higher learning under the control
7 of the state board of regents that offers doctorates
8 in library science. The director shall be the
9 chairperson of the task force.
10 2. The director of the department of education or
11 the director's designee.
12 3. The state librarian.
13 4. A member of the state board of regents who
14 shall be appointed by the chairperson of the state
15 board of regents.
16 5. A representative from the Iowa association of
17 independent colleges and universities.
18 6. A representative from the Iowa hospital
19 association.
20 7. Three representatives from the Iowa library
21 association, one of which shall represent a library
22 that serves a population of fifty thousand or more;
23 one of which shall represent a library that serves a
24 population that is greater than two thousand five
25 hundred but less than fifty thousand; and one of which
26 shall represent a library that serves a population of
27 two thousand five hundred or less.
28 8. A librarian employed by a school district who
29 shall be appointed by the director of the department
30 of education.
31 The task force shall study options for and design a
32 plan of cooperation between all libraries, public and
33 private, within the state. The task force is
34 encouraged to be creative in terms of funding and
35 redesigning the current system of public and private
36 libraries, including, but not limited to, a study of
37 the feasibility of cohabitation by school district
38 libraries and public libraries. Every effort shall be
39 made to develop a plan for cooperation at the existing
40 level of state funding for libraries. The task force
41 shall also examine library cooperation efforts in
42 other states. The task force shall make
43 recommendations to the general assembly by December 1,
44 1997.”
45 18. Page 10, line 4, by striking the figure
46 “1,165,525” and inserting the following: “1,090,525”.
47 19. Page 10, line 5, by striking the figure
48 “15.63” and inserting the following: “14.63”.
49 20. Page 15, line 18, by striking the figure
50 “169,658,402” and inserting the following:

Page 5

1 “169,346,402”.

2 21. Page 16, by inserting after line 17 the

3 following:

4 "___ Institute for public leadership

5 \$ 40,000"

6 22. Page 16, line 23, by striking the figure

7 "75,357,005" and inserting the following:

8 "75,423,005".

9 23. Page 16, line 34, by striking the figure

10 "6,985,267" and inserting the following: "6,935,267".

11 24. Page 17, line 5, by striking the figure

12 "3,900,000" and inserting the following: "3,864,065".

13 25. Page 21, line 4, by striking the words "The

14 institution" and inserting the following: "The

15 university of Iowa".

16 26. Page 21, by inserting after line 18 the

17 following:

18 "Sec. ___ ADDITIONAL FUNDING FOR PROGRAMS FOR AT-

19 RISK CHILDREN. In addition to the funds appropriated

20 in section 279.51, subsection 1, there is appropriated

21 from the general fund of the state to the department

22 of education for the fiscal year beginning July 1,

23 1997, and ending June 30, 1998, the amount of \$250,000

24 to be allocated to the child development coordinating

25 council established in chapter 256A for the purposes

26 set out in section 279.51, subsection 2, and section

27 256A.3."

28 27. Page 21, by inserting before line 19 the

29 following:

30 "Sec. ___ Section 257A.8, Code 1997, is amended

31 to read as follows:

32 257A.8 ADMINISTRATIVE ACTIVITIES.

33 The administrative functions of the foundation

34 shall be performed by the ~~department of education~~

35 university of northern Iowa. The foundation office

36 shall be located in on the ~~department of education~~

37 offices campus of the university of northern Iowa.

38 Sec. ___ Section 257B.1A, Code 1997, is amended

39 by striking the section and inserting in lieu thereof

40 the following:

41 257B.1A INTEREST FOR IOWA SCHOOLS FUND - TRANSFER

42 OF INTEREST.

43 1. The interest for Iowa schools fund is

44 established in the office of the treasurer of state.

45 The department of revenue and finance shall deposit

46 interest earned on the permanent school fund in the

47 interest for Iowa schools fund. Of the interest

48 deposited in the interest for Iowa schools fund each

49 year, fifty percent shall be transferred to the first

50 in the nation in education foundation as established

Page 6

1 in section 257A.1 and fifty percent shall be

2 transferred to the international center for gifted and

3 talented education endowment fund established in
4 section 263.8A. The department of revenue and finance
5 shall transfer interest as provided in this section on
6 a quarterly basis. As a condition of receiving funds
7 under this section, the foundation and the center
8 shall maintain and continue to increase the balances
9 of their private foundations. In addition, the
10 foundation and the center shall each certify to the
11 department of revenue and finance and the general
12 assembly, by January 1 of each year, the cumulative
13 total value of contributions received during the
14 preceding calendar year.

15 2. If the general assembly appropriates funds to
16 the international center endowment fund in the amount
17 of not less than eight hundred seventy-five thousand
18 dollars prior to July 1, 1998, the center's interest
19 allocation shall decrease to twenty-five percent. If
20 the general assembly appropriates funds to the
21 international center endowment fund in an amount of
22 not less than one million five hundred fifty thousand
23 dollars, the center shall no longer receive an
24 interest allocation.

25 3. The foundation and the center shall use for
26 administrative costs not more than twenty-five percent
27 of any moneys received annually pursuant to this
28 section."

29 28. Page 21, by striking lines 19 through 35.

30 29. Page 22, by inserting before line 1 the
31 following:

32 "Sec. 201. Section 260C.14, Code 1997, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 2A. Cause to be printed on all
35 statements of account for payment of tuition and fees
36 issued by the community college the portion of the
37 average cost of an Iowa resident student's education
38 at that community college that is paid by
39 appropriations from the general fund of the state.
40 The information, rounded to the nearest one-tenth of
41 one percent and the nearest whole dollar, shall be
42 included in the following statement:

43 "Tuition pays for approximately ____% of the
44 average cost for a resident Iowa student at this
45 community college. The State of Iowa pays
46 approximately \$____ of the average cost for a full-
47 time state resident student at this community
48 college.""

49 30. By striking page 23, line 34, through page
50 25, line 31.

Page 7

1 31. Page 26, by inserting after line 9 the
2 following:

3 "Sec. 202. Section 262.9, Code 1997, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 30. Cause to be printed on all
 6 statements of account for payment of tuition and fees
 7 issued by each institution of higher learning under
 8 the control of the board the portion of the average
 9 cost of an Iowa resident student's education at the
 10 institution issuing the statement that is paid by
 11 appropriations from the general fund of the state.
 12 The information, rounded to the nearest one-tenth of
 13 one percent and the nearest whole dollar, shall be
 14 included in the following statement:

15 "Tuition pays for approximately ____% of the
 16 average cost for a resident Iowa student at this
 17 institution of higher learning. The State of Iowa
 18 pays approximately \$____ of the average cost for a
 19 full-time state resident student at this institution
 20 of higher learning."

21 32. Page 26, by inserting before line 10 the
 22 following:

23 "Sec. ____ Section 294A.25, subsection 4, Code
 24 1997, is amended by striking the subsection.

25 Sec. ____ Section 294A.25, Code 1997, is amended
 26 by adding the following new subsection:

27 NEW SUBSECTION. 4A. For the fiscal year beginning
 28 July 1, 1997, and ending June 30, 1998, the amount of
 29 fifty thousand dollars to be paid to the department of
 30 education for participation in a state and national
 31 project, the national assessment of education
 32 progress, to determine the academic achievement of
 33 Iowa students in math, reading, science, United States
 34 history, or geography."

35 33. Page 26, by striking lines 10 and 11 and
 36 inserting the following:

37 "Sec. ____ Section 294A.25, subsection 7, Code
 38 1997, is amended to read as follows:"

39 34. Page 26, by striking lines 18 through 26.

40 35. Page 26, by inserting before line 27 the
 41 following:

42 "Sec. ____ Section 303.3, subsection 3, Code 1997,
 43 is amended by striking the subsection and inserting in
 44 lieu thereof the following:

45 3. Notwithstanding section 8.33, moneys committed
 46 to grantees under this section that remain
 47 unencumbered or unobligated on June 30 of the fiscal
 48 year for which the funds were appropriated shall not
 49 revert but shall be available for expenditure for the
 50 following fiscal year for the purposes of subsection

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1 2."

2 36. Page 27, line 13, by striking the words "area

- 3 education agencies" and inserting the following:
4 "school districts".
5 37. Page 27, by striking lines 16 through 18.
6 38. Page 27, by inserting after line 23 the
7 following:
8 "Sec. ____ Chapter 303C, Code 1997, is repealed."
9 39. Page 28, by inserting after line 9 the
10 following:
11 "Sec. ____ EFFECTIVE DATE. Sections 201 and 202
12 of this Act, relating to statements of account, being
13 deemed of immediate importance, take effect upon
14 enactment."
15 40. By renumbering, relettering, and
16 redesignating as necessary.

Grundberg of Polk rose on a point of order that the committee amendment H-1866 was not germane.

The Speaker ruled the point well taken and amendment H-1866 not germane.

Grundberg of Polk asked for unanimous consent to suspend the rules to consider the committee amendment H-1866.

Objection was raised.

Grundberg of Polk moved to suspend the rules to consider amendment H-1866.

A non-record roll call was requested.

The ayes were 51, nays 46.

The motion prevailed and the rules were suspended.

Division of the committee amendment H-1866 was requested as follows:

Page 1 – Line 3, lines 6 through 28, lines 31 through 38, Division A; Lines 4 and 5, Division B; Lines 29 and 30, Division C; Lines 39 through 50, Division D.

Page 2 – Lines 1 through 50, Division A.

Page 3 – Lines 1 through 28, Division A; Lines 29 through 48, Division E; Lines 49 and 50, Division A.

Page 4 – Lines 1 through 44, Division A; Lines 45 through 48, Division F; Lines 49 and 50, Division G.

Page 5 – Line 1, Division G; Lines 2 through 8, Division A; Lines 9 through 12, Division H; Lines 13 through 15, Division A; Lines 16 through 27, Division I; Lines 28 through 50, Division A.

Page 6 – Lines 1 through 28, Division A; Line 29, Division J; Lines 30 through 48, Division K; Lines 49 and 50, Division L.

Page 7 – Lines 1 through 20, Division K; Lines 21 through 50, Division A.

Page 8 – Lines 1 through 8, Division A; Lines 9 through 14, Division K.

Dinkla of Guthrie offered the following amendment H-1898, to the committee amendment H-1866A, filed by Dinkla, Lamberti, Churchill, Warnstadt, Myers and Murphy from the floor and moved its adoption:

H-1898

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended; passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 " __. Page 2, by striking lines 12 through 16 and
- 7 inserting the following:
- 8 "Sec. __. Notwithstanding section 261.21, for the
- 9 fiscal year beginning July 1, 1997, and ending June
- 10 30, 1998, a national guard member who has not earned
- 11 college credit hours in an amount necessary to be
- 12 considered a junior or senior shall be given highest
- 13 priority for tuition aid under the national guard
- 14 tuition aid program.""
- 15 2. By renumbering as necessary.

Amendment H-1898, to the committee amendment H-1866A, was adopted.

Barry of Harrison offered the following amendment H-1923, to the committee amendment H-1866A, filed by Barry, Nelson, Mascher, Brand, Vande Hoef, Carroll, Bradley, Lamberti, Heaton, Moreland, Thomas, Hansen, Greiner and Frevert from the floor and moved its adoption:

H-1923

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended; passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 16 the
- 5 following:
- 6 " __. Page 4, line 28, by striking the figure
- 7 "5,488,602" and inserting the following: "5,168,602".
- 8 __. Page 4, line 29, by striking the figure
- 9 "95.95" and inserting the following: "90.45".

10	2. Page 3, by striking lines 31 through 48 and	
11	inserting the following:	
12	""	\$ 130,807,051
13	The funds appropriated in this subsection shall be	
14	allocated as follows:	
15	a. Merged Area I	\$ 6,247,286
16	b. Merged Area II	\$ 7,366,536
17	c. Merged Area III	\$ 6,955,954
18	d. Merged Area IV	\$ 3,388,894
19	e. Merged Area V	\$ 7,088,457
20	f. Merged Area VI	\$ 6,568,875
21	g. Merged Area VII	\$ -9,370,330
22	h. Merged Area IX	\$ 11,489,037
23	i. Merged Area X	\$ 17,832,686
24	j. Merged Area XI	\$ 19,051,510.
25	k. Merged Area XII	\$ 7,567,184
26	l. Merged Area XIII	\$ 7,739,636
27	m. Merged Area XIV	\$ 3,432,881
28	n. Merged Area XV	\$ 10,707,778
29	o. Merged Area XVI	\$ 6,000,007""
30	3. By renumbering as necessary.	

Carroll of Poweshiek in the chair at 3:42 p.m.

Amendment H-1923, to the committee amendment H-1866A, was adopted placing out of order amendment H-1928, filed from the floor by Schrader of Marion.

Grundberg of Polk offered the following amendment H-1916, to the committee amendment H-1866A, filed by her from the floor and moved its adoption:

H-1916

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 19 and inserting the
- 5 following:
- 6 ""The director of the department of education shall
- 7 convene a study committee during the 1997 legislative
- 8 interim consisting of the co-chairpersons of the joint
- 9 appropriations subcommittee on education; two members
- 10 of the governing board of the first in the nation in
- 11 education foundation, who shall be appointed by the
- 12 chairperson of the governing board; and the director
- 13 of the department of education. The study committee
- 14 shall do the following:
- 15 1. Study how to maintain the autonomy of the
- 16 foundation.
- 17 2. Develop strategies that allow the foundation's
- 18 funds to be invested in such a way as to increase the
- 19 interest earned.
- 20 3. Explore ways to enhance the research and

21 dissemination functions of the foundation.
 22 4. Determine methods for reporting foundation
 23 activities that impact Iowa education. The study
 24 committee shall report its findings and
 25 recommendations in a report to the general assembly by
 26 October 1, 1997.
 27 The department of education shall require the".
 28 2. Page 2, line 20, by inserting after the word
 29 "shall" the following: ", by June 30, 1998,".
 30 3. Page 4, by striking lines 5 through 9 and
 31 inserting the following:
 32 "1. The director of an accredited program of
 33 library science at an institution of higher learning
 34 under the control of the state board of regents. The
 35 director shall be the chairperson of the task force."
 36 4. Page 4, by striking lines 31 through 44 and
 37 inserting the following:
 38 "The task force shall design an action plan with
 39 the intent of promoting cooperation between all
 40 libraries, public and private, within the state. The
 41 task force shall utilize information gathered for the
 42 1996 Iowa joint use library guide. The task force is
 43 encouraged to be creative in terms of funding and
 44 redesigning the current system of public and private
 45 libraries, including, but not limited to, a study of
 46 the feasibility of colocating school district
 47 libraries and public libraries and potential pilot
 48 projects. Every effort shall be made to develop a
 49 plan for cooperation at the existing level of state
 50 funding for libraries. The task force shall also

Page 2

1 examine library cooperation efforts within the state
 2 and in other states. The task force shall make
 3 recommendations to the general assembly by December 1,
 4 1997.""
 5 5. Page 5, by striking line 27 and inserting the
 6 following: "256A.3.
 7 Sec. ____ Section 19A.3, subsection 24, unnumbered
 8 paragraph 2, Code 1997, is amended to read as follows:
 9 The director of the department of personnel shall
 10 negotiate ~~agreements~~ an agreement with the director of
 11 the department for the blind ~~and with the director of~~
 12 ~~the department of education~~ concerning the
 13 applicability of the merit system to the professional
 14 employees of ~~their respective agencies~~ the department
 15 for the blind.
 16 Sec. ____ Section 256.10, Code 1997, is amended to
 17 read as follows:
 18 256.10 EMPLOYMENT OF PROFESSIONAL STAFF.
 19 The salary of the director shall be fixed by the
 20 governor within a range established by the general

21 assembly. Appointments to the professional staff of
 22 the department shall be without reference to political
 23 party affiliation, religious affiliation, sex, or
 24 marital status, but shall be based solely upon
 25 fitness, ability, and proper qualifications for the
 26 particular position. The professional staff shall
 27 serve at the discretion of the director. A member of
 28 the professional staff shall not be dismissed for
 29 cause without ~~at least ninety days' notice, except in~~
 30 ~~cases of conviction of a felony or cases involving~~
 31 ~~moral turpitude appropriate due process procedures~~
 32 ~~including a hearing. In cases of procedure for~~
 33 ~~dismissal, the accused has the same right to notice~~
 34 ~~and hearing as teachers in the public school systems~~
 35 ~~as provided in section 270.27 to the extent that it is~~
 36 ~~applicable."~~

37 6. Page 5, by striking lines 30 through 38 and
 38 inserting the following:

39 "Sec. ____ Section 257B.1A, Code 1997, is
 40 amended".

41 7. Page 8, by striking line 11 and inserting the
 42 following:

43 ""Sec. ____ The section of this Act that amends
 44 section 257B.1A applies to interest earned on or after
 45 July 1, 1997.

46 Sec. ____ EFFECTIVE DATE. Sections 201 and 202".

Amendment H-1916, to the committee amendment H-1866A, was adopted.

Mascher of Johnson offered the following amendment H-1899, to the committee amendment H-1866A, filed by her and moved its adoption:

H-1899

1 Amend the amendment, H-1866, to Senate File 549, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

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

6 "____ Page 8, line 11, by striking the figure
 7 "50,000" and inserting the following: "150,000"."

8 2. By renumbering as necessary.

Speaker Corbett in the chair at 3:58 p.m.

Amendment H-1899 lost.

Van Fossen of Scott asked and received unanimous consent that amendment H-1915 be deferred.

Mascher of Johnson asked and received unanimous consent that amendment H-1917 be deferred.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1924, to the committee amendment H-1866A, filed by him from the floor.

Veenstra of Sioux asked and received unanimous consent to withdraw amendment H-1896, to the committee amendment H-1866A, filed by him on April 23, 1997.

Brand of Tama offered the following amendment H-1925, to the committee amendment H-1866A, filed by him from the floor and moved its adoption:

H-1925

1 Amend the amendment, H-1866, to Senate File 549 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 7, line 24, by striking the word
5 "subsection." and inserting the following:
6 "subsection and inserting in lieu thereof the
7 following:
8 4. The amount of one hundred thousand dollars to
9 be paid to the department of education for
10 distribution to the tribal council of the Sac and Fox
11 Indian settlement located on land held in trust by the
12 secretary of the interior of the United States.
13 Moneys allocated under this subsection shall be used
14 to supplement, not supplant, federal funds and shall
15 be used to improve teacher salaries, implement school
16 innovation plans to improve student achievement,
17 increase staff development efforts to improve the
18 effectiveness of the school curriculum as designated
19 in chapter 294A, and for the purposes specified in
20 section 256.30. The department of education shall
21 adopt rules to ensure that moneys distributed under
22 this subsection are used in accordance with this
23 subsection."

Amendment H-1925 lost.

Van Fossen of Scott asked and received unanimous consent to withdraw amendment H-1931, to the committee amendment H-1866A, filed by Van Fossen, Bradley, Murphy, Kinzer, Boddicker, Martin, Holmes, Nelson and Eddie from the floor.

Van Fossen of Scott asked and received unanimous consent to withdraw amendment H-1915, to the committee amendment H-1866A, filed by Van Fossen, Bradley, Murphy, Kinzer, Boddicker, Martin, Holmes, Nelson and Eddie from the floor.

Mascher of Johnson asked and received unanimous consent that amendment H-1917 be deferred.

Grundberg of Polk asked and received unanimous consent that the committee amendment H-1866A be deferred.

Grundberg of Polk moved the adoption of the committee amendment H-1866B.

Amendment H-1866B was adopted.

Grundberg of Polk moved the adoption of the committee amendment H-1866C.

A non-record roll call was requested.

The ayes were 41, nays 32.

Amendment H-1866C was adopted.

Grundberg of Polk moved the adoption of the committee amendment H-1866D.

A non-record roll call was requested.

The ayes were 41, nays 25.

Amendment H-1866D was adopted.

Grundberg of Polk moved the adoption of the committee amendment H-1866E, as amended.

Amendment H-1866E, as amended, was adopted.

Grundberg of Polk moved the adoption of the committee amendment H-1866F.

Amendment H-1866F was adopted.

Grundberg of Polk moved the adoption of the committee amendment H-1866G.

A non-record roll call was requested.

The ayes were 40, nays 50.

Amendment H-1866G lost.

Grundberg of Polk moved the adoption of the committee amendment H-1866H.

Amendment H-1866H was adopted.

Larson of Linn asked and received unanimous consent to withdraw amendment H-1886 filed by him on April 23, 1997.

Mascher of Johnson offered amendment H-1911, to the committee amendment H-1866I, filed by Mascher, et al., as follows:

H-1911

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, line 27, by striking the figure
- 5 "256A.3." and inserting the following: "256A.3.
- 6 Sec. 301. NEW SECTION. 257.13 ON-TIME FUNDING
- 7 FOR NEW STUDENTS.
- 8 1. If a district's actual enrollment for the
- 9 budget year, determined under section 257.6, is
- 10 greater than its budget enrollment for the budget
- 11 year, the district may submit a request to the school
- 12 budget review committee for on-time funding for new
- 13 students. The school budget review committee shall
- 14 consider the relative increase in enrollment on a
- 15 district-by-district basis, in determining whether to
- 16 approve the request, and shall determine the amount of
- 17 additional funding provided if the request is granted.
- 18 An application for on-time funding must be received by
- 19 the department of education by October 1. Written
- 20 notice of the committee's decision shall be given
- 21 through the department of education to the school
- 22 board for a district.
- 23 2. If the school budget review committee approves
- 24 a request for on-time funding for new students, the
- 25 funding shall be in an amount up to the product of
- 26 one-third of the district's regular program state cost
- 27 per pupil for the budget year multiplied by the
- 28 difference between the actual enrollment for the
- 29 budget year and the budget enrollment for the budget
- 30 year. The additional funding received under this
- 31 section is miscellaneous income to the district.
- 32 If a district receives on-time funding for new
- 33 students under this section for a budget year, the
- 34 department of management shall determine the amount of
- 35 this funding which would have been generated by local
- 36 property tax revenues if the actual enrollment for the
- 37 budget year had been used in determining state cost
- 38 for that budget year. The department of management
- 39 shall reduce, but not by more than the amount of the
- 40 on-time funding, the district's total state school
- 41 aids otherwise available under this chapter for the
- 42 next following budget year by the amount so
- 43 determined, and shall increase the district's
- 44 additional property tax levy for the next following
- 45 budget year by the amount necessary to compensate for
- 46 the reduction in state aid, so that the local property
- 47 tax for the next following year will be increased only

48 by the amount which it would have been increased in
49 the budget year if the enrollment calculated in this
50 section could have been used to establish the levy.

Page 2

1 3. There is appropriated each fiscal year from the
2 general fund of the state to the department of
3 education six million dollars to pay additional
4 funding authorized under this section, which shall be
5 paid to school districts in monthly installments
6 beginning on December 15 and ending on June 15 of a
7 budget year.

8 4. If the board of directors of a school district
9 determines that a need exists for additional funds
10 exceeding the amount provided in this section, a
11 request for supplemental aid based upon increased
12 enrollment may be submitted to the school budget
13 review committee as provided in section 257.31.”

14 2. Page 8, by striking line 11 and inserting the
15 following:

16 “Sec. ____ EFFECTIVE DATE. Section 301 of this
17 Act, relating to on-time funding for new students,
18 being deemed of immediate importance, takes effect
19 upon enactment for the purpose of computations
20 required for payment of state aid to and levying of
21 property taxes by school districts for budget years
22 beginning on or after July 1, 1997. This Act remains
23 in effect until the repeal of chapter 257 on July 1,
24 2001.

25 Sec. ____ EFFECTIVE DATE. Sections 201 and 202”.

Millage of Scott rose on a point of order that amendment H-1911, to the committee amendment H-1866I, was not germane.

The Speaker ruled the point well taken and amendment H-1911 not germane.

Mascher of Johnson asked for unanimous consent to suspend the rules to consider amendment H-1911 to committee amendment H-1866I.

Objection was raised.

Mascher of Johnson moved to suspend the rules to consider amendment H-1911 to committee amendment H-1866I.

Roll call was requested by Mascher of Johnson and Siegrist of Pottawattamie

Rule 75 was invoked.

On the question “Shall the rules be suspended to consider amendment H-1911, to the committee amendment H-1866I?” (S.F. 549)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Lord	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, 53:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	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	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	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.

Mascher of Johnson offered the following amendment H-1900, to the committee amendment H-1866I, filed by her and moved its adoption:

H-1900

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by striking line 27, and inserting the
- 5 following: "256A.3.
- 6 Sec. ____ Section 256.11, Code 1997, is amended by
- 7 adding the following new subsection:
- 8 NEW SUBSECTION. 9. Unless a waiver has been
- 9 obtained under section 256.11A, each school or school
- 10 district shall have all of the following:

- 11 a. A media center in each attendance center
12 accessible to students throughout the school day.
13 b. A qualified school media specialist who shall
14 meet the licensing standards prescribed by the board
15 of educational examiners and be responsible for media
16 center supervision.
17 c. An articulated sequential elementary-secondary
18 guidance program for grades kindergarten through
19 twelve. The guidance counselor shall meet the
20 licensing standards prescribed by the board of
21 educational examiners.

22 In determining the requirements of this subsection
23 for nonpublic schools, the department shall evaluate
24 the schools on a school system basis rather than on an
25 individual school basis.

26 Sec. __. Section 256.11A, subsections 1 and 2,
27 Code 1997, are amended to read as follows:

- 28 1. Schools and school districts ~~unable to meet the~~
29 ~~standard adopted by the state board requiring each~~
30 ~~school or school district operating a kindergarten~~
31 ~~through grade twelve program to provide an articulated~~
32 ~~sequential elementary-secondary guidance program~~ may,
33 not later than August 1, ~~1995~~ 1997, for the school
34 year beginning July 1, ~~1995~~ 1997, file a written
35 request to the department of education that the
36 department waive the requirement, for established in
37 section 256.11, subsection 9, paragraph "c", that a
38 school or school district operating a kindergarten
39 through grade twelve program, provide an articulated
40 sequential elementary-secondary guidance program. The
41 procedures specified in subsection 3 apply to the
42 request. Not later than August 1, ~~1996~~ 1998, for the
43 school year beginning July 1, ~~1996~~ 1998, the board of
44 directors of a school district or the authorities in
45 charge of a nonpublic school may request a one-year
46 extension of the waiver.
47 2. Not later than August 1, ~~1995~~ 1997, for the
48 school year beginning July 1, ~~1995~~ 1997, the board of
49 directors of a school district, or authorities in
50 charge of a nonpublic school, may file a written

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1. request with the department of education that the
2 department waive ~~the rule adopted by the state board~~
3 ~~to establish and operate the requirements established~~
4 under section 256.11, subsection 9, paragraphs "a" and
5 "b", for a media services specialist and a media
6 services program to support the total curriculum for
7 that district or school center. The procedures
8 specified in subsection 3 apply to the request. Not
9 later than August 1, ~~1996~~ 1998, for the school year
10 beginning July 1, ~~1996~~ 1998, the board of directors of

- 11 a school district or the authorities in charge of a
 12 nonpublic school may request an additional one-year
 13 extension of the waiver.””
 14 . 2. Page 8, by inserting after line 14 the
 15 following:
 16 “ . Title page, line 1, by inserting after the
 17 words “relating to” the following: “the requirement
 18 that accredited schools provide media services
 19 programs and articulated sequential elementary-
 20 secondary guidance programs, and to””
 21 3. By renumbering as necessary.

Rants of Woodbury in the chair at 4:58 p.m.

Grundberg of Polk rose on a point of order that amendment H-1900, to the committee amendment H-1866I was not germane.

The Speaker ruled the point well taken and amendment H-1900 not germane.

Mascher of Johnson asked for unanimous consent to suspend the rules to consider amendment H-1900, to the committee amendment H-1866J.

Objection was raised.

Mascher of Johnson moved to suspend the rules to consider amendment H-1900, to the committee amendment H-1866J.

A non-record roll call was requested.

The ayes were 42, nays 48.

The motion to suspend the rules lost.

Scherrman of Dubuque offered amendment H-1918, to the committee amendment H-1866I, filed by him from the floor as follows:

H-1918

- 1 Amend the amendment, H-1866, to Senate File 549, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 5, by striking line 27 and inserting the
 5 following: “256A.3.
 6 Sec. ____ **NEW SECTION.** 257.50 TRANSPORTATION
 7 ASSISTANCE AID TO DISTRICTS.
 8 1. The department shall pay transportation
 9 assistance aid to a school district from funds
 10 appropriated in this section to school districts whose
 11 average transportation costs per pupil exceed one
 12 hundred twenty-five percent of the state average
 13 transportation costs per pupil determined under
 14 subsection 2.

- 15 2. A district's average transportation costs per
16 pupil shall be determined by dividing the district's
17 actual cost for all children transported in all school
18 buses for a school year pursuant to section 285.1,
19 subsection 12, by the district's actual enrollment for
20 the school year, as defined in section 257.6. The
21 state average transportation costs per pupil shall be
22 determined by dividing the total actual costs for all
23 children transported in all districts for a school
24 year, by the total of all districts' actual
25 enrollments for the school year.
- 26 3. A school district shall annually certify its
27 actual cost for all children transported in all school
28 buses by July 15 after each school year on forms
29 prescribed by the department of education.
- 30 4. If a school district's average transportation
31 costs per pupil are greater than one hundred twenty-
32 five percent of the state average transportation costs
33 per pupil, the department of education shall pay
34 transportation assistance aid equal to the amount of
35 the difference multiplied by the district's actual
36 enrollment for the school year.
- 37 5. There is appropriated from the general fund of
38 the state to the department of education, for each
39 fiscal year, an amount necessary to pay transportation
40 assistance aid pursuant to this section.
41 Transportation assistance aid is miscellaneous income
42 for purposes of chapter 257."
- 43 2. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-1918, to committee amendment H-1866I was not germane.

The Speaker ruled the point well taken and amendment H-1918 not germane.

Scherrman of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-1918, to the committee amendment H-1866I.

Objection was raised.

Scherrman of Dubuque moved to suspend the rules to consider amendment H-1918, to the committee amendment H-1866I.

Roll call was requested by Scherrman of Dubuque and Weigel of Chickasaw.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1918, to the committee amendment H-1866I?" (S.F. 549)

The ayes were, 48:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dolecheck
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
Welter	Whitead	Wise	Witt

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	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 Maanen	Vande Hoef
Veenstra	Weidman	Rants, Presiding	

Absent or not voting, 1:

Van Fossen

The motion to suspend the rules lost.

Thomas of Clayton offered the following amendment H-1933, to the committee amendment H-1866I, filed by him from the floor and moved its adoption:

H-1933

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by striking line 27 and inserting the
- 5 following: "256A.3.
- 6 Sec. 200. Section 256.9, Code 1997, is amended by
- 7 adding the following new subsection:
- 8 **NEW SUBSECTION.** 49. Calculate, every two years,
- 9 for purposes of the statement of account requirement

- 10 of section 260C.14, subsection 2A, the average cost of
 11 an Iowa resident student's education at a community
 12 college and shall also calculate the average amount by
 13 which state moneys subsidize the average state
 14 resident student's tuition costs at a community
 15 college."''
- 16 2. Page 6, line 34, by inserting after the word
 17 "be" the following: "prominently".
- 18 3. Page 6, line 38, by inserting after the word
 19 "by" the following: "tuition and the amount paid by".
- 20 4. Page 6, line 39, by inserting after the word
 21 "state" the following: "based upon calculations made
 22 by the department of education as required under
 23 section 256.9, subsection 49".
- 24 5. Page 6, line 44, by striking the word "this"
 25 and inserting the following: "a state".
- 26 6. Page 6, line 47, by striking the word "at
 27 this" and inserting the following: "attending a
 28 state".
- 29 7. Page 8, line 11, by inserting after the word
 30 "Sections" the following: "200,".
- 31 8. Page 8, line 14, by inserting after the word
 32 "enactment" the following: "and apply to statements
 33 of account issued after January 1, 1998".

Amendment H-1933 lost.

Grundberg of Polk moved the adoption of the committee amend-
 ment H-1866I.

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

On the question "Shall the committee amendment H-1866I be
 adopted?" (S.F. 549)

The ayes were, 94:

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	Foegel	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Mascher	May	Mertz

Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	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	Rants, Presiding		

The nays were, none.

Absent or not voting, 6:

Brand	Brauns	Holmes	Klemme
Martin	Taylor		

The committee amendment H-1866I was adopted.

The House resumed consideration of the committee amendment H-1866J.

Barry of Harrison asked and received unanimous consent to withdraw amendment H-1912, to the committee amendment H-1866J, filed by her from the floor.

Grundberg of Polk moved the adoption of the committee amendment H-1866J.

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-1866J be adopted?" (S.F. 549)

The ayes were, 52:

Barry	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	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

The nays were, 47:

Arnold	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	

Absent or not voting, 1:

Dolecheck

The committee amendment H-1866J was adopted.

The House resumed consideration of the committee amendment H-1866K.

Mascher of Johnson offered the following amendment H-1932, to the committee amendment H-1866K, filed by her from the floor and moved its adoption:

H-1932

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by inserting after line 48 the
- 5 following:
- 6 " Page 22, by inserting after line 21 the
- 7 following:
- 8 "Sec. 204. Section 261.9, subsection 1, Code 1997,
- 9 is amended by adding the following new paragraph:
- 10 **NEW PARAGRAPH.** i. Which calculates, every two
- 11 years, the average cost of an Iowa resident student's
- 12 education at an accredited private institution in this
- 13 state and also calculates the average amount by which
- 14 state moneys subsidize the average state resident
- 15 student's tuition costs. Calculations shall be made
- 16 in consultation with the commission. The institution
- 17 shall cause to be prominently printed on all
- 18 statements of account for payment of tuition and fees
- 19 issued by the institution, the portion of the average
- 20 cost of a resident student's education at an
- 21 accredited private institution in this state that is
- 22 paid by tuition and fees, and the amount paid by
- 23 appropriations from the general fund of the state.

24 The information, rounded to the nearest one-tenth of
 25 one percent and the nearest whole dollar, shall be
 26 included in the following statement:

27 "Tuition pays for approximately ____% of the
 28 average cost for a resident Iowa student at an
 29 accredited private institution located in this state.
 30 The state of Iowa pays approximately \$____ of the
 31 average cost for a full-time state resident student at
 32 an accredited private institution located in this
 33 state."'''

34 2. Page 8, by striking line 14 and inserting the
 35 following: "enactment.

36 Sec. ____ Section 204 of this Act, amending
 37 section 261.9, being deemed of immediate importance,
 38 takes effect upon enactment and applies to statements
 39 of account issued after January 1, 1998."'''

40 3. By renumbering, relettering, and redesignating
 41 as necessary.

Amendment H-1932 lost.

Wise of Lee offered amendment H-1910, to the committee amend-
 ment H-1866K, filed by Wise, et al., as follows:

H-1910

1 Amend the amendment, H-1866, to Senate File 549, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 7, line 20, by striking the word
 5 "learning."''' and inserting the following: "learning.
 6 Sec. ____ Section 279.51, subsection 1, unnumbered
 7 paragraph 1, Code 1997, is amended to read as follows:

8 There is appropriated from the general fund of the
 9 state to the department of education for the fiscal
 10 year beginning July 1, ~~1996~~ 1997, and each succeeding
 11 fiscal year, the sum of ~~fourteen~~ seventeen million
 12 ~~five hundred~~ twenty thousand dollars.

13 Sec. ____ Section 279.51, subsection 1, Code 1997,
 14 is amended by adding the following new paragraph:
 15 NEW PARAGRAPH g. For the fiscal year beginning
 16 July 1, 1997, and for each fiscal year thereafter, two
 17 million five hundred thousand dollars of the funds
 18 appropriated shall be allocated for the alternative
 19 education program established in subsection 4A.

20 Sec. ____ Section 279.51, Code 1997, is amended by
 21 adding the following new subsection:
 22 NEW SUBSECTION 4A. a. An alternative education
 23 program is established to provide four-year
 24 competitive demonstration grants to school districts
 25 that demonstrate the greatest need for, and ability to
 26 provide for, the establishment of innovative
 27 alternative education programs for habitually

28 disruptive, absent or truant, at-risk students. The
29 department of education, in consultation with the
30 department of human services, the Iowa department of
31 public health, the division of criminal and juvenile
32 justice planning of the department of human rights,
33 and institutions of higher learning with applicable
34 programs, shall develop a four-year demonstration
35 grant program that commences in the fiscal year
36 beginning July 1, 1997.

37 b. The department shall provide grants to
38 individual public schools or to a consortia of public
39 schools within a school district to establish
40 innovative alternative education programs for youths
41 age twelve and older, who meet the criteria listed in
42 paragraph "a". The programs shall be established in
43 conjunction with local agencies and community
44 organizations, based upon program plans filed by the
45 board of directors of the school district. The
46 department shall provide grants to establish model
47 programs in one each at least, of the following size
48 categories:

49 (1) A school district with an enrollment of less
50 than one thousand two hundred.

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1 (2) A school district with an enrollment of one
2 thousand two hundred to four thousand nine hundred
3 ninety-nine.

4 (3) A school district with an enrollment of at
5 least five thousand.

6 c. Priority shall be weighted toward need within a
7 school or school district and shall be given to
8 schools whose plans indicate a high degree of active
9 participation by community-based youth organizations
10 and agencies, and to schools with student populations
11 characterized by high rates of the following:
12 students expelled or suspended; school dropout and
13 absenteeism; juvenile court involvement; family
14 conflict; and child and youth mental health, substance
15 abuse, and other health problems. The department
16 shall develop an evaluation process for the approved
17 projects designed to investigate program effectiveness
18 in reducing these rates and restoring the student to
19 the regular education program. In developing the
20 evaluation process, the department shall consult with
21 the department of human services, the Iowa department
22 of public health, the division of criminal and
23 juvenile justice planning of the department of human
24 rights, and institutions of higher learning with
25 applicable programs.

26 d. A plan submitted pursuant to this subsection
27 shall address the academic curriculum and provide for,

28. at a minimum, basic academic skills development and
 29. social remediation necessary to restore the student to
 30. the regular education program; self-discipline and
 31. responsibility; family interaction opportunities;
 32. personal skills development; and shall include a
 33. program evaluation component.
 34. e. Grants for the program shall not be used to
 35. construct a new facility or to renovate an existing
 36. structure.
 37. f. A plan submitted pursuant to this subsection
 38. shall require a contribution of at least twenty
 39. percent of the total costs of the program, which can
 40. include "in-kind" services. The budget for a proposed
 41. program shall not exceed two hundred thousand dollars
 42. per year."

Speaker Corbett in the chair at 5:38 p.m.

Grundberg of Polk rose on a point of order that amendment H-1910, to the committee amendment H-1866K, was not germane.

The Speaker ruled the point well taken and amendment H-1910 not germane.

Wise of Lee moved to suspend the rules to consider amendment H-1910, to the committee amendment H-1866K.

Roll call was requested by Mascher of Johnson and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1910, to the committee amendment H-1866K?" (S.F. 549)

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
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Bogess	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.

The motion to suspend the rules lost.

Wise of Lee offered amendment H-1909, to the committee amendment H-1866K, filed by Wise, et al., as follows:

H-1909

1 Amend the amendment, H-1866, to Senate File 549, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by striking line 20 and inserting the
5 following: "of higher learning.

6 Sec. . NEW SECTION. 279.59 CLASS SIZE
7 REDUCTION PROGRAM.

8 1. There is established a class size reduction
9 program to provide additional funds for school
10 districts that develop a class size reduction plan.
11 To be eligible for a class size reduction payment as
12 provided in this section, a school district shall
13 submit annually by April 15 to the department of
14 education a plan which includes, at a minimum, the
15 goals of reducing class size in grades one through
16 three and instituting professional development to
17 assist teachers in teaching challenging curricula more
18 effectively, the methods by which the district shall
19 achieve those goals, and a process for engaging
20 parents, teachers, school administrators, and students
21 in the shared goal of raising student achievement
22 levels. In addition, the plan shall provide for
23 methods for measuring student achievement and
24 progress.

25 2. a. There is appropriated from the general fund
26 of the state to the department of education for the
27 fiscal year beginning July 1, 1997, and ending June
28 30, 1998, the sum of seven million five hundred
29 thousand dollars to be used to fund school districts

30 that meet the requirements of subsection 1 and which
31 limit the district's self-contained grade one
32 classroom sizes to an average student-to-teacher ratio
33 of not more than twenty students to one teacher, or
34 the equivalent, in a school that utilizes team
35 teaching methods.

36 b. There is appropriated from the general fund of
37 the state to the department of education for the
38 fiscal year beginning July 1, 1998, and ending June
39 30, 1999, the sum of fifteen million dollars to be
40 used to fund school districts that meet the
41 requirements of subsection 1 and which limit the self-
42 contained grade one and grade two classroom sizes to
43 an average student-to-teacher ratio of not more than
44 twenty students to one teacher, or the equivalent, in
45 a school that utilizes team teaching methods.

46 c. There is appropriated from the general fund of
47 the state to the department of education for the
48 fiscal year beginning July 1, 1999, and ending June
49 30, 2000, and for succeeding years, the sum of twenty-
50 two million five hundred thousand dollars to be used

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1 to fund school districts that meet the requirements of
2 subsection 1 and which limit the self-contained
3 classroom sizes in grades one through three to an
4 average student-to-teacher ratio of not more than
5 twenty students to one teacher, or the equivalent, in
6 a school that utilizes team teaching methods.

7 3. From the moneys appropriated in subsection 2
8 for each fiscal year in which moneys are appropriated,
9 the amount of moneys allocated to school districts
10 shall be in the proportion that the basic enrollment
11 for the budget year of the grade level in the district
12 for which the moneys are appropriated bears to the sum
13 of the basic enrollments for the budget year of the
14 grade level of all school districts in the state
15 qualifying for moneys under subsection 1 for the
16 budget year, as basic enrollment and budget year are
17 defined in chapter 257.

18 4. For each year in which an appropriation is made
19 to the class size reduction program, the department of
20 education shall notify the department of revenue and
21 finance of the amount to be paid to each school
22 district based upon the distribution plan set forth
23 for the appropriation made pursuant to this section.
24 The allocation to each school district under this
25 section shall be made in one payment on or about
26 October 1 of the fiscal year for which the
27 appropriation is made, taking into consideration the
28 relative budget and cash position of the state
29 resources. Prior to the receipt of funds, school

30 districts shall submit to the department of education
 31 the plan developed in accordance with subsection 1 and
 32 that funds received under this section shall be used
 33 in accordance with the required class size reduction
 34 plan.

35 5. Moneys received under this section shall not be
 36 commingled with state aid payments made to a school
 37 district under section 257.16 and shall be accounted
 38 for by the local school district separately from state
 39 aid payments.

40 6. Payments made to school districts under this
 41 section are miscellaneous income for purposes of
 42 chapter 257 or are considered encumbered. Each local
 43 school district shall maintain a separate listing for
 44 payments received and expenditures made pursuant to
 45 this section."

46 2. By renumbering as necessary:

Grundberg of Polk rose on a point of order that amendment H-1909, to the committee amendment H-1866K, was not germane.

The Speaker ruled the point well taken and amendment H-1909 not germane.

Wise of Lee moved to suspend the rules to consider amendment H-1909, to the committee amendment H-1866K.

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

On the question "Shall the rules be suspended to consider amendment H-1909, to the committee amendment H-1866K?" (S.F. 549)

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, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	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	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 2:

Eddie Vande Hoef

The motion to suspend the rules lost.

Dotzler of Black Hawk offered the following amendment H-1922, to the committee amendment H-1866K, filed by him from the floor and moved its adoption:

H-1922

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, by striking line 20 and inserting the
- 5 following: "of higher learning.
- 6 Sec. ____ Section 262.34, Code 1997, is amended by
- 7 adding the following new unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. Any bids solicited and
- 9 approved by the state board of regents or by
- 10 institutions under the control of the state board of
- 11 regents shall require compliance with the standards
- 12 set forth in the codes, regulations, or procedures
- 13 required for construction, electrical, and plumbing
- 14 projects by the city or county in which the project is
- 15 located. Apprentices retained for a project must be
- 16 registered with a state or federally approved
- 17 apprenticeship training school."
- 18 2. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-1922, to the committee amendment H-1866K, was not germane.

The Speaker ruled the point well taken and amendment H-1922 not germane.

Dotzler of Black Hawk asked for unanimous consent to suspend the rules to consider amendment H-1922, to the committee amendment H-1866K.

Objection was raised.

Dotzler of Black Hawk moved to suspend the rules to consider amendment H-1922, to the committee amendment H-1866K.

Roll call was requested by Dotzler of Black Hawk and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-1922, to the committee amendment H-1866K?" (S.F. 549)

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	Siegrist
Taylor	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 49:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 5:

Eddie	Heaton	Larson	Thomas
Van Fossen			

The motion to suspend the rules lost.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-1920, to the committee amendment H-1866K, filed by him from the floor.

Brunkhorst of Bremer offered amendment H-1929, to the committee amendment H-1866K, filed by him from the floor and requested division as follows:

H-1929

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:

H-1929A

- 4 1. Page 7, by striking lines 5 through 20 and
- 5 inserting the following:
- 6 "NEW SUBSECTION. 30. Calculate, every two years,
- 7 the average cost of an Iowa resident student's
- 8 education at an institution of higher learning under
- 9 the control of the board and shall also calculate the
- 10 average amount by which state moneys subsidize the
- 11 average state resident student's tuition costs. The
- 12 board shall cause to be prominently printed on all
- 13 statements of account for payment of tuition and fees
- 14 issued by each institution of higher learning under
- 15 the control of the board the portion of the average
- 16 cost of a resident student's education at a state
- 17 university that is paid by tuition and fees, and the
- 18 amount paid by appropriations from the general fund of
- 19 the state. The information, rounded to the nearest
- 20 one-tenth of one percent and the nearest whole dollar,
- 21 shall be included in the following statement:
- 22 "Tuition pays for approximately ____% of the
- 23 average cost for a resident Iowa student at a state
- 24 university. The state of Iowa pays approximately
- 25 \$____ of the average cost for a full-time state
- 26 resident student at a state university.""

H-1929B

- 27 2. Page 8, line 14, by inserting after the word
- 28 "enactment" the following: "and apply to statements
- 29 of account issued after January 1, 1998".
- 30 3. By renumbering as necessary.

Brunkhorst of Bremer moved the adoption of amendment H-1929A, to the committee amendment H-1866K.

Amendment H-1929A lost.

Brunkhorst of Bremer moved the adoption of amendment H-1929B, to the committee amendment H-1866K.

Amendment H-1929B, to the committee amendment H-1866K, was adopted.

Grundberg of Polk moved the adoption of the committee amendment H-1866K, as amended.

The committee amendment H-1866K, as amended, was adopted.

Grundberg of Polk moved the adoption of the committee amendment H-1866L.

Roll call was requested by Grundberg of Polk and Osterhaus of Jackson.

On the question "Shall amendment H-1866L be adopted?" (S.F. 549)

The ayes were, 51:

Barry	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	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	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 46:

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
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 3:

Greiner	Taylor	Van Fossen
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The committee amendment H-1866L was adopted.

The House resumed consideration of the committee amendment H-1866A.

Van Fossen of Scott offered the following amendment H-1938, to the committee amendment H-1866A, filed by him and Murphy of Dubuque from the floor and moved its adoption:

H-1938

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 " Page 2, by inserting after line 11 the
- 7 following:
- 8 " CHIROPRACTIC GRADUATE STUDENT FORGIVABLE
- 9 LOAN PROGRAM
- 10 For purposes of providing forgivable loans under
- 11 the program established in section 261.71:
- 12 \$ 70,000"
- 13 2. Page 1, by striking lines 8 and 9.
- 14 3. Page 2, by striking lines 33 through 36.
- 15 4. Page 2, line 37, by striking the word "a." and
- 16 inserting the following:
- 17 "Sec. 1."
- 18 5. Page 2, line 50, by striking the word "b." and
- 19 inserting the following: "2."
- 20 6. Page 3, line 3, by striking the figure "(1)"
- 21 and inserting the following: "a."
- 22 7. Page 3, line 11, by striking the figure "(2)"
- 23 and inserting the following: "b."
- 24 8. Page 3, line 13, by striking the figure "(3)"
- 25 and inserting the following: "c."
- 26 9. Page 3, line 23, by striking the words "c."
- 27 and inserting the following: "3."
- 28 10. Page 3, line 26, by striking the word "d."
- 29 and inserting the following: "4."
- 30 11. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 36, nays 12.

Amendment H-1938, to the committee amendment H-1866A, was adopted.

Grundberg of Polk offered the following amendment H-1934, to the committee amendment H-1866A, filed by her from the floor and moved its adoption:

H-1934

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 4, by striking line 1 and inserting the
5 following:

6 ""Sec. ____ The general assembly finds and
7 declares that the new Iowa schools development
8 corporation was designed to be a broad-based coalition
9 of public and private educational entities to enhance
10 school improvement in this state.

11 Sec. ____ LIBRARY COOPERATION PLAN OF ACTION
12 TASK”.

13 2. Page 7, line 39, by inserting after the word
14 and figure “through 26” the following: “and inserting
15 the following:

16 Sec. ____ Section 294A.25, subsection 8, Code
17 1997, is amended by striking the subsection and
18 inserting in lieu thereof the following:

19 8. For the fiscal year beginning July 1, 1997, and
20 ending June 30, 1998, to the department of education
21 from phase III moneys the amount of one million two
22 hundred fifty thousand dollars for school
23 transformation design and implementation projects. Of
24 the funds distributed pursuant to this subsection, up
25 to one million two hundred fifty thousand dollars
26 shall be transferred to the new Iowa schools
27 development corporation if the corporation provides a
28 one dollar match for every five dollars of state
29 financial assistance. The match may consist of cash
30 and in-kind support but shall not consist of receipts
31 from local school districts. The corporation shall
32 use the state financial assistance to aid local school
33 districts for school transformation design and
34 implementation projects. The department shall
35 distribute funds on a quarterly basis if the
36 corporation certifies quarterly to the department the
37 in-kind and cash contributions received. However, the
38 department shall distribute the first quarter funds on
39 July 1, 1997, based upon the corporation’s current in-
40 kind match. The corporation shall submit an annual
41 financial report to the department of education and
42 the general assembly by January 1, 1998”.

43 3. By renumbering, relettering, and redesignating
44 as necessary.

Amendment H-1934, to the committee amendment H-1866A, was adopted.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-1921, to the committee amendment H-1866A, filed by him from the floor.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1917, to the committee amendment H-1866A, filed by her from the floor.

Grundberg of Polk moved the adoption of the committee amendment H-1866A, as amended.

The committee amendment H-1866A, as amended, was adopted.

Warnstadt of Woodbury offered the following amendment H-1901 filed by him and moved its adoption:

H-1901

1 Amend Senate File 549, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 24 the
4 following:
5 "The department of cultural affairs shall begin to
6 plan and coordinate with local and state agencies,
7 other states, and the federal national parks service,
8 and shall prepare to administer activities and
9 programs leading up to and through the celebration of
10 the Lewis and Clark bicentennial of 2003 through 2006.
11 The department shall determine the need for the
12 establishment of a Lewis and Clark bicentennial
13 commission, and shall submit the department's
14 recommendations in a report to the general assembly by
15 January 1, 1998."

Amendment H-1901 was adopted.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1885 filed by him on April 23, 1997.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1935 filed by him from the floor.

Grundberg of Polk offered the following amendment H-1939 filed by her from the floor and moved its adoption:

H-1939

1 Amend Senate File 549, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, line 18, by striking the figure
4 "169,658,402" and inserting the following:
5 "169,596,402".
6 2. Page 16, by striking lines 11 through 17.
7 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Rants of Woodbury.

On the question "Shall amendment H-1939 be adopted?" (S.F. 549)

The ayes were, 56:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Churchill	Cormack
Dinkla	Dix	Doderer	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 Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 43:

Bell	Bernau	Brand	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Dotzler	Drees	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
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 1:

Van Fossen

Amendment H-1939 was adopted.

Meyer of Sac offered amendment H-1887 filed by him. Division was requested as follows:

H-1887

- 1 Amend Senate File 549, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-1887A

- 3 1. Page 16, line 3, by striking the figure
- 4 "564,718" and inserting the following: "524,718".

H-1887B

- 5 2. Page 16, line 9, by striking the figure
- 6 "276,335" and inserting the following: "316,335".

Meyer of Sac moved the adoption of amendment H-1887A.

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

On the question "Shall amendment H-1887A be adopted?" (S.F. 549)

The ayes were, 37:

Blodgett	Boguess	Brauns	Brunkhorst
Carrall	Churchill	Cormack	Dix
Drake	Eddie	Fallon	Greig
Greiner	Gries	Hahn	Hansen
Houser	Huseman	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Meyer	Millage	Rayhons	Siegrist
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 55:

Arnold	Barry	Bell	Bernau
Boddicker	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dolecheck	Dotzler
Drees	Falck	Foege	Ford
Frevert	Garman	Gipp	Holmes
Holveck	Huser	Jacobs	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Sukup
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 8:

Bradley	Dinkla	Grundberg	Heaton
Martin	Metcalf	Rants	Van Fossen

Amendment H-1887A lost.

Meyer of Sac asked and received unanimous consent to withdraw amendment H-1887B filed by him on April 23, 1997.

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

On the question "Shall the bill pass?" (S.F. 549)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carrroll	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	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:

Kreiman

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 **Senate File 549** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 246, 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.

Also: That the Senate has on April 24, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 442, a bill for an act relating to the designation of certain correctional facilities.

Also: That the Senate has on April 24, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 544, a bill for an act relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGE CONSIDERED

Senate File 544, by committee on ways and means, a bill for an act relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones.

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

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday afternoon, April 16, and on Thursday, April 17, 1997. Had I been present, I would have voted "aye" on amendments H-1808 and H-1760A to House File 724, "nay" on amendment H-1773B to House File 724 and "nay" on House File 724; "aye" on amendments H-1780, H-1781, H-1783, H-1784, H-1786, H-1787, H-1788, H-1789, H-1791, H-1811, H-1812, to Senate File 533, and "aye" on Senate File 533; "aye" on House Files 266, 331, 611, Senate Files 128, 174, 177, 241, 442, and "nay" on House File 721.

CATALDO of Polk

On April 24, 1997, I inadvertently voted "aye" on amendment H-1887A, to Senate File 549. I meant to vote "nay."

FALLON of Polk

I was necessarily absent from the House chamber on two occasions on Wednesday, April 23, 1997. Had I been present, I would have voted "nay" on amendment H-1854B, to amendment H-1795, to House File 612, and "aye" on amendment H-1877 to House File 733.

MORELAND of Wapello

CONFERENCE COMMITTEE REPORT FILED

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

Senate File 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.

ON THE PART OF THE HOUSE:

BOB BRUNKHORST, Chair
DANNY HOLMES
RALPH KLEMME

ON THE PART OF THE SENATE:

MARY LUNDBY, Chair
MERLIN E. BARTZ
JAMES BLACK

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 23, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 383, an act relating to information centers and rest areas on interstate or primary highways and providing effective and retroactive applicability dates.

House File 384, an act to include certain products containing ephedrine as schedule V controlled substances.

House File 449, an act to prohibit sex acts when one participant was prevented from consenting by a controlled substance including flunitrazepam, and providing penalties.

House File 542, an act to prohibit acts by inmates of jails or correctional institutions which result in contact with certain bodily fluids or secretions or the casting or expelling of certain bodily fluids or secretions on jail and correctional employees, and providing penalties.

House File 577, an act relating to continuing education requirements of real estate appraisers.

House File 596, 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.

House File 644, an act relating to the relationship between a real estate broker or salesperson and parties to certain real estate transactions and providing an effective date.

Senate File 80, an act relating to police bicycles.

Senate File 293, an act increasing the property damage limit for mandatory reporting of motor vehicle accidents.

Senate File 417, an act providing for the amount of a surety bond required to be executed by a treasurer of an extension council.

Senate File 499, 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.

Senate File 522, an act relating to legal settlement regarding providers of treatment or services.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 24, 1997

The Honorable Ron Corbett
Speaker of the House
State Capitol Building
LOCAL

Dear Mr. Speaker:

Senate File 519, an act relating to the authorized use and users of the Iowa communications network and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 519 attempts to define more specifically than current code the appropriate uses and users of the Iowa Communications Network (ICN). The bill adds definitions to Code section 8D.2 for "authorized use", "authorized user", "educational use", "library", "state agency", and "telemedicine". The bill authorizes certain uses of the network. It prohibits dial-up access to the Internet by an authorized user from a remote site.

Last year, the Legislature authorized an Authorized User and Use Task Force. The Task Force succeeded in defining "Authorized User" and the Iowa Telecommunication and Technology Commission is currently promulgating new rules that implement the consensus developed by the Task Force on this issue. The Task Force failed to reach a consensus on remote dial-up access to the ICN for Internet services.

The overriding mission of the network is to foster education opportunities to all areas of the state. Closely scrutinizing actions that significantly impact the network ensures that the network's mission is not impaired. Unfortunately, Senate File 519 unduly restricts dial-up access to the network to the detriment of important users of the network.

For example, Senate File 519 would require our higher educational institutions to dramatically change the educational services offered to the students or face

significant additional financial burdens. Our Regent institutions have offered student dial-up access to the Internet since 1987; Senate File 519 requires a change to that policy. More study is needed to ensure that the limitations placed on dial-up access do not unnecessarily restrict the quality of education in Iowa.

For the above reasons, I hereby respectfully disapprove Senate File 519.

Sincerely,
Terry E. Branstad
Governor

SPECIAL PRESENTATION

Teig of Hamilton presented to the House, Tatsuya Go, D.V.M., and Unit Chief of the Meat and Egg Division at the Livestock Industry Bureau in Tokyo, Japan.

PRESENTATION OF VISITORS

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

Forty-nine 5th grade students from Longfellow Elementary School, Waterloo, accompanied by Mrs. Bunkofske, Mrs. Kemp, Mr. Thune and Mrs. Fitzgerald. By Jenkins of Black Hawk.

Twenty-six 5th grade students from Whittier Elementary School, Oskaloosa, accompanied by Donna De Groot. By Van Maanen of Marion.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

CITIZENS' AIDE/OMBUDSMAN

The Annual Report for calendar year 1996, pursuant to Chapter 2C, Code of Iowa.

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 551, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 1997.

COMMITTEE ON WAYS AND MEANS

Senate File 410, 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.

Fiscal Note is not required.

Recommended **Do Pass** April 23, 1997.

Committee Bill (Formerly House Study Bill 211), 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.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 24, 1997.

Committee Bill (Formerly House Study Bill 242), relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 23, 1997.

RESOLUTION FILED

HCR 24, by Fallon, a concurrent resolution expressing opposition to repressive policies of the People's Republic of China toward the people and culture of Tibet and to the persecution of Mr. Ngawang Choephel.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1914	H.F.	662	Millage of Scott
H—1919	H.F.	456	Senate Amendment
H—1930	S.F.	542	Brunkhorst of Bremer

H—1936	S.F.	542	Jacobs of Polk Houser of Pottawattamie Millage of Scott
H—1937	S.F.	542	Brunkhorst of Bremer

On motion by Siegrist of Pottawattamie, the House adjourned at 7:32 p.m., until 10:00 a.m., Monday, April 28, 1997.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 28, 1997

The House met pursuant to adjournment at 10:00 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Bill Dix, state representative from Butler County.

The Journal of Thursday, April 24, 1997 was approved.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speaker's page, Kelli Kilgore.

INTRODUCTION OF BILL

House File 734, by committee on ways and means, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license convictions, for the appropriation and distribution of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 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 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 25, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 724, 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.

Also: That the Senate has on April 25, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 726, a bill for an act relating to 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.

Also: That the Senate has on April 25, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 730, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

Also: That the Senate has on April 25, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 732, a bill for an act relating to housing development and making an appropriation.

Also: That the Senate has on April 24, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 733, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations.

Also: That the Senate has on April 25, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 24, 1997, adopted the conference committee report and passed 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.

Also: That the Senate has on April 25, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 25, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 553, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGES CONSIDERED

Senate File 550, by Iverson and Gronstal, a bill for an act establishing an oversight and communications committee, establishing a legislative information technology bureau, and providing an effective date.

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

Senate File 553, by committee on ways and means, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Schrader of Marion.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 161, a bill for an act modifying the holding temperature required for the storage of eggs sold at retail, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 161)

The ayes were, 85:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Bukta
Burnett	Carroll	Cataldo	Cohoon
Cormack	Dinkla	Dix	Doderer
Dolecheck	Drake	Drees	Eddie
Fallon	Foege	Ford	Frevort

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
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Maanen
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 8:

Brauns	Brunkhorst	Chapman	Churchill
Dotzler	Falck	Mertz	Vande Hoef

Absent or not voting, 7:

Bernau	Brand	Chiodo	Connors
Heaton	Nelson	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 161** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Millage of Scott called up for consideration **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, amended by the Senate amendment H-1775 as follows:

H-1775

1 Amend House File 662, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 6, line 7, by striking the words "to the
4 clerk of court".

5 2. Page 6, line 23, by striking the word
6 "application" and inserting the following:
7 "assessment".

8 3. Page 6, lines 24 and 25, by striking the words
9 "the filing of the affidavit of financial status" and
10 inserting the following: "determination of
11 indigency".

12 4. Page 6, line 26, by striking the word
13 "application" and inserting the following:
14 "assessment".

15 5. Page 6, lines 27 and 28, by striking the words
16 "application is filed" and inserting the following:
17 "determination of indigency is made".

18 6. Page 6, line 31, by striking the word
19 "application" and inserting the following:
20 "assessment".

21 7. By striking page 6, line 33, through page 7,
22 line 10, and inserting the following:

23 "c. Before legal assistance is granted, the".

24 8. Page 7, by striking lines 13 through 17 and
25 inserting the following: "assistance. If the court
26 determines that the assessment fee should be assessed
27 at the time fixed by the court for pronouncement of
28 judgment and sentence, the order appointing counsel
29 shall".

30 9. Page 7, line 18, by inserting after the word
31 "determination," the following: "At the time fixed by
32 the court for pronouncement of judgment and
33 sentencing, the court shall verify that the assessment
34 fee has been paid or has been waived by the court. If
35 the fee has not been paid or waived the court shall
36 include the amount of the assessment fee in any orders
37 for payment of restitution and may order that any
38 posted cash bond be forfeited in an amount sufficient
39 to pay the assessment fee."

40 10. Page 8, by inserting after line 29, the
41 following:

42 "Sec. ____ Section 815.10, subsection 1, Code
43 1997, is amended by adding the following new
44 unnumbered paragraph:

45 NEW UNNUMBERED PARAGRAPH. For purposes of this
46 section, a person who is charged with a serious
47 misdemeanor offense which is only punishable by the
48 imposition of a fine shall not be entitled to legal
49 assistance at public expense."

50 11. Page 9, by striking lines 8 through 11 and

- 2 12. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

Millage of Scott offered the following amendment H-1914, to the Senate amendment H-1775, filed by him and moved its adoption:

H-1914

1 Amend the Senate amendment, H-1775, to House File
2 662, as amended, passed, and reprinted by the House,
3 as follows:

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

6 " Page 1, by inserting before line 1 the
7 following:

8 "Section 1. Section 13B.6, subsection 1, Code
9 1997, is amended to read as follows:

10 1. There is established in the state general fund
11 ~~of the state~~ an account to be known as the state
12 public defender operating account. The state public
13 defender may bill a county for services rendered to
14 the county by the office of the state public defender.
15 Receipts shall be deposited in the operating account
16 established under this ~~section~~ subsection. There is
17 appropriated from the state general fund ~~of the state~~
18 all amounts deposited in the state public defender
19 operating account for use in maintaining the
20 operations of the office of state public defender.

21 1A. There is established in the general fund of
22 the state an account to be known as the indigent
23 defense assessment fee account. Receipts shall be
24 deposited in the account established under this
25 subsection as required by law. There is appropriated
26 from the general fund of the state all amounts
27 deposited in the indigent defense fee assessment
28 account for payment by the state public defender of
29 any shortfalls which may arise in the state public
30 defender operating account for payment of court-
31 appointed attorney fees."

32 . By striking page 1, line 35, through page 2,
33 line 30, and inserting the following:

34 "Sec. ____ Section 602.8106, subsection 1, Code
35 1997, is amended by adding the following new
36 paragraph:

37 NEW PARAGRAPH. g. For the filing of an affidavit
38 of financial status for a determination of indigency
39 and qualification for court-appointed counsel under
40 section 815.9, thirty dollars.

41 Sec. ____ Section 602.8107, subsection 2,
42 paragraph d, Code 1997, is amended to read as follows:

43 d. Court costs, including correctional fees
44 assessed pursuant to sections 356.7 and 904.108,
45 court-appointed attorney fees, or public defender

46 expenses, and assessment fees under section 815.9.

47 Sec. ____ Section 602.8108, subsection 2, Code

48 1997, is amended to read as follows:

49 2. Except as otherwise provided, the clerk of the
50 district court shall report and submit to the state

Page 2

1 court administrator, not later than the fifteenth day
2 of each month, the fines and fees received during the
3 preceding calendar month. Except as provided in
4 subsections 4, and 5, and 6, the state court
5 administrator shall deposit the amounts received with
6 the treasurer of state for deposit in the general fund
7 of the state. The state court administrator shall
8 report to the legislative fiscal bureau within thirty
9 days of the beginning of each fiscal quarter the
10 amount received during the previous quarter in the
11 account established under this section.

12 Sec. ____ Section 602.8108, Code 1997, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 6. The state court administrator
15 shall deposit any amounts received as a result of the
16 imposition of an assessment fee under section 815.9
17 with the treasurer of state for deposit of the
18 receipts in the indigent defense assessment fee
19 account established in section 13B.6.”

20 2. Page 1, by inserting after line 39 the
21 following:

22 “_. By striking page 7, line 33, through page
23 8, line 29, and inserting the following:

24 “Sec. ____ Section 815.9A, subsections 1, 2, and
25 3, Code 1997, are amended by striking the
26 subsections.”

27 3. By renumbering as necessary.

Amendment H-1914, to the Senate amendment H-1775, was adopted.

On motion by Millage of Scott, the House concurred in the Senate amendment H-1775, as amended.

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

Under the provision of Rule 76, Kreiman of Davis refrained from voting.

The ayes were, 86:

Arnold

Barry

Bell

Bernau

Blodgett	Boggess	Bradley	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Falck	Foege	Ford
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Murphy
Myers	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Maanen	Vande Hoef	Warnstadt
Weidman	Weigel	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, 7:

Boddicker	Eddie	Fallon	Garman
Houser	Meyer	Welter	

Absent or not voting, 7:

Brand	Connors	Kreiman	Mundie
Nelson	Van Fossen	Veenstra	

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 662** be immediately messaged to the Senate.

Bradley of Clinton called up for consideration **House File 456**, a bill for an act relating to city civil service and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1919:

H-1919

- 1 Amend House File 456, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by striking lines 15 through 20.
- 4 2. By striking page 2, line 34, through page 3,

5 line 31.

6 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1919.

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

On the question "Shall the bill pass?" (H.F. 456)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
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	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	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brand	Connors	Nelson	Van Fossen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Eddie of Buena Vista called up for consideration **House File 142**, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty, amended by the following Senate amendment H-1774:

H-1774

- 1 Amend House File 142, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 4 through 6 by striking the
- 4 words "to coincide with one or more firearm seasons or
- 5 to be one or more separate pistol or revolver seasons
- 6 for hunting deer." and inserting the following: "as
- 7 separate firearm seasons or to coincide with one or
- 8 more other firearm deer hunting seasons."
- 9 2. Page 1, by striking lines 14 through 16 and
- 10 inserting the following: "barrel modifications. The
- 11 barrel length of a pistol or revolver use for deer
- 12 hunting shall be at least".
- 13 3. Page 1, by striking lines 19 through 22 and
- 14 inserting the following: "with a pistol or revolver.
- 15 A person possessing a prohibited".

Eddie of Buena Vista asked and received unanimous consent that House File 142 be temporarily deferred and that the bill retain its place on the calendar. (Amendment H-1774 pending.)

Speaker pro tempore Van Maanen of Marion in the chair at 10:52 a.m.

Greig of Emmet called up for consideration **House File 726**, a bill for an act relating to 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1940:

H-1940

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "Section 1. Section 422.120, subsection 1,
- 6 paragraph b, Code 1997, is amended by striking the
- 7 paragraph and inserting in lieu thereof the following:
- 8 b. (1) The credit shall be available to an
- 9 individual or corporate taxpayer if the taxpayer's
- 10 federal taxable income is not more than ninety-nine
- 11 thousand six hundred dollars for the tax year. In the
- 12 case of married taxpayers, their combined federal
- 13 taxable income shall be used to determine if they
- 14 qualify for the credit.
- 15 (2) For each subsequent tax year, the maximum

16 taxable income amount specified in subparagraph (1)
 17 shall be multiplied by the cumulative index factor for
 18 that tax year. "Cumulative index factor" means the
 19 product of the annual index factor for the 1997
 20 calendar year and all annual index factors for
 21 subsequent calendar years. The cumulative index
 22 factor applies to all tax years beginning on or after
 23 January 1 of the calendar year for which the latest
 24 annual index factor has been determined.
 25 (3) The annual index factor for the 1997 calendar
 26 year is one hundred percent. For each subsequent
 27 calendar year, the annual index factor equals the
 28 annual inflation factor for that calendar year as
 29 computed in section 422.4 for purposes of the
 30 individual income tax."

The motion prevailed and the House concurred in the Senate amendment H-1940.

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

On the question "Shall the bill pass?" (H.F. 726)

The ayes were, 98:

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
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	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:

Connors

Nelson

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 456 and 726.**

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 529)

Brunkhorst of Bremer called up for consideration the report of the conference committee on Senate File 529 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 529

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 529, a bill for An Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1897.
2. That the House amendment, S-3527, to Senate File 529, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 6.
2. Page 1, by inserting after line 6 the following:

“__ Page 9, by inserting after line 2 the following:

“Sec. __. NONREVERSION. Notwithstanding section 8.33, unobligated moneys remaining on June 30, 1997, from moneys appropriated to the department of general services in 1996 Iowa Acts, chapter 1219, section 44, shall not revert to the general fund of the state but shall be available for expenditure for the following fiscal year for the purposes for which appropriated.””

3. Page 1, by striking lines 23 and 24 and inserting the following: “from winning tickets back on the equipment. However, such lottery equipment may be leased or purchased if the credits from winning tickets are printed out on a receipt”.

4. Page 1, by striking lines 26 through 31.

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

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

BOB BRUNKHORST, Chair
DANNY HOLMES
RALPH KLEMME

MARY LUNDBY, Chair
MERLIN E. BARTZ
JAMES BLACK

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 52, nays 44.

The motion prevailed and the conference committee report 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?" (S.F. 529)

The ayes were, 55:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Cataldo	Chiodo	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	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

The nays were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Carroll	Chapman	Cohoon
Doderer	Dotzler	Drees	Falck
Foege	Ford	Frevort	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight

Richardson
Taylor
Whitead

Scherrman
Thomas
Wise

Schrader
Warnstadt
Witt

Shoultz
Weigel

Absent or not voting, 2:

Connors

Nelson

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 529** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 142**, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty, previously deferred, and amended by the Senate.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 142** be deferred and that the bill retain its place on the calendar. (Amendment H-1774 pending.)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 540, a bill for an act relating to personnel procedures and investment policy requirements for state government employees.

Also: That the Senate has on April 28, 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 579, a bill for an act relating to the membership of the medical assistance advisory council.

MARY PAT GUNDERSON, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 11:58 a.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 1:50 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-two members present, thirty-eight absent.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 142**, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty, amended by the Senate amendment H-1774, previously deferred, and found on page 1605 of the House Journal.

Richardson of Warren offered the following amendment H-1951, to the Senate amendment H-1774, filed by him from the floor and moved its adoption:

H-1951

- 1 Amend the Senate amendment, H-1774, to House File
- 2 142, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 9 through 12.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 45.

Amendment H-1951 lost.

On motion by Eddie of Buena Vista, the House concurred in the Senate amendment H-1774.

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

On the question "Shall the bill pass?" (H.F. 142)

The ayes were, 61:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brand	Carroll
Cataldo	Chiodo	Churchill	Corbett, Spkr.
Cormack	Dolecheck	Dotzler	Drake
Eddie	Falck	Frevert	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf

Meyer	Mundie	O'Brien	Rants
Rayhons	Reynolds-Knight	Scherrman	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 33:

Bell	Bernau	Brauns	Brunkhorst
Bukta	Burnett	Cohoon	Dix
Doderer	Drees	Fallon	Foege
Ford	Heaton	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	Moreland	Murphy
Myers	Osterhaus	Richardson	Schrader
Shoultz	Taylor	Thomas	Weigel
Whitead			

Absent or not voting, 6:

Chapman	Connors	Dinkla	Grundberg
Millage	Nelson		

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

SPONSOR WITHDRAWN
(House File 142)

Richardson of Warren requested to be withdrawn as a sponsor of House File 142.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 142** be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE**
(House File 612)

Boddicker of Cedar called up for consideration the report of the conference committee on House File 612 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 612

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 612, a bill for An Act relating to child support recovery, providing penalties, and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-3708.
2. That the Senate recedes from its amendment, H-1795.

3. That House File 612, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking page 26, line 27, through page 27, line 7, and inserting the following: "amended by striking the subsection."

2. Page 27, line 30, by inserting after the word "methods." the following: "The department shall utilize, to the maximum extent possible, every available automated process to collect support payments prior to referral of a case to a private collection agency."

3. Page 31, by inserting after line 22 the following:

"Sec. . NEW SECTION. 252B.6A EXTERNAL SERVICES.

1. Provided that the action is consistent with applicable federal law and regulation, an attorney licensed in this state shall receive compensation as provided in this section for support collected as the direct result of a judicial proceeding maintained by the attorney, if all of the following apply to the case:

- a. The unit is providing services under this chapter.
- b. The current support obligation is terminated and only arrearages are due under an administrative or court order and there has been no payment under the order for at least the twelve-month period prior to the provision of notice to the unit by the attorney under this section.
- c. Support is assigned to the state based upon cash assistance paid under chapter 239, or its successor.
- d. The attorney has provided written notice to the central office of the unit and to the obligee at the last known address of the obligee of the intent to initiate a specified judicial proceeding, at least thirty days prior to initiating the proceeding.
- e. The attorney has provided documentation to the unit that the attorney is insured against loss caused by the attorney's legal malpractice or acts or omissions of the attorney which result in loss to the state or other person.

f. The collection is received by the collection services center within ninety days of provision of the notice to the unit. An attorney may provide subsequent notices to the unit to extend the time for receipt of the collection by subsequent ninety-day periods.

2. a. If, prior to February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall not apply to the proceeding unless the unit consents to the proceeding.

b. (1) If, on or after February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall apply to the proceeding only if the case is exempt from application of rules adopted by the department pursuant to subparagraph (2) which limit application of this section.

(2) The department shall adopt rules which include, but are not limited to, exemption from application of this section to proceedings based upon, but not limited to, any of the following:

(a) A finding of good cause pursuant to section 252B.3.

(b) The existence of a support obligation due another state based upon public assistance provided by that state.

(c) The maintaining of another proceeding by an attorney under this section for which the unit has not received notice that the proceeding has concluded or the ninety-day period during which a collection may be received pertaining to the same case has not yet expired.

(d) The initiation of a seek employment action under section 252B.21, and the notice from the attorney indicates that the attorney intends to pursue a contempt action.

(e) Any other basis for exemption of a specified proceeding designated by rule which relates to collection and enforcement actions provided by the unit.

3. The unit shall issue a response to the attorney providing notice within ten days of receipt of the notice. The response shall advise the attorney whether the case to which the specified judicial proceeding applies meets the requirements of this section.

4. For the purposes of this section, a "judicial proceeding" means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. "Judicial proceedings" include but are not limited to those pursuant to chapters 598, 626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. "Judicial proceedings" do not include enforcement actions which the unit is required to implement under federal law including, but not limited to, income withholding.

5. All of the following are applicable to a collection which is the result of a judicial proceeding which meets the requirements of this section:

a. All payments made as the result of a judicial proceeding under this section shall be made to the clerk of the district court or to the collection services center and shall not be made to the attorney. Payments received by the clerk of the district court shall be forwarded to the collection services center as provided in section 252B.15.

b. The attorney shall be entitled to receive an amount which is equal to twenty-five percent of the support collected as the result of the specified judicial proceeding not to exceed the amount of the nonfederal share of assigned support collected as the result of that proceeding. The amount paid under this paragraph is the full amount of compensation due the attorney for a proceeding under this section and is in lieu of any attorney fees. The court shall not order the obligor to pay additional attorney fees. The amount of compensation calculated by the unit is subject, upon application of the attorney, to judicial review.

c. Any support collected shall be disbursed in accordance with federal requirements and any support due the obligee shall be disbursed to the obligee prior to disbursement to the attorney as compensation.

d. The collection services center shall disburse compensation due the attorney only from the nonfederal share of assigned collections. The collection services center shall not disburse any compensation for court costs.

e. The unit may delay disbursement to the attorney pending the resolution of any timely appeal by the obligor or obligee.

f. Negotiation of a partial payment or settlement for support shall not be made without the approval of the unit and the obligee, as applicable.

6. The attorney initiating a judicial proceeding under this section shall notify the unit when the judicial proceeding is completed.

7. a. An attorney who initiates a judicial proceeding under this section represents the state for the sole and limited purpose of collecting support to the extent provided in this section.

b. The attorney is not an employee of the state and has no right to any benefit or compensation other than as specified in this section.

c. The state is not liable or subject to suit for any acts or omissions resulting in any damages as a consequence of the attorney's acts or omissions under this section.

d. The attorney shall hold the state harmless from any act or omissions of the attorney which may result in any penalties or sanctions, including those imposed under federal bankruptcy laws, and the state may recover any penalty or sanction imposed by offsetting any compensation due the attorney under this section for collections received as a result of any judicial proceeding initiated under this section.

e. The attorney initiating a proceeding under this section does not represent the obligor.

8. The unit shall comply with all state and federal laws regarding confidentiality. The unit may release to an attorney who has provided notice under this section, information regarding child support balances due, to the extent provided under such laws.

9. This section shall not be interpreted to prohibit the unit from providing services or taking other actions to enforce support as provided under this chapter."

4. Page 35, by striking lines 14 through 21 and inserting the following: "subject to a penalty of one hundred dollars per refusal."

5. Page 35, by striking lines 23 through 27 and inserting the following: "subpoena, fails to request a conference, and fails to pay a fine imposed under subparagraph (4), the unit may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the fine, the person may seek judicial review by the district court."

6. Page 41, by inserting after line 11 the following:

"Sec. ____ Section 252B.14, subsection 3, Code 1997, is amended to read as follows:

3. For a support order as to which subsection 2 does not apply, support payments made pursuant to the order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of

the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court."

7. Page 46, by striking lines 24 through 26 and inserting the following: "the unpaid difference between the amount under the approved order and the amount under the order of the court on appeal is satisfied."

8. Page 115, line 21, by striking the figures "1, 3," and inserting the following: "3".

9. Page 115, by striking lines 23 through 31.

10. Page 116, line 6, by striking the words "third-party child care."

11. Page 116, lines 27 and 28, by striking the words "third-party child care."

12. Page 119, by striking lines 31 through 33 and inserting the following:

"NEW SUBSECTION. 5A. The court may order a postsecondary education subsidy if good cause is shown.

a. In determining whether good cause exists for ordering a postsecondary education subsidy, the court shall consider the age of the child, the ability of the child relative to postsecondary education, the child's financial resources, whether the child is self-sustaining, and the financial condition of each parent. If the court determines that good cause is shown for ordering a postsecondary education subsidy, the court shall determine the amount of subsidy as follows:

(1) The court shall determine the cost of postsecondary education based upon the cost of attending an in-state public institution for a course of instruction leading to an undergraduate degree and shall include the reasonable costs for only necessary postsecondary education expenses.

(2) The court shall then determine the amount, if any, which the child may reasonably be expected to contribute, considering the child's financial resources, including but not limited to the availability of financial aid whether in the form of scholarships, grants, or student loans, and the ability of the child to earn income while attending school.

(3) The child's expected contribution shall be deducted from the cost of postsecondary education and the court shall apportion responsibility for the remaining cost of postsecondary education to each parent. The amount paid by each parent shall not exceed thirty-three and one-third percent of the total cost of postsecondary education.

b. A postsecondary education subsidy shall be payable to the child, to the educational institution, or to both, but shall not be payable to the custodial parent.

c. A postsecondary education subsidy shall not be awarded if the child has repudiated the parent by publicly disowning the parent, refusing to acknowledge the parent, or by acting in a similar manner.

d. The child shall forward, to each parent, reports of grades awarded at the completion of each academic session, within ten days of receipt of the reports. Unless otherwise specified by the parties, a postsecondary education subsidy awarded by the court shall be terminated upon the child's completion of the first calendar year of course instruction if the child fails to maintain a cumulative grade point average in the median range or above during that first calendar year."

13. Page 120, by striking lines 1 through 12 and inserting the following: "the residence of the minor child to a location which is one hundred fifty miles or more from the residence of the minor child at the time that custody was awarded, the court may consider the relocation a substantial change in circumstances. If the court determines that the relocation is a substantial change in circumstances,".

14. Page 125, by inserting after line 15 the following:

"The clerk of the district court in the county in which the order for support is filed and to whom support payments are made pursuant to the order may require the person obligated to pay support to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court."

15. Page 126, lines 31 and 32, by striking the words "access to" and inserting the following: "contact with".

16. Page 127, by striking lines 2 through 11.

17. By striking page 128, line 22, through page 129, line 11.

18. Page 129, by striking lines 14 through 17 and inserting the following:

"5. Joint physical care may be in the best interest of the child, but joint legal custody does not require joint physical care. When the court determines such action would be in the best interest of the child and would preserve the relationship between each parent and the child, joint physical care may be given awarded to".

19. Page 129, lines 29 and 30, by striking the words "third-party child care.".

20. Page 130, line 3, by inserting after the figure "181," the following: "187,".

21. Page 136, by striking lines 19 through 31 and inserting the following:

"Sec. 216. Section 600B.41A, subsections 4 and 6, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

4. If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed, the court shall enter an order which provides all of the following:

a. That the established father is relieved of any and all future support obligations owed on behalf of the child from the date that the order determining that the established father is not the biological father is filed.

b. That any unpaid support due prior to the date the order determining that the established father is not the biological father is filed, is satisfied.

6. a. If the court determines that test results conducted in accordance with section 600B.41 or chapter 252F exclude the established father as the biological father, the court may dismiss the action to overcome paternity and preserve the paternity determination only if all of the following apply:

(1) The established father requests that paternity be preserved and that the parent-child relationship, as defined in section 600A.2, be continued.

(2) The court finds that it is in the best interest of the child to preserve paternity. In determining the best interest of the child, the court shall consider all of the following:

(a) The age of the child.

(b) The length of time since the establishment of paternity.

(c) The previous relationship between the child and the established father, including but not limited to the duration and frequency of any time periods during which the child and established father resided in the same household or engaged in a parent-child relationship as defined in section 600A.2.

(d) The possibility that the child could benefit by establishing the child's actual paternity.

(e) Additional factors which the court determines are relevant to the individual situation.

(3) The biological father is a party to the action and does not object to termination of the biological father's parental rights, or the established father petitions the court for termination of the biological father's parental rights and the court grants the petition pursuant to chapter 600A.

b. If the court dismisses the action to overcome paternity and preserves the paternity determination under this subsection, the court shall enter an order establishing that the parent-child relationship exists between the established father and the child, and including establishment of a support obligation pursuant to section 598.21 and provision of custody and visitation pursuant to section 598.41.

Sec. 216A. Section 600B.41A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. For any order entered under this section on or before the effective date of this subsection in which the court's determination excludes the established father as the biological father but dismisses the action to overcome paternity and preserves paternity, the established father may petition the court to issue an order which provides all of the following:

(1) That the parental rights of the established father are terminated.

(2) That the established father is relieved of any and all future support obligations owed on behalf of the child from the date the order under this subsection is filed.

b. The established father may proceed pro se under this subsection. The supreme court shall prescribe standard forms for use under this subsection and shall distribute the forms to the clerks of the district court.

c. If a petition is filed pursuant to this section and notice is served on any parent of the child not filing the petition and any assignee of the support obligation, the court shall grant the petition."

22. Page 136, by inserting after line 32, the following:

"Sec. 218. Sections 215, 216, and 216A of this Act, being deemed of immediate importance, take effect upon enactment."

23. Page 138, by striking lines 34 and 35 and inserting the following: "state shall be filed with the county as directed by the state registrar of the county in which the death occurs, within three days after the death".

24. Page 139, line 2, by striking the word "registrar" and inserting the following: "county registrar".

25. Page 139, by striking lines 10 through 22 and inserting the following:

~~"If the place of death is unknown, a death certificate shall be filed in the county in which a dead body is found within three days after the body is found.~~

3. The county in which a dead body is found is the county of death. If death occurs in a moving conveyance, a death certificate shall be filed in the county in which the dead body is first removed from the conveyance is the county of death.

~~If a person dies outside of the county of the person's residence, the state registrar shall send a copy of the death certificate to the county registrar of the county of the decedent's residence. The county registrar shall record the death certificate in the same records in which death certificates of persons who died within the county are recorded."~~

26. Page 144, by inserting after line 2 the following:

"Sec. __. NEW SECTION. 595.3A APPLICATION FORM AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.

In addition to any other information contained in an application form for a marriage license and a marriage license, the application form and license shall contain the following statement in bold print:

"The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage under the full protection of the laws of this state with regard to violence and abuse. Neither of you is the property of the other. Assault, sexual abuse, and willful injury of a spouse or other family member are violations of the laws of this state and are punishable by the state."

27. Page 144, by inserting after line 22 the following:

"Sec. __. Section 614.1, subsection 6, Code 1997, is amended to read as follows:

6. JUDGMENTS OF COURTS OF RECORD. Those founded on a judgment of a court of record, whether of this or of any other of the United States, or of the federal courts of the United States, within twenty years, except that a time period limitation shall not apply to an action to recover a judgment for child support, spousal support, or a judgment of distribution of marital assets."

28. Page 144, by inserting after line 33 the following:

"Sec. __. NEW SECTION. 627.6A EXEMPTIONS FOR SUPPORT – PENSIONS AND SIMILAR PAYMENTS.

1. Notwithstanding the provisions of section 627.6, a debtor shall not be permitted to claim exemptions with regard to payment or a portion of payment under a pension, annuity, individual retirement account, profit-sharing plan, universal life insurance policy, or similar plan or contract due to illness, disability, death, age, or length of service for child, spousal, or medical support.

2. In addition to subsection 1, if another provision of law otherwise provides that payments, income, or property are subject to attachment for child, spousal, or medical support, those provisions shall supersede section 627.6."

29. By renumbering, relettering, and correcting internal references, as necessary.

ON THE PART OF THE HOUSE:

DAN BODDICKER, Chair
JEFFREY LAMBERTI
DAVID MILLAGE

ON THE PART OF THE SENATE:

NANCY BOETTGER, Chair
MARY NEUHAUSER
DONALD B. REDFERN
NEAL SCHUERER
TOM VILSACK

Speaker Corbett in the chair at 2:28 p.m.

The motion prevailed and the conference committee report 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. 612)

The ayes were, 59:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Drees
Eddie	Falck	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Mundie
O'Brien	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker Corbett	

The nays were, 37:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chioldo	Cohon
Doderer	Dotzler	Foegen	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Moreland	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 4:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 28, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

MARY PAT GUNDERSON, Secretary

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 612** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Jenkins of Black Hawk called up for consideration **House File 724**, 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, amended by the Senate amendment H-1945 as follows:

H-1945

- 1 Amend House File 724, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by striking the word "twenty-
- 4 five" and inserting the following: "twenty-four".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "more" the following: ", as shown by the 1990
- 7 certified federal census,".
- 8 3. Page 1, line 18, by inserting after the word
- 9 "census" the following: "or designating other
- 10 geographic units approved by the department of

- 11 economic development".
- 12 4. Page 1, line 19, by striking the words "is a
13 designated urban" and inserting the following: "meets
14 the requirements for eligibility for an urban or
15 rural".
- 16 5. Page 1, lines 22 and 23, by striking the words
17 "within a designated urban" and inserting the
18 following: "meeting the requirements for eligibility
19 for an urban or rural".
- 20 6. Page 1, line 26, by striking the word "twenty-
21 five" and inserting the following: "twenty-four".
- 22 7. Page 1, line 26, by inserting after the word
23 "more" the following: ", as shown by the 1990
24 certified federal census,".
- 25 8. Page 1, line 27, by inserting after the word
26 "tracts" the following: "or approved geographic
27 units".
- 28 9. Page 1, line 28, by inserting after the word
29 "tracts" the following: "or approved geographic
30 units".
- 31 10. Page 1, line 31, by striking the word
32 "twenty-five" and inserting the following: "twenty-
33 four".
- 34 11. Page 1, line 31, by inserting after the word
35 "more" the following: ", as shown by the 1990
36 certified federal census,".
- 37 12. Page 2, line 33, by striking the word "one-
38 time".
- 39 13. Page 2, line 34, by striking the word "is"
40 and inserting the following: "will be".
- 41 14. Page 3, line 5, by inserting after the word
42 "from" the following: "two hundred fifty thousand
43 dollars of".
- 44 15. Page 3, line 6, by inserting after the word
45 "paragraph" the following: "of up to two hundred
46 fifty thousand dollars of the fair market value, as
47 established by an appraisal, of the building and
48 land".
- 49 16. Page 3, by inserting after line 23 the
50 following:

Page 2.

- 1 "3. If a business has received incentives or
2 assistance under section 15E.186 and fails to maintain
3 the requirements of subsection 1 to be an eligible
4 business, the business is subject to repayment of all
5 or a portion of the incentives and assistance that it
6 has received. The city or county, as applicable,
7 shall have the authority to take action to recover the
8 value of taxes not collected as a result of the
9 exemption provided by the community to the business.
10 The department of revenue and finance shall have the

11 authority to recover the value of state taxes or
 12 incentives provided under section 15E.186. The value
 13 of state incentives provided under section 15E.186
 14 includes applicable interest and penalties. The
 15 department of economic development and the city and
 16 county, as applicable, shall enter into agreement with
 17 the business specifying the method for determining the
 18 amount of incentives or assistance paid which will be
 19 repaid in the event of failure to maintain the
 20 requirements of subsection 1. In addition, a business
 21 that fails to maintain the requirements of subsection
 22 1 shall not receive incentives or assistance for each
 23 year during which the business is not in compliance.”

24 17. Page 4, by inserting after line 15 the
 25 following:

26 “e. The area is a blighted area, as defined in
 27 section 403.17.”

28 18. Page 4, line 34, by striking the words “a
 29 designated urban” and inserting the following: “an
 30 area meeting the requirements for eligibility for an
 31 urban or rural”.

32 19. Page 5, line 9, by inserting after the word
 33 “requirements” the following: “, including
 34 requirements related to compensation and benefits.”

35 20. Page 7, line 11, by inserting after the words
 36 “of the” the following: “value added to the”.

37 21. Page 7, line 13, by inserting after the word
 38 “business.” the following: “The amount of value added
 39 for purposes of this subsection shall be the amount of
 40 the increase in assessed valuation of the property
 41 following the location or expansion of the business in
 42 the enterprise zone.”

43 22. Page 7, by inserting after line 17 the
 44 following:

45 “Sec. ____ 1997 Iowa Acts, House File 655, section
 46 1, subsection 2, paragraph a, unnumbered paragraph 1,
 47 is amended to read as follows:

48 For salaries, support, maintenance, miscellaneous
 49 purposes, for not more than the following full-time
 50 equivalent positions, for allocating \$495,000 to

Page 3

1 support activities in conjunction with the Iowa
 2 manufacturing technology center, \$150,000 to the
 3 graphic arts center, and \$100,000 to the university of
 4 northern Iowa for operation of industrial technology
 5 programs at the ag based industrial lubrication
 6 center:

7	..... \$	3,916,397
8		<u>3,996,897</u>
9	..... FTEs	<u>17.76</u>
10		<u>19.26</u>

- 11 23. Title page, line 5, by inserting after the
 12 word "zone" the following: "and increasing an
 13 appropriation".
 14 24. By renumbering, relettering, or redesignating
 15 and correcting internal references as necessary.

Weigel of Chickasaw asked and received unanimous consent that amendments H-1947 and H-1948, to the Senate amendment H-1945, be deferred.

Weigel of Chickasaw offered the following amendment H-1953, to the Senate amendment H-1945, filed by him from the floor and moved its adoption:

H-1953

- 1 Amend the Senate amendment, H-1945, to House File
 2 724, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 and 4 and
 5 inserting the following:
 6 "_. Page 1, line 13, by striking the words
 7 "twenty-five thousand" and inserting the following:
 8 "one hundred"."
 9 2. Page 1, by striking lines 20 and 21 and
 10 inserting the following:
 11 "_. Page 1, line 26, by striking the words,
 12 twenty-five thousand" and inserting the following:
 13 "one hundred"."
 14 3. Page 1, by striking lines 31 through 33 and
 15 inserting the following:
 16 "_. Page 1, line 31, by striking the words
 17 "twenty-five thousand" and inserting the following:
 18 "one hundred"."

Roll call was requested by Weigel of Chickasaw and Schrader of Marion.

On the question "Shall amendment H-1953, to the Senate amendment H-1945, be adopted?" (H.F. 724)

The ayes were, 31:

Bell	Bernau	Bradley	Brand
Bukta	Burnett	Cataldo	Chiodo
Drees	Falck	Foege	Frevert
Garman	Huser	Kinzer	Kreiman
Larkin	Mascher	May	Moreland
Mundie	Myers	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Thomas
Weigel	Whitead	Wise	

The nays were, 62:

Arnold	Barry.	Boddicker	Bogges
Brauns	Brunkhorst	Carroll	Churchill
Cohoon	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Eddie	Fallon	Ford	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Jacobs	Jenkins
Jochum	Klemme	Koenigs	Kremer
Lamberti	Larson	Lord	Martin
Mertz	Metcalf	Meyer	O'Brien
Rants	Rayhons	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Witt	Mr. Speaker		
	Corbett		

Absent or not voting, 7:

Blodgett	Chapman	Connors	Grundberg
Millage	Murphy	Nelson	

Amendment H-1953 lost.

Jenkins of Black Hawk offered the following amendment H-1952, to the Senate amendment H-1945, filed by him from the floor and moved its adoption:

H-1952

- 1 Amend the Senate amendment, H-1945, to House File
- 2 724, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 41 through 43.

Amendment H-1952, to the Senate amendment H-1945, was adopted.

Weigel of Chickasaw offered the following amendment H-1954, to the Senate amendment H-1945, filed by him from the floor and moved its adoption:

H-1954

- 1 Amend the Senate amendment, H-1945, to House File
- 2 724, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by inserting after line 23 the

5 following:

6 "_. Page 4, by inserting after line 3 the

7 following:

8 "e. The county is a state or federally designated

9 primary health care provider shortage area."

Amendment H-1954 lost.

Jenkins of Black Hawk offered the following amendment H-1949, to the Senate amendment H-1945, filed by him from the floor and moved its adoption:

H-1949

1 Amend the Senate amendment, H-1945, to House File

2 724, as amended, passed, and reprinted by the House,

3 as follows:

4 1. By striking page 2, line 43, through page 3,

5 line 13.

Amendment H-1949, to the Senate amendment H-1945, was adopted.

Weigel of Chickasaw offered the following amendment H-1947, previously deferred, to the Senate amendment H-1945 filed by him from the floor and moved its adoption:

H-1947

1 Amend the Senate amendment, H-1945, to House File

2 724, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 1, line 4, by striking the word "twenty-

5 four" and inserting the following: "one".

6 2. Page 1, line 21, by striking the word "twenty-

7 four" and inserting the following: "one".

8 3. Page 1, lines 32 and 33, by striking the word

9 "twenty-four" and inserting the following: "one".

Amendment H-1947 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-1948, previously deferred, to the Senate amendment H-1945, filed by him from the floor.

On motion by Jenkins of Black Hawk, the House concurred in the Senate amendment H-1945, as amended.

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

On the question "Shall the bill pass?" (H.F. 724)

The ayes were, 80:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brauns
Brunkhorst	Bukta	Carroll	Cataldo
Chiodo	Churchill	Cohoon	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Ford
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	O'Brien	Osterhaus
Rants	Rayhons	Scherrman	Shultz
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Whitead	Witt	Mr. Speaker Corbett

The nays were, 18:

Bernau	Brand	Burnett	Chapman
Doderer	Falck	Fallon	Foege
Garman	Huser	Mascher	Myers
Reynolds-Knight	Richardson	Schrader	Taylor
Weigel	Wise		

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 724** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 114, a bill for an act to legalize certain city and county deeds and conveyances.

Also: That the Senate has on April 28, 1997, adopted the conference committee report and passed House File 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates.

Also: That the Senate has on April 28, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 28, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 28, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **House File 540**, a bill for an act relating to personnel procedures and investment policy requirements for state government employees, amended by the Senate, and moved that the House concur in the following Senate amendment H-1950:

H-1950

- 1 Amend House File 540, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 17 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 19A.12B DEFERRED
- 6 COMPENSATION PLAN.
- 7 The department shall make available to eligible
- 8 state employees by September 1, 1997 the option of
- 9 utilizing mutual funds as an investment alternative to
- 10 the state's deferred compensation plan established
- 11 under section 509A.12. Participating employees shall,
- 12 to the extent permitted by law, be allowed to transfer
- 13 moneys deferred under the plan to a mutual fund
- 14 offered pursuant to section 509A.12."

- 15 2. By striking page 2, line 18, through page 3,
 16 line 29.
 17 3. By striking page 4, line 35 through page 5,
 18 line 1 and inserting the following: "deferred
 19 compensation program. A governing body, county board
 20 of supervisors or other public entity, to the extent
 21 allowed by law, may establish a deferred
 22 compensation".
 23 4. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1950.

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

On the question "Shall the bill pass?" (H.F. 540)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	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	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

Nelson

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 540** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 410.

Ways and Means Calendar

Senate File 410, 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, with report of committee recommending passage, 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?" (S.F. 410)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	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	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	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, 3:

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

Carroll of Poweshiek in the chair at 3:55 p.m.

Appropriations Calendar

Senate File 542, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Jacobs of Polk offered amendment H-1893 filed by the committee on appropriations as follows:

H-1893

- 1 Amend Senate File 542, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 2 through 20.
- 4 2. Page 2, line 9, by striking the figure
- 5 "2,500,000" and inserting the following: "3,000,000".
- 6 3. Page 2, line 22, by striking the figure
- 7 "2,500,000" and inserting the following: "2,000,000".
- 8 4. Page 7, line 2, by striking the figure
- 9 "300,000" and inserting the following: "250,000".
- 10 5. Page 7, by striking lines 11 through 14.
- 11 6. Page 7, line 21, by striking the figure
- 12 "300,000" and inserting the following: "240,000".
- 13 7. Page 7, by inserting after line 21 the
- 14 following:
- 15 "___ To the department of human services to be
- 16 used for a telemedicine pilot project:
- 17 \$ 60,000"
- 18 8. Page 7, by striking lines 22 through 30.
- 19 9. Page 8, by inserting after line 2 the
- 20 following:
- 21 "___ To the department of natural resources for
- 22 allocation to the United States department of
- 23 agriculture, animal and plant health inspection

- 24 service, to be used for animal damage control in this
 25 state:
 26 \$ 50,000"
 27 10. Page 8, by striking lines 8 through 21.
 28 11. By renumbering as necessary.

Jacobs of Polk offered the following amendment H-1936, to the committee amendment H-1893, filed by Jacobs, et al., and moved its adoption:

H-1936

- 1 Amend the amendment, H-1893, to Senate File 542, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 5, by striking the figure
 5 "3,000,000" and inserting the following: "2,000,000".
 6 2. Page 1, line 7, by striking the figure
 7 "2,000,000" and inserting the following: "3,000,000".
 8 3. Page 1, by striking lines 8 and 9.
 9 4. Page 1, by inserting after line 17 the
 10 following:
 11 "___ To the department of human services to be
 12 used for implementation of child support enforcement
 13 changes necessitated by federal welfare reform
 14 legislation, provided that none of the moneys shall be
 15 used to fill new full-time equivalent positions:
 16 \$ 300,000
 17 5. By renumbering as necessary.

Amendment H-1936, to the committee amendment H-1893, was adopted, placing amendment H-1943, by Murphy of Dubuque, filed from the floor, out of order.

Brunkhorst of Bremer offered amendment H-1937, to the committee amendment H-1893, filed by him as follows:

H-1937

- 1 Amend the amendment, H-1893, to Senate File 542, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 12 through 17 and
 5 inserting the following: ""300,000" and inserting the
 6 following: "200,000".
 7 Notwithstanding section 144C.8, subsection 1, the
 8 implementation of phase I of the system may be delayed
 9 until July 1, 1998. The funds appropriated in this
 10 subsection shall be distributed to the system for the
 11 collection of data necessary to implement section
 12 144C.8, subsection 1, and the data collected shall be
 13 verified for accuracy. It is the intent of the
 14 general assembly that no additional appropriation will

15 be made for purposes of the community health
 16 management information system.
 17 ____ To the department of human services for
 18 administration of a telemedicine services pilot
 19 project under the medical assistance program:
 20 \$ 60,000
 21 The department shall utilize the moneys
 22 appropriated in this subsection for administration of
 23 a telemedicine pilot project and for medical
 24 assistance payment for teleconsultive services to
 25 eligible providers who are participating in a
 26 federally funded telemedicine program. The department
 27 shall evaluate the pilot project and report on savings
 28 realized through the use of teleconsultive services
 29 under the medical assistance program. The department
 30 shall adopt emergency rules under section 17A.4,
 31 subsection 2, and section 17A.5, subsection 2,
 32 paragraph "b", to implement the provisions of this
 33 subsection and the rules shall become effective
 34 immediately upon filing unless the effective date is
 35 delayed by the administrative rules review committee,
 36 notwithstanding section 17A.4, subsection 5, and
 37 section 17A.8, subsection 9, or a later date is
 38 specified in the rules. Any rules adopted in
 39 accordance with this subsection shall not take effect
 40 before the rules are reviewed by the administrative
 41 rules review committee. Any rules adopted in
 42 accordance with this section shall also be published
 43 as a notice of intended action as provided in section
 44 17A.4.
 45 ____ To the Iowa department of public health for
 46 implementation of the provisions of 1997 Iowa Acts,
 47 Senate File 128:
 48 \$ 40,000"
 49 2. By renumbering as necessary.

Amendment H-1937, to the committee amendment H-1893, was adopted.

Brunkhorst of Bremer asked and received unanimous consent to reconsider the vote by which amendment H-1937 was adopted.

Brunkhorst of Bremer moved the adoption of amendment H-1937, to the committee amendment H-1893.

Amendment H-1937, to the committee amendment H-1893, was adopted.

The House resumed consideration of the committee amendment H-1893.

Division was requested as follows:

Lines 1 through 17, and lines 19 through 28, Division A.
Line 18, Division B.

Millage of Scott moved the adoption of the committee amendment H-1893A.

The committee amendment H-1893A, as amended, was adopted.

Millage of Scott moved the adoption of the committee amendment H-1893B.

Roll call was requested by Murphy of Dubuque and Chapman of Linn.

On the question "Shall the committee amendment H-1893B be adopted?" (S.F. 542)

The ayes were, 50:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Rants	Rayhons	Siegrist
Sukup	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Carroll, Presiding		

The nays were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Doderer	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Grundberg	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, 5:

Connors	Corbett, Spkr.	Drees	Nelson
Teig			

The committee amendment H-1893B was adopted.

Murphy of Dubuque offered the following amendment H-1944 filed by him from the floor and moved its adoption:

H-1944

- 1 Amend Senate File 542, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 30, through page 3,
- 4 line 23.
- 5 2. By renumbering as necessary.

Amendment H-1944 lost.

Brunkhorst of Bremer offered amendment H-1930 filed by him as follows:

H-1930

- 1 Amend Senate File 542, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 7 the
- 4 following:
- 5 "DIVISION III
- 6 CLEAN FUND REPEAL - LOTTERY TRANSFER
- 7 Sec. ____ EXCESS LOTTERY REVENUES - FY 1994-1995.
- 8 The lottery revenues received during the fiscal year
- 9 beginning July 1, 1994, which remain in the lottery
- 10 fund following transfers made pursuant to 1995 Iowa
- 11 Acts, chapter 220, section 16, and 1996 Iowa Acts,
- 12 chapter 1219, section 14, and following the amounts
- 13 appropriated and enacted in this division of this Act
- 14 or in any other Act of the Seventy-seventh General
- 15 Assembly, 1997 Session, shall be transferred and
- 16 credited to the general fund of the state."
- 17 2. By renumbering as necessary.

Brunkhorst of Bremer offered the following amendment H-1941, to amendment H-1930, filed by him from the floor and moved its adoption:

H-1941

- 1 Amend the amendment, H-1930, to Senate File 542, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 5 and 6.
- 5 2. Page 1, line 7, by striking the word "Sec.
- 6 ____" and inserting the following: ""Sec. ____"

Amendment H-1941, to amendment H-1930, was adopted.

Brunkhorst of Bremer moved the adoption of amendment H-1930, as amended.

Amendment H-1930, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 542)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Chioldo
Churchill	Cohoon	Corbett, Spkr.	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	Osterhaus
Rants	Rayhons	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Witt	Carroll,	
		Presiding	

The nays were, 7:

Cormack	Fallon	Kreiman	O'Brien
Reynolds-Knight	Richardson	Wise	

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 410** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1955:

H-1955

- 1 Amend House File 636, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 28, by inserting after line 22 the
- 4 following:
- 5 "Sec. ____ Section 49.104, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION.** 7. Any person authorized by the
- 8 commissioner, in consultation with the secretary of
- 9 state, for the purposes of conducting and attending
- 10 educational voting programs for youth."
- 11 2. Page 34, by inserting before line 15 the
- 12 following:
- 13 "No absentee ballot application shall be
- 14 preaddressed or printed with instructions to send the
- 15 ballot to anyone other than the voter."
- 16 3. Page 34, by inserting before line 15 the
- 17 following:
- 18 "Sec. ____ **NEW SECTION.** 53.9 PROHIBITED PERSONS.
- 19 No person required to file reports under chapter
- 20 56, and no person acting as an actual or implied agent
- 21 for a person required to file reports under chapter
- 22 56, shall receive absentee ballots on behalf of
- 23 voters. This prohibition does not apply to section
- 24 53.17."
- 25 4. Page 36, line 2, by inserting after the word
- 26 "observers" the following: "one".
- 27 5. Page 36, line 9, by striking the words "and
- 28 seal the envelope".
- 29 6. By renumbering, relettering, or redesignating
- 30 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1955.

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

On the question "Shall the bill pass?" (H.F. 636)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	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
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
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, none.

Absent or not voting, 4:

Connors	Houser	Nelson	Van Fossen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 636** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 266, 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.

Also: That the Senate has on April 28, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 722, 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.

MARY PAT GUNDERSON, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 5:48 p.m., until 6:45 p.m.

EVENING SESSION

The House reconvened at 7:20 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 21, a concurrent resolution establishing a special commission to study and make recommendations concerning urban planning, growth management of cities, and protection of farmland.

Also: That the Senate has on April 28, 1997, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 22, 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.

Also: That the Senate has on April 28, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 226, a bill for an act relating to computation of time by which criminal sentences may be reduced for good behavior and providing for limited retroactive applicability.

Also: That the Senate has on April 28, 1997, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 28, 1997, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 28, 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 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.

Also: That the Senate has on April 28, 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 724, 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.

Also: That the Senate has on April 28, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 83, a bill for an act relating to 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 April 28, 1997, passed the following bill in which the concurrence of the House is asked:

Senate File 555, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **House File 730**, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates, amended by the Senate amendment H-1946 as follows:

H-1946

1 Amend House File 730, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 " FTEs 83.00

6 _____. There is appropriated from the rebuild Iowa
7 infrastructure fund created in section 8.57,
8 subsection 5, to the Iowa communications network fund
9 under the control of the Iowa telecommunications and
10 technology commission for the fiscal year beginning
11 July 1, 1998, and ending June 30, 1999, the following
12 amount, or so much thereof as is necessary, to be used
13 for the purpose designated:

14 For the connection of Part III authorized users as
15 determined by the commission and communicated to the
16 general assembly:
17 \$ 17,704,000"

18 2. Page 3, by striking lines 5 and 6 and
19 inserting the following: "appropriated from the
20 general fund of the state to the department of
21 education for the".

22 3. Page 3, line 10, by striking the word "For"
23 and inserting the following: "a. For".

24 4. Page 3, by striking lines 11 and 12 and
25 inserting the following: "as provided in this
26 subsection, and consistent with chapter 8D, excluding
27 the purposes provided for in paragraph "b"".

28 5. Page 3, line 13, by striking the figure
29 "3,010,000" and inserting the following: "2,510,000".

30 6. Page 3, by striking line 14 and inserting the
31 following:

32 "The department of education shall establish by
33 rule a procedure for the commission to be reimbursed
34 for that portion of the cost of providing interactive
35 video service to nonpublic and public schools for
36 grades kindergarten through twelve and community
37 colleges which is not included in the rates charged to
38 such users for such service. The Iowa
39 telecommunications and technology commission may
40 submit recommendations concerning the procedure to the
41 department.

42 Notwithstanding section 8.33 or 8.39, any balance
43 remaining from the appropriation in this paragraph
44 shall not revert to the general fund of the state but
45 shall be available for expenditure during the
46 subsequent fiscal year for the same purpose, and shall
47 not be transferred to any other program. The
48 department shall not be liable for reimbursing any
49 amounts which are in excess of the appropriation made
50 in this subsection.

2 network backbone and for the replacement of obsolete
3 equipment:

4 \$ 500,000"

5 7. Page 6, by inserting after line 12 the
6 following:

7 "_. Notwithstanding section 8.57, subsection 5,
8 paragraph "c", there is appropriated from the rebuild
9 Iowa infrastructure fund created in section 8.57,
10 subsection 5, to the department of general services
11 for the fiscal year beginning July 1, 1998, and ending
12 June 30, 1999, the following amount, or so much
13 thereof as is necessary, to be used for the purpose
14 designated:

15 For purposes of implementing reengineering projects
16 with an emphasis on technology:

17 \$ 1,000,000

18 The projects identified for funding from the
19 appropriation in this subsection shall be undertaken
20 in consultation with the department of management."

21 8. Page 12, by inserting after line 15 the
22 following:

23 "Sec. __. Section 29C.20, subsection 1, Code
24 1997, is amended to read as follows:

25 1. A contingent fund is created in the state
26 treasury for the use of the executive council which
27 may be expended for the purpose of paying the expenses
28 of suppressing an insurrection or riot, actual or
29 threatened, when state aid has been rendered by order
30 of the governor, and for repairing, rebuilding, or
31 restoring state property injured, destroyed, or lost
32 by fire, storm, theft, or unavoidable cause, and for
33 repairing, rebuilding, or restoring state property
34 which is fiberoptic cable and which is injured or
35 destroyed by a wild animal, and for aid to any
36 governmental subdivision in an area declared by the
37 governor to be a disaster area due to natural
38 disasters or to expenditures necessitated by the
39 governmental subdivision toward averting or lessening
40 the impact of the potential disaster, where the effect
41 of the disaster or action on the governmental
42 subdivision is the immediate financial inability to
43 meet the continuing requirements of local government.
44 Upon application by a governmental subdivision in such
45 an area, accompanied by a showing of obligations and
46 expenditures necessitated by an actual or potential
47 disaster in a form and with further information the
48 executive council requires, the aid may be made in the
49 discretion of the executive council and, if made,
50 shall be in the nature of a loan up to a limit of

2 expenditures. The loan, without interest, shall be
 3 repaid by the maximum annual emergency levy authorized
 4 by section 24.6, or by the appropriate levy authorized
 5 for a governmental subdivision not covered by section
 6 24.6. The aggregate total of loans shall not exceed
 7 one million dollars during a fiscal year. A loan
 8 shall not be for an obligation or expenditure
 9 occurring more than two years previous to the
 10 application.

11 When a state department or agency requests that
 12 moneys from the contingent fund be expended to repair,
 13 rebuild, or restore state property injured, destroyed,
 14 or lost by fire, storm, theft, or unavoidable cause,
 15 or to repair, rebuild, or restore state property which
 16 is fiberoptic cable and which is injured or destroyed
 17 by a wild animal, the executive council shall consider
 18 the original source of the funds for acquisition of
 19 the property before authorizing the expenditure. If
 20 the original source was other than the general fund of
 21 the state, the department or agency shall be directed
 22 to utilize moneys from the original source if
 23 possible. The executive council shall not authorize
 24 the repairing, rebuilding, or restoring of the
 25 property from the disaster aid contingent fund if it
 26 determines that moneys from the original source are
 27 available to finance the project."

28 9. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

Warnstadt of Woodbury offered the following amendment H-1960,
 to the Senate amendment H-1946, filed by him from the floor and moved
 its adoption:

H-1960

- 1 Amend the Senate amendment, H-1946, to House File
- 2 730, as amended, passed, and reprinted by the House,
- 3 as follows:
 - 4 1. Page 2, by striking lines 5 through 20.
 - 5 2. By renumbering as necessary.

Amendment H-1960 lost.

On motion by Jacobs of Polk, the House concurred in the Senate
 amendment H-1946.

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

On the question "Shall the bill pass?" (H.F. 730)

The ayes were, 56:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Bukta
Carroll	Cataldo	Churchill	Corbett, Spkr.
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	Mertz
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 41:

Bell	Bernau	Brand	Brunkhorst
Burnett	Chapman	Cphoon	Doderer
Dotzler	Drees	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	Shoultz	Taylor	Van Fossen
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 730** be immediately messaged to the Senate.

Teig of Hamilton called up for consideration **House File 722**, 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, amended by the Senate amendment H-1958 as follows:

H-1958

1 Amend House File 722, as amended, passed, and

2 reprinted by the House, as follows:

- 3 1. Page 2, line 1, by inserting after the word
- 4 "funds." the following: "In selecting funds for
- 5 investment, the board shall seek to maximize benefits
- 6 which inure to seed and venture capital opportunities
- 7 in Iowa."
- 8 2. Page 3, line 11, by inserting after the word
- 9 "policies," the following: "and".
- 10 3. Page 3, line 18, by striking the words "cash
- 11 invested in" and inserting the following: "net losses
- 12 incurred by".
- 13 4. Page 3, line 19, by inserting after the word
- 14 "board." the following: "The aggregate amount of tax
- 15 credits issued under this section shall not exceed
- 16 thirty million dollars."
- 17 5. Page 3, line 25, by inserting after the word
- 18 "trust." the following: "A taxpayer shall not claim
- 19 tax credits under this section which exceed the total
- 20 amount invested by the taxpayer in the Iowa capital
- 21 investment board."
- 22 6. By renumbering, relettering, and redesignating
- 23 as necessary.

Weigel of Chickasaw offered the following amendment H-1963, to the Senate amendment H-1958, filed by him from the floor and moved its adoption:

H-1963

- 1 Amend the Senate amendment, H-1958, to House File
- 2 722, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 16, by striking the word "thirty"
- 5 and inserting the following: "ten".

Amendment H-1963 lost.

Weigel of Chickasaw offered the following amendment H-1964, to the Senate amendment H-1958, filed by him from the floor and moved its adoption:

H-1964

- 1 Amend the Senate amendment, H-1958, to House File
- 2 722, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 21, by inserting after the word
- 5 "board" the following: "and shall not claim tax
- 6 credits of more than five hundred thousand dollars
- 7 under this section".

Gipp of Winneshiek in the chair at 8:28 p.m.

Amendment H-1964 lost.

Richardson of Warren offered the following amendment H-1970, to the Senate amendment H-1958, filed by him from the floor and moved its adoption:

H-1970

- 1 Amend the Senate amendment, H-1958, to House File
- 2 722, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, lines 5 and 6, by striking the words
- 5 "seek to maximize benefits which" and inserting the
- 6 following: "only invest in funds which cause benefits
- 7 to".

Amendment H-1970 lost.

Fallon of Polk offered amendment H-1968, to the Senate amendment H-1958, filed by him from the floor as follows:

H-1968

- 1 Amend the Senate amendment, H-1958, to House File
- 2 722, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 7, by inserting after the word
- 5 "Iowa." the following: "However, no such benefits
- 6 shall inure to opportunities involving gambling."

Teig of Hamilton rose on a point of order that amendment H-1968 was not germane.

The Speaker ruled the point well taken and amendment H-1968, to the Senate amendment H-1958, not germane.

Fallon of Polk moved to suspend the rules to consider amendment H-1968.

A non-record roll call was requested.

The ayes were 39, nays 52.

The motion to suspend the rules lost.

Osterhaus of Jackson offered the following amendment H-1973, to the Senate amendment H-1958, filed by him from the floor and moved its adoption:

H-1973

- 1 Amend the Senate amendment, H-1958, to House File

2 722, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 7, by inserting after the word
 5 "Iowa." the following: "If the funds selected have
 6 made no significant investments in seed and venture
 7 capital opportunities in Iowa by June 30, 2000, the
 8 board shall not invest in any additional funds after
 9 that date and shall study other ways to utilize
 10 remaining funds to encourage seed and venture capital
 11 investments in Iowa and shall report its findings and
 12 recommendations to the general assembly by January 15,
 13 2001."

Roll call was requested by Schrader of Marion and Myers of Johnson.

On the question "Shall amendment H-1973, to the Senate amendment H-1958, be adopted?" (H.F. 722)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	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	Welter	Whitead
Wise	Witt		

The nays were, 50:

Arnold	Barry	Boddicker	Boguess
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	Rants	Rayhons
Siegrist	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Gipp, Presiding		

Absent or not voting, 4:

Blodgett	Connors	Nelson	Sukup
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Amendment H-1973 lost.

On motion by Teig of Hamilton, the House concurred in the Senate amendment H-1958.

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

On the question "Shall the bill pass?" (H.F. 722)

The ayes were, 53:

Arnold	Barry	Blodgett	Boguess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

The nays were, 45:

Bell	Bernau	Boddicker	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Garman	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, 2:

Connors Nelson

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 722** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 735, by committee on ways and means, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system.

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

SENATE MESSAGE CONSIDERED

Senate File 555, by Iverson and Gronstal, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date.

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

SENATE AMENDMENT CONSIDERED

Houser of Pottawattamie called up for consideration **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, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation, amended by the Senate amendment H-1902 as follows:

H-1902

- 1 Amend House File 702, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by striking lines 23 and 24 and
- 4 inserting the following:
- 5 "1. Up to three counties or combinations of
- 6 counties may participate in a funding decategorization
- 7 planning process as provided in this section. Upon
- 8 the request of a participating county, the department
- 9 of human services and the".
- 10 2. Page 6, line 28, by inserting before the word
- 11 "county" the following: "participating".
- 12 3. Page 10, line 4, by inserting before the word
- 13 "expenditure" the following: "gross expenditure

14 amount reported in the".

15 4. Page 10, by striking lines 12 through 20.

16 5. Page 10, by inserting after line 20 the
17 following:

18 "Sec. 100. Section 331.439, Code 1997, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 8. A county's management plans
21 submitted under this section shall allow for the
22 service needs of all ages of persons for whom
23 expenditures may be made from the county's services
24 fund.

25 Sec. . EFFECTIVE DATE AND APPLICABILITY
26 PROVISION. Section 100 of this division of this Act,
27 being deemed of immediate importance, takes effect
28 upon enactment. The requirements of section 100 shall
29 first apply to county mental health, mental
30 retardation, and developmental disabilities services
31 plans submitted under section 331.439 applicable to
32 the fiscal year beginning July 1, 1997. If a county's
33 management plan for that fiscal year was submitted
34 prior to the effective date of section 100 and is not
35 in compliance with the provisions of section 100 of
36 this Act, the county shall submit an amendment to the
37 management plan as necessary for compliance. The
38 amendment shall be submitted within 60 days of the
39 effective date of section 100 and is subject to the
40 approval provisions of section 331.439."

41 6. Title page, line 8, by inserting after the
42 word "retardation" the following: "and including an
43 effective date and an applicability provision".

44 7. By renumbering, relettering, or redesignating
45 and correcting internal references as necessary.

Houser of Pottawattamie offered the following amendment H-1959,
to the Senate amendment H-1902, filed by him from the floor and moved
its adoption:

H-1959

1 Amend the Senate amendment, H-1902, to House File
2 702, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 11 the
5 following:

6 " . Page 9, by inserting after line 25 the
7 following:

8 "Sec. . 1997 Iowa Acts, House File 715, section
9 22, relating to the mental health and developmental
10 disabilities community services fund, if enacted, is
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 9. The department, following
13 consultation with the Iowa state association of
14 counties, may adopt emergency rules as necessary for

- 15 the department to negotiate contractual agreements
 16 between providers of mental health, mental
 17 retardation, and developmental disabilities local
 18 purchase services and the department for the benefit
 19 of counties for local purchase services.”
 20 2. Page 1, by striking line 15.
 21 3. By renumbering as necessary.

Amendment H-1959, to the Senate amendment H-1902, was adopted.

On motion by Houser of Pottawattamie, the House concurred in the Senate amendment H-1902, as amended.

Houser of Pottawattamie 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. 702)

The ayes were, 98:

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	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	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	Gipp,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Connors

Nelson

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 702** be immediately messaged to the Senate.

Brauns of Muscatine called up for consideration **House File 733**, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations, amended by the Senate amendment H-1942 as follows:

H-1942

- 1 Amend House File 733, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "DIVISION I
- 6 DEPARTMENT OF CULTURAL AFFAIRS
- 7 Section 1. There is appropriated from the rebuild
- 8 Iowa infrastructure fund to the department of cultural
- 9 affairs for the fiscal year beginning July 1, 1997,
- 10 and ending June 30, 1998, the following amounts, or so
- 11 much thereof as is necessary, to be used for the
- 12 purposes designated:
- 13 1. For the completion of undeveloped exhibit space
- 14 at the new historical building:
- 15 \$ 500,000
- 16 2. For allocation to an Iowa project that has
- 17 received a national endowment for the humanities award
- 18 for the museum and discovery center:
- 19 \$ 500,000
- 20 3. For a feasibility study by the city of
- 21 Burlington regarding the construction of a replica of
- 22 the first territorial capitol of Iowa:
- 23 \$ 25,000
- 24 Allocation of moneys pursuant to this subsection
- 25 shall be contingent upon a matching contribution of

26 private moneys at a rate of two dollars of private
 27 moneys for each dollar of state appropriated moneys.
 28 Notwithstanding section 8.33, the unencumbered or
 29 unobligated moneys remaining on June 30 of the fiscal
 30 year from moneys appropriated in this section may be
 31 expended during the following fiscal year for the same
 32 purpose.

33 DEPARTMENT OF GENERAL SERVICES

34 Sec. 2. There is appropriated from the rebuild
 35 Iowa infrastructure fund to the department of general
 36 services for the fiscal year beginning July 1, 1997,
 37 and ending June 30, 1998, the following amounts, or so
 38 much thereof as is necessary, to be used for the
 39 purposes designated:

40 1. For major maintenance needs including health,
 41 life, and fire safety, for compliance with the federal
 42 Americans with Disabilities Act for state-owned
 43 buildings and facilities:
 44 \$ 7,000,000

45 2. For critical and deferred maintenance at
 46 Terrace Hill:
 47 \$ 100,000

48 As a condition of receiving this appropriation made
 49 in this subsection, private matching funds must be
 50 contributed on a dollar-for-dollar basis.

Page 2

1 3. For relocation of offices and other transition
 2 costs associated with renovation of the Lucas state
 3 office building and the old historical building:
 4 \$ 1,300,000

5 4. For relocating the state library:
 6 \$ 1,000,000

7 5. To fund the state share of the capitol gateway
 8 east development project in conjunction with the city
 9 of Des Moines:
 10 \$ 50,000

11 6. For the installation of storm drainage,
 12 grading, new asphalt, new lighting, and striping of
 13 capitol complex parking lots 4 and 5 in accordance
 14 with capitol complex renovation plans, provided that
 15 not more than \$450,000 shall be used for lot 4 and not
 16 more than \$105,000 shall be used for lot 5, and
 17 provided that existing capitol complex construction
 18 plans do not conflict with the parking lot
 19 improvements:
 20 \$ 555,000

21 7. For filling cracks, resurfacing, new
 22 handicapped parking signs which comply with the
 23 provisions of chapter 321L, as amended by 1997 Iowa
 24 Acts, House File 688, and striping capitol complex
 25 parking lots 13 and 15 in accordance with capitol

26 complex renovation plans, provided that not more than
 27 \$100,750 shall be used for lot 13 and not more than
 28 \$75,000 shall be used for lot 15, and provided that
 29 existing capitol complex construction plans do not
 30 conflict with the parking lot improvements:
 31 \$ 175,750

32 8. For the design and construction of new or
 33 replacement buildings at the state training school by
 34 allocating not more than \$1,600,000 for design and
 35 construction of a living unit, allocating not more
 36 than \$800,000 for design and construction of a
 37 multipurpose building, and allocating not more than
 38 \$200,000 for the design of a new school building:
 39 \$ 2,600,000

40 9. For renovation of an existing cottage to
 41 provide additional beds for females at the Toledo
 42 juvenile home:
 43 \$ 350,000

44 10. For conducting a survey of the condition of
 45 state-owned property:
 46 \$ 500,000

47 The department shall report on the progress of the
 48 vertical infrastructure survey and provide an
 49 accounting of how the appropriation in subsection 1
 50 was spent to the joint transportation, infrastructure

Page 3

1 and capitals appropriations subcommittee not later
 2 than February 1, 1998.

3 Notwithstanding section 8.33, unencumbered or
 4 unobligated funds remaining on June 30, 2002, from the
 5 funds appropriated in this section, shall revert to
 6 the rebuild Iowa infrastructure fund on August 31,
 7 2002.

8 Sec. 3. 1996 Iowa Acts, chapter 1218, section 13,
 9 is amended to read as follows:

10 SEC. 13.

11 1. There is appropriated from the rebuild Iowa
 12 infrastructure fund of the state to the department of
 13 general services for the fiscal period beginning July
 14 1, 1996, and ending June 30, ~~1999~~ 1998, the following
 15 amounts, or so much thereof as is necessary, to be
 16 used for the projects in the amounts and for the
 17 fiscal years as designated in subsection 2:

18 a. For the fiscal year beginning July 1, 1996, and
 19 ending June 30, 1997:
 20 \$ 20,700,000

21 b. For the fiscal year beginning July 1, 1997, and
 22 ending June 30, 1998:
 23 \$ 14,600,000
 24 14,540,000

25 e. For the fiscal year beginning July 1, 1998, and

26	ending June 30, 1999:		
27	.....	\$	3,900,000
28	2. a. For exterior state capitol building		
29	restoration:		
30	(1) For the fiscal year beginning July 1, 1996,		
31	and ending June 30, 1997:		
32	.....	\$	9,300,000
33	(2) For the fiscal year beginning July 1, 1997,		
34	and ending June 30, 1998:		
35	.....	\$	7,600,000
36			<u>4,400,000</u>
37	b. For interior state capitol building		
38	restoration:		
39	(1) For the fiscal year beginning July 1, 1996,		
40	and ending June 30, 1997:		
41	.....	\$	2,800,000
42	(2) For the fiscal year beginning July 1, 1998		
43	<u>1997, and ending June 30, 1999 1998:</u>		
44	.....	\$	2,300,000
45			<u>3,140,000</u>
46	c. For renovation of the old historical building:		
47	(1) For the fiscal year beginning July 1, 1996,		
48	and ending June 30, 1997:		
49	.....	\$	5,400,000
50	(2) For the fiscal year beginning July 1, 1997,		

Page 4

1	and ending June 30, 1998, <u>provided that not more than</u>		
2	<u>\$1,800,000 may be allocated for construction of a</u>		
3	<u>tunnel between the old historical building and the</u>		
4	<u>capitol and provided that the remaining \$2,300,000</u>		
5	<u>shall only be obligated or expended on or after July</u>		
6	<u>1, 1998:</u>		
7	.....	\$	4,100,000
8	d. For renovation of the Lucas tunnel, <u>provided</u>		
9	<u>that existing capitol complex construction plans do</u>		
10	<u>not conflict with the renovation:</u>		
11	(1) For the fiscal year beginning July 1, 1996,		
12	and ending June 30, 1997:		
13	.....	\$	100,000
14	(2) For the fiscal year beginning July 1, 1997,		
15	and ending June 30, 1998:		
16	.....	\$	400,000
17	e. For renovation of the Lucas state office		
18	building:		
19	(1) For the fiscal year beginning July 1, 1996,		
20	and ending June 30, 1997:		
21	.....	\$	3,100,000
22	(2) For the fiscal year beginning July 1, 1997,		
23	and ending June 30, 1998:		
24	.....	\$	2,500,000
25	Notwithstanding section 8.33, unencumbered or		

26 unobligated funds remaining on June 30, ~~2001~~ 2002,
 27 from the funds appropriated in this section shall
 28 revert to the rebuild Iowa infrastructure fund of the
 29 state on August 31, ~~2001~~ 2002.

30 Sec. 4. There is appropriated from the rebuild
 31 Iowa infrastructure fund to the department of general
 32 services for the fiscal year beginning July 1, 1998,
 33 and ending June 30, 1999, the following amounts, or so
 34 much thereof as is necessary, to be used for the
 35 purposes designated:

36 1. For exterior state capitol building
 37 restoration:
 38 \$ 4,400,000

39 2. For interior state capitol building
 40 restoration:
 41 \$ 4,200,000

42 3. For conducting a survey of the condition of
 43 state-owned property:
 44 \$ 500,000

45 4. For the design and construction of new or
 46 replacement buildings at the state training school by
 47 allocating not more than \$2,300,000 to complete
 48 construction of the new school building and allocating
 49 not more than \$400,000 for the design of the new
 50 gymnasium building:

Page 5

1 \$ 2,700,000

2 5. For repair of capitol complex parking lots in
 3 accordance with capitol complex renovation plans:
 4 \$ 1,500,000

5 6. For relocating the state library:
 6 \$ 4,000,000

7 Notwithstanding section 8.33, unencumbered or
 8 unobligated funds remaining on June 30, 2003, from the
 9 funds appropriated in this section, shall revert to
 10 the rebuild Iowa infrastructure fund on August 31,
 11 2003.

12 Sec. 5. There is appropriated from the rebuild
 13 Iowa infrastructure fund to the department of general
 14 services for the fiscal year beginning July 1, 1999,
 15 and ending June 30, 2000, the following amount, or so
 16 much thereof as is necessary, to be used for the
 17 purpose designated:

18 For construction of a new gymnasium building at the
 19 state training school:
 20 \$ 4,000,000

21 Sec. 6. The department of general services, after
 22 consulting with the appropriate committee designated
 23 by the legislative council, shall contract with a
 24 private person with experience in evaluating the
 25 renovation and repair needs of vertical infrastructure

26 as defined in section 8.57, subsection 5, paragraph
27 "c", to conduct the survey of the condition of state-
28 owned property.

29 DEPARTMENT OF ECONOMIC DEVELOPMENT

30 Sec. 7. There is appropriated from the rebuild
31 Iowa infrastructure fund to the department of economic
32 development for the fiscal period beginning July 1,
33 1997, and ending June 30, 1998 1999, the following
34 amounts, or so much thereof as is necessary, to be
35 used for the purposes designated:

36 1. For the fiscal year beginning July 1, 1997, and
37 ending June 30, 1998:

38 a. For a welcome center at living history farms:
39 \$ 500,000

40 b. For the historical site preservation grant
41 program:
42 \$ 500,000

43 c. For construction of a China-Des Moines trade
44 and cultural center:
45 \$ 150,000

46 d. For the main street investments loan program,
47 notwithstanding section 8.57, subsection 5, paragraph
48 "c":
49 \$ 200,000

50 2. For the fiscal year beginning July 1, 1998, and

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1 ending June 30, 1999:

2 a. For the historical site preservation grant
3 program:
4 \$ 2,500,000

5 b. For a welcome center at Okoboji:
6 \$ 200,000

7 Notwithstanding section 8.33, the unencumbered or
8 unobligated moneys remaining on June 30 of the fiscal
9 year from the moneys appropriated in this section may
10 be expended during the following fiscal year for the
11 same purpose.

12 Sec. 8. 1996 Iowa Acts, chapter 1218, section 55,
13 unnumbered paragraph 1, is amended to read as follows:

14 There is appropriated from the rebuild Iowa
15 infrastructure fund of the state, notwithstanding
16 section 8.57, subsection 5, paragraph "c", to the Iowa
17 department of economic development for the fiscal
18 years beginning July 1, 1996, and ending June 30,
19 1998, the following amounts, or so much thereof as is
20 necessary, to be deposited in the physical
21 infrastructure assistance fund created in section
22 15E.175 and used only in accordance with subsection 3,
23 provided that the department, to the best of its
24 abilities, expend the funds on projects which meet the
25 definition of vertical infrastructure:

26 Sec. 9. 1996 Iowa Acts, chapter 1218, section 55,
 27 subsection 2, is amended to read as follows:
 28 2. For the fiscal year beginning July 1, 1997, and
 29 ending June 30, 1998, the following amount:

30 \$ 6,100,000
 31 4,130,000

32 DEPARTMENT OF PUBLIC DEFENSE

33 Sec. 10. There is appropriated from the rebuild
 34 Iowa infrastructure fund to the department of public
 35 defense for the fiscal year beginning July 1, 1997,
 36 and ending June 30, 1998, the following amount, or so
 37 much thereof as is necessary, to be used for the
 38 purpose designated:

39 For maintenance and repair of national guard
 40 armories and facilities:

41 \$ 400,000

42 Notwithstanding section 8.33, the unencumbered or
 43 unobligated moneys remaining on June 30 of the fiscal
 44 year from the moneys appropriated in this section may
 45 be expended during the following fiscal year for the
 46 same purpose.

47 DEPARTMENT OF NATURAL RESOURCES

48 Sec. 11. There is appropriated from the marine
 49 fuel tax receipts deposited in the general fund of the
 50 state to the department of natural resources for the

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1 fiscal year beginning July 1, 1997, and ending June
 2 30, 1998, the following amount, or so much thereof as
 3 is necessary, to be used for the purpose designated:

4 For the purpose of funding capital projects funded
 5 from marine fuel tax receipts for the purposes
 6 specified in section 452A.79:

7 \$ 1,800,000

8 Notwithstanding section 8.33, unencumbered or
 9 unobligated funds remaining on June 30, 1998, from the
 10 funds appropriated in this section, shall revert to
 11 the general fund of the state on August 31, 1998.

12 STATE DEPARTMENT OF TRANSPORTATION

13 Sec. 12. There is appropriated from the rebuild
 14 Iowa infrastructure fund to the state department of
 15 transportation for the fiscal year beginning July 1,
 16 1997, and ending June 30, 1998, the following amounts,
 17 or so much thereof as is necessary, to be used for the
 18 purposes designated:

19 1. For allocating \$75,000 for the Nishna Valley
 20 trail project at Anita state park and for acquiring,
 21 constructing, and improving recreational trails within
 22 the state:

23 \$ 1,000,000

24 2. For funding, on a matching basis; recreational
 25 trail projects, with priority given to completion of

26 trail connections and sections between existing trails
 27 and parks within the established state recreational
 28 trails system:
 29 \$ 1,000,000

30 Projects funded in subsection 2 shall be matched by
 31 one dollar of private or other funds for each three
 32 dollars of state funds.

33 The department may, upon proper documentation from
 34 the governmental subdivision, pay the state's share of
 35 a project directly to the contractor undertaking the
 36 project.

37 Notwithstanding section 8.33, unencumbered or
 38 unobligated funds remaining on June 30 of the fiscal
 39 year from funds appropriated in this section shall not
 40 revert to the rebuild Iowa infrastructure fund but
 41 shall remain available for expenditure for the same
 42 purpose during the following fiscal year.

43 Sec. 13. There is appropriated from the rebuild
 44 Iowa infrastructure fund to the state department of
 45 transportation for the fiscal year beginning July 1,
 46 1998, and ending June 30, 1999, the following amounts,
 47 or so much thereof as is necessary, to be used for the
 48 purposes designated:

49 1. For acquiring, constructing, and improving
 50 recreational trails within the state:

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1 \$ 1,000,000
 2 2. For funding, on a matching basis, recreational
 3 trail projects, with priority given to completion of
 4 trail connections and sections between existing trails
 5 and parks within the established state recreational
 6 trails system:

7 \$ 1,000,000
 8 Projects funded in subsection 2 shall be matched by
 9 one dollar of private or other funds for each three
 10 dollars of state funds.

11 The department may, upon proper documentation from
 12 the governmental subdivision, pay the state's share of
 13 a project directly to the contractor undertaking the
 14 project.

15 Notwithstanding section 8.33, unencumbered or
 16 unobligated funds remaining on June 30 of the fiscal
 17 year from funds appropriated in this section shall not
 18 revert to the rebuild Iowa infrastructure fund but
 19 shall remain available for expenditure for the same
 20 purpose during the following fiscal year.

DEPARTMENT OF REVENUE AND FINANCE

21 Sec. 14. Notwithstanding section 8.57, subsection
 22 5, paragraph "c", there is appropriated from the
 23 rebuild Iowa infrastructure fund to the department of
 24 revenue and finance for the fiscal year beginning July
 25

26 1, 1997, and ending June 30, 1998, the following
 27 amount, or so much thereof as is necessary, to be used
 28 for the purpose designated:

29 For upgrades to the Iowa financial accounting
 30 system, provided that none of the moneys appropriated
 31 in this section shall be used for personnel expenses
 32 not associated with the installation of the upgrades
 33 to the system or for training expenses:

34 \$ 1,875,000

35 DEPARTMENT OF PUBLIC SAFETY

36 Sec. 15. Notwithstanding section 8.57, subsection
 37 5, paragraph "c", there is appropriated from the
 38 rebuild Iowa infrastructure fund to the department of
 39 public safety for the fiscal period beginning July 1,
 40 1997, and ending June 30, 2000, the following amount,
 41 or so much thereof as is necessary, to be used for the
 42 conversion of the department of public safety's radio
 43 system from analog to digital technology, provided
 44 that none of the moneys appropriated in this section
 45 shall be used for personnel expenses not associated
 46 with the installation of the radio system or for
 47 training expenses:

48 1. For the fiscal year beginning July 1, 1997, and
 49 ending June 30, 1998:

50 \$ 1,897,786

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1 2. For the fiscal year beginning July 1, 1998, and
 2 ending June 30, 1999:

3 \$ 2,074,663

4 3. For the fiscal year beginning July 1, 1999, and
 5 ending June 30, 2000:

6 \$ 2,339,200

7 The department of public safety shall notify local
 8 law enforcement agencies and fire departments of the
 9 department's intent to purchase new radio equipment
 10 and shall allow any local law enforcement agency or
 11 fire department, which wishes to purchase with its own
 12 funds on the same purchase order, to participate in
 13 the joint purchase in order to purchase new radio
 14 equipment for the local law enforcement agency or fire
 15 department.

16 Notwithstanding section 8.33, unencumbered or
 17 unobligated moneys remaining on June 30, 2001, shall
 18 revert on August 31, 2001.

19 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

20 Sec. 16. There is appropriated from the rebuild
 21 Iowa infrastructure fund, notwithstanding section
 22 8.57, subsection 5, paragraph "c", to the department
 23 of agriculture and land stewardship for the fiscal
 24 period beginning July 1, 1997, and ending June 30,
 25 1999, the following amounts, or so much thereof as is

26 necessary, to be used for deposit in the alternative
 27 drainage system assistance fund created in section
 28 159.29A, if enacted by 1997 Iowa Acts, Senate File
 29 473, for purposes of supporting the alternative
 30 drainage system assistance program administered by the
 31 soil conservation division of the department of
 32 agriculture and land stewardship as provided in
 33 section 159.29B, if enacted by 1997 Iowa Acts, Senate
 34 File 473:

35 1. For the fiscal year beginning July 1, 1997, and
 36 ending June 30, 1998:
 37 \$ 1,500,000
 38 2. For the fiscal year beginning July 1, 1998, and
 39 ending June 30, 1999:
 40 \$ 1,500,000

41 As a condition of receiving the appropriations in
 42 this section, the department shall allocate seventy-
 43 five percent of the estimated or actual cost of
 44 improvements as defined by section 468.3, not to
 45 exceed five hundred thousand dollars each fiscal year,
 46 for a single drainage improvement project, which will
 47 provide alternative drainage outlets to allow for the
 48 closing of thirty or more agricultural drainage wells,
 49 constructed by a drainage district established under
 50 section 468.22 on or after July 1, 1987, and prior to

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1 July 1, 1997, for which a construction contract for
 2 the project is successfully let prior to March 1,
 3 1998.

4 DEPARTMENT OF WORKFORCE DEVELOPMENT

5 Sec. 17. Notwithstanding section 8.57, subsection
 6 5, paragraph "c", there is appropriated from the
 7 rebuild Iowa infrastructure fund to the department of
 8 workforce development for the fiscal period beginning
 9 July 1, 1997, and ending June 30, 1999, the following
 10 amounts, or so much thereof as is necessary, to be
 11 used for the integrated information system provided
 12 that none of the moneys appropriated in this section
 13 shall be used for personnel expenses not associated
 14 with the installation of the system or for training
 15 expenses:

16 1. For the fiscal year beginning July 1, 1997, and
 17 ending June 30, 1998:
 18 \$ 700,000
 19 2. For the fiscal year beginning July 1, 1998, and
 20 ending June 30, 1999:
 21 \$ 300,000

22 JUDICIAL DEPARTMENT

23 Sec. 18. There is appropriated from the rebuild
 24 Iowa infrastructure fund to the judicial department
 25 for the fiscal period beginning July 1, 1997, and

26 ending June 30, 1999, the following amounts, or so
 27 much thereof as is necessary, to be used for the
 28 purposes designated:
 29 1. For the fiscal year beginning July 1, 1997, and
 30 ending June 30, 1998, for planning for the relocation
 31 of judicial department offices out of the capitol:
 32 \$ 150,000
 33 2. For the fiscal year beginning July 1, 1998, and
 34 ending June 30, 1999, contingent on the decision being
 35 made to relocate the judicial department's offices out
 36 of the capitol:
 37 \$ 2,000,000
 38 Notwithstanding section 8.33, moneys appropriated
 39 under subsection 2 remaining unobligated or unexpended
 40 at the end of the fiscal year, shall not revert until
 41 August 31, 2001.

42 COMMISSION OF VETERANS AFFAIRS

43 Sec. 19. There is appropriated from the rebuild
 44 Iowa infrastructure fund to the commission of veterans
 45 affairs for the fiscal period beginning July 1, 1997,
 46 and ending June 30, 1999, the following amounts, or so
 47 much thereof as is necessary, to be used for the
 48 purposes designated:
 49 1. For the fiscal year beginning July 1, 1997, and
 50 ending June 30, 1998, for expansion of the food

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1 preparation area and dining room at the veteran's
 2 home:
 3 \$ 1,400,000
 4 2. For the fiscal year beginning July 1, 1998, and
 5 ending June 30, 1999, for expansion of the food
 6 preparation area and dining room, and major maintenance
 7 at the veteran's home, provided that not more than
 8 \$850,000 shall be allocated for major maintenance
 9 projects:
 10 \$ 2,750,000

11 Notwithstanding section 8.33, the unencumbered or
 12 unobligated moneys remaining on June 30 of the fiscal
 13 year from the moneys appropriated in this section may
 14 be expended during the following fiscal year for the
 15 same purpose.

16 LOESS HILLS DEVELOPMENT AND CONSERVATION AUTHORITY

17 Sec. 20. There is appropriated from the rebuild
 18 Iowa infrastructure fund, notwithstanding section
 19 8.57, subsection 5, paragraph "c", to the Loess Hills
 20 development and conservation authority for the fiscal
 21 year beginning July 1, 1997, and ending June 30, 1998,
 22 the following amount, or so much thereof as is
 23 necessary, to be used for the purpose designated:
 24 For deposit in the Loess Hills development and
 25 conservation fund created in section 161D.2 for the

26 purposes specified in section 161D.1:

27 \$ 742,500

28 IOWA STATE FAIR FOUNDATION

29 Sec. 21. There is appropriated from the rebuild
30 Iowa infrastructure fund of the state to the Iowa
31 state fair foundation for the fiscal period beginning
32 July 1, 1997, and ending June 30, 1999, the following
33 amount, or so much thereof as is necessary, to be used
34 for renovation, restoration, and improvement projects
35 on the state fairgrounds and for distributing in
36 accordance with chapter 174, \$1,060,000 each fiscal
37 year to qualified fairs which belong to the
38 association of Iowa fairs:

39 For the fiscal year beginning July 1, 1997, and
40 ending June 30, 1998:

41 \$ 5,460,000

42 For the fiscal year beginning July 1, 1998, and
43 ending July 1, 1999:

44 \$ 5,460,000

45 Notwithstanding section 8.33, the unencumbered or
46 unobligated moneys remaining on June 30 of the fiscal
47 year from the moneys appropriated in this section may
48 be expended during the following fiscal year for the
49 same purpose.

50 Sec. 22. Effective July 1, 1997, the departments

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1 of general services, workforce development, and public
2 safety, and the commission on veterans affairs are
3 authorized to enter into contracts for the full cost
4 of carrying out the projects for which appropriations
5 are made in this division of this Act. The state
6 shall not be obligated for costs associated with
7 contracts identified in this section in excess of
8 funds appropriated by the general assembly.

9 DIVISION II

10 STATE BOARD OF REGENTS

11 Sec. 23.

12 1. There is appropriated from the rebuild Iowa
13 infrastructure fund of the state to the state board of
14 regents for the fiscal period beginning July 1, 1997,
15 and ending June 30, 2001, the following amounts, or so
16 much thereof as is necessary, to be used for the
17 projects designated in subsection 2:

18 a. For the fiscal year beginning July 1, 1997, and
19 ending June 30, 1998:

20 \$ 19,500,000

21 b. For the fiscal year beginning July 1, 1998, and
22 ending June 30, 1999:

23 \$ 19,500,000

24 c. For the fiscal year beginning July 1, 1999, and
25 ending June 30, 2000:

26	.....	\$ 19,500,000
27	d. For the fiscal year beginning July 1, 2000, and	
28	ending June 30, 2001:	
29	.....	\$ 11,915,000
30	The state board of regents shall determine the	
31	amounts to be allocated to each project for each	
32	fiscal year of the fiscal period beginning July 1,	
33	1997, and ending June 30, 2001, based upon project	
34	needs. However, the total appropriated funds for a	
35	project for all fiscal years of that fiscal period	
36	shall not exceed the amount listed in subsection 2 for	
37	that project.	
38	2. The state board of regents is authorized to	
39	undertake, plan, construct, equip, and otherwise carry	
40	out the following projects at the institutions under	
41	the jurisdiction of the board in the following	
42	appropriated amounts:	
43	a. For construction of the livestock infectious	
44	disease isolation facility at Iowa state university of	
45	science and technology:	
46	.....	\$ 9,270,000
47	b. For construction and renovation of the medical	
48	education and biomedical research facilities at the	
49	university of Iowa:	
50	\$ 27,000,000

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1	c. For renovation of Lang hall at the university	
2	of northern Iowa:	
3	\$ 12,900,000
4	d. For Phase II construction of the engineering	
5	teaching and research complex at Iowa state university	
6	of science and technology:	
7	.....	\$ 20,900,000
8	e. For improvements to the lakeside laboratory	
9	complex:	
10	.....	\$ 140,000
11	f. Conditioned upon the state board of regents	
12	allocating funding for building maintenance at the	
13	Iowa school for the deaf for the fiscal year beginning	
14	July 1, 1997, and ending June 30, 1998, in an amount	
15	equal to or greater than the amount of funding	
16	allocated for that purpose in the previous fiscal	
17	year, the following amount, to be used for a visual	
18	alert system and to address fire safety deficiencies	
19	at the Iowa school for the deaf:	
20	.....	\$ 110,000
21	g. Conditioned upon the state board of regents	
22	allocating funding for building maintenance at the	
23	Iowa braille and sight saving school for the fiscal	
24	year beginning July 1, 1997, and ending June 30, 1998,	
25	in an amount equal to or greater than the amount of	

26 funding allocated for that purpose in the previous
 27 fiscal year, the following amount, to be used for
 28 deferred maintenance at the Iowa braille and sight
 29 saving school:

30 \$ 95,000

31 3. Effective July 1, 1997, the state board of
 32 regents is authorized to enter into contracts for the
 33 full cost of carrying out the projects listed in
 34 subsection 2, for which appropriations are made in
 35 subsection 1, for the fiscal years beginning July 1,
 36 1997, July 1, 1998, July 1, 1999, and July 1, 2000.

37 The state shall not be obligated for costs
 38 associated with contracts identified in this section
 39 in excess of funds appropriated by the general
 40 assembly.

41 4. a. Notwithstanding section 8.33, funds
 42 appropriated in subsection 1, paragraph "a", for the
 43 fiscal year beginning July 1, 1997, which remain
 44 unexpended as of June 30, 1998, shall be available for
 45 expenditure through June 30, 2002.

46 b. Notwithstanding section 8.33, funds
 47 appropriated in subsection 1, paragraph "b", for the
 48 fiscal year beginning July 1, 1998, which remain
 49 unexpended as of June 30, 1999, shall be available for
 50 expenditure through June 30, 2003.

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1 c. Notwithstanding section 8.33, funds
 2 appropriated in subsection 1, paragraph "c", for the
 3 fiscal year beginning July 1, 1999, which remain
 4 unexpended as of June 30, 2000, shall be available for
 5 expenditure through June 30, 2004.

6 d. Notwithstanding section 8.33, funds
 7 appropriated in subsection 1, paragraph "d", for the
 8 fiscal year beginning July 1, 2000, which remain
 9 unexpended as of June 30, 2001, shall be available for
 10 expenditure through June 30, 2005.

11 The board of regents shall not submit a request to
 12 the governor or general assembly for funding from the
 13 rebuild Iowa infrastructure fund or other funds for
 14 capital projects, including funding for planning for
 15 capital projects, until fiscal year 2001, except for
 16 project or planning funding requested for the Iowa
 17 school for the deaf or the Iowa braille and sight
 18 saving school.

DIVISION III

20 COMMUNITY COLLEGE VOCATIONAL-TECHNICAL
 21 TECHNOLOGY IMPROVEMENT PROGRAM

22 Sec. 24. NEW SECTION. 260A.1 COMMUNITY COLLEGE
 23 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT
 24 APPROPRIATION.

25 1. Notwithstanding section 8.57, subsection 5,

26 paragraph "c", there is appropriated from the rebuild
27 Iowa infrastructure fund created in section 8.57, to
28 the department of education for each fiscal year of
29 the fiscal period beginning July 1, 1997, and ending
30 June 30, 2001, the sum of three million dollars for
31 the community college vocational-technical technology
32 improvement program.

33 2. Moneys appropriated in subsection 1 shall be
34 allocated by the department of education to each
35 community college in the proportion that the
36 allocation to that community college in 1996 Iowa
37 Acts, chapter 1215, section 6, subsection 15, bears to
38 the total appropriation made in 1996 Iowa Acts,
39 chapter 1215, section 6, subsection 15, to all
40 community colleges.

41 3. For each year in which an appropriation is made
42 to the community college vocational-technical
43 technology improvement program, the department of
44 education shall notify the department of revenue and
45 finance of the amount to be paid to each community
46 college based upon the allocation criteria set forth
47 for the appropriation pursuant to subsection 2.
48 Allocations to each community college under this
49 section shall be made in one payment on or about
50 October 15 and one payment on or about February 15 of

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1 the fiscal year in which the appropriation is made,
2 taking into consideration the relative budget and cash
3 position of the state resources.

4 4. Moneys received by a community college under
5 this section shall not be commingled with general
6 state financial aid, including financial aid to merged
7 areas in lieu of personal property tax replacement
8 payments under section 427A.13, to merged areas as
9 defined in section 260C.2, and including moneys
10 received for vocational education programs in
11 accordance with chapters 258 and 260C. Payments made
12 to a community college shall be accounted for by the
13 community college separately from other state aid
14 payments. Each community college shall maintain a
15 separate listing within its budget accounting for
16 payments received and expenditures made pursuant to
17 this section and section 260A.3.

18 5. Moneys received under this section shall
19 supplement, not supplant, the moneys each community
20 college budgets for technology. A community college
21 may also use moneys received under this section for
22 projects, as defined in section 8.57, subsection 5,
23 paragraph "c", related to the acquisition or
24 installation of technology. A community college shall
25 not be eligible for funds under this section unless

26 the community college, without including moneys
 27 received under this section, maintains the same
 28 average amount of expenditure for technology per year
 29 as the community college maintains during the fiscal
 30 period beginning July 1, 1994, and ending June 30,
 31 1997.

32 6. Moneys received under this section shall not be
 33 used for payment of any collective bargaining
 34 agreement or arbitrator's decision negotiated or
 35 awarded under chapter 20.

36 Sec. 25. NEW SECTION. 260A.2 COMMUNITY COLLEGE
 37 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT PLANS.

38 Prior to receiving moneys under this chapter, the
 39 board of directors of a community college shall adopt
 40 a technology plan that supports community college
 41 vocational-technical technology improvement efforts,
 42 authorizes a needs assessment of business and industry
 43 in the district, and includes an evaluation component,
 44 and shall provide to the department of education
 45 adequate assurance that funds received under this
 46 chapter will be used in accordance with the technology
 47 plan. The plan shall be developed by licensed
 48 professional staff of the community college, including
 49 both faculty members and school administrators, the
 50 private sector, trade and professional organizations,

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1 and other interested parties, and shall, at a minimum,
 2 focus on the attainment of the vocational-technical
 3 skills and achievement goals of the student. The plan
 4 shall consider the community college's
 5 interconnectivity with the Iowa communications
 6 network, and shall demonstrate how, over a four-year
 7 period, the board will utilize technology to improve
 8 vocational-technical student achievement. The
 9 technology plan shall be kept on file at the community
 10 college. Progress made under the plan shall be
 11 reported annually to the department of education in a
 12 manner prescribed by the department of education.

13 Sec. 26. NEW SECTION. 260A.3 COMMUNITY COLLEGE
 14 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT
 15 EXPENDITURES.

16 A community college shall expend funds received
 17 pursuant to section 260A.1 for the acquisition, lease,
 18 lease-purchase, installation, and maintenance of
 19 instructional technology equipment used in vocational-
 20 technical programs, including hardware and software,
 21 materials and supplies related to instructional
 22 technology, faculty development and training related
 23 to instructional technology, and projects, as defined
 24 in section 8.57, subsection 5, paragraph "c", related
 25 to the acquisition or installation of technology

26 funded through this chapter, and shall establish
27 priorities for the use of the funds. However, funds
28 received by a community college pursuant to section
29 260A.1 shall not be expended to add a full-time
30 equivalent position or otherwise increase staffing.
31 Sec. 27. NEW SECTION. 260A.4 FUTURE REPEAL.
32 This chapter is repealed effective July 1, 2001.

33 DIVISION IV

34 MISCELLANEOUS STATUTORY CHANGES

35 Sec. 28. NEW SECTION. 7E.5A BUILDINGS AND
36 INFRASTRUCTURE – MAINTENANCE FUNDING.

37 1. For each new vertical infrastructure project
38 undertaken on or after July 1, 1997, the department in
39 control of the vertical infrastructure shall identify
40 and recommend to the general assembly funding
41 sufficient to meet the projected maintenance, repair,
42 and replacement needs of the vertical infrastructure.

43 2. As used in this section, "vertical
44 infrastructure" means the same as defined in section
45 8.57, subsection 5, paragraph "c".

46 Sec. 29. NEW SECTION. 15E.176 MAIN STREET
47 INVESTMENTS LOAN PROGRAM.

48 The department shall adopt rules to implement a
49 main street investments loan program to increase the
50 availability of lower cost funds to stimulate building

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1 restorations or rehabilitations of historic buildings
2 within the central business district of a city which
3 is a certified local government, or in the Iowa main
4 street program or the rural main street program. The
5 rules shall include the following conditions:

6 1. Investment loans shall be limited to projects
7 for a building restoration or rehabilitation located
8 in the central business district whose boundaries are
9 the same as the main street or rural main street or
10 central business district of a city which is a
11 certified local government project area.

12 2. Eligible borrowers are limited to the property
13 owner, contract purchaser of record, or long-term
14 lessee.

15 3. Loan applications under this program shall be
16 for the restoration or rehabilitation of buildings
17 which are eligible or nominated or listed on the
18 national register of historic places. Public
19 buildings are excluded.

20 4. The maximum loan amount under the main street
21 investments loan program is fifty thousand dollars per
22 project.

23 Sec. 30. NEW SECTION. 15.177 APPLICATION
24 PROCESS.

25 Applicants shall be certified as eligible for

26 assistance prior to submitting applications to the
 27 department for loans under the main street investment
 28 loan program. Administrative rules pursuant to
 29 chapter 17A shall be adopted by the department in
 30 consultation with the department of cultural affairs
 31 to require applicants to do the following:

- 32 1. Show evidence of preliminary design assistance.
- 33 2. Show evidence of preliminary design review
- 34 approval from the local design review committee.
- 35 3. Submit project plans and specifications
- 36 prepared by a design professional with historic
- 37 preservation experience.

38 Sec. 31. NEW SECTION. 18.24 COORDINATION OF
 39 VERTICAL INFRASTRUCTURE DATABASES.

40 1. The director shall establish by administrative
 41 rule, and as part of a survey conducted regarding the
 42 condition of state-owned property, a uniform system
 43 for evaluating and rating vertical infrastructure
 44 needs in the state so that the vertical infrastructure
 45 needs of each state entity and proposed vertical
 46 infrastructure projects, including the state board of
 47 regents, can be compared. The director shall consult
 48 with state entities which already have databases
 49 regarding their vertical infrastructure needs and
 50 shall seek input from individuals or organizations

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1 with expertise in public vertical infrastructure
 2 assessment in drafting proposed rules.

3 2. As used in this section, "vertical
 4 infrastructure" has the same meaning as in section
 5 8.57, subsection 5, paragraph "c".

6 Sec. 32. Section 174.1, subsection 1, Code 1997,
 7 is amended to read as follows:

8 1. "Fair" shall mean a bona fide exhibition of
 9 agricultural, dairy, and kindred products, livestock,
 10 and farm implements an annual gathering of people that
 11 incorporates agricultural exhibits, shows, or
 12 competition which has the following activities:

13 a. Extension, 4-H, or future farmers of America
 14 programs.

15 b. Commercial and educational exhibits.

16 c. Competition in the fine or home craft arts.

17 Sec. 33. Section 174.9, unnumbered paragraph 1,
 18 Code 1997, is amended to read as follows:

19 Each eligible society which is a member of the
 20 association of Iowa fairs and which conducts a county
 21 fair shall be entitled to receive aid from the state
 22 as provided in this chapter. In order to be eligible
 23 for state aid, a society must file with the treasurer
 24 of state Iowa state fair foundation, as established in
 25 section 173.22, on or before November 1 of each year,

26 a statement which shall show:

27 Sec. 34. Section 174.9, subsection 4, Code 1997,
28 is amended to read as follows:

29 4. A copy of the published financial statement
30 published as required by law, together with proof of
31 such publication and a certified statement showing an
32 itemized list of premiums awarded, and such other
33 information as the ~~treasurer of state~~ Iowa state fair
34 foundation may require.

35 Sec. 35. Section 174.10, Code 1997, is amended to
36 read as follows:

37 174.10 APPROPRIATION - AVAILABILITY.

38 1. Each county shall ~~receive an equal share of any~~
39 ~~moneys appropriated to support one or more societies~~
40 ~~conducting one or more county fairs in that county, if~~
41 ~~the society or societies are eligible for the state~~
42 ~~aid.~~ Any moneys appropriated for county or
43 local fairs shall be paid directly to each eligible
44 society which conducts a fair which qualifies for
45 funding.

46 2. The association of Iowa fairs shall provide the
47 ~~treasurer of state~~ Iowa state fair foundation with a
48 list of each society in a county which is a member of
49 the association and conducts a fair in that county as
50 provided in this chapter. If a county has more than

Page 19

1 one fair, the association shall list the name of each
2 society conducting a fair in that county for three or
3 more years. The ~~treasurer of state~~ Iowa state fair
4 foundation shall not authorize payment of state aid to
5 a society, unless the society complies with section
6 174.9 and the name of the society appears on the
7 association's list.

8 3. ~~If a county has more than one fair eligible for~~
9 ~~state aid, the~~ The amount of state aid for that county
10 each fair which is eligible for state aid shall be
11 divided equally among the eligible societies in that
12 county equal.

13 4. If no society in a county qualifies to receive
14 state aid, that county's share shall be divided
15 equally among the counties with societies eligible for
16 state aid, as provided in this section.

17 5. ~~If an official county fair is designated by~~
18 ~~election, the total amount of state aid for that~~
19 ~~county shall be paid to that society determined to be~~
20 ~~conducting the official county fair.~~ The board of
21 supervisors, upon receiving a petition seeking to
22 designate an official county fair which meets the
23 requirements of section 331.306, shall submit to the
24 registered voters of the county at the next general
25 election following submission of the petition or at a

26 special election if requested by the petitioners at no
 27 cost to the county, the question of which fair shall
 28 be designated as the official county fair. Notice of
 29 the election shall be given as provided in section
 30 49.53. The fair receiving a majority of the votes
 31 cast on the question shall be designated the official
 32 county fair.

33 Sec. 36. Section 174.12, unnumbered paragraph 1,
 34 Code 1997, is amended to read as follows:

35 The department of revenue and finance shall issue a
 36 warrant to a society for the amount due in state aid,
 37 less five hundred dollars, as provided in this
 38 chapter. The ~~treasurer of state~~ Iowa state fair
 39 foundation must certify to the department that the
 40 society is eligible under this chapter to receive the
 41 amount due provided in section 174.10. The department
 42 shall issue a warrant to the society for the remaining
 43 five hundred dollars, if all of the following apply:

44 Sec. 37. NEW SECTION. 461A.3A RESTORE THE
 45 OUTDOORS PROGRAM.

46 1. The department shall establish a restore the
 47 outdoors program. The purpose of the program is to
 48 provide funding for projects involving existing
 49 vertical infrastructure as defined in section 8.57,
 50 subsection 5, paragraph "c", or the construction of

Page 20

1 new vertical infrastructure if the new construction is
 2 required due to increased demand for facilities at the
 3 park or if it is not cost-effective to repair or
 4 renovate the existing vertical infrastructure.
 5 Projects shall be limited to existing state parks and
 6 other public facilities managed by the department.
 7 2. There is appropriated from the rebuild Iowa
 8 infrastructure fund for each fiscal year of the fiscal
 9 period beginning July 1, 1997, and ending June 30,
 10 2001, the sum of four million dollars to the
 11 department for use in the restore the outdoors program
 12 of which, one million dollars shall be used to fund
 13 projects in parks of governmental subdivisions which
 14 are connected by a recreational trail to a state park
 15 or the state recreational trail system.
 16 Notwithstanding section 8.33, unencumbered or
 17 unobligated moneys remaining at the end of a fiscal
 18 year shall not revert but shall remain available for
 19 expenditure during the following fiscal year for
 20 purposes of the restore the outdoors program.
 21 The department shall provide in its annual budget
 22 documentations to the governor and general assembly a
 23 report on the use of moneys under the program since
 24 the last report and the projected use of future
 25 moneys."

- 26 2. Title page, line 4, by striking the words
27 "human services,".

Mertz of Kossuth offered the following amendment H-1965, to the Senate amendment H-1942, filed by her from the floor and moved its adoption:

H-1965

- 1 Amend the Senate amendment, H-1942, to House File
2 733, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 18, by inserting after line 5 the
5 following:
6 "Sec. ____ Section 159.29A, if enacted by 1997
7 Iowa Acts, Senate File 473, is amended by adding the
8 following new subsection:
9 NEW SUBSECTION. 6. Any balance remaining
10 unobligated or unexpended on June 30, 1998, or June
11 30, 1999, not to exceed five hundred thousand dollars
12 each year, shall be transferred to the agricultural
13 management account of the groundwater protection fund
14 created in section 455E.11. Moneys deposited in that
15 account under this section shall be allocated to the
16 department of agriculture and land stewardship for
17 cost-share assistance for the following programs:
18 a. To reimburse owners of agricultural drainage
19 wells and surface water intakes which drain into
20 agricultural drainage wells for up to seventy-five
21 percent of the costs incurred after January 1, 1998,
22 to prevent surface water drainage into agricultural
23 drainage wells in accordance with rules adopted
24 pursuant to section 455H.2.
25 b. To reimburse individual owners and users of
26 agricultural drainage wells for up to seventy-five
27 percent of the costs incurred after July 1, 1997, to
28 close agricultural drainage wells and to connect
29 drainage systems which are tributary to the drainage
30 wells to alternative drainage outlets."
31 2. By renumbering as necessary.

Roll call was requested by Mertz of Kossuth and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H-1965, to the Senate amendment H-1942, be adopted?" (H.F. 733)

The ayes were, 44:

Bell
Burnett

Bernau
Chapman

Brand
Chiodo

Bukta
Cohon.

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
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
Meyer	Millage	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Gipp, Presiding

Absent or not voting, 4:

Cataldo	Connors	Metcalf	Nelson
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Amendment H-1965 lost.

On motion by Brauns of Muscatine, the House concurred in the Senate amendment H-1942.

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

On the question "Shall the bill pass?" (H.F. 733)

The ayes were, 91:

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	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
Meyer	Millage	Mundie	Murphy
Myers	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	Gipp, Presiding	

The nays were, 7:

Fallon	Jochum	Mertz	Metcalf
Moreland	O'Brien	Wise	

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 733** be immediately messaged to the Senate.

SUBCOMMITTEE ASSIGNMENT

House File 734

Appropriations: Sukup, Chair; Brand and Gipp.

COMMITTEE RECOMMENDATION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 734, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle

license convictions, for the appropriation and distribution of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1966 April 28, 1997.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 734.

Appropriations Calendar

House File 734, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license convictions, for the appropriation and distribution of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry, with report of committee recommending amendment and passage, was taken up for consideration.

Lamberti of Polk offered the following amendment H-1966 filed by the committee on appropriations, from the floor, and moved its adoption:

H-1966

- 1 Amend House File 734 as follows:
- 2 1. Page 1, by striking lines 3 through 4 and
- 3 inserting the following: "When the department
- 4 suspends, revokes, or bars a person's motor vehicle
- 5 license or nonresident operating privilege under this
- 6 chapter, the department".
- 7 2. Page 1, by striking lines 12 through 22.
- 8 3. Page 1, by striking lines 25 through 26 and
- 9 inserting the following: "When the department
- 10 suspends, revokes, or bars a person's motor vehicle
- 11 license or nonresident operating privilege under this
- 12 chapter,".
- 13 4. Page 2, by striking lines 31 through 32 and
- 14 inserting the following: "of human services
- 15 collection services center."
- 16 5. Page 7, line 31, by striking the figure "
- 17 321.561A,".
- 18 6. Page 8, by striking line 8 and inserting the
- 19 following: "the judicial".
- 20 7. Title page, line 3, by striking the word
- 21 "convictions" and inserting the following:
- 22 "suspensions, revocations, or bars".
- 23 8. By renumbering as necessary.

The committee amendment H-1966 was adopted.

Kreiman of Davis offered the following amendment H-1967 filed by him and Sukup of Franklin from the floor and moved its adoption:

H-1967

- 1 Amend House File 734 as follows:
- 2 1. Page 4, by striking lines 2 through 32.
- 3 2. Page 6, by striking lines 5 through 10 and
- 4 inserting the following: "misdemeanor."
- 5 3. By renumbering as necessary.

Amendment H-1967 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. 734)

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	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	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	Gipp,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Connors

Nelson

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 734** be immediately messaged to the Senate.

MOTION TO RECONSIDER

(Senate File 542)

I move to reconsider the vote by which Senate File 542 passed the House on April 28, 1997.

MILLAGE of Scott

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 25th day of April, 1997: House File 331.

Also presented to the Governor for his approval on this 28th day of April, 1997: House Files 81, 92, 126, 133, 336, 367, 376, 416, 439, 552, 553 and 704.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

SPECIAL PRESENTATION

Carroll of Poweshiek presented to the House, six students and two high school teachers from Zhelnevosdk, Russia. The students are visiting Grinnell for three weeks. They were accompanied by Gordan Canfield of Grinnell.

PRESENTATION OF VISITORS

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

Fifteen girls who are taking part in the State History Fair, from Maharishi School, Fairfield, accompanied by their teachers and parents. By Reynolds-Knight of Van Buren.

Fifty 5th grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Maddox. By Van Maanen of Marion.

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.

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\457 Matthew E. Whiting, Ft. Dodge – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\458 Michael Charles Hanson, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\459 Clara and Francis Toale, Independence – For celebrating their 50th wedding anniversary.
- 1997\460 Irma and Arnold Luzum, St. Lucas – For celebrating their 50th wedding anniversary.
- 1997\461 Betty and B. L. (Jake) Gaffney, Winthrop – For celebrating their 50th wedding anniversary.
- 1997\462 Mildred and Robert Michels, Hazelton – For celebrating their 50th wedding anniversary.
- 1997\463 Vernon (Bud) and Lucille Cornwell Hall, Independence – For celebrating their 50th wedding anniversary.
- 1997\464 Ann and Glenn Scheel, Oelwein – For celebrating their 50th wedding anniversary.
- 1997\465 Alberta and Richard Allen, Chariton – For celebrating their 50th wedding anniversary.
- 1997\466 Leona and Donnel Logsdon, Cincinnati – For celebrating their 50th wedding anniversary.
- 1997\467 Sister Mary Kurt, Sacred Heart School – For receiving a “Thanks to Teachers” Award in the Show You Care event.
- 1997\468 Samantha Hackett, Corydon – For receiving Best of State in the PTA Reflections Arts Competition.
- 1997\469 Marcy Baker, Lenox – For being selected a Southwest Regional Winner for the Des Moines Register’s 1997 Academic All-State Team.

- 1997\470 Trent Pals, Clinton – For being selected a Southeast Regional Winner for the Des Moines Register's 1997 Academic All-State Team.
- 1997\471 Deanna Marie Bott, Goose Lake – For being named to the Des Moines Register's 1997 Academic All-State Team.
- 1997\472 Donna and Lawrence Anderson, Aurelia – For celebrating their 50th wedding anniversary.
- 1997\473 Nellie Turnbull, Corning – For celebrating her 95th birthday.
- 1997\474 Ryan Sunderman, Villisca – For receiving the Iowa FFA Degree, the highest degree awarded by the State FFA Association.
- 1997\475 Michael D. Williams, Cedar Falls – For being selected a Northeast Regional Winner for the Des Moines Register's 1997 Academic All-State Team.
- 1997\476 Keokuk High School Jazz Band, Keokuk – For being named the best overall band at the All American Music Festival in Orlando, Florida.
- 1997\477 Director Kim Ward, Assistant Director Cecilia Cardenas, and the Norwalk Jazz Revue, Norwalk – For receiving 1st and 2nd place awards at the National Music City Contest held in Nashville, Tennessee.
- 1997\478 Matthew R. Mitchell, West Des Moines – For being named to the Des Moines Register's 1997 Academic All-State Team.
- 1997\479 Anne Poduska, Mount Vernon – For being selected a Northeast Regional Winner for the Des Moines Register's 1997 Academic All-State Team.
- 1997\480 Miranda Hinrichs, Lisbon – For being selected a Northeast Regional Winner for the Des Moines Register's 1997 Academic All-State Team.
- 1997\481 Nathan T. Willems, Anamosa – For being selected a Northeast Regional Winner for the Des Moines Register's 1997 Academic All-State Team.
- 1997\482 Elsie and Harm Werkman, Waterloo – For celebrating their 50th wedding anniversary.
- 1997\483 Alice and Leonard Cook, Mingo – For celebrating their 55th wedding anniversary.
- 1997\484 Mia Noller, West Point – For being named an All-State Speaker by the Iowa High School Speech Association.
- 1997\485 Arron Ort, Ft. Madison – For being named an All-State Speaker by the Iowa High School Speech Association.
- 1997\486 Beth Reid, Ft. Madison – For being named an All-State Speaker by the Iowa High School Speech Association.

1997\487 Bob Bartelt, Mediapolis High School, Mediapolis - For being selected a Southeast Regional Winner for the Des Moines Register's 1997 Academic All-State Team.

SUBCOMMITTEE ASSIGNMENTS

Senate File 544

Ways and Means: Dinkla, Chair; Frevert and Holmes.

Senate File 553

Ways and Means: Larson, Chair; Jenkins and Osterhaus.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 541, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1956** April 28, 1997.

COMMITTEE ON WAYS AND MEANS

Senate File 544, a bill for an act relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones.

Fiscal Note is not required.

Recommended **Do Pass** April 28, 1997.

Senate File 545, a bill for an act relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness owed to or being collected by the state in pilot project counties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 28, 1997.

Senate File 553, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1974 April 28, 1997.

RESOLUTIONS FILED

HCR 25, by Blodgett, a concurrent resolution requesting an interim committee on anatomical gift referral.

Laid over under **Rule 25**.

HCR 26, by Kinzer, Bell, Brand, and Myers, a concurrent resolution providing for the formation of a committee by the Legislative Council to evaluate the creation of a caregiver recruitment and retention pilot program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1956	S.F.	541	Committee on Human Resources
H—1957	H.F.	266	Senate Amendment
H—1961	H.C.R.	22	Senate Amendment
H—1962	H.F.	642	Senate Amendment
H—1969	H.F.	266	Falck of Fayette Brand of Tama Whitead of Woodbury
			Dotzler of Black Hawk Murphy of Dubuque Kinzer of Scott
H—1971	H.F.	266	Rants of Woodbury Van Fossen of Scott Larson of Linn Brunkhorst of Bremer
H—1972	H.F.	266	Taylor of Linn
H—1974	S.F.	553	Committee on Ways and Means

On motion by Siegrist of Pottawattamie, the House adjourned at 10:53 p.m., until 8:45 a.m., Tuesday, April 29, 1997.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 29, 1997

The House met pursuant to adjournment at 9:15 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Gil Dawes, Hispanic United Methodist Church, Des Moines.

The Journal of Monday, April 28, 1997 was approved.

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 29, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 731; a bill for an act relating to public budgeting, regulatory, and organizational matters, making fund transfers and appropriations, and providing technical provisions, and providing effective dates.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Dinkla of Guthrie called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1962:

H-1962

- 1 Amend House File 642, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 30, by inserting after line 5 the
- 4 following:
- 5 "Sec. ____ Section 490.1109, subsection 3,
- 6 paragraph e, as enacted in 1997 Iowa Acts, House File
- 7 628, if enacted, is amended to read as follows:
- 8 e. "Interested shareholder" means any person,
- 9 other than the corporation and any direct or indirect
- 10 majority-owned subsidiary of the corporation, that is
- 11 the owner of ~~fifteen~~ ten percent or more of the

12 outstanding voting stock of the corporation, or is an
13 affiliate or associate of the corporation and was the
14 owner of fifteen ten percent or more of the
15 outstanding voting stock of the corporation at any
16 time within the three-year period immediately prior to
17 the date on which it is sought to be determined
18 whether such person is an interested shareholder, and
19 the affiliates and associates of such person.
20 "Interested shareholder" does not include either of
21 the following:

22 ~~(1) A person who owns shares in excess of the~~
23 ~~fifteen percent limitation and who acquired such~~
24 ~~shares as follows:~~

25 ~~(a) Pursuant to a tender offer commenced prior to~~
26 ~~January 1, 1998, or pursuant to an exchange offer~~
27 ~~announced prior to January 1, 1998, and commenced~~
28 ~~within ninety days after such date, if such person~~
29 ~~satisfies either of the following:~~

30 ~~(i) Continues to own shares in excess of the~~
31 ~~fifteen percent limitation or would continue to own~~
32 ~~such shares but for action taken by the corporation.~~

33 ~~(ii) Is an affiliate or associate of the~~
34 ~~corporation and continues, or would continue but for~~
35 ~~action taken by the corporation, to be the owner of~~
36 ~~fifteen percent or more of the outstanding voting~~
37 ~~stock of the corporation at any time within the three-~~
38 ~~year period immediately prior to the date on which it~~
39 ~~is sought to be determined whether such person is an~~
40 ~~interested shareholder.~~

41 ~~(b) From a person subject to subparagraph~~
42 ~~subdivision (a) by gift, devise, or in a transaction~~
43 ~~in which no consideration for the shares was~~
44 ~~exchanged.~~

45 ~~(2) A person whose ownership of shares in excess~~
46 ~~of the fifteen ten percent limitation is the result of~~
47 ~~action taken solely by the corporation, provided that~~
48 ~~such person is an interested shareholder if, after~~
49 ~~such action by the corporation, the person acquires~~
50 ~~additional shares of voting stock of the corporation,~~

Page 2

1 other than as a result of further corporate action not
2 caused, directly or indirectly, by such person.
3 For purposes of determining whether a person is an
4 interested shareholder, the outstanding voting stock
5 of the corporation does not include any other unissued
6 stock of the corporation which may be issuable
7 pursuant to any agreement, arrangement, or
8 understanding, or upon exercise of conversion rights,
9 warrants, or options, or otherwise.

10 Sec. ____ Section 490A.102, subsections 13, 16,
11 and 18, Code 1997, are amended to read as follows:

12 13. "Limited liability company" or "domestic
13 limited liability company" means ~~an entity that is an~~
14 unincorporated association having ~~two~~ one or more
15 members, and ~~that is~~ organized under or subject to
16 this chapter.

17 16. "Member" means a person with a membership
18 interest in a limited liability company under this
19 chapter or, with respect to a foreign limited
20 liability company, under the laws of the state,
21 foreign country, or other foreign jurisdiction under
22 which such company is organized.

23 18. "Operating agreement" means any agreement,
24 written or oral, of the members as to the affairs of a
25 limited liability company and the conduct of its
26 business.

27 Sec. ____ Section 490A.202, subsection 17, Code
28 1997, is amended by striking the subsection and
29 inserting in lieu thereof the following:

30 17. Indemnify and hold harmless a member, manager,
31 or other person against a claim, liability, or other
32 demand, as provided in an operating agreement.

33 Sec. ____ Section 490A.303, subsection 1,
34 paragraph d, Code 1997, is amended to read as follows:
35 d. The period of its duration, which ~~shall not~~ may
36 be perpetual.

37 Sec. ____ NEW SECTION. 490A.304 CONVERSION OF
38 CERTAIN ENTITIES TO A LIMITED LIABILITY COMPANY.

39 1. As used in this section, the term "other
40 entity" means a corporation, business trust or
41 association, real estate investment trust, common-law
42 trust, or any other unincorporated business, including
43 any partnership, whether general or limited, or a
44 foreign limited liability company.

45 2. Any other entity may convert to a domestic
46 limited liability company by complying with subsection
47 8 and filing in the office of the secretary of state
48 both of the following:

49 a. Articles of conversion to a limited liability
50 company executed by one or more authorized persons.

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1 b. Articles of organization executed by one or
2 more authorized persons.

3 3. The articles of conversion to a limited
4 liability company shall state all of the following:

5 a. The date on which, and jurisdiction where, the
6 converting entity was first created, formed,
7 incorporated, or otherwise came into being and, if it
8 has changed, its jurisdiction immediately prior to its
9 conversion to a domestic limited liability company.

10 b. The name of the converting entity immediately
11 prior to the filing of the articles of conversion to a

12 limited liability company.

13 c. The name of the limited liability company.

14 d. The future effective date or time certain of
15 the conversion to a limited liability company if it is
16 not to be effective upon the filing of the articles of
17 conversion and the articles of organization.

18 4. Upon the filing in the office of the secretary
19 of state of the articles of conversion and the
20 articles of organization or upon the future effective
21 date or time of the articles of conversion and the
22 articles of organization, the converting entity shall
23 be converted into a domestic limited liability company
24 and the limited liability company, from that date or
25 time, is subject to this chapter, except that the
26 existence of the limited liability company is deemed
27 to have commenced on the date the converting entity
28 commenced its existence in the jurisdiction in which
29 the converting entity was first created, formed,
30 incorporated, or otherwise came into being.

31 5. The conversion of an entity into a domestic
32 limited liability company does not affect any
33 obligations or liabilities of the other entity
34 incurred prior to its conversion to a domestic limited
35 liability company, or the personal liability of any
36 person incurred prior to such conversion.

37 6. When a conversion is effective, for all
38 purposes of the laws of this state, all of the rights,
39 privileges, and powers of the converting entity, and
40 all property, real, personal, and mixed, and all debts
41 due to the converting entity, as well as all other
42 things and causes of action belonging to such entity,
43 are vested in the domestic limited liability company
44 and are the property of the domestic limited liability
45 company as they were of the converting entity. The
46 title to any real property vested by deed or otherwise
47 in the converting entity shall not revert or be in any
48 way impaired by reason of this chapter, and all rights
49 of creditors and all liens upon any property of such
50 other entity are preserved unimpaired, and all debts,

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1 liabilities, and duties of the converting entity shall
2 attach to the domestic limited liability company, and
3 may be enforced against it to the same extent as if
4 the debts, liabilities, and duties had been incurred
5 or contracted by the domestic limited liability
6 company.

7 7. Unless otherwise agreed, or as required under
8 the laws of a jurisdiction other than this state, the
9 converting entity is not required to wind up its
10 affairs or pay its liabilities and distribute its
11 assets, and the conversion does not constitute a

12 dissolution of the converting entity.

13 8. Prior to filing the articles of conversion to a
14 limited liability company with the office of the
15 secretary of state, an operating agreement must be
16 approved in the manner provided for by the documents,
17 instrument, agreement, or other writing, as the case
18 may be, governing the internal affairs of the
19 converting entity and the conduct of its business or
20 by applicable law, as appropriate.

21 9. This section shall not be construed to limit
22 the ability to change the law governing, or the
23 domicile of, a converting entity to this state by any
24 other means provided for in an operating agreement or
25 as otherwise permitted by law, including by the
26 amendment of an operating agreement.

27 Sec. ____ NEW SECTION. 490A.305 SERIES OF
28 MEMBERS, MANAGERS, OR MEMBERSHIP INTERESTS.

29 1. An operating agreement may establish or provide
30 for the establishment of designated series of members,
31 managers, or membership interests having separate
32 rights, powers, or duties with respect to specified
33 property or obligations of the limited liability
34 company or profits and losses associated with
35 specified property or obligations, and, to the extent
36 provided in the operating agreement, any such series
37 may have a separate business purpose or investment
38 objective.

39 2. Notwithstanding contrary provisions of this
40 chapter, the debts, liabilities, and obligations
41 incurred, contracted for, or otherwise existing with
42 respect to a particular series shall be enforceable
43 against the assets of that series only, and not
44 against the assets of the limited liability company
45 generally, if all of the following apply:
46 a. The operating agreement creates one or more
47 series.
48 b. Separate and distinct records are maintained
49 for the series and the assets associated with the
50 series are held and accounted for separately from the

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1 other assets of the limited liability company, or from
2 any other series of the limited liability company.

3 c. The operating agreement provides for such
4 limitation on liabilities.

5 d. Notice of the limitation on liabilities of a
6 series is set forth in the articles of organization of
7 the limited liability company. Filing of articles of
8 organization containing a notice of the limitation on
9 liabilities of a series in the office of the secretary
10 of state constitutes notice of the limitation on
11 liabilities of such series.

12 3. Notwithstanding section 490A.601, or a contrary
13 provision in an operating agreement, a member or
14 manager may agree to be obligated personally for any
15 or all of the debts, obligations or liabilities of one
16 or more series.

17 4. An operating agreement may provide for classes
18 or groups of members or managers associated with a
19 series having such relative rights, powers, and duties
20 as the operating agreement may provide. The operating
21 agreement may provide for the future creation of
22 additional classes or groups of members or managers
23 associated with the series having such relative
24 rights, powers, and duties as may from time to time be
25 established, including rights, powers, and duties
26 senior to existing classes and groups of members or
27 managers associated with the series. An operating
28 agreement may provide for the taking of an action,
29 including the amendment of the operating agreement,
30 without the vote or approval of any member or manager
31 or class or group of members or managers, including
32 all action to create under the provisions of the
33 operating agreement a class or group of the series of
34 membership interests that was not previously
35 outstanding. An operating agreement may provide that
36 any member or class or group of members associated
37 with a series have no voting rights.

38 5. An operating agreement may grant to all or
39 certain identified members or managers or a specified
40 class or group of the members or managers associated
41 with a series the right to vote on any matter
42 separately or with all or any class or group of the
43 members or managers associated with the series.
44 Voting by members or managers associated with a series
45 may be on a per capita, number, financial interest,
46 class, group, or other basis.

47 6. Unless otherwise provided in an operating
48 agreement, the management of a series shall be vested
49 in the members associated with such series in
50 proportion to the then-current percentage or other

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1 interest of members in the profits of the series owned
2 by all of the members associated with such series.
3 The decision of members owning more than fifty percent
4 of the series or other interest in the profits shall
5 control. However, if an operating agreement provides
6 for the management of the series, in whole or in part,
7 by a manager, the management of the series, to the
8 extent so provided, is vested in the manager who shall
9 be chosen as provided in the operating agreement. The
10 manager of the series shall also hold the offices and
11 have the responsibilities accorded to managers as set

12 forth in the operating agreement. A series may have -
13 more than one manager. A manager shall cease to be a
14 manager with respect to a series as provided in the
15 operating agreement. Except as otherwise provided in
16 the operating agreement, an event under this chapter
17 or identified in an operating agreement that causes a
18 manager to cease to be a manager with respect to a
19 series, by itself, shall not cause the manager to
20 cease to be a manager of the limited liability company
21 or with respect to any other series of the limited
22 liability company.

23 7. Notwithstanding any other provision of this
24 chapter, except subsections 8 and 11 and unless
25 otherwise provided in an operating agreement, at the
26 time a member associated with a series that has been
27 established pursuant to subsection 1 becomes entitled
28 to receive a distribution with respect to such series,
29 the member has the status of, and is entitled to, all
30 remedies available to a creditor of the series with
31 respect to the distribution. An operating agreement
32 may provide for the establishment of a record date
33 with respect to allocations and distributions with
34 respect to a series.

35 8. Notwithstanding any other provision of this
36 chapter, a limited liability company may make a
37 distribution with respect to a series that has been
38 established pursuant to subsection 1. However, a
39 limited liability company shall not make a
40 distribution with respect to a series that has been
41 established pursuant to subsection 1 to the extent
42 that at the time of the distribution, after giving
43 effect to the distribution, all liabilities of such
44 series, other than liabilities to members on account
45 of their membership interests with respect to such
46 series and liabilities for which the recourse of
47 creditors is limited to specified property of such
48 series, exceed the fair value of the assets associated
49 with such series. However, the fair value of an asset
50 of the series that is subject to a liability for which

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1 the recourse of creditors is limited shall be included
2 in the assets associated with such series only to the
3 extent that the fair value of that asset exceeds that
4 liability. A member who receives a distribution in
5 violation of this subsection, and who knew at the time
6 of the distribution that the distribution violated
7 this subsection, is liable for the amount of the
8 distribution. Subject to section 490A.807, which
9 applies to any distribution made with respect to a
10 series under this subsection, this subsection shall
11 not affect any obligation or liability of a member

12 under an agreement or other applicable law for the
13 amount of a distribution.

14 9. Unless otherwise provided in the operating
15 agreement, a member shall cease to be associated with
16 a series and to have the power to exercise any rights
17 or powers of a member with respect to such series upon
18 the assignment of all of the member's membership
19 interest with respect to such series. Except as
20 otherwise provided in an operating agreement, an event
21 under this chapter or identified in an operating
22 agreement that causes a member to cease to be
23 associated with a series, by itself, shall not cause
24 such member to cease to be associated with any other
25 series or terminate the continued membership of a
26 member in the limited liability company.

27 10. Subject to section 490A.1301, except to the
28 extent otherwise provided in the operating agreement,
29 a series may be terminated and its affairs wound up
30 without causing the dissolution of the limited
31 liability company. The termination of a series
32 established pursuant to subsection 1 shall not affect
33 the limitation on liabilities of such series provided
34 by subsection 2. A series is terminated and its
35 affairs shall be wound up upon the dissolution of the
36 limited liability company under section 490A.1301 or
37 otherwise upon the first to occur of the following:

38 a. At the time specified in the operating
39 agreement.

40 b. Upon the happening of events specified in the
41 operating agreement.

42 c. Unless otherwise provided in the operating
43 agreement, upon the written consent of all members
44 associated with such series.

45 d. The termination of such series under subsection
46 10.

47 11. Notwithstanding section 490A.1303, unless
48 otherwise provided in the operating agreement, any of
49 the following persons may wind up the affairs of the
50 series:

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1 a. A manager associated with a series who has not
2 wrongfully terminated the series.

3 b. If there is no manager of a series, the members
4 associated with the series or a person approved by the
5 members associated with the series.

6 c. If there is more than one class or group of
7 members associated with the series, then by each class
8 or group of members associated with the series, in
9 either case, by members who own more than fifty
10 percent of the then-current percentage or other
11 interest in the profits of the series owned by all of

12 the members associated with the series or by the
13 members of each class or group associated with the
14 series.

15 However, if the series has been established
16 pursuant to subsection 1, the district court of the
17 county in which the limited liability company has its
18 principal place of business, upon cause shown, may
19 wind up the affairs of the series upon application of
20 any member associated with the series or the member's
21 legal representative or assignee, and in connection
22 with such winding up, may appoint a liquidating
23 trustee. The persons winding up the affairs of a
24 series, in the name of the limited liability company
25 and for and on behalf of the limited liability company
26 and such series, may take all actions with respect to
27 the series as are permitted under section 490A.1303.
28 The persons winding up the affairs of a series shall
29 provide for the claims and obligations of the series
30 as provided in section 490A.1304 and distribute the
31 assets of the series as provided in section 490A.1304.
32 Actions taken pursuant to this subsection shall not
33 affect the liability of members and shall not impose
34 liability on a liquidating trustee.

35 12. On application by or for a member or manager
36 associated with a series established pursuant to
37 subsection 1, the district court in the county in
38 which the limited liability company has its principal
39 place of business may enter an order for dissolution
40 of such series if it is not reasonably practicable to
41 carry on the business of the series in conformity with
42 the operating agreement.

43 13. A foreign limited liability company that is
44 registering to do business in this state under this
45 chapter which is governed by an operating agreement
46 that establishes or provides for the establishment of
47 designated series of members, managers, or membership
48 interests having separate rights, powers, or duties
49 with respect to specified property or obligations of
50 the foreign limited liability company, or profits and

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1 losses associated with the specified property or
2 obligations, shall indicate that fact on the
3 application for registration as a foreign limited
4 liability company. In addition, the foreign limited
5 liability company shall state on the application
6 whether the debts, liabilities, and obligations
7 incurred, contracted for, or otherwise existing with
8 respect to a particular series, if any, are
9 enforceable against the assets of such series only,
10 and not against the assets of the foreign limited
11 liability company generally.

12 Sec. ____ NEW SECTION. 490A.306 ADMISSION OF
13 MEMBERS.

14 1. In connection with the formation of a limited
15 liability company, a person is admitted as a member, of
16 the limited liability company upon the later to occur
17 of the following:

18 a. The formation of the limited liability company.

19 b. The time provided in, and upon compliance with,
20 the operating agreement or, if the operating agreement
21 does not so provide, when the person's admission is
22 reflected in the records of the limited liability
23 company.

24 2. After the formation of a limited liability
25 company, a person is admitted as a member of the
26 limited liability company as follows:

27 a. In the case of a person who is not an assignee
28 of a membership interest, including a person acquiring
29 a membership interest directly from the limited
30 liability company and a person to be admitted as a
31 member of the limited liability company without
32 acquiring a membership interest in the limited
33 liability company, at the time provided in and upon
34 compliance with the operating agreement or, if the
35 operating agreement does not so provide, upon the
36 consent of all members and the person's admission
37 being reflected in the records of the limited
38 liability company.

39 b. In the case of an assignee of a membership
40 interest, as provided in section 490A.903 and at the
41 time provided in and upon compliance with the
42 operating agreement, or if the operating agreement
43 does not so provide, when any such person's permitted
44 admission is reflected in the records of the limited
45 liability company.

46 c. Unless otherwise provided in an agreement of
47 merger, in the case of a person acquiring a membership
48 interest in a surviving or resulting limited liability
49 company pursuant to a merger approved pursuant to
50 section 490A.1203, at the time provided in and upon

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1 compliance with the operating agreement of the
2 surviving or resulting limited liability company.

3 3. A person may be admitted to a limited liability
4 company as a member of the limited liability company
5 and may receive a membership interest in the limited
6 liability company without making a contribution or
7 being obligated to make a contribution to the limited
8 liability company. Unless otherwise provided in an
9 operating agreement, a person may be admitted to a
10 limited liability company as a member of the limited
11 liability company without acquiring a membership

12 interest in the limited liability company.

13 Sec. ____ NEW SECTION. 490A.307 CLASSES AND
14 VOTING.

15 1. An operating agreement may provide for classes
16 or groups of members and the relative rights, powers,
17 and duties of such members, and may provide for the
18 future creation of additional classes or groups of
19 members having such relative rights, powers, and
20 duties as may from time to time be established,
21 including rights, powers, and duties senior to
22 existing classes and groups of members. An operating
23 agreement may provide for taking action, including the
24 amendment of the operating agreement, without the vote
25 or approval of any member or class or group of
26 members, including an action to create a class or
27 group of membership interests that was not previously
28 outstanding. An operating agreement may provide that
29 any member or class or group of members has no voting,
30 rights.

31 2. An operating agreement may grant to all or
32 certain identified members or a specified class or
33 group of the members the right to vote separately or
34 with all or any class or group of members or managers
35 on any matter. Voting by members may be on a per
36 capita, number, financial interest, class, group, or
37 any other basis.

38 3. An operating agreement which grants a right to
39 vote may set forth provisions relating to notice of
40 the time, place, or purpose of any meeting at which
41 any matter is to be voted on by any members, waiver of
42 any notice, action by consent without meeting, the
43 establishment of a record date, quorum requirements,
44 voting in person or by proxy, or any other matter with
45 respect to the exercise of any such right to vote.

46 Sec. ____ NEW SECTION. 490A.603 LIABILITY OF
47 MEMBERS.

48 1. Except as otherwise provided in this chapter or
49 by written agreement of a member, a member or manager
50 of a limited liability company is not personally

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1 liable solely by reason of being a member or manager
2 of the limited liability company under any judgment,
3 or in any other manner, for any debt, obligation, or
4 liability of the limited liability company, whether
5 that liability or obligation arises in contract, tort,
6 or otherwise.

7 2. A member of a limited liability company is
8 personally liable under a judgment or for any debt,
9 obligation, or liability of the limited liability
10 company, whether that liability or obligation arises
11 in contract, tort, or otherwise, under the same or

12 similar circumstances and to the same extent as a
13 shareholder of a corporation may be personally liable
14 for any debt, obligation, or liability of the
15 corporation, except that the failure to hold meetings
16 of members or managers or the failure to observe
17 formalities pertaining to the calling or conduct of
18 meetings shall not be considered a factor tending to
19 establish that the members have personal liability for
20 any debt, obligation, or liability of the limited
21 liability company.

22 3. Nothing in this section shall be construed to
23 affect the liability of a member of a limited
24 liability company to third parties for the member's
25 participation in tortious conduct.

26 Sec. ____ Section 490A.702, subsection 4, Code
27 1997, is amended by striking the subsection and
28 inserting in lieu thereof the following:

29 4. Except as provided in subsection 4A, the
30 validity of an act of a limited liability company is
31 not challengeable on the ground that the limited
32 liability company lacks or lacked the power or
33 authority to act.

34 Sec. ____ Section 490A.702, Code 1997, is amended
35 by adding the following new subsections:

36 NEW SUBSECTION. 4A. A limited liability company's
37 power to act may be challenged in the following
38 proceedings:

39 a. In an action by a member against the limited
40 liability company to enjoin an unauthorized act.

41 b. In an action by the limited liability company
42 against an incumbent or former manager, employee, or
43 agent of the limited liability company, either
44 directly, derivatively, or through a receiver,
45 trustee, or other legal representative.

46 c. By the attorney general under section
47 490A.1409.

48 NEW SUBSECTION. 4B. In a member's proceeding
49 under subsection 4A, paragraph "a", to enjoin an
50 unauthorized act, the court may enjoin or set aside

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1 the act if equitable and if all affected persons are
2 parties to the proceeding. The court may award
3 damages, other than anticipated profits, for loss
4 suffered by the limited liability company or another
5 party as a result of the unauthorized act being
6 enjoined.

7 Sec. ____ Section 490A.703, Code 1997, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 2A. a. A written operating
10 agreement or other writing may provide for a person to
11 be admitted as a member of a limited liability

12 company, or to become an assignee of a limited
13 liability company membership interest or other rights
14 or powers of a member, to the extent that either of
15 the following occurs:

16 (1) If the person, or a representative authorized
17 by the person orally, in writing, or by other action
18 such as payment for a limited liability company
19 interest, executes the operating agreement or any
20 other writing evidencing the intent of such person to
21 become a member or assignee.

22 (2) Without execution of the operating agreement
23 or similar writing, if the person or such authorized
24 representative of the person complies with the
25 conditions for becoming a member or assignee as set
26 forth in the operating agreement or any other writing
27 and requests orally, in writing, or by other action
28 such as payment for a limited liability company
29 interest, that the records of the limited liability
30 company reflect such admission or assignment.

31 b. A written operating agreement or another
32 written agreement or writing is not unenforceable by
33 reason of its not having been signed by a person being
34 admitted as a member or becoming an assignee, or the
35 member's or assignee's representative, as provided in
36 paragraph "a".

37 Sec. NEW SECTION. 490A.704A RESIGNATION OR
38 WITHDRAWAL OF MEMBER.

39 1. a. This section applies to a limited liability
40 company whose original articles of organization are
41 filed with the secretary of state on or after July 1,
42 1997.

43 b. This section applies to a limited liability
44 company whose original articles of organization are
45 filed with the secretary of state and effective on or
46 prior to June 30, 1997, if such company's operating
47 agreement provides that it is subject to this section.

48 c. If no provision is made in the operating
49 agreement, a limited liability company whose original
50 articles of organization were filed with the secretary

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1 of state and effective on or prior to June 30, 1997,
2 is subject to section 490A.704.

3 2. A member may resign or withdraw from a limited
4 liability company only at the time or upon the
5 happening of an event specified in an operating
6 agreement and pursuant to the operating agreement.

7 3. Unless an operating agreement provides
8 otherwise, a member may not resign or withdraw from a
9 limited liability company prior to the dissolution and
10 winding up of the limited liability company. However,
11 if the articles of organization or an operating

12 agreement do not specify the time or the events upon
13 the happening of which a member may resign or
14 withdraw, a member may resign or withdraw from the
15 limited liability company in the event any amendment
16 to the articles of organization or operating agreement
17 that is adopted over the member's written dissent
18 adversely affects the rights or preferences of the
19 dissenting member's membership interest in any of the
20 ways described in paragraphs "a" through "e". A
21 resignation or withdrawal in the event of such dissent
22 and adverse effect is deemed to have occurred as of
23 the effective date of the amendment, if the member
24 gives notice to the limited liability company not more
25 than sixty days after the date of the amendment. In
26 valuing the member's distribution pursuant to this
27 subsection, any depreciation in anticipation of the
28 amendment shall be excluded. An amendment that does
29 any of the following is subject to this subsection:

- 30 a. Alters or abolishes a member's right to receive
31 a distribution.
- 32 b. Alters or abolishes a member's right to
33 voluntarily withdraw or resign.
- 34 c. Alters or abolishes a member's right to vote on
35 any matter, except as the rights may be altered or
36 abolished through the acceptance of contributions or
37 the making of contribution agreements.
- 38 d. Alters or abolishes a member's preemptive right
39 to make contributions.
- 40 e. Establishes or changes the conditions for or
41 consequences of expulsion.

42 4. A member withdrawing under this section is not
43 liable for damages for the breach of any agreement not
44 to withdraw.

45 5. An operating agreement may provide that a
46 membership interest may be assigned prior to the
47 dissolution and winding up of the limited liability
48 company.

49 Sec. . NEW SECTION. 490A.705A CLASSES OF
50 MANAGERS AND VOTING.

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1 1. An operating agreement may provide for classes
2 or groups of managers having such relative rights,
3 powers, and duties as the operating agreement may
4 provide, and may make provision for the future
5 creation of additional classes or groups of managers
6 having such relative rights, powers, and duties as may
7 from time to time be established, including rights,
8 powers, and duties senior to existing classes and
9 groups of managers. An operating agreement may
10 provide for taking action, including the amendment of
11 the operating agreement, without the vote or approval

12 of any manager or class or group of managers,
13 including an action to create a class or group of
14 membership interests that was not previously
15 outstanding.

16 2. An operating agreement may grant to all or
17 certain identified managers or a specified class or
18 group of managers the right to vote on any matter,
19 separately or with all or any class or group of
20 managers or members. Voting by managers may be on a
21 per capita, number, financial interest, class, group,
22 or any other basis.

23 3. An operating agreement which grants a right to
24 vote may set forth provisions relating to notice of
25 the time, place, or purpose of any meeting at which
26 any matter is to be voted on by any manager or class
27 or group of managers, waiver of any such notice,
28 action by consent without a meeting, the establishment
29 of a record date, quorum requirements, voting in
30 person or by proxy, or any other matter with respect
31 to the exercise of any such right to vote.

32 Sec. ____ Section 490A.709, subsection 2,
33 unnumbered paragraph 1, Code 1997, is amended to read
34 as follows:

35 Each member has the right for any purpose
36 reasonably related to the member's interest as a
37 member of the limited liability company, upon
38 reasonable request and subject to reasonable standards
39 as may be set forth in an operating agreement, to do
40 any of the following:

41 Sec. ____ NEW SECTION. 490A.710 DELEGATION OF
42 RIGHTS AND POWERS TO MANAGE.

43 Unless otherwise provided in the operating
44 agreement, a member or manager of a limited liability
45 company may delegate to one or more other persons the
46 member's or manager's rights and powers to manage and
47 control the business and affairs of the limited
48 liability company, including to agents and employees
49 of a member or manager of the limited liability
50 company, and to delegate by a management agreement or

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1 another agreement with other persons. Unless
2 otherwise provided in the operating agreement, such
3 delegation by a member or manager of a limited
4 liability company shall not cause the member or
5 manager to cease to be a member or manager of the
6 limited liability company.

7 Sec. ____ NEW SECTION. 490A.711 CONTRACTUAL
8 APPRAISAL RIGHTS.

9 An operating agreement or an agreement of merger
10 may provide that contractual appraisal rights with
11 respect to a membership interest or another interest

12 in a limited liability company are available for any
 13 class or group of members or membership interests in
 14 connection with an amendment of an operating
 15 agreement, a merger in which the limited liability
 16 company is a constituent party to the merger, or the
 17 sale of all or substantially all of the limited
 18 liability company's assets. The district court of the
 19 county in which the limited liability company has its
 20 principal place of business has jurisdiction to hear
 21 and determine any matter relating to such appraisal
 22 rights.

23 Sec. NEW SECTION. 490A.712 CESSATION OF
 24 MEMBERSHIP.

25 A person ceases to be a member of a limited
 26 liability company upon the occurrence of any of the
 27 following events:

- 28 1. The person withdraws or resigns from the
- 29 limited liability company.
- 30 2. The person is removed as a member pursuant to
- 31 the operating agreement.
- 32 3. Unless otherwise provided in the operating
- 33 agreement or with the consent of all other members,
- 34 the person does any of the following:
- 35 a. Makes an assignment for the benefit of
- 36 creditors.
- 37 b. Files a voluntary petition in bankruptcy.
- 38 c. Is adjudged bankrupt or insolvent or has
- 39 entered against the person an order for relief in any
- 40 bankruptcy or insolvency proceeding.
- 41 d. Files a petition or answer seeking for that
- 42 person any reorganization, arrangement, composition,
- 43 readjustment, liquidation, dissolution, or similar
- 44 relief under any statute or rule.
- 45 e. Seeks, consents to, or acquiesces in the
- 46 appointment of a trustee, receiver, or liquidator for
- 47 the member or for all or any substantial part of the
- 48 member's properties.
- 49 f. Files an answer or other pleading admitting or
- 50 failing to contest the material allegations of a

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- 1 petition filed against the person in any proceeding
- 2 described in this subsection.
- 3 4. Unless otherwise provided in the operating
- 4 agreement, or with the consent of all other members,
- 5 the continuation of any proceeding against the person
- 6 seeking reorganization, arrangement, composition,
- 7 readjustment, liquidation, dissolution, or similar
- 8 relief under any statute or rule for one hundred
- 9 twenty days after the commencement of such proceeding,
- 10 or the appointment of a trustee, receiver, or
- 11 liquidator for the member or for all or any

12 substantial part of the member's properties without
13 the member's agreement or acquiescence, which
14 appointment is not vacated or stayed for one hundred
15 twenty days or, if the appointment is stayed, for one
16 hundred twenty days after the expiration of the stay
17 during which period the appointment is not vacated.
18 5. Unless otherwise provided in the operating
19 agreement or with the consent of all other members, in
20 the case of a member who is an individual, the
21 individual's death or adjudication by a court of
22 competent jurisdiction as incompetent to manage the
23 individual's person or property.
24 6. Unless otherwise provided in the operating
25 agreement or with the consent of all other members, in
26 the case of a member who is acting as a member by
27 virtue of being a trustee of a trust, the termination
28 of the trust.
29 7. Unless otherwise provided in the operating
30 agreement or with the consent of all other members, in
31 the case of a member that is a partnership or another
32 limited liability company, the dissolution and
33 commencement of winding up of the partnership or
34 limited liability company.
35 8. Unless otherwise provided in the operating
36 agreement or with the consent of all other members, in
37 the case of a member that is a corporation, the
38 dissolution of the corporation or the revocation of
39 its articles of incorporation.
40 9. Unless otherwise provided in the operating
41 agreement or with the consent of all other members, in
42 the case of a member that is an estate, the
43 distribution by the fiduciary of the estate's entire
44 interest in the limited liability company.
45 Sec. ____ Section 490A.801, Code 1997, is amended
46 by adding the following new subsection:
47 NEW SUBSECTION. 4. An operating agreement may
48 provide that the interest of any member who fails to
49 make a contribution that the member is obligated to
50 make is subject to specified penalties for, or

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1 specified consequences of, such failure. The penalty
2 or consequence may take the form of reducing or
3 eliminating the defaulting member's proportionate
4 interest in a limited liability company, subordinating
5 the member's membership interest to that of a
6 nondefaulting member, a forced sale of the member's
7 membership interest, forfeiture of the member's
8 membership interest, the lending by other members of
9 the amount necessary to meet the member's commitment,
10 a fixing of the value of the member's membership
11 interest by appraisal or by formula and redemption, or

12 sale of the member's membership interest at such value
13 or other penalty or consequence.

14 Sec. ____ NEW SECTION. 490A.809 RIGHT TO
15 DISTRIBUTION.

16 Subject to sections 490A.807 and 490A.1304, and
17 unless otherwise provided in an operating agreement,
18 at the time a member becomes entitled to receive a
19 distribution, the member has the status of, and is
20 entitled to all remedies available to, a creditor of
21 the limited liability company with respect to the
22 distribution. An operating agreement may provide for
23 the establishment of a record date with respect to
24 allocations and distributions by a limited liability
25 company.

26 Sec. ____ Section 490A.902, unnumbered paragraph
27 1, Code 1997, is amended to read as follows:

28 Unless otherwise provided in the articles of
29 organization or an operating agreement, a membership
30 interest in a limited liability company is assignable
31 in whole or in part. An assignment of an interest in
32 a limited liability company does not of itself
33 dissolve the limited liability company. An Except as
34 provided in the articles of organization or an
35 operating agreement, an assignment does not entitle
36 the assignee to participate in the management and
37 affairs of the limited liability company or to become
38 or to exercise any rights of a member. Such Except as
39 provided in the articles of organization or an
40 operating agreement, an assignment entitles the
41 assignee to receive, to the extent assigned, only the
42 distribution to which the assignor would be entitled.
43 Except as provided in the articles of organization or
44 an operating agreement, a member ceases to be a member
45 upon assignment of the member's entire membership
46 interest.

47 Sec. ____ Section 490A.1301, subsection 3, Code
48 1997, is amended by striking the subsection."

49 2. Title page, line 1, by inserting after the
50 word "to" the following: "the organization and

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- 1 operation of certain legal entities, including".
- 2 3. Title page, line 5, by inserting after the
- 3 word "partnerships," the following: "and including
- 4 limited liability companies and the conversion of
- 5 other entities to limited liability companies, and the
- 6 rights, duties, obligations, and interests of members
- 7 and managers with respect to such companies,".
- 8 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-1962.

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

On the question "Shall the bill pass?" (H.F. 642)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Junkins	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	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:

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

ADOPTION OF HOUSE RESOLUTION 12

Garman of Story called up for consideration House Resolution 12, a resolution honoring Mr. Harry Cannon upon his retirement as the Deputy Director for Prison Industries of the Iowa Department of Corrections, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Garman of Story introduced Mr. Harry Cannon and his wife, Madalene.

The House rose in appreciation.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 642** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 22

Dinkla of Guthrie called up for consideration **House Concurrent Resolution 22**, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1961:

H-1961

- 1 Amend House Concurrent Resolution 22, as amended,
- 2 passed, and reprinted by the House, as follows:
- 3 1. Page 2, line 30, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 3, line 29, by striking the word "force."
- 6 and inserting the following: "force; and"
- 7 3. By striking page 3, line 30 through page 4,
- 8 line 6.
- 9 4. Page 4, line 14, by inserting after the word
- 10 "shall" the following: "present a progress".
- 11 5. Page 4, line 16, by inserting after the word
- 12 "convening" the following: "and shall present its
- 13 final report along with any recommendations to the
- 14 General Assembly meeting in 1999 upon its convening".
- 15 6. Page 4, by inserting after line 16 the
- 16 following:
- 17 "BE IT FURTHER RESOLVED, That recommendations
- 18 contained in the progress report prepared by the task
- 19 force or contained in the final report prepared by the
- 20 task force shall be drafted as study bills by the
- 21 legislative service bureau for consideration by the
- 22 General Assembly."
- 23 7. By renumbering, relettering, or redesignating
- 24 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1961.

Dinkla of Guthrie moved the adoption of House Concurrent Resolution 22.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 22** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Files 544, 553 and 541.

Ways and Means Calendar

Senate File 544, a bill for an act relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones, 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.

Under the provision of Rule 76, Jacobs of Polk refrained from voting.

On the question "Shall the bill pass?" (S.F. 544)

The ayes were, 86:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Cohoon	Cormack	Dinkla	Dix
Doderer	Dolecheck	Drake	Eddie
Foege	Ford	Frevert	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers

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, 10:

Chiodo	Dotzler	Drees	Falck
Fallon	Garman	Holveck	Kreiman
Schrader	Shultz		

Absent or not voting, 4:

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

Regular Calendar

Senate File 541, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project, with report of committee recommending amendment and passage, was taken up for consideration.

Veenstra of Sioux in the chair at 10:00 a.m.

Kremer of Buchanan offered the following amendment H-1956 filed by the committee on human resources and moved its adoption:

H-1956

- 1 Amend Senate File 541, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 7, by striking the word "six" and
- 4 inserting the following: "four".
- 5 2. Page 3, line 15, by striking the word "may"
- 6 and inserting the following: "shall".
- 7 3. Page 7, line 15, by striking the word "six"
- 8 and inserting the following: "four".

The committee amendment H-1956 was adopted.

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

On the question "Shall the bill pass?" (S.F. 541)

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	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	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Maanen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Veenstra, Presiding			

The nays were, none.

Absent or not voting, 3:

Connors

Nelson

Van Fossen

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 553, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Larson of Linn offered the following amendment H-1974 filed by the committee on ways and means and moved its adoption:

H-1974

1 Amend Senate File 553, as passed by the Senate, as

2 follows:

3 1. Page 1, by striking lines 8 through 11 and
 4 inserting the following: "amount of the tax credit by
 5 recomputing the amount of tax under this division by
 6 reducing the taxable income of the taxpayer by the
 7 taxpayer's pro rata share of the items of income and
 8 expense of the financial institution and subtracting
 9 the credits allowed under section 422.12. This
 10 recomputed tax shall be subtracted from the amount of
 11 tax computed under this division after the deduction
 12 for".

A non-record roll call was requested.

The ayes were 45, nays 34.

The committee amendment H-1974 was adopted.

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

On the question "Shall the bill pass?" (S.F. 553)

The ayes were, 98: •

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
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	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	Veenstra, Presiding		

The nays were, none.

Absent or not voting, 2:

Connors

Nelson

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 544, 553 and 541.**

COMMITTEE RECOMMENDATION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1976 April 29, 1997.**

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 1.

ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Rants of Woodbury called up for consideration Senate Concurrent Resolution 1, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-seventh general assembly, as follows:

- 1 SENATE CONCURRENT RESOLUTION 1
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A concurrent resolution relating to the compensation
- 4 of chaplains, officers and employees of the
- 5 ~~seventy-sixth~~ seventy-seventh general assembly.
- 6 *Whereas*, section 2.11 of the Code provides that
- 7 "The compensation of the chaplains, officers, and

8 employees of the general assembly shall be fixed by
 9 joint action of the house and senate by resolution at
 10 the opening of each session, or as soon thereafter as
 11 conveniently can be done.", *Now Therefore,*

12 *Be It Resolved By The Senate, The House Concurring,*

13 That the compensation for the following officers for
 14 the period commencing January ~~9, 1995~~ 13, 1997 and
 15 ending January ~~13, 1997~~ 11, 1999, shall be within the
 16 following ranges:

17 Secretary of the Senate and Chief
 18 Clerk of the House..... \$44,373 to \$76,580
 19 \$46,847 to \$80,849

20 Within the indicated ranges the exact compensation
 21 shall be set or adjusted for the senate officers by
 22 the senate rules and administration committee and for
 23 the house officers by the house administration and
 24 rules committee. The committees shall report the
 25 exact compensation assigned to each position on the
 26 next legislative day, or, if such action is during the
 27 interim, on the first day the senate or house shall
 28 convene. Any action by the senate or house to
 29 disapprove or amend the report shall be effective the
 30 day after the action.

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1 *Be It Further Resolved,* That the compensation of
 2 the employees of the ~~seventy-sixth~~ seventy-seventh
 3 general assembly is set, effective from January ~~9,~~
 4 ~~1995~~ 13, 1997, until January ~~13, 1997~~ 11, 1999, in
 5 accordance with the following salary schedule:

6 #8	#9	#10	#11	#12
7 \$12,022.40	\$12,625.60	\$13,270.40	\$13,936.00	\$14,643.20
8 5.78	6.07	6.38	6.70	7.04
9				
10 #13	#14	#15	#16	#17
11 \$15,350.40	\$16,161.60	\$17,014.40	\$17,867.20	\$18,678.40
12 7.38	7.77	8.18	8.59	8.98
13				
14 #18	#19	#20	#21	#22
15 \$19,572.80	\$20,488.00	\$21,528.00	\$22,526.40	\$23,628.80
16 9.41	9.85	10.35	10.83	11.36
17				
18 #23	#24	#25	#26	#27
19 \$24,772.80	\$25,916.80	\$27,206.40	\$28,475.20	\$29,848.00
20 11.91	12.46	13.08	13.69	14.35
21				
22 #28	#29	#30	#31	#32
23 \$31,304.00	\$32,801.60	\$34,361.60	\$36,046.40	\$37,731.20
24 15.05	15.77	16.52	17.33	18.14
25				
26 #33	#34	#35	#36	#37
27 \$39,603.20	\$41,454.40	\$43,430.40	\$45,531.20	\$47,736.00
28 19.04	19.93	20.88	21.89	22.95

29

30 #38 #39 #40 #41 #42

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1	\$50,003.20	\$52,416.00	\$54,974.40	\$57,595.20	\$60,382.40
2	24.04	25.20	26.43	27.69	29.03
3					
4	#8	#9	#10	#11	#12
5	\$12,688.00	\$13,332.80	\$13,998.40	\$14,705.60	\$15,454.40
6	6.10	6.41	6.73	7.07	7.43
7					
8	#13	#14	#15	#16	#17
9	\$16,203.20	\$17,056.00	\$17,971.20	\$18,865.60	\$19,718.40
10	7.79	8.20	8.64	9.07	9.48
11					
12	#18	#19	#20	#21	#22
13	\$20,654.40	\$21,632.00	\$22,734.40	\$23,774.40	\$24,939.20
14	9.93	10.40	10.93	11.43	11.99
15					
16	#23	#24	#25	#26	#27
17	\$26,166.40	\$27,352.00	\$28,724.80	\$30,056.00	\$31,512.00
18	12.58	13.15	13.81	14.45	15.15
19					
20	#28	#29	#30	#31	#32
21	\$33,051.20	\$34,632.00	\$36,296.00	\$38,064.00	\$39,832.00
22	15.89	16.65	17.45	18.30	19.15
23					
24	#33	#34	#35	#36	#37
25	\$41,808.00	\$43,763.20	\$45,864.00	\$48,068.80	\$50,398.40
26	20.10	21.04	22.05	23.11	24.23
27					
28	#38	#39	#40	#41	#42
29	\$52,790.40	\$55,348.80	\$58,032.00	\$60,798.40	\$63,752.00
30	25.38	26.61	27.90	29.23	30.65

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1					
2	#43	#44	#45	#46	#47
3	\$66,747.20	\$70,012.80	\$73,361.60	\$76,856.00	\$80,537.60
4	32.09	33.66	35.27	36.95	38.72
5	In this schedule, each numbered block shall be the				
6	yearly and hourly compensation for the pay grade of				
7	the number heading the block. Within each grade there				
8	shall be six steps numbered "1" through "6". In the				
9	above schedule the steps for all grades are determined				
10	in the following manner. Each numbered block is				
11	counted as the "1" step for that grade. The next				
12	higher block is counted as the "2" step; the next				
13	higher block is the "3" step; the next higher block is				
14	the "4" step; the next higher block is the "5" step;				
15	the next higher block is the "6" step.				

16 All employees shall be available to work daily
 17 until completion of the senate's and house of
 18 representatives' business. The employee's division
 19 supervisor shall schedule all employees' working hours
 20 to, as far as possible, maintain regular working
 21 hours.

22 All employees, other than those designated "part-
 23 time" shall be compensated for 40 hours of work in a
 24 one-week pay period. Secretaries to senators and
 25 representatives are presumed to have 40 hours of work
 26 each week the legislature is in session and shall be
 27 paid only on that basis. Except for the personnel
 28 designated to the contrary in this resolution,
 29 employees who are required to work in excess of 40
 30 hours in a one-week pay period shall either be

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1 compensated at a rate of pay equal to one-and one-half
 2 times the hourly pay provided in this resolution or
 3 allowed compensatory time off at a rate of one and
 4 one-half hours for each hour of overtime.

5 The following personnel shall not be paid an
 6 overtime premium:

- 7 Secretary of the Senate
- 8 Chief Clerk of the House
- 9 Assistant Secretary of the Senate
- 10 Assistant Chief Clerk of the House
- 11 Senate Legal Counsel
- 12 House Legal Counsel
- 13 Finance Officer
- 14 Senior Finance Officer
- 15 Senior Journal Editor
- 16 All Administrative Assistants
- 17 All Research Analysts
- 18 All Research Assistants
- 19 All Secretaries to Senators and Representatives
- 20 All Caucus Staff Directors
- 21 All Senior Caucus Secretaries
- 22 Administrative, Executive, and Confidential
- 23 Secretaries to President, Speaker, Leader or
- 24 Secretary of Senate or Chief Clerk of House

25 This list may be modified pursuant to the annual
 26 review authorized in this resolution.

27 ~~Beginning with the convening of the Seventy-seventh~~
 28 ~~General Assembly, all caucus secretaries shall not be~~
 29 ~~paid an overtime premium.~~

30 *Be It Further Resolved*, That part-time employees

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1 shall be compensated at the scheduled hourly rate for
 2 their pay grade and step.

3 *Be It Further Resolved*, That compensatory time off
 4 shall be granted to employees not eligible for the
 5 overtime premium in a uniform manner for all
 6 legislative employees as determined by the legislative
 7 council.

8 *Be It Further Resolved*, That in the event the
 9 promulgated by the personnel commission pursuant to
 10 salary schedule for employees of the State of Iowa as
 11 section 19A.9, subsection 2, Code ~~1995~~ 1997, is
 12 revised upward at any time during the ~~seventy-sixth~~
 13 seventy-seventh general assembly, such revised
 14 schedule shall simultaneously be adopted for the
 15 compensation of the employees of the ~~seventy-sixth~~
 16 seventy-seventh general assembly assigned a grade by
 17 this resolution. The pay ranges of those positions
 18 specifically listed on page one of this resolution
 19 shall be automatically adjusted to reflect any cost of
 20 living increases granted to those employees not
 21 included in the collective bargaining agreements made
 22 final under chapter 20 of the Code and increases
 23 provided by the legislative council for agency
 24 directors.

25 *Be It Further Resolved*, That adjustments in the
 26 positions and compensation listed in this resolution
 27 may be made through an annual interim review of all
 28 legislative employees for internal equity and to
 29 assure compliance with appropriate legal standards for
 30 granting of overtime and compensatory time off. Such

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1 review shall be conducted by a legislative committee
 2 made up of members of the service committee of
 3 legislative council and the appropriate salary
 4 subcommittees of the senate and house. Only one such
 5 review may be done in any fiscal year and adjustments
 6 suggested must be approved by the appropriate hiring
 7 body.

8 *Be It Further Resolved*, That the employees of the
 9 ~~seventy-sixth~~ seventy-seventh general assembly be
 10 placed in the following pay grades:

EMPLOYEES OF THE HOUSE

11		
12	Sr. Assistant Chief Clerk of the House	Grade 41
13	Assistant Chief Clerk of the House III	Grade 38
14	Assistant Chief Clerk of the House II	Grade 35
15	Assistant Chief Clerk of the House I	Grade 32
16	Legal Counsel II	Grade 35
17	Legal Counsel I	Grade 32
18	Legal Counsel	Grade 30
19	Sr. Caucus Staff Director	Grade 41
20	Caucus Staff Director	Grade 38
21	Administrative Assistant to Leader	
22	or Speaker	Grade 27

23	Administrative Assistant I to Leader	
24	or Speaker	Grade 29
25	Administrative Assistant II to Leader	
26	or Speaker	Grade 32
27	Administrative Assistant III to Leader,	
28	or Speaker, or Speaker Pro Tempore	Grade 35
29	Sr. Administrative Assistant to	
30	Leader or Speaker	Grade 38

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1	Research Assistant	Grade 24
2	Legislative Research Analyst	Grade 27
3	Legislative Research Analyst I	Grade 29
4	Legislative Research Analyst II	Grade 32
5	Legislative Research Analyst III	Grade 35
6	Sr. Legislative Research Analyst	Grade 38
7	Secretary to Leader or Speaker	Grade 19
8	Caucus Secretary	Grade 21
9	Senior Caucus Secretary	Grade 24
10	Administrative Secretary to Leader,	
11	Speaker, or Chief Clerk	Grade 21
12	Executive Secretary to Leader,	
13	Speaker or Chief Clerk	Grade 24
14	Confidential Secretary to Leader,	
15	Speaker, or Chief Clerk	Grade 27
16	Clerk to Chief Clerk	Grade 16
17	Supervisor of Secretaries	Grade 21
18	Supervisor of Secretaries I	Grade 24
19	Supervisor of Secretaries II	Grade 27
20	Senior Editor	Grade 30
21	Editor II	Grade 25
22	Editor I	Grade 22
23	Assistant Editor	Grade 19
24	Compositor/Desk Top Specialist	Grade 17
25	Sr. Text Processor	Grade 25
26	Text Processor II	Grade 22
27	Text Processor I	Grade 19
28	Senior Finance Officer	Grade 31
29	Finance Officer II	Grade 27
30	Finance Officer I	Grade 24

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1	Assistant Finance Officer	Grade 21
2	Recording Clerk II	Grade 24
3	Recording Clerk I	Grade 21
4	Assistant Legal Counsel	Grade 27
5	Engrossing & Enrolling Processor	Grade 27
6	Assistant to the Legal Counsel	Grade 19
7	Indexer II	Grade 25
8	Indexer I	Grade 22
9	Indexing Assistant	Grade 19

10	Supply Clerk	Grade 16
11	Switchboard Operator	Grade 14
12	Legislative Secretary	Grade 15
13	Legislative Committee Secretary	Grade 17
14	Bill Clerk	Grade 14
15	Assistant Bill Clerk	Grade 12
16	Postmaster	Grade 12
17	Sergeant-at-Arms	Grade 17
18	Assistant Sergeant-at-Arms	Grade 14
19	Chief Doorkeeper	Grade 12
20	Doorkeepers	Grade 11
21	Pages	Minimum Wage
22	Be It Further Resolved, That authorization for the	
23	position of Administrative Assistant III to Speaker	
24	Pro Tempore ends July 1, 1996.	
25	EMPLOYEES OF THE SENATE	
26	Sr. Assistant Secretary of the Senate	Grade 41
27	Assistant Secretary of the Senate III	Grade 38
28	Assistant Secretary of the Senate II	Grade 35
29	Assistant Secretary of the Senate I	Grade 32
30	Legal Counsel II	Grade 35

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1	Legal Counsel I	Grade 32
2	Legal Counsel	Grade 30
3	Sr. Caucus Staff Director	Grade 41
4	Caucus Staff Director	Grade 38
5	Administrative Assistant to Leader	
6	or President	Grade 27
7	Administrative Assistant I to Leader	
8	or President	Grade 29
9	Administrative Assistant II to Leader	
10	or President	Grade 32
11	Administrative Assistant III to Leader	
12	or President	Grade 35
13	Sr. Administrative Assistant to	
14	Leader or President	Grade 38
15	Research Assistant	Grade 24
16	Legislative Research Analyst	Grade 27
17	Legislative Research Analyst I	Grade 29
18	Legislative Research Analyst II	Grade 32
19	Legislative Research Analyst III	Grade 35
20	Sr. Legislative Research Analyst	Grade 38
21	Caucus Secretary	Grade 21
22	Senior Caucus Secretary	Grade 24
23	Secretary to Leader or President	Grade 19
24	Administrative Secretary to Leader, President,	
25	President Pro Tempore, or	
26	Secretary of the Senate	Grade 21
27	Executive Secretary to Leader, President,	
28	or Secretary of the Senate	Grade 24
29	Confidential Secretary to Leader, President,	
30	or Secretary of the Senate	Grade 27

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1	Supervisor of Secretaries	Grade 21
2	Supervisor of Secretaries I	Grade 24
3	Supervisor of Secretaries II	Grade 27
4	Senior Editor	Grade 30
5	Editor II	Grade 25
6	Editor I	Grade 22
7	Assistant Editor	Grade 19
8	Compositor/Desk Top Specialist	Grade 17
9	Assistant Legal Counsel	Grade 27
10	Assistant to the Legal Counsel	Grade 19
11	Proofreader	Grade 16
12	Senior Finance Officer	Grade 31
13	Finance Officer II	Grade 27
14	Finance Officer I	Grade 24
15	Assistant Finance Officer	Grade 21
16	Recording Clerk II	Grade 24
17	Recording Clerk I	Grade 21
18	Indexer II	Grade 25
19	Indexer I	Grade 22
20	Indexing Assistant	Grade 19
21	Records and Supply Clerk	Grade 18
22	Switchboard Operator	Grade 14
23	Legislative Secretary	Grade 15
24	Legislative Committee Secretary	Grade 17
25	Bill Clerk	Grade 14
26	Assistant Bill Clerk	Grade 12
27	Postmaster	Grade 12
28	Sergeant-at-Arms	Grade 17
29	Assistant Sergeant-at-Arms	Grade 14
30	Chief Doorkeeper	Grade 12

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1	Doorkeepers	Grade 11
2	Pages	Minimum Wage
3	<i>Be It Further Resolved, That authorization for the</i>	
4	<i>position of Administrative Secretary to President Pro</i>	
5	<i>Tempore ends July 1, 1996.</i>	
6	<i>Be It Further Resolved, That there shall be four</i>	
7	<i>classes of appointments as employees of the general</i>	
8	<i>assembly:</i>	
9	<i>A "permanent full-time" or "permanent part-time"</i>	
10	<i>employee is one who is employed the year around and</i>	
11	<i>eligible to receive state benefits.</i>	
12	<i>An "exempt full-time" employee is one who is</i>	
13	<i>employed for the period of the sessions with</i>	
14	<i>extensions post-session and pre-session as scheduled.</i>	
15	<i>This class is eligible to receive state benefits with</i>	
16	<i>the cost of benefits to the state to be paid by the</i>	
17	<i>employee when not on the payroll.</i>	
18	<i>A "session-only" employee is one who is employed</i>	

19 for only a portion of the year, usually the
20 legislative session. This class is not eligible for
21 state benefits, except IPERS, and insurance as
22 provided in section 2.40.

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

26 *Be It Further Resolved*, That the exact
27 classification for individuals in a job series created
28 by this resolution shall be set or changed for senate
29 employees by the senate rules and administration
30 committee and for the house employees by the house

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1 administration and rules committee. The committees
2 shall base the classification upon the following
3 factors:

4 1. The extent of formal education required of the
5 position; and,

6 2. The extent of the responsibilities to be
7 assigned to the position; and,

8 3. The amount of supervision placed over the
9 position; and,

10 4. The number of persons the position is assigned
11 to supervise and skill and responsibilities of those
12 positions supervised.

13 The committees shall report the exact
14 classifications assigned to each individual on the
15 next legislative day, or, if such action is during the
16 interim, on the first day the senate or house shall
17 convene. Any action by the senate or house to
18 disapprove a report or a portion of a report shall be
19 effective the day after the action.

20 Recommendations for a pay grade for a new position
21 shall be developed in accordance with the factor
22 scores in the comparable worth report. Beginning in
23 1997 1999, every four years the senate rules and
24 administration committee, the house administration and
25 rules committee, and the legislative council shall
26 review all positions in the legislative branch to
27 assure conformity to comparable worth.

28 *Be It Further Resolved*, That a senator or
29 representative may employ a secretary who in the
30 judgment of the senator or representative employing

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1 such person, possesses the necessary skills to perform
2 the duties such senator or representative shall
3 designate, under the administrative direction, as
4 appropriate, of the secretary of the senate or the
5 chief clerk of the house.

6 Each standing committee chairperson, ethics
7 committee chairperson, and each appropriations
8 subcommittee chairperson shall designate a secretary
9 who is competent to perform the following duties:
10 prepare committee minutes, committee reports, type
11 committee correspondence, maintain committee records,
12 and otherwise assist the committee. Such duties shall
13 be performed in accordance with standards which shall
14 be provided by the secretary of the senate and chief
15 clerk of the house. In making the designation,
16 chairpersons shall consider persons for possible
17 designation as the secretary to the committee in the
18 following order:

19 First: The secretary to the chairperson.

20 Second: The secretary to the committee's vice-
21 chairperson.

22 Third: The secretary to any other member of the
23 committee.

24 Fourth: The secretary to any other member in the
25 same house as the committee.

26 *Be It Further Resolved*, That a Legal Counsel II
27 shall be a person who has graduated from an accredited
28 school of law and is admitted to practice in Iowa as
29 an Attorney and Counselor at Law and possesses either
30 a Masters of Law degree or has at least two years of

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1 legal experience after admission to practice.

2 A Legal Counsel I shall be a person who has
3 graduated from an accredited school of law and is
4 admitted to practice in Iowa as an Attorney and
5 Counselor at Law.

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

8 a) increases in salary grade or step based on
9 evaluation of their job performance and
10 recommendations of their administrative officers,
11 subject to approval of the senate committee on rules
12 and administration or the house committee on
13 administration and rules, as appropriate, provided,
14 however, that for promotions between classes with a
15 three or more pay grade difference, the employee shall
16 be given a two-step increase in pay or the employee's
17 salary shall be adjusted to the entry level in the
18 grade of the new position, whichever is greater; or

19 b) mobility within a pay grade at the discretion
20 of the chief clerk of the house upon recommendation by
21 the employee's division supervisor on the part of the
22 house, and the discretion of the employee's division
23 supervisor on the part of the senate, subject to the
24 approval of the house committee on administration and
25 rules or the senate committee on rules and

26 administration, as appropriate — in accord with the
27 following schedule:

28 (1) Progression from step "1" to "2" for a newly
29 hired employee — six months of actual employment.

30 (2) Progression from step "1" to "2" following

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1 promotion within a job series — twelve months of
2 actual employment in that position.

3 (3) Progression from step "2" to "3", and step "3"
4 to "4", and step "4" to "5", and step "5" to "6" —

5 twelve months of actual employment.

6 *Be It Further Resolved*, that in addition to the
7 steps provided in the preceding paragraph, that
8 secretaries to senators and representatives who were
9 employees of the senate or house of representatives
10 during any general assembly prior to January 9, 1989,
11 and who have received certification for passing a
12 typing and shorthand performance examination shall be
13 eligible for two additional steps.

14 *Be It Further Resolved*, That in addition to the
15 steps provided in the preceding paragraph, that
16 secretaries to senators and representatives shall be
17 eligible for a maximum of three additional grades
18 beyond grade 15, in any combination, as provided in
19 this paragraph:

20 1. One additional grade for a secretary to a
21 standing committee chair, ethics committee chair or
22 appropriations subcommittee chair who is not the
23 designated committee secretary.

24 2. One additional grade for a secretary to a vice-
25 chairperson or ranking member of a standing committee,
26 ethics committee or appropriations subcommittee.

27 3. One additional grade for a secretary to the
28 chairperson of the chaplain's committee.

29 4. Two additional grades for a secretary to an
30 assistant floor leader or speaker pro tempore or

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1 president pro tempore.

2 5. One additional grade for a designated committee
3 secretary who is also the designated committee
4 secretary for an additional standing committee, ethics
5 committee, or appropriations subcommittee.

6 *Be It Further Resolved*, That ~~in the event the~~
7 ~~secretary to the chairperson of the chaplain's~~
8 ~~committee is the secretary to the president, speaker,~~
9 ~~or the majority or minority leader, such secretary~~
10 ~~shall receive one additional step~~ a legislative
11 employee designated to assist the chairperson of the
12 chaplain's committee in the committee's duties shall

13 receive one additional step.

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

27 The entry level for the position of research
28 analyst shall be Legislative Research Analyst, unless
29 extraordinary conditions justify increasing that entry
30 level; however, that entry level may not be increased

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1 beyond Legislative Research Analyst I. A research
2 analyst must have shown knowledge of legislative rules
3 and procedures as well as the Code of Iowa to be
4 considered at any level above a Legislative Research
5 Analyst.

6 *Be It Further Resolved*, That a pay increase for
7 employees of one step within the pay grade for the
8 position may be made for exceptionally meritorious
9 service in addition to step increases provided for in
10 this resolution, at the discretion of the chief clerk
11 upon recommendation by the employee's division
12 supervisor on the part of the house, and upon
13 recommendation by the employee's division supervisor
14 on the part of the senate, and the approval of the
15 senate committee on rules and administration or the
16 house committee on administration and rules.
17 Exceptionally meritorious service pay increases shall
18 be governed by the following:

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

21 b. Written justification, setting forth in detail
22 the nature of the exceptionally meritorious service
23 rendered, must be submitted to the senate rules and
24 administration committee or house administration and
25 rules committee and approved in advance of granting
26 the pay increase;

27 c. No more than one exceptionally meritorious
28 service pay increase may be granted in any twelve-
29 month period.

30 d. Such meritorious service pay increase shall not

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1 be granted beyond the six-step maximum for that
2 position.

3 *Be It Further Resolved*, That the senate rules and
4 administration committee and the house administration
5 and rules committee shall both hire officers and
6 employees for their respective bodies and fill any
7 vacancies which may occur, to be effective at such
8 time as they shall set. The committee shall report
9 the names of those it has hired for the positions
10 specified in this resolution or the filling of any
11 vacancies on the next legislative day or, if such
12 action is during the interim, on the first day the
13 senate or house shall convene. Any action by the
14 senate or house to amend or disapprove a report or a
15 portion of a report shall be effective the day after
16 the action.

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

28 *Be It Further Resolved*, That permanent employees of
29 the general assembly shall receive vacation
30 allowances, sick leave, health and accident insurance,

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1 life insurance, and disability income insurance as are
2 provided for full-time permanent state employees. The
3 computations shall be maintained by the finance
4 officers in each house and coordinated with the
5 department of revenue and finance.

6 *Be It Further Resolved*, That should any employee
7 have a grievance, the grievance shall be resolved as
8 provided by procedures determined by the senate rules
9 and administration committee for senate employees or
10 the house administration and rules committee for house
11 employees.

12 *Be It Further Resolved*, That the general assembly
13 adopt a resolution similar to this resolution which
14 provides for the compensation and benefits of all
15 legislative central staff agency employees for the
16 ~~seventy-sixth~~ seventy-seventh general assembly. The
17 resolution shall be adopted as soon as practicable
18 after the convening of the seventy-sixth general

19 assembly, and published in the journals of the senate
20 and house.

21 *Be It Further Resolved*, That the compensation of
22 chaplains officiating at the opening of the daily
23 sessions of the house of representatives and the
24 senate of the ~~seventy-sixth~~ seventy-seventh general
25 assembly be fixed at ten dollars for each house of the
26 general assembly, and that mileage for chaplains be
27 fixed at the rate of ~~twenty-one~~ twenty-four cents per
28 mile to and from the State Capitol.

Rants of Woodbury offered the following amendment H-1976 filed by the committee on administration and rules, filed from the floor and moved its adoption:

H-1976

1 Amend Senate Concurrent Resolution 1, as passed by
2 the Senate, as follows:
3 1. Page 17, by striking lines 6 through 13 and
4 inserting the following:
5 "BE IT FURTHER RESOLVED, That in the event the
6 secretary to the chairperson of the chaplain's
7 committee is the secretary to the president, president
8 pro tempore, speaker, speaker pro tempore, or the
9 majority or minority leader, such secretary shall
10 receive one additional step."

The committee amendment H-1976 was adopted.

Rants of Woodbury moved the adoption of Senate Concurrent Resolution 1, as amended.

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

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

SENATE AMENDMENT CONSIDERED

Drake of Pottawattamie called up for consideration **House File 266**, 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, amended by the Senate amendment H-1957 as follows:

H-1957

1 Amend House File 266, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 321.19, subsection 1,
6 unnumbered paragraph 2, Code 1997, is amended to read
7 as follows:
8 The department shall furnish, on application, free
9 of charge, distinguishing plates for vehicles thus
10 exempted, which plates except plates on Iowa highway
11 safety patrol vehicles shall bear the word "official"
12 and the department shall keep a separate record.
13 Registration plates issued for Iowa highway safety
14 patrol vehicles, except unmarked patrol vehicles,
15 shall bear two red stars on a yellow background, one
16 before and one following the registration number on
17 the plate, which registration number shall be the
18 officer's badge number. Registration plates issued
19 for a county sheriff's patrol vehicles shall display
20 one seven-pointed gold star followed by the letter "S"
21 and the call number of the vehicle. However, the
22 director of general services or the director of
23 transportation may order the issuance of regular
24 registration plates for any exempted vehicle used by
25 peace officers in the enforcement of the law, persons
26 enforcing chapter 124 and other laws relating to
27 controlled substances, persons in the department of
28 justice, the alcoholic beverages division of the
29 department of commerce, and the department of
30 inspections and appeals, and the department of revenue
31 and finance, who are regularly assigned to conduct
32 investigations which cannot reasonably be conducted
33 with a vehicle displaying "official" state
34 registration plates, and persons in the lottery
35 division of the department of revenue and finance
36 whose regularly assigned duties relating to security
37 or the carrying of lottery tickets cannot reasonably
38 be conducted with a vehicle displaying "official"
39 registration plates. For purposes of sale of exempted
40 vehicles, the exempted governmental body, upon the
41 sale of the exempted vehicle, may issue for in-transit
42 purposes a pasteboard card bearing the words "Vehicle
43 in Transit", the name of the official body from which
44 the vehicle was purchased, together with the date of
45 the purchase plainly marked in at least one-inch
46 letters, and other information required by the
47 department. The in-transit card is valid for use only
48 within forty-eight hours after the purchase date as
49 indicated on the bill of sale which shall be carried
50 by the driver.

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1 Sec. 2. Section 331.427, subsection 1, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 Except as otherwise provided by state law, county
4 revenues from taxes and other sources for general
5 county services shall be credited to the general fund
6 of the county, including revenues received under
7 sections 101A.3, 101A.7, 123.36, 123.143, 142B.6,
8 176A.8, 321.105, 321.152, 321G.7, 331.554, subsection
9 6, 341A.20, 364.3, 368.21, ~~422.65~~, 422A.2, 428A.8,
10 430A.3, 433.15, 434.19, 445.57, 453A.35, 458A.21,
11 483A.12, 533.24, 556B.1, 567.10, 583.6, 602.8108,
12 904.908, and 906.17, and chapter 405A, and the
13 following:

14 Sec. 3. NEW SECTION. 405A.10 FRANCHISE TAX
15 REVENUE ALLOCATION.

16 For the fiscal year beginning July 1, 1997, and
17 each subsequent fiscal year, there is appropriated
18 from the general fund of the state to the department
19 of revenue and finance the sum of eight million eight
20 hundred thousand dollars which shall be paid quarterly
21 on warrants by the director as allocated pursuant to
22 section 422.65.

23 Sec. 4. Section 421.4, Code 1997, is amended to
24 read as follows:

25 421.4 DEPUTIES.

26 The director may appoint deputy directors and may
27 designate one or more of the deputies as acting
28 director. A deputy designated to serve in the absence
29 of the director has all of the powers possessed by the
30 director. The director may employ certified public
31 accountants, engineering and technical assistants, and
32 other employees, or independent contractors necessary
33 to protect the interests of the state and any
34 political subdivision.

35 Sec. 5. Section 421.17, subsection 21, paragraph
36 b, subparagraph (3), Code 1997, is amended to read as
37 follows:

38 (3) The child support recovery unit, the foster
39 care recovery unit, and the investigations division of
40 the department of inspections and appeals shall, at
41 least annually, submit to the department of revenue
42 and finance for setoff the debts described in this
43 subsection, ~~which are at least fifty dollars~~
44 constituting a minimum amount determined by rule of
45 the department of revenue and finance, on a date to be
46 specified by the department of human services and the
47 department of inspections and appeals by rule.

48 Sec. 6. Section 421.17, Code 1997, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 22A. To develop, modify, or

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1 contract with vendors to create or administer systems
2 or programs which identify nonfilers of returns or
3 nonpayers of taxes administered by the department.
4 Fees for services, reimbursements, or other
5 remuneration paid under contract may be funded from
6 the amount of tax, penalty, interest, or fees actually
7 collected and shall be paid only after the amount is
8 collected. An amount is appropriated from the amount
9 of tax, penalty, interest, and fees actually
10 collected, not to exceed the amount collected, which
11 are sufficient to pay for services, reimbursement, or
12 other remuneration pursuant to this subsection.
13 Vendors entering into a contract with the department
14 pursuant to this subsection are subject to the
15 requirements and penalties of the confidentiality laws
16 of this state regarding tax information.

17 Sec. 7. Section 421.17, subsection 23, paragraphs
18 c, d, and g, Code 1997, are amended to read as
19 follows:

20 c. The college student aid commission shall, at
21 least annually, submit to the department of revenue
22 and finance for setoff the guaranteed student loan
23 defaults, ~~which are at least fifty dollars~~
24 constituting a minimum amount set by rule of the
25 department of revenue and finance, on a date or dates
26 to be specified by the college student aid commission.
27 by rule.

28 d. Upon submission of a claim, the department of
29 revenue and finance shall notify the college student
30 aid commission whether the defaulter is entitled to a
31 refund or rebate of ~~at least fifty dollars~~ the minimum
32 amount set by rule of the department and if so
33 entitled shall notify the commission of the amount of
34 the refund or rebate and of the defaulter's address on
35 the income tax return. Section 422.72, subsection 1,
36 does not apply to this paragraph.

37 g. The department of revenue and finance shall,
38 after notice has been sent to the defaulter by the
39 college student aid commission, set off the amount of
40 the default against the defaulter's income tax refund
41 or rebate ~~if both the amount of the default and the~~
42 ~~refund or rebate are at least fifty dollars~~
43 constituting a minimum amount set by rule of the
44 department. The department shall refund any balance
45 of the income tax refund or rebate to the defaulter.
46 The department of revenue and finance shall
47 periodically transfer the amount set off to the
48 college student aid commission. If the defaulter
49 gives written notice of intent to contest the claim,
50 the commission shall hold the refund or rebate until

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1 final disposition of the contested claim pursuant to
2 chapter 17A or by court judgment. The commission
3 shall notify the defaulter in writing upon completion
4 of setoff.

5 Sec. 8. Section 421.17, subsection 25, paragraph
6 c, Code 1997, is amended to read as follows:

7 c. The clerk of the district court, on the first
8 day of February and August of each calendar year,
9 shall submit to the department for setoff the debts
10 described in this subsection, ~~which are at least fifty~~
11 dollars constituting a minimum amount set by rule of
12 the department.

13 Sec. 9. Section 421.17, subsection 29, paragraphs
14 a and e, Code 1997, are amended to read as follows:

15 a. For purposes of this subsection unless the
16 context requires otherwise:

17 (1) "State agency" means a board, commission,
18 department, including the department of revenue and
19 finance, or other administrative office or unit of the
20 state of Iowa or any other state entity reported in
21 the Iowa comprehensive annual financial report. The
22 term "state agency" does not include the general
23 assembly, the governor, or any political subdivision
24 of the state, or its offices and units.

25 (2) "Department" means the department of revenue
26 and finance and any other state agency that maintains
27 a separate accounting system and elects to establish a
28 debt collection setoff procedure for collection of
29 debts owed to the state or its agencies.

30 (3) The term "person" does not include a state
31 agency.

32 e. Before setoff, the amount of a person's claim
33 on a state agency and the amount of a person's
34 liability to a state agency shall ~~be at least fifty~~
35 dollars constituting a minimum amount set by rule of the
36 department.

37 Sec. 10. **NEW SECTION. 421.61 UNCONSTITUTIONALLY**
38 **WITHHELD TAX BENEFITS.**

39 If a provision in the Code grants a tax benefit to
40 taxpayers that is unconstitutionally withheld from
41 other taxpayers as expressed in an Iowa attorney
42 general's opinion based upon decisions of the Iowa
43 supreme court, United States supreme court, or other
44 courts of competent jurisdiction, the tax benefit
45 shall also be granted to the adversely affected
46 taxpayers as if the unconstitutional provision did not
47 exist.

48 Sec. 11. Section 422.5, subsection 1, paragraph j,
49 subparagraph (2), unnumbered paragraph 1, Code 1997,
50 is amended to read as follows:

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1 The tax imposed upon the taxable income of a
2 resident shareholder in a value-added corporation
3 which has in effect for the tax year an election under
4 subchapter S of the Internal Revenue Code and carries
5 on business within and without the state may be
6 computed by reducing the amount determined pursuant to
7 paragraphs "a" through "i" by the amounts of
8 nonrefundable credits under this division and by
9 multiplying this resulting amount by a fraction of
10 which the resident's net income allocated to Iowa, as
11 determined in section 422.8, subsection 2, paragraph
12 "b", is the numerator and the resident's total net
13 income computed under section 422.7 is the
14 denominator. If a resident shareholder has elected to
15 take advantage of this subparagraph, and for the next
16 tax year elects not to take advantage of this
17 subparagraph, the resident shareholder shall not
18 reelect to take advantage of this subparagraph for the
19 three tax years immediately following the first tax
20 year for which the shareholder elected not to take
21 advantage of this subparagraph, unless the director
22 consents to the reelection. This paragraph
23 subparagraph also applies to individuals who are
24 residents of Iowa for less than the entire tax year.

25 Sec. 12. Section 422.20, subsection 3, unnumbered
26 paragraph 1, Code 1997, is amended to read as follows:
27 Unless otherwise expressly permitted by section
28 421.17, subsections 21, 22, ~~22A~~, 23, 25, 29, and 32,
29 sections 252B.9, 421.19, 421.28, 422.72, and 452A.63,
30 and this section, a tax return, return information, or
31 investigative or audit information shall not be
32 divulged to any person or entity, other than the
33 taxpayer, the department, or internal revenue service
34 for use in a matter unrelated to tax administration.

35 Sec. 13. Section 422.32, subsection 4, Code 1997,
36 is amended to read as follows:
37 4. "Corporation" includes joint stock companies,
38 and associations organized for pecuniary profit, and
39 ~~publicly-traded~~ partnerships and limited liability
40 companies taxed as corporations under the Internal
41 Revenue Code.

42 Sec. 14. Section 422.42, subsections 1 and 14,
43 Code 1997, are amended to read as follows:
44 1. "Agricultural production" includes the
45 production of flowering, ornamental, or vegetable
46 plants in commercial greenhouses or otherwise and
47 production from aquaculture. "Agricultural products"
48 include flowering, ornamental, or vegetable plants and
49 those products of aquaculture.

50 14. "Retail sale" or "sale at retail" means the

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1 sale to a consumer or to any person for any purpose,
2 other than for processing, for resale of tangible
3 personal property or taxable services, or for resale
4 of tangible personal property in connection with
5 taxable services; and includes the sale of gas,
6 electricity, water, and communication service to
7 retail consumers or users; but does not include
8 agricultural breeding livestock and domesticated fowl;
9 and does not include commercial fertilizer,
10 agricultural limestone, herbicide, pesticide,
11 insecticide, food, medication, or agricultural drain
12 tile, including installation of agricultural drain
13 tile, any of which are to be used in disease control,
14 weed control, insect control, or health promotion of
15 plants or livestock produced as part of agricultural
16 production for market; and does not include
17 electricity, steam, or any taxable service when
18 purchased and used in the processing of tangible
19 personal property intended to be sold ultimately at
20 retail. When used by a manufacturer of food products,
21 carbon dioxide in a liquid, solid, or gaseous form,
22 electricity, steam, and other taxable services are
23 sold for processing when used to produce marketable
24 food products for human consumption, including but not
25 limited to, treatment of material to change its form,
26 context, or condition, in order to produce the food
27 product, maintenance of quality or integrity of the
28 food product, changing or maintenance of temperature
29 levels necessary to avoid spoilage or to hold the food
30 product in marketable condition, maintenance of
31 environmental conditions necessary for the safe or
32 efficient use of machinery and material used to
33 produce the food product, sanitation and quality
34 control activities, formation of packaging, placement
35 into shipping containers, and movement of the material
36 or food product until shipment from the building of
37 manufacture. Tangible personal property is sold for
38 processing within the meaning of this subsection only
39 when it is intended that the property will, by means
40 of fabrication, compounding, manufacturing, or
41 germination become an integral part of other tangible
42 personal property intended to be sold ultimately at
43 retail; or will be consumed as fuel in creating heat,
44 power, or steam for processing including grain drying,
45 or for providing heat or cooling for livestock
46 buildings or for greenhouses or buildings or parts of
47 buildings dedicated to the production of flowering,
48 ornamental, or vegetable plants intended for sale in
49 the ordinary course of business, or for use in
50 cultivation of agricultural products by aquaculture.

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1 or for generating electric current, or in implements
2 of husbandry engaged in agricultural production; or
3 the property is a chemical, solvent, sorbent, or
4 reagent, which is directly used and is consumed,
5 dissipated, or depleted, in processing personal
6 property which is intended to be sold ultimately at
7 retail or consumed in the maintenance or repair of
8 fabric or clothing, and which may not become a
9 component or integral part of the finished product.
10 The distribution to the public of free newspapers or
11 shoppers guides is a retail sale for purposes of the
12 processing exemption.

13 Sec. 15. Section 422.43, Code 1997, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 12. A tax of five percent is
16 imposed upon the gross receipts from the sales of
17 prepaid telephone calling cards and prepaid
18 authorization numbers. For the purpose of this
19 division, the sales of prepaid telephone calling cards
20 and prepaid authorization numbers are sales of
21 tangible personal property.

22 Sec. 16. Section 422.45, subsection 7, unnumbered
23 paragraph 1, Code 1997, is amended to read as follows:

24 A private nonprofit educational institution in this
25 state, nonprofit private museum in this state, tax-
26 certifying or tax-levying body or governmental
27 subdivision of the state, including the state board of
28 regents, state department of human services, state
29 department of transportation, a municipally owned
30 solid waste facility which sells all or part of its
31 processed waste as fuel to a municipally owned public
32 utility, and all divisions, boards, commissions,
33 agencies, or instrumentalities of state, federal,
34 county, or municipal government which do not have
35 earnings going to the benefit of an equity investor or
36 stockholder, may make application to the department
37 for the refund of the sales, services, or use tax upon
38 the gross receipts of all sales of goods, wares, or
39 merchandise, or from services rendered, furnished, or
40 performed, to a contractor, used in the fulfillment of
41 a written contract with the state of Iowa, any
42 political subdivision of the state, or a division,
43 board, commission, agency, or instrumentality of the
44 state or a political subdivision, a private nonprofit
45 educational institution in this state, or a nonprofit
46 private museum in this state if the property becomes
47 an integral part of the project under contract and at
48 the completion of the project becomes public property,
49 is devoted to educational uses, or becomes a nonprofit
50 private museum; except goods, wares, or merchandise,

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1 or services rendered, furnished, or performed used in
2 the performance of any contract in connection with the
3 operation of any municipal utility engaged in selling
4 gas, electricity, or heat to the general public or in
5 connection with the operation of a municipal pay
6 television system; and except goods, wares, and
7 merchandise used in the performance of a contract for
8 a "project" under chapter 419 as defined in that
9 chapter other than goods, wares, or merchandise used
10 in the performance of a contract for a "project" under
11 chapter 419 for which a bond issue was approved by a
12 municipality prior to July 1, 1968, or for which the
13 goods, wares, or merchandise becomes an integral part
14 of the project under contract and at the completion of
15 the project becomes public property or is devoted to
16 educational uses.

17 Sec. 17. Section 422.45, subsection 18, Code 1997,
18 is amended to read as follows:

19 18. Gross receipts from the sale of tangible
20 personal property, except vehicles subject to
21 registration, to a person regularly engaged in the
22 business of leasing if the period of the lease is for
23 more than ~~one year~~ five months, or in the consumer
24 rental purchase business if the property is to be
25 utilized in a transaction involving a consumer rental
26 purchase agreement as defined in section 537.3604,
27 subsection 8, and the leasing or consumer rental of
28 the property is subject to taxation under this
29 division. If tangible personal property exempt under
30 this subsection is made use of for any purpose other
31 than leasing, renting, or consumer rental purchase,
32 the person claiming the exemption under this
33 subsection is liable for the tax that would have been
34 due except for this subsection. The tax shall be
35 computed upon the original purchase price. The
36 aggregate of the tax paid on the leasing, renting, or
37 rental purchase of such tangible personal property,
38 not to exceed the amount of the sales tax owed, shall
39 be credited against the tax. This sales tax is in
40 addition to any sales or use tax that may be imposed
41 as a result of the disposal of such tangible personal
42 property.

43 Sec. 18. Section 422.45, subsection 39, paragraphs
44 a and c, Code 1997, are amended to read as follows:

45 a. The implement, machinery, or equipment is
46 directly and primarily used in livestock or dairy
47 production, use in aquaculture production, or in the
48 production of flowering, ornamental, or vegetable
49 plants.

50 c. The replacement part is essential to any repair

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1 or reconstruction necessary to the farm machinery's or
2 equipment's exempt use in livestock or dairy
3 production, use in aquaculture production, or in the
4 production of flowering, ornamental, or vegetable
5 plants.

6 Sec. 19. Section 422.47, subsection 4, paragraph
7 f, Code 1997, is amended to read as follows:

8 f. In this section, "fuel" includes gas,
9 electricity, water, heat, steam, and any other
10 tangible personal property consumed in creating heat,
11 power, or steam. In this section, "fuel consumed in
12 processing" means fuel used or disposed of for
13 processing including grain drying, for providing heat
14 or cooling for livestock buildings or for greenhouses
15 or buildings or parts of buildings dedicated to the
16 production of flowering, ornamental, or vegetable
17 plants intended for sale in the ordinary course of
18 business, for use in aquaculture production, or for
19 generating electric current, or in implements of
20 husbandry engaged in agricultural production. In this
21 subsection, "fuel exemption certificate" means an
22 exemption certificate given by the purchaser under
23 penalty of perjury to assist retailers in properly
24 accounting for nontaxable sales of fuel consumed in
25 processing. In this subsection, "substantial change"
26 means a change in the use or disposition of tangible
27 personal property and services by the purchaser such
28 that the purchaser pays less than ninety percent of
29 the purchaser's actual sales tax liability. A change
30 includes a misstatement of facts in an application
31 made pursuant to paragraph "c" or in a fuel exemption
32 certificate.

33 Sec. 20. Section 422.53, Code 1997, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 8. a. Except as provided in
36 paragraph "b", purchasers, users, and consumers of
37 tangible personal property or enumerated services
38 taxed pursuant to this division, chapter 423, or
39 chapter 422B, may be authorized, pursuant to rules
40 adopted by the director, to remit tax owed directly to
41 the department instead of the tax being collected and
42 paid by the seller. To qualify for a direct pay tax
43 permit, the purchaser, user, or consumer must accrue a
44 tax liability of more than four thousand dollars in
45 tax under this division and chapter 423, in a
46 semimonthly period and make deposits and file returns
47 pursuant to section 422.52. This authority shall not
48 be granted or exercised except upon application to the
49 director and then only after issuance by the director
50 of a direct pay tax permit.

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1 b. The granting of a direct pay tax permit is not
2 authorized for any of the following:

3 (1) Taxes imposed on the sales, furnishing, or
4 service of gas, electricity, water, heat, pay
5 television service, and communication service.

6 (2) Taxes imposed under sections 423.7 and 423.7A
7 and chapter 422C.

8 Sec. 21. Section 422.65, Code 1997, is amended to
9 read as follows:

10 422.65 ALLOCATION OF REVENUE.

11 All moneys received from the franchise tax shall be
12 deposited in the state general fund. ~~Commencing with~~
13 ~~the fiscal year beginning July 1, 1993, there is~~
14 ~~appropriated for each fiscal year from the franchise~~
15 ~~tax money received and deposited in the state general~~
16 ~~fund the sum of eight million eight hundred thousand~~
17 ~~dollars which shall be paid quarterly on warrants by~~
18 ~~the director, after certification by the director,~~
19 Franchise tax moneys appropriated in section 405A.10
20 are allocated as follows:

21 1. Sixty percent to the general fund of the city
22 from which the tax is collected.

23 2. Forty percent to the county from which the tax
24 is collected.

25 If the financial institution maintains one or more
26 offices for the transaction of business, other than
27 its principal office, a portion of its franchise tax
28 shall be allocated to each office, based upon a
29 reasonable measure of the business activity of each
30 office. The director shall prescribe, for each type
31 of financial institution, a method of measuring the
32 business activity of each office. Financial
33 institutions shall furnish all necessary information
34 for this purpose at the request of the director.

35 ~~Quarterly, the director shall certify to the~~
36 ~~treasurer of state the amounts to be paid to each city~~
37 ~~and county from the state general fund. All moneys~~
38 ~~received from the franchise tax are appropriated~~
39 ~~according to the provisions of this section.~~

40 Sec. 22. Section 422.72, subsection 3, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:

42 Unless otherwise expressly permitted by section
43 421.17, subsections 21, 22, 22A, 23, 25, 29, and 32,
44 sections 252B.9, 421.19, 421.28, 422.20, and 452A.63,
45 and this section, a tax return, return information, or
46 investigative or audit information shall not be
47 divulged to any person or entity, other than the
48 taxpayer, the department, or internal revenue service
49 for use in a matter unrelated to tax administration.

50 Sec. 23. Section 422.72, Code 1997, is amended by

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1 adding the following new subsection:
2 NEW SUBSECTION. 7. Notwithstanding subsection 3,
3 the director shall provide state tax returns and
4 return information in response to a subpoena issued by
5 the court pursuant to rule of criminal procedure 5
6 commanding the appearance before the attorney general
7 or an assistant attorney general if the subpoena is
8 accompanied by affidavits from such person and from a
9 sworn peace officer member of the department of public
10 safety affirming that the information is necessary for
11 the investigation of a felony violation of chapter 124
12 or chapter 706B. The affidavits accompanying the
13 subpoenas and the information provided by the director
14 shall remain a confidential record which may be
15 disseminated only to a prosecutor or peace officer
16 involved in the investigation, or to the taxpayer who
17 filed the information and to the court in connection
18 with the filing of criminal charges or institution of
19 a forfeiture action. A person who knowingly files a
20 false affidavit with the director to secure
21 information or who divulges information received under
22 this subsection in a manner prohibited by this
23 subsection commits a serious misdemeanor.

24 Sec. 24. Section 423.1, subsection 8, Code 1997,
25 is amended to read as follows:

26 8. "Retailer maintaining a place of business in
27 this state" or any like term includes any retailer
28 having or maintaining within this state, directly or
29 by a subsidiary, an office, distribution house, sales
30 house, warehouse, or other place of business, or any
31 agent representative operating within this state under
32 the authority of the retailer or its subsidiary,
33 irrespective of whether such that place of business or
34 agent representative is located here permanently or
35 temporarily, or whether the retailer or subsidiary is
36 admitted to do business within this state pursuant to
37 chapter 490.

38 Sec. 25. Section 423.25, Code 1997, is amended to
39 read as follows:

40 423.25 TAXATION IN ANOTHER STATE.

41 If any person who causes tangible personal property
42 to be brought into this state or who uses in this
43 state services enumerated in section 422.43 has
44 already paid a tax in another state in respect to the
45 sale or use of the property or the performance of the
46 service, or an occupation tax in respect to the
47 property or service, in an amount less than the tax
48 imposed by this title, the provisions of this title
49 shall apply, but at a rate measured by the difference
50 only between the rate fixed in this title and the rate

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1 by which the previous tax on the sale or use, or the
2 occupation tax, was computed. If the tax imposed and
3 paid in the other state is equal to or more than the
4 tax imposed by this title, then a tax is not due in
5 this state on the personal property or service.

6 Sec. 26. Section 425.7, subsection 3, Code 1997,
7 is amended to read as follows:

8 3. If the director of revenue and finance
9 determines that a claim for homestead credit has been
10 allowed by the board of supervisors which is not
11 justifiable under the law and not substantiated by
12 proper facts, the director may, at any time within
13 thirty-six months from July 1 of the year in which the
14 claim is allowed, set aside the allowance. Notice of
15 the disallowance shall be given to the county auditor
16 of the county in which the claim has been improperly
17 granted and a written notice of the disallowance shall
18 also be addressed to the claimant at the claimant's
19 last known address. The claimant or board of
20 supervisors may appeal to the state board of tax
21 review pursuant to section 421.1, subsection 4. The
22 claimant or the board of supervisors may seek judicial
23 review of the action of the ~~director of revenue and~~
24 ~~finance~~ state board of tax review in accordance with
25 ~~the Iowa administrative procedure Act chapter 17A.~~

26 If a claim is disallowed by the director of revenue
27 and finance and ~~not appealed to the state board of tax~~
28 ~~review or appealed to and upheld by the state board of~~
29 ~~tax review~~ and a petition for judicial review is not
30 filed with respect to the disallowance, any amounts of
31 credits allowed and paid from the homestead credit
32 fund including the penalty, if any, become a lien upon
33 the property on which credit was originally granted,
34 if still in the hands of the claimant, and not in the
35 hands of a bona fide purchaser, and any amount so
36 erroneously paid including the penalty, if any, shall
37 be collected by the county treasurer in the same
38 manner as other taxes and the collections shall be
39 returned to the department of revenue and finance and
40 credited to the homestead credit fund. The director
41 of revenue and finance may institute legal proceedings
42 against a homestead credit claimant for the collection
43 of payments made on disallowed credits and the
44 penalty, if any. If a homestead credit is disallowed
45 and the claimant failed to give written notice to the
46 assessor as required by section 425.2 when the
47 property ceased to be used as a homestead by the
48 claimant, a civil penalty equal to fifty percent of
49 the amount of the disallowed credit is assessed
50 against the claimant.

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1 Sec. 27. Section 426A.6, Code 1997, is amended to
2 read as follows:

3 426A.6 SETTING ASIDE ALLOWANCE.

4 If the director of revenue and finance determines
5 that a claim for military service tax exemption has
6 been allowed by a board of supervisors which is not
7 justifiable under the law and not substantiated by
8 proper facts, the director may, at any time within
9 thirty-six months from July 1 of the year in which the
10 claim is allowed, set aside the allowance. Notice of
11 the disallowance shall be given to the county auditor
12 of the county in which the claim has been improperly
13 granted and a written notice of the disallowance shall
14 also be addressed to the claimant at the claimant's
15 last known address. The claimant or the board of
16 supervisors may appeal to the state board of tax
17 review pursuant to section 421.1, subsection 4. The
18 claimant or the board of supervisors may seek judicial
19 review of the action of the ~~director of revenue and~~
20 ~~finance~~ state board of tax review in accordance with
21 chapter 17A. If a claim is disallowed by the director
22 of revenue and finance and not appealed to the state
23 board of tax review or appealed to and upheld by the
24 state board of tax review and a petition for judicial
25 review is not filed with respect to the disallowance,
26 the credits allowed and paid from the general fund of
27 the state become a lien upon the property on which the
28 credit was originally granted, if still in the hands
29 of the claimant and not in the hands of a bona fide
30 purchaser, the amount so erroneously paid shall be
31 collected by the county treasurer in the same manner
32 as other taxes, and the collections shall be returned
33 to the department of revenue and finance and credited
34 to the general fund of the state. The director of
35 revenue and finance may institute legal proceedings
36 against a military service tax exemption claimant for
37 the collection of payments made on disallowed
38 exemptions.

39 Sec. 28. Section 426B.1, subsection 1, Code 1997,
40 is amended to read as follows:

41 1. A property tax relief fund is created in the
42 state treasury under the authority of the department
43 of ~~revenue and finance~~ human services. The fund shall
44 be separate from the general fund of the state and
45 shall not be considered part of the general fund of
46 the state except in determining the cash position of
47 the state for payment of state obligations. The
48 moneys in the fund are not subject to the provisions
49 of section 8.33 and shall not be transferred, used,
50 obligated, appropriated, or otherwise encumbered

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1 except as provided in this chapter. Moneys in the
2 fund may be used for cash flow purposes, provided that
3 any moneys so allocated are returned to the fund by
4 the end of each fiscal year. However, the fund shall
5 be considered a special account for the purposes of
6 section 8.53, relating to elimination of any GAAP
7 deficit. For the purposes of this chapter, unless the
8 context otherwise requires, "property tax relief fund"
9 means the property tax relief fund created in this
10 section.

11 Sec. 29. Section 426B.4, Code 1997, is amended to
12 read as follows:

13 426B.4 RULES.

14 The council on human services shall consult with
15 the state-county management committee created in
16 section 331.438 and the director of ~~revenue and~~
17 ~~finance~~ human services in prescribing forms and
18 adopting rules pursuant to chapter 17A to administer
19 this chapter.

20 Sec. 30. Section 427.1, subsection 16, Code 1997,
21 is amended to read as follows:

22 16. REVOKING EXEMPTION. Any taxpayer or any
23 taxing district may make application to the director
24 of revenue and finance for revocation for any
25 exemption, based upon alleged violations of this
26 chapter. The director of revenue and finance may also
27 on the director's own motion set aside any exemption
28 which has been granted upon property for which
29 exemption is claimed under this chapter. The director
30 of revenue and finance shall give notice by mail to
31 the taxpayer or taxing district applicant and to the
32 societies or organizations claiming an exemption upon
33 property, exemption of which is questioned before or
34 by the director of revenue and finance, and shall hold
35 a hearing prior to issuing any order for revocation.
36 An order made by the director of revenue and finance
37 revoking or modifying an exemption is subject to
38 judicial review in accordance with chapter 17A, the
39 Iowa administrative procedure Act. Notwithstanding
40 the terms of that Act, petitions for judicial review
41 may be filed in the district court having jurisdiction
42 in the county in which the property is located, and
43 must be filed within thirty days after any order
44 revoking an exemption is made by the director of
45 revenue and finance.

46 Sec. 31. Section 427.5, unnumbered paragraphs 1
47 and 2, Code 1997, are amended to read as follows:

48 A person named in section 427.3, who is a resident
49 of and domiciled in the state of Iowa, shall receive a
50 reduction equal to the exemption, to be made from any

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1 property owned by the person or owned by a family farm
2 corporation of which the person is a shareholder and
3 who occupies the property and so designated by
4 proceeding as provided in the section. To be eligible
5 to receive the exemption the person claiming it shall
6 have recorded in the office of the county recorder of
7 the county in which is located the property designated
8 for the exemption, evidence of property ownership by
9 that person or the family farm corporation of which
10 the person is a shareholder and the military
11 certificate of satisfactory service, order
12 transferring to inactive status, reserve, retirement,
13 order of separation from service, honorable discharge
14 or a copy of any of these documents of the person
15 claiming or through whom is claimed the exemption.
16 The person shall file with the appropriate assessor
17 on forms obtained from the assessor the claim for
18 exemption for the year for which the person is first
19 claiming the exemption. The claim shall be filed not
20 later than July 1 of the year for which the person is
21 claiming the exemption. The claim shall set out the
22 fact that the person is a resident of and domiciled in
23 the state of Iowa, and a person within the terms of
24 section 427.3, and shall give the volume and page on
25 which the certificate of satisfactory service, order
26 of separation, retirement, furlough to reserve,
27 inactive status, or honorable discharge or certified
28 copy thereof is recorded in the office of the county
29 recorder, and may include the designation of the
30 property from which the exemption is to be made, and
31 shall further state that the claimant is the equitable
32 or legal owner of the property designated or if the
33 property is owned by a family farm corporation, that
34 the person is a shareholder of that corporation and
35 that the person occupies the property.

36 Sec. 32. Section 427B.19, subsection 3, unnumbered
37 paragraph 1, Code 1997, is amended to read as follows:

38 On or before ~~July 1, 1996, and on or before July~~
39 September 1 of each ~~succeeding~~ fiscal year through
40 June 30, 2006, the county auditor shall prepare a
41 statement, based upon the report received pursuant to
42 subsections 1 and 2, listing for each taxing district
43 in the county:

44 Sec. 33. Section 427B.19, subsection 4, Code 1997,
45 is amended to read as follows:

46 4. The county auditor shall certify and forward
47 one copy of the statement to the department of revenue
48 and finance not later than ~~July~~ September 1 of each
49 year.

50 Sec. 34. Section 427B.19A, subsection 2, Code

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1 1997, is amended to read as follows:

2 2. If an amount appropriated for a fiscal year is
3 insufficient to pay all claims, the director shall
4 prorate the disbursements from the fund to the county
5 treasurers and shall notify the county auditors of the
6 pro rata percentage on or before ~~August 1~~ September
7 30.

8 Sec. 35. Section 428.4, unnumbered paragraph 3,
9 Code 1997, is amended to read as follows:

10 Any buildings erected, improvements made, or
11 buildings or improvements removed in a year after the
12 assessment of the class of real estate to which they
13 belong, shall be valued, listed, and assessed and
14 reported by the assessor to the county auditor after
15 approval of the valuations by the local board of
16 review, and ~~said~~ the auditor shall thereupon enter the
17 taxable value of such building or taxable improvement
18 on the tax list as a part of real estate to be taxed.
19 If such buildings or improvements are erected or made
20 by any person other than the owner of the land, they
21 shall be listed and assessed to the owner of the
22 buildings or improvements as real estate.

23 Sec. 36. Section 440.1, Code 1997, is amended to
24 read as follows:

25 440.1 ASSESSMENT OF OMITTED PROPERTY.

26 When the director of revenue and finance is vested
27 with the power and duty to assess property and ~~said~~ an
28 assessment has, for any reason, been omitted, the
29 director shall proceed to assess ~~said~~ the property for
30 each of the omitted years, ~~not exceeding five years~~
31 ~~last past.~~ The omitted assessment shall only apply to
32 the assessment year in which the omitted assessment is
33 made and the four prior assessment years. Chapter 429
34 shall apply to assessments of omitted property.

35 Sec. 37. Section 441.8, unnumbered paragraphs 6
36 and 7, Code 1997, are amended to read as follows:

37 Upon receiving credit equal to one hundred fifty
38 hours of classroom instruction during the assessor's
39 current term of office of which at least ninety of the
40 one hundred fifty hours are from courses requiring an
41 examination upon conclusion of the course, the
42 director of revenue and finance shall certify to the
43 assessor's conference board that the assessor is
44 eligible to be reappointed to the position. For
45 ~~assessors whose present terms of office expire before~~
46 ~~six years from January 1, 1979, or who are persons~~
47 appointed to complete an unexpired term, the number of
48 credits required to be certified as eligible for
49 reappointment shall be prorated according to the
50 amount of time remaining in the present term of the

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1 assessor. If the person was an assessor in another
2 jurisdiction, the assessor may carry forward any
3 credit hours received in the previous position in
4 excess of the number that would be necessary to be
5 considered current in that position.

6 Within each six-year period following ~~January 1,~~
7 ~~1980 or~~ the appointment of a deputy assessor appointed
8 after ~~January 1, 1970,~~ the deputy assessor shall
9 comply with this section except that upon the
10 successful completion of ninety hours of classroom
11 instruction of which at least sixty of the ninety
12 hours are from courses requiring an examination upon
13 conclusion of the course, the deputy assessor shall be
14 certified by the director of revenue and finance as
15 being eligible to remain in the position. If a deputy
16 assessor fails to comply with this section, the deputy
17 assessor shall be removed from the position until
18 successful completion of the required hours of credit.

19 If a deputy is appointed to the office of assessor,
20 the hours of credit obtained as deputy pursuant to
21 this section shall be credited to that individual as
22 assessor and for the individual to be reappointed at
23 the expiration of the term as assessor, that
24 individual must obtain the credits which are necessary
25 to total the number of hours for reappointment.

26 Sec. 38. Section 441.11, Code 1997, is amended to
27 read as follows:

28 441.11 INCUMBENT DEPUTY ASSESSORS.

29 The director of revenue and finance shall grant a
30 restricted certificate to any deputy assessor holding
31 office as of January 1, 1976. A deputy assessor
32 possessing such a certificate shall be considered
33 eligible to remain in the deputy's present position
34 provided continuing education requirements are met.

35 To become eligible for another deputy assessor
36 position, a deputy assessor presently holding office
37 is required to obtain certification as provided for in
38 section 441.5 and 441.10. The number of credit hours
39 required for certification as eligible for appointment
40 as a deputy in a jurisdiction other than where the
41 deputy is currently serving shall be prorated
42 according to the completed portion of the deputy's
43 six-year continuing education period.

44 Sec. 39. Section 444.26, Code 1997, is amended to
45 read as follows:

46 444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

47 Sections ~~444.25,~~ 444.25A, and 444.25B shall not be
48 construed as removing or otherwise affecting the
49 property tax limitations otherwise provided by law for
50 any tax levy of the political subdivision, except

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1 that, upon an appeal from the political subdivision,
2 the state appeal board may approve a tax levy
3 consistent with the provisions of section 24.48 or
4 331.426.

5 Sec. 40. Section 444.27, subsection 1, Code 1997,
6 is amended to read as follows:

7 ~~1. For purposes of section 444.25, sections 24.48~~
8 ~~and 331.426 are void for the fiscal years beginning~~
9 ~~July 1, 1993, and July 1, 1994.~~ For purposes of
10 section 444.25A, sections 24.48 and 331.426 are void
11 for the fiscal years beginning July 1, 1995, and July
12 1, 1996.

13 Sec. 41. Section 445.32, Code 1997, is amended to
14 read as follows:

15 445.32 LIENS ON BUILDINGS OR IMPROVEMENTS.

16 If a building or improvement is erected or made by
17 a person other than the owner of the land on which the
18 building or improvement is located, as provided for in
19 section 428.4, the taxes on the building or
20 improvement are and remain a lien on the building or
21 improvement from the date of levy until paid. If the
22 taxes on the building or improvement become
23 delinquent, as provided in section 445.37, the county
24 treasurer shall collect the tax as provided in
25 sections 445.3 and 445.4. This section does not apply
26 to special assessments, or rates or charges.

27 Sec. 42. Section 452A.17, subsection 1, paragraph
28 a, Code 1997, is amended by adding the following new
29 subparagraph:

30 NEW SUBPARAGRAPH. (9) Undyed special fuel used in
31 watercraft.

32 Sec. 43. Section 452A.17, subsection 1, paragraph
33 b, subparagraphs (4) and (5), Code 1997, are amended
34 to read as follows:

35 (4) The claim shall state the gallonage of motor
36 fuel or undyed special fuel that was used or will be
37 used by the claimant other than in ~~watercraft or~~
38 ~~aircraft~~ or to propel motor vehicles, the manner in
39 which the motor fuel or undyed special fuel was used
40 or will be used, and the equipment in which it was
41 used or will be used.

42 (5) The claim shall state whether the claimant
43 used fuel for ~~watercraft or~~ aircraft or to propel
44 motor vehicles from the same tanks or receptacles in
45 which the claimant kept the motor fuel or undyed
46 special fuel on which the refund is claimed.

47 Sec. 44. Section 452A.65, unnumbered paragraph 1,
48 Code 1997, is amended to read as follows:

49 In addition to the tax or additional tax, the
50 taxpayer shall pay a penalty as provided in section

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1 421.27. The taxpayer shall also pay interest on the
2 tax or additional tax at the rate in effect under
3 section 421.7 counting each fraction of a month as an
4 entire month, computed from the date the return was
5 required to be filed. If the amount of the tax as
6 determined by the appropriate state agency is less
7 than the amount paid, the excess shall be refunded
8 with interest, the interest to begin to accrue on the
9 first day of the ~~third~~ second calendar month following
10 the date of payment or the date the return was due to
11 be filed or was filed, whichever is the latest, at the
12 rate in effect under section 421.7 counting each
13 fraction of a month as an entire month under the rules
14 prescribed by the appropriate state agency. ~~In lieu~~
15 ~~of a refund allowed under this section, the licensee~~
16 ~~may request that the department allow the refund to be~~
17 ~~held as a credit for the licensee. Claims for refund~~
18 ~~filed under sections 452A.17 and 452A.21 shall accrue~~
19 ~~interest beginning with the first day of the second~~
20 ~~calendar month following the date the refund claim is~~
21 ~~received by the department.~~

22 Sec. 45. Section 633.699, subsection 7, Code 1997,
23 is amended to read as follows:

24 7. To make any required division, allocation, or
25 distribution in whole or in part in money, securities,
26 or other property, and in undivided interests therein
27 pro rata, nonpro rata, or in combination of these
28 methods, and to continue to hold any remaining
29 undivided interest in trust.

30 Sec. 46. Section 633.703A, subsection 1,
31 unnumbered paragraph 1, Code 1997, is amended to read
32 as follows:

33 In order to allow a trust to qualify as a marital
34 deduction trust for federal estate tax purposes, as a
35 qualified subchapter S trust for federal income tax
36 purposes, as separate trusts for federal generation-
37 skipping tax purposes, or for any other federal or
38 state income, estate, excise, or inheritance tax
39 benefit or to facilitate the administration of a trust
40 or trusts, the governing instrument of a trust may be
41 amended as follows to permit the trust to be divided
42 in cash or in kind, including in undivided interests,
43 by pro rata or nonpro rata division, or in any
44 combination thereof, into one or more separate trusts
45 or be consolidated with one or more other trusts into
46 a single trust:

47 Sec. 47. Section 99D.14, subsection 6, Code 1997,
48 as amended by 1997 Iowa Acts, House File 212, section
49 2, is amended to read as follows:

50 6. Real property used in the operation of a

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1 racetrack or racetrack enclosure which is exempt from
2 property taxation under another provision of the law,
3 including being exempt because it is owned by a city,
4 county, state, or charitable or nonprofit entity, may
5 be subject to real property taxation by any taxing
6 district in which the real property used in the
7 operation of the racetrack or racetrack enclosure is
8 located. To subject such real property to taxation,
9 the taxing authority of the taxing district shall pass
10 a resolution imposing the tax and, if the resolution
11 is passed prior to September 1, 1997, shall notify the
12 ~~county local~~ assessor, ~~director of revenue and~~
13 ~~finance,~~ and the owner of record of the real property
14 by September 1, 1997, preceding the fiscal year in
15 which the real property taxes are due and payable.
16 The assessed value shall be determined and notice of
17 the assessed value shall be provided to the county
18 auditor by the ~~department of revenue and finance local~~
19 ~~assessor~~ by October 15, 1997, and the owner may
20 protest the assessed value to the state local board of
21 ~~tax review~~ by December 1, 1997. For resolutions
22 passed on or after September 1, 1997, the taxing
23 authority shall notify the local assessor and owner of
24 record prior to the next assessment year and the
25 valuation and appeal shall be done in the manner and
26 time as for other valuations. Property taxes due as a
27 result of this subsection shall be paid to the county
28 treasurer in the manner and time as other property
29 taxes. The county treasurer shall remit the tax
30 revenue to those taxing authorities imposing the
31 property tax under this subsection. Real property
32 subject to tax as provided in this subsection shall
33 continue to be taxed until such time as the taxing
34 authority of the taxing district repeals the
35 resolution subjecting the property to taxation.
36 ~~Notwithstanding section 90D.7, the department of~~
37 ~~revenue and finance shall adopt rules to implement~~
38 ~~this subsection.~~
39 Sec. 48. Sections 236.15A, 427A.13, 440.2, 440.3,
40 440.4, 444.25, and 444.28, Code 1997, are repealed.
41 Sec. 49. Sections 11 and 13 of this Act which
42 amend sections 422.5 and 422.32 apply retroactively to
43 January 1, 1997, for tax years beginning on or after
44 that date.
45 Sec. 50. Section 17 of this Act, amending section
46 422.45, subsection 18, being deemed of immediate
47 importance, takes effect upon enactment.
48 Sec. 51. Sections 6, 12, and 22 of this Act,
49 enacting section 421.17, subsection 22A and amending
50 section 422.20 and section 422.72, subsection 3, and

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1 relating to contractual agreements by the department
2 of revenue and finance, being deemed of immediate
3 importance, take effect upon enactment.
4 Sec. 52. Section 20 of this Act, enacting section
5 422.53, subsection 8, takes effect January 1, 1998.
6 Sec. 53. Sections 42 and 43 of this Act, amending
7 section 452A.17, subsection 1, being deemed of
8 immediate importance, take effect upon enactment and
9 apply retroactively to July 1, 1996.”
10 2. Title page, by striking lines 1 through 7 and
11 inserting the following: “An Act relating to the
12 administration of state individual income, corporate,
13 franchise, motor fuel, and other taxes; collection of
14 taxes and use of collection receipts; property taxes;
15 property tax credits and replacement claims; sales,
16 services, and use taxes and the imposition thereof on
17 sales of prepaid telephone calling cards and prepaid
18 authorization numbers; tax refund setoffs; and other
19 duties of the department and director of revenue and
20 finance; providing a penalty; and including effective
21 and retroactive applicability date provisions.”

Taylor of Linn asked and received unanimous consent that amendment H-1972, to the Senate amendment H-1957, be deferred.

Falck of Fayette offered the following amendment H-1969, to the Senate amendment H-1957, filed by Falck, et al., and moved its adoption:

H-1969

1 Amend the Senate amendment, H-1957, to House File
2 266, as passed by the House, as follows:
3 1. Page 5, by inserting after line 24 the
4 following:
5 “Sec. 651. Section 422.7, Code 1997, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 35. The amount of salary paid by
8 a business to a nonproduction worker which exceeds
9 thirty times the average annual wage paid to the
10 production workers of that business shall not be
11 allowed as a deduction in determining net income under
12 this section.”
13 2. Page 20, by inserting after line 44 the
14 following:
15 “Sec. ____ Section 651 of this Act, enacting
16 section 422.7, subsection 35, applies retroactively to
17 January 1, 1997.”

Drake of Pottawattamie rose on a point of order that amendment H-1969, to the Senate amendment H-1957, was not germane.

The Speaker ruled the point well taken and amendment H-1969 not germane.

Rants of Woodbury offered amendment H-1971, to the Senate amendment H-1957, filed by Rants, et al., as follows:

H-1971

- 1 Amend the Senate amendment, H-1957, to House File
- 2 266, as passed by the House, as follows:
- 3 1. Page 9, by inserting after line 5 the
- 4 following:
- 5 "Sec. 601. Section 422.45, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 52. The gross receipts from
- 8 charges for access to or use of internet computer
- 9 services and from charges for access to or use of
- 10 other contracted on-line computer services if access
- 11 or use is by way of a local or in-state long distance
- 12 telephone number and if the predominate on-line
- 13 computer service offered is two-way transmission and
- 14 receipt of information from one site to another.
- 15 This subsection is repealed July 1, 1998."
- 16 2. Page 21, by inserting after line 3 the
- 17 following:
- 18 "Sec. ____ Section 601 of this Act, enacting
- 19 section 422.45, subsection 52, being deemed of
- 20 immediate importance, takes effect upon enactment."

Bernau of Story rose on a point of order that amendment H-1971, to the Senate amendment H-1957, was not germane.

The Speaker ruled the point well taken and amendment H-1971 not germane.

Taylor of Linn offered the following amendment H-1972, to the Senate amendment H-1957, previously deferred, filed by him and moved its adoption:

H-1972

- 1 Amend the Senate amendment, H-1957, to House File
- 2 266, as passed by the House, as follows:
- 3 1. By striking page 2, line 48, through page 3,
- 4 line 16.
- 5 2. Page 5, by striking lines 25 through 34.
- 6 3. Page 10, by striking lines 40 through 49.
- 7 4. By striking page 20, line 48, through page 21,
- 8 line 3.

Amendment H-1972 lost.

On motion by Drake of Pottawattamie, the House concurred in the Senate amendment H-1957.

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

On the question "Shall the bill pass?" (H.F. 266)

The ayes were, 80:

Arnold	Bell	Bernau	Blodgett
Bogges	Bradley	Brand	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Holmes
Holveck	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kremer	Larkin	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Teig	Thomas	Thomson	Van Maanen
Vande Hoef	Warnstadt	Weidman	Weigel
Whitead	Wise	Witt	Veenstra, Presiding

The nays were, 17:

Barry	Boddicker	Brunkhorst	Chiodo
Corbett, Spkr.	Grundberg	Heaton	Houser
Kreiman	Lamberti	Larson	Millage
Rants	Taylor	Tyrrell	Van Fossen
Welter			

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 266** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the agriculture committee, to consider Senate File 555.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 29, 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 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, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation.

Also: That the Senate has on April 29, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 473, a bill for an act 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

On motion by Siegrist of Pottawattamie, the House was recessed at 11:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

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

QUORUM CALL

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

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 545.

Ways and Means Calendar

Senate File 545, a bill for an act relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness owed to or being collected by the state in pilot project counties, and providing an effective date, with report of committee recommending passage, 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?" (S.F. 545)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahr	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	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:

Chiodo

Connors

Nelson

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 545** be immediately messaged to the Senate.

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

The House resumed session at 4:30 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 29, 1997, passed the following bill in which the concurrence of the Senate was asked:

House File 729, a bill for an act 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.

Also: That the Senate has on April 29, 1997, adopted the conference committee report and passed 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.

Also: That the Senate has on April 29, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 541, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project.

Also: That the Senate has on April 29, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 553, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision.

MARY PAT GUNDERSON, Secretary

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 391)

Brauns of Muscatine called up for consideration the report of the

conference committee on Senate File 391 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 391

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 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, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1701.

2. That the House amendment, S-3453, to Senate File 391, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"__ Page 8, by inserting after line 21 the following: "Sec. __. 1996 Iowa Acts, chapter 1218, section 51, subsection 3, is amended by striking the subsection and inserting in lieu thereof the following:

3. PRESENTATIONS AND REPEAL. The state transportation commission shall make a presentation to the joint appropriations subcommittee on transportation, infrastructure, and capitals not later than February 1, 1998, regarding the effect that complying with subsection 2 will have on the commission's compliance with section 313.2A. The department of economic development shall also make a presentation to the joint appropriations subcommittee on transportation, infrastructure, and capitals, not later than February 1, 1998, regarding the economic development impact of implementing subsection 2.

This section is repealed effective July 1, 2000."

ON THE PART OF THE HOUSE:

BARRY BRAUNS, Chair
HENRY RAYHONS
STEVEN WARNSTADT

ON THE PART OF THE SENATE:

RICHARD F. DRAKE, Chair
MIKE CONNOLLY
MARY LOU FREEMAN
ROD HALVORSON
STEVE KING

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 391)

The ayes were, 72:

Arnold	Barry	Bernau	Blodgett
Bogges	Brand	Brauns	Brunkhorst
Bukta	Burnett	Carroll	Cataldo
Chiodo	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Eddie	Falk	Ford
Frevert	Gipp	Greig	Greiner
Gries	Hansen	Holmes	Holveck
Houser	Huseman	Huser	Jenkins
Jochum	Kinzer	Klemme	Kremier
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Meyer
Millage	Mundie	Myers	Nelson
Osterhaus	Rants	Rayhons	Richardson
Scherrman	Shoultz	Siegrist	Sukup
Taylor	Thomas	Thomson	Tyrrell
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Van Fossen	Van Maanen, Presiding

The nays were, 25:

Bell	Boddicker	Bradley	Chapman
Churchill	Cohon	Drees	Fallon
Foege	Garman	Grundberg	Hahn
Heaton	Koenigs	Kreiman	Lamberti
Metcalf	Moreland	Murphy	O'Brien
Reynolds-Knight	Schrader	Vande Hoef	Wise
Witt			

Absent or not voting, 3:

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

Speaker Corbett in the chair at 4:37 p.m.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 391** be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN

(Senate File 472)

Bogges of Taylor asked and received unanimous consent to withdraw the motion to reconsider **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, filed by her on April 10, 1997.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 472)

Sukup of Franklin asked and received unanimous consent to withdraw the motion to reconsider **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, filed by him on April 10, 1997.

With the withdrawal of the motion to reconsider, amendment H-1983 filed by Carroll, Eddie, Meyer, Greig, Huseman, Dix, and Vande Hoef from the floor, and amendment H-1984 filed by Thomas from the floor are placed out of order.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 472** be immediately messaged to the Senate.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Corbett invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Seventy-seventh General Assembly were presented to the following Pages by Speaker Corbett and Minority Leader Schrader of Marion.

Karin Anderson
Sarah Armstrong
Kathryn Burford
Krista Burkle
Amanda Campbell
Andrew Dorr
Christopher Hill
Jennifer Ipsen
Kristina Kieffer
Kelli Kilgore
Krista Kloster
Courtney Kramer
Kelly Lang

Amy Lincoln
Kris Lyons
Jared McLaren
Jessica Miskimins
Heather O'Hara
Maryn Olson
Jennifer Pierce
Christopher Rasmussen
Rebecca Reeder
Shuni Roth
Tomson Seller
James Springhower
Jared Taylor

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 AGRICULTURE

Senate File 555, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date.

Fiscal Note is not required.

Recommended Do Pass April 29, 1997.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 555.

Senate File 555, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 555)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	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.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 555** be immediately messaged to the Senate.

The House stood at ease at 5:00 p.m., until the fall of the gavel.

The House resumed session at 6:28 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 29, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 23, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol.

Also: That the Senate has on April 29, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 697, a bill for an act relating to certain procedures of the ethics and campaign disclosure board and filing requirements and certain requirements for use of campaign funds.

Also: That the Senate has on April 29, 1997, amended and passed the following bill in which the concurrence of the House is asked:

House File 734, a bill for an act relating to the criminal and civil justice system

by providing for the imposition of a civil penalty for certain motor vehicle license suspensions, revocations, or bars, for the appropriation and distribution of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry.

Also: That the Senate has on April 29, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 472, a bill for an act prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure.

Also: That the Senate has on April 29, 1997, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Grundberg of Polk called up for consideration **Senate File 549**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1989 to the House amendment:

H-1989

- 1 Amend the House amendment, S-3782, to Senate File
- 2 549, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 3 the
- 5 following:
- 6 " Page 1, line 34, by inserting after the
- 7 figure "261.19A" the following: "or section 261.19 as
- 8 amended by 1997 Iowa Acts, House File 410, if
- 9 enacted".
- 10 2. Page 1, line 23, by striking the figure
- 11 "1,212,167" and inserting the following: "1,162,167".
- 12 3. Page 1, by striking lines 24 through 36.
- 13 4. Page 1, line 40, by striking the word
- 14 "collaborate" and inserting the following:

- 15 "coordinate activities".
- 16 5. Page 1, line 45, by striking the figure
- 17 "5,168,602" and inserting the following: "5,469,602".
- 18 6. Page 1, by striking lines 46 and 47.
- 19 7. Page 2, by striking lines 21 through 30.
- 20 8. Page 2; line 42, by striking the figure
- 21 "2,674,725" and inserting the following: "2,734,725".
- 22 9. Page 2, by striking line 44 and inserting the
- 23 following: "following:
- 24 The state library shall begin implementing the 1996
- 25 Iowa joint use library guide commencing July 1, 1997.
- 26 Reimbursement of the institutions of'.
- 27 10. Page 3, by striking lines 3 through 6.
- 28 11. Page 3, by striking lines 10 through 26 and
- 29 inserting the following:
- 30 "Moneys appropriated to or paid to the department
- 31 of education for purposes of the reading recovery
- 32 program shall be allocated to area education agencies
- 33 in the proportion that the number of children who are
- 34 eligible for free or reduce price meals under the
- 35 federal National School Lunch Act and the federal
- 36 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, in
- 37 the basic enrollment of grades one through six in the
- 38 area served by an agency, bears to the sum of the
- 39 number of children who are eligible for free or
- 40 reduced price meals under the federal National School
- 41 Lunch Act and the federal Child Nutrition Act of 1966,
- 42 42 U.S.C. § 1751-1785, in the basic enrollments of
- 43 grades one through six in all of the areas served by
- 44 area education agencies in the state for the budget
- 45 year."
- 46 12. Page 3, line 34, by striking the figure
- 47 "50,000" and inserting the following: "25,000".
- 48 13. By striking page 3, line 35, through page 4,
- 49 line 26.
- 50 14. By striking page 4, line 29, through page 5,

Page 2

1	line 48, and inserting the following:	
2	"	\$ 130,582,051
3	The funds appropriated in this subsection shall be	
4	allocated as follows:	
5	a. Merged Area I	\$ 6,236,541
6	b. Merged Area II	\$ 7,353,865
7	c. Merged Area III	\$ 6,943,989
8	d. Merged Area IV	\$ 3,383,065
9	e. Merged Area V	\$ 7,076,264
10	f. Merged Area VI	\$ 6,557,575
11	g. Merged Area VII	\$ 9,354,212
12	h. Merged Area IX	\$ 11,469,275
13	i. Merged Area X	\$ 17,802,012
14	j. Merged Area XI	\$ 19,018,739

15	k. Merged Area XII	\$	7,554,167
16	l. Merged Area XIII	\$	7,726,323
17	m. Merged Area XIV	\$	3,426,976
18	n. Merged Area XV	\$	10,689,360
19	o. Merged Area XVI	\$	5,989,688"
20	15. Page 5, line 50, by striking the figure		
21	"1,090,525" and inserting the following: "1,140,525".		
22	16. Page 6, by striking lines 1 and 2.		
23	17. Page 6, line 5, by striking the figure		
24	"169,596,402" and inserting the following:		
25	"169,721,402".		
26	18. Page 6; by striking lines 7 through 13.		
27	19. Page 6, by inserting after line 20 the		
28	following:		
29	"__ Page 21, by striking lines 7 through 11."		
30	20. Page 6, line 28, by striking the figure		
31	"250,000" and inserting the following: "190,000".		
32	21. Page 8, line 2, by striking the words "and		
33	the center".		
34	22. By striking page 8, line 50, through page 9,		
35	line 3, and inserting the following:		
36	"Sec. __. Section 294A.25, Code 1997, is amended		
37	by adding the following new subsections:"		
38	23. Page 9, by striking lines 11 through 44 and		
39	inserting the following: "history, or geography.		
40	<u>NEW SUBSECTION.</u> 4B. For the fiscal year beginning		
41	July 1, 1997, and ending June 30, 1998, the amount of		
42	fifty thousand dollars to the department of education		
43	for the geography alliance.		
44	<u>NEW SUBSECTION.</u> 7A. For the fiscal year beginning		
45	July 1, 1997, and ending June 30, 1998, the amount of		
46	seventy thousand dollars to the state board of regents		
47	for equal distribution to the Iowa braille and sight		
48	saving school and the Iowa state school for the deaf		
49	from phase III moneys."		
50	__ Page 26, by striking lines 12 through 14 and		

Page 3

- 1 inserting the following:
- 2 "7. Commencing with the fiscal year beginning July
- 3 1, 1996 1997, the amount of ~~fifty thousand dollars for~~
- 4 ~~geography alliance and one~~ two hundred eighty thirty
- 5 thousand dollars."
- 6 24. Page 10, by striking lines 7 through 9.
- 7 25. Page 10, by striking lines 11 through 13.
- 8 26. By renumbering, relettering, or redesignating
- 9 and correcting internal references as necessary.

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-1989 be adopted?" (S.F. 549)

The ayes were, 55:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Drees
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremér	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, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	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

Absent or not voting, 1:

Connors

The motion prevailed and the House concurred in the Senate amendment H-1989, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 549)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	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	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:

Kreiman

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

Gipp of Winneshiek asked and received unanimous consent that **Senate File 549** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 25

Blodgett of Cerro Gordo called up for consideration House Concurrent Resolution 25, a concurrent resolution requesting an interim committee on anatomical gift referral, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **House File 734**, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license suspensions, revocations, or bars, for the appropriation and distribution of the penalties collected, and for the imposition and payment of

fees for probation and parole, and concerning inmate employment in private industry, amended by the Senate, and moved that the House concur in the following Senate amendment H-1991:

H-1991

- 1 Amend House File 734, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "privilege" the following: "for a conviction".
- 5 2. Page 1, line 6, by inserting after the word
- 6 "dollars." the following: "However, for persons age
- 7 nineteen or under, the civil penalty assessed shall be
- 8 fifty dollars."
- 9 3. Page 1, line 17, by inserting after the word
- 10 "dollars." the following: "However, for persons age
- 11 nineteen or under, the civil penalty assessed shall be
- 12 fifty dollars."
- 13 4. Page 2, by inserting after line 4 the
- 14 following:
- 15 "Sec. ____ Section 904.112, Code 1997, is amended
- 16 to read as follows:
- 17 904.112 INSTITUTIONAL RECEIPTS.
- 18 ~~All institutional~~ Institutional receipts of the
- 19 department of corrections shall be deposited in the
- 20 general fund of the state except for reimbursements as
- 21 follows:
- 22 1. Reimbursement for services provided to another .
- 23 institution or state agency, rentals charged to
- 24 employees or other persons for room, apartment, or
- 25 housing, and charges for meals.
- 26 2. Receipts which are specifically required to be
- 27 otherwise expended or deposited under this chapter.
- 28 Sec. ____ Section 904.311A, Code 1997, is amended
- 29 to read as follows:
- 30 904.311A PRISON RECYCLING FUND.
- 31 ~~The Iowa prison~~ A recycling fund for each prison
- 32 institution is created ~~and established~~ as a separate
- 33 and distinct fund in the state treasury. All moneys
- 34 remitted to the department for ~~the~~ recycling
- 35 operations ~~in each fiscal year commencing with the~~
- 36 ~~fiscal year beginning July 1, 1994,~~ of a prison
- 37 institution shall be deposited in the fund established
- 38 for that institution. Notwithstanding section 12C.7,
- 39 subsection 2, interest or earnings on moneys deposited
- 40 in the each fund shall be credited to ~~the~~ that fund.
- 41 Notwithstanding section 8.33, moneys in the each fund
- 42 shall not revert to the general fund of the state at
- 43 the close of a fiscal year but shall remain in ~~the~~
- 44 that fund and be used as directed in this section in
- 45 the succeeding fiscal year. The treasurer of state
- 46 shall act as custodian of the each fund and disburse

- 47 moneys from the each fund as directed by the
 48 department for the purpose of payment of operating
 49 expenses for recycling."
 50 5. Page 6, line 16, by striking the word

Page 2

- 1 "APPROPRIATION" and inserting the following:
 2 "DEPOSIT".
 3 6. Page 6, line 21, by striking the words
 4 "appropriated to" and inserting the following:
 5 "deposited with".
 6 7. Title page, line 4, by striking the word
 7 "appropriation" and inserting the following:
 8 "deposit".
 9 8. Title page, line 4, by striking the words "the
 10 penalties" and inserting the following: "penalties
 11 and fees".
 12 9. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1991.

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

On the question "Shall the bill pass?" (H.F. 734)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	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	Tyrrrell	Van Fossen

Van Maanen
Weidman
Wise

Vande Hoef
Weigel
Witt

Veenstra
Welter
Mr. Speaker
Corbett

Warnstadt
Whitead

The nays were, none.

Absent or not voting, 1:

Connors

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 734** be immediately messaged to the Senate.

The House stood at ease at 6:52 p.m., until the fall of the gavel.

The House resumed session at 7:12 p.m., Speaker Corbett in the chair.

MOTION TO RECONSIDER PREVAILED

Millage of Scott called up for consideration the motion to reconsider Senate File 542, filed on April 28, 1997, and moved to reconsider the vote by which **Senate File 542**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date, passed the House and was placed on its last reading on April 28, 1997.

A non-record roll call was requested.

The ayes were 60, nays none.

The motion prevailed and the House reconsidered Senate File 542.

Brunkhorst of Bremer asked and received unanimous consent to reconsider the vote by which amendment H-1930 was adopted, found on page 1634 of the House Journal.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-1930 filed by him on April 24, 1997, placing out of order amendment H-1941, filed by Brunkhorst on April 28, 1997.

Millage of Scott offered the following amendment H-1992 filed by him from the floor and moved its adoption:

H-1992

2 reprinted by the Senate, as follows:

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

5 "____. To the department of education to develop an
6 initiative to improve access to education through
7 distance learning in postsecondary institutions:

8 \$ 50,000"

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

11 "Sec. ____ FISCAL YEAR 1997-1998 LOTTERY TRANSFER.

12 Notwithstanding the requirement in section 99E.10,
13 subsection 1, to transfer lottery revenue remaining
14 after expenses are deducted, notwithstanding the
15 requirement under section 99E.20, subsection 2, for
16 the commissioner to certify and transfer a portion of
17 the lottery fund to the CLEAN fund, and
18 notwithstanding the appropriations and allocations in
19 section 99E.34, all lottery revenues received during
20 the fiscal year beginning July 1, 1997, and ending
21 June 30, 1998, after deductions as provided in section
22 99E.10, subsection 1, and as appropriated under any
23 Act of the Seventy-seventh General Assembly, 1997
24 Session, shall not be transferred to and deposited
25 into the CLEAN fund but shall be transferred and
26 credited to the general fund of the state."

27 3. Page 10, by inserting after line 10 the
28 following:

29 "DIVISION ____

30 Sec. ____ Section 279.51, subsection 1, unnumbered
31 paragraph 1, Code 1997, is amended to read as follows:

32 There is appropriated from the general fund of the
33 state to the department of education for the fiscal
34 year beginning July 1, ~~1996~~ 1997, and each succeeding
35 fiscal year, the sum of ~~fourteen~~ fifteen million ~~five~~
36 one hundred ~~twenty~~ seventy thousand dollars.

37 "Sec. ____ Section 279.51, subsection 1, paragraph
38 b, Code 1997, is amended to read as follows:

39 b. For the fiscal year beginning July 1, ~~1996~~
40 1997, and for each succeeding fiscal year, ~~seven~~ eight
41 million ~~six~~ three hundred ~~seventy~~ twenty thousand
42 dollars of the funds appropriated shall be allocated
43 to the child development coordinating council
44 established in chapter 256A for the purposes set out
45 in subsection 2 of this section and section 256A.3.

46 DIVISION ____

47 Sec. ____ NEW SECTION. 12C.26 TOBACCO SETTLEMENT
48 FUND.

49 A tobacco settlement fund is created in the office
50 of the treasurer of state. After payment of

Page 2

1 litigation costs, the state portion of any moneys paid

2 to the state by tobacco companies in settlement of the
3 state's lawsuit for recovery of public expenditures
4 associated with tobacco use shall be deposited in the
5 tobacco settlement fund. Moneys deposited in the fund
6 shall be used only as provided in appropriations from
7 the fund to the department of human services for the
8 medical assistance program and to the Iowa department
9 of public health for programs to reduce smoking by
10 teenage youth. For purposes of this section,
11 "litigation costs" are those costs itemized by the
12 attorney general and submitted to and approved by the
13 general assembly.

14 Sec. ____ 1997 Iowa Acts, House File 715, section
15 9, subsection 3, unnumbered paragraph 1, if enacted,
16 is amended to read as follows:

17 For the purposes of this subsection, the term
18 "poverty level" means the poverty level defined by the
19 poverty income guidelines published by the United
20 States department of health and human services.
21 Effective ~~October~~ July 1, 1997, the department shall
22 increase to 125 percent the maximum federal poverty
23 level used to determine eligibility for state child
24 care assistance. Based upon the availability of the
25 funding provided in subsection 2 the department shall
26 establish waiting lists for state child care
27 assistance in descending order of prioritization as
28 follows:

29 Sec. ____ 1997 Iowa Acts, Senate File 131, section
30 1, amending section 239.14, if enacted, is repealed.

31 Sec. ____ 1997 Iowa Acts, Senate File 131, section
32 2, amending section 239.17, if enacted, is repealed.

33 DIVISION ____

34 Sec. ____ BUDGETING FOR RESULTS.

35 1. For the purposes of this section, unless the
36 context otherwise requires, the term "budgeting for
37 results" for a department or establishment as defined
38 in chapter 8 means the budgeting process which
39 includes steps for identifying and measuring desired
40 results by use of results-oriented performance
41 measures. Under budgeting for results the performance
42 measures are developed by a department or
43 establishment in collaboration with the department of
44 management and the legislative fiscal bureau for a
45 program administered by the department or
46 establishment.

47 2. If a new program commences on or after July 1,
48 1997, under a department or establishment or the
49 source of funding for a program administered by a
50 department or establishment is changed by law from the

2 the program may be included in budgeting for results
3 for the fiscal years beginning July 1, 1997, and July
4 1, 1998.

5 3. It is the intent of the general assembly to
6 consider requiring that all programs administered by
7 departments and establishments will be included in
8 budgeting for results.

9 4. The departments and establishments utilizing
10 budgeting for results, shall collect data as
11 determined by the department of management in
12 collaboration with the legislative fiscal bureau, for
13 use in evaluating the programs included in budgeting
14 for results. The data shall measure the effectiveness
15 of a program in achieving the stated desired results.
16 Analysis of the data and evaluations of the
17 effectiveness of a program in achieving the desired
18 results shall be submitted by the departments and
19 establishments to the governor and general assembly
20 for use in making budgetary and policy decisions.

21 DIVISION ____

22 Sec. ____ NEW SECTION. 692.2A CRIMINAL HISTORY
23 DATA CHECK PREPAYMENT FUND.

24 1. A criminal history data check prepayment fund
25 is created in the state treasury under the control of
26 the department for the purpose of allowing any nonlaw
27 enforcement agency or person to deposit moneys as an
28 advance on fees required to conduct criminal history
29 data checks as provided in section 692.2.

30 2. The department shall adopt rules governing the
31 fund, including the crediting of deposits made to the
32 fund. Prepaid fees deposited in the fund are
33 appropriated to the department for use as provided in
34 section 692.2.

35 3. Interest or earnings on moneys deposited in the
36 fund shall not be credited to the fund or to the
37 agency or person who deposited the money but shall be
38 deposited in the general fund of the state as provided
39 in section 12C.7. Notwithstanding section 8.33, moneys
40 remaining in the criminal history data check
41 prepayment fund at the end of a fiscal year shall not
42 revert to the general fund of the state.

43 Sec. ____ DIRECTOR OF DEPARTMENT OF COMMERCE.

44 Notwithstanding section 546.2, subsection 2, the
45 governor may reappoint the commissioner of insurance
46 to be the director of the department of commerce for a
47 second year beginning July 1, 1997.

48 Sec. ____ 1996 Iowa Acts, chapter 1218, section
49 10, unnumbered paragraph 3, is amended to read as
50 follows:

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1 Of the appropriation in this section, \$50,000 shall

2 be used for costs associated with the renovation and
 3 repair of the Allison monument located on the state
 4 capitol complex. ~~An effort shall be made by the~~
 5 ~~department of education to match this appropriation~~
 6 ~~from the citizens and the school children of Iowa as~~
 7 ~~occurred when the monument was initially built.~~
 8 Sec. ____ HOUSE FILE 453 - EFFECTIVE DATE. 1997
 9 Iowa Acts, House File 453, if enacted, being deemed of
 10 immediate importance, takes effect upon enactment of
 11 this Act.

12 Sec. 100. FEDERAL WELFARE REFORM COMPLIANCE —
 13 CHILD SUPPORT ENFORCEMENT. For the fiscal year
 14 beginning July 1, 1996, and ending June 30, 1997,
 15 after \$36,370,000 of child support revenue has been
 16 collected by the department of human services and
 17 deposited in the family investment program account
 18 established in section 239B.11, notwithstanding
 19 section 8.33, not more than \$1,000,000 of the
 20 remaining child support revenue collected and
 21 deposited in the account which remains unobligated or
 22 unexpended at the close of the fiscal year ending June
 23 30, 1996, shall not revert to the general fund of the
 24 state, but shall remain available and is appropriated
 25 to the department for use in the succeeding fiscal
 26 year for the purpose of implementing child support
 27 enforcement changes necessitated by federal welfare
 28 reform legislation.

29 Sec. ____ EFFECTIVE DATE. Section 100 of this
 30 division of this Act, relating to federal welfare
 31 reform compliance, being deemed of immediate
 32 importance, takes effect upon enactment.

33 DIVISION ____

- 34 4. Title page, line 1, by inserting before the
 35 word "appropriations" the following: "and other".
 36 5. Title page, by striking lines 2 and 3, and
 37 inserting the following: "fiscal year beginning July
 38 1, 1996, and subsequent fiscal years, reestablishing a
 39 domestic abuse services income tax checkoff, including
 40 retroactive applicability provisions, and providing
 41 effective dates."
 42 6. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

Amendment H-1992 was adopted.

Millage of Scott offered the following amendment H-1993 filed by
 Millage, Jacobs and Greig from the floor and moved its adoption:

H-1993.

- 1 Amend Senate File 542, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 10, by inserting after line 10 the
 4 following:
 5 "DIVISION____
 6 Sec. ____ VALUE-ADDED PRODUCTION ASSISTANCE.
 7 1. It is the intent of the general assembly to
 8 support the creation of an ag-initiative 2000
 9 subaccount in the community economic betterment
 10 program account as provided in and for the purposes
 11 stated in the Senate amendment, H-1975, to House File
 12 731. As evidence of this support, the general
 13 assembly directs the department of economic
 14 development to use resources under existing financial
 15 assistance programs to support the organization of
 16 innovative ownership and management entities involving
 17 valued-added agricultural processes. The department
 18 shall explore all capital assistance opportunities and
 19 may consider proposals from and negotiate with
 20 potential entities.
 21 2. The legislative council shall create a four-
 22 member task force consisting of one senator of each
 23 party and one representative of each party designated
 24 by their respective leadership which shall assist the
 25 department of economic development and the office of
 26 the governor in any negotiations.
 27 3. Proposals developed in conjunction with the
 28 department, the governor, and the task force for
 29 providing capital incentives or capital assistance
 30 presently not available shall be presented to the
 31 general assembly for its approval.
 32 4. The department of economic development shall
 33 report to the task force and the office of the
 34 governor on its activities pursuant to this section."
 35 2. By renumbering as necessary.

Amendment H-1993 was adopted.

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

On the question "Shall the bill pass?" (S.F. 542)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	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	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, 3:

Fallon O'Brien Wise

Absent or not voting, 1:

Connors

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 542** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER SCHRADER

Schrader of Marion offered the following remarks:

Thank you, Mr. Speaker.

Ladies and Gentlemen of the House, it's a tradition for the leaders to give a speech on the closing night of the session. The things I want to say are very important to me because I want to recognize some people that I think have made me look very good. They have made the Democratic caucus look very good, and have made the General Assembly look very good. First I would like to say thanks to Mark and Carolyn from my office, and Paulee, Anna, Tom, Jennifer, Jim, Mary, Ed, and Joe from our caucus staff. When you have great folks working for you, it's very easy for you to look good when you're out here in front. I also want to say thanks to the members of my caucus. Some of you folks on the other side of the aisle have served in the minority. Some of us served in the majority. Anyone that has served in each place knows darn well where you want to be. We're not where we'd like to be, but we made the best of being the minority party. And I thank the members of the House Democratic caucus for all their hard work and dedication to the people of Iowa, and their dedication to one another.

To the members of the Republican caucus, I'd like to say thanks to you also. We've had our share of fights this session, but we've had our share of agreements. Either way, I think we work together in a way that the people of Iowa expect us to, and I think the people of Iowa are proud of us because of it. It's a far cry from the way things go on in Washington, D.C., and when I traveled to other states and talked with other leaders, I found that it's a far cry from the way things work in other legislatures. Much of the reason for that is because of the leaders that you folks on the Republican side of the aisle have chosen.

Representative Siegrist has done a great job of running this place. I don't believe I've ever stood and asked a question at the end of the day or the end of the week that didn't get an answer. And that answer was accurate. I appreciate that, Representative Siegrist. I think you've done a great job.

Speaker Corbett, I commend you on the hard work that you've done, leading your party through this session and the leadership that you've provided for your caucus and for the House. I think that the people of Iowa again are proud of the work that we've accomplished, and that's because of your leadership. I thank you for that. It's going to be a great summer, and like all of you I've got another life, and I'm looking forward to finding a dirt track somewhere, taking this suit off, and donning some blue jeans.

Thanks very much.

REMARKS BY MAJORITY LEADER SIEGRIST

Siegrist of Pottawattamie offered the following remarks:

Thank you, Mr. Speaker.

Ladies and Gentlemen of the House, this may be a brief speech because coming in this morning, I was not confident we would be going home tonight. However, I am thrilled that I stand before you, just a few minutes away from adjourning the 1997 legislative session. It has been an extremely hectic week. However, I did find time to take a look at my opening day speech that I gave 107 days ago. At that time, I outlined a narrow but focused agenda for the majority party. I said that we would do something that needed to be done, and that was to fully fund our commitments to the educational system in the State of Iowa. The second item was to pass Learnfare. Thirdly, we wanted to pass the "Restore the Outdoors" plan to repair our state park system. Fourthly, was to urge the U.S. Congress to pass a balanced budget amendment. Fifthly, was to make an impact on the juvenile crime problem in the State of Iowa, and finally, to cut the tax burden in the State of Iowa by eliminating the inheritance tax, cut income taxes across the board, and provide property tax relief. I am happy to say that we accomplished all six goals this legislative session.

Beyond that, many other issues were addressed, ranging from providing more state money for needed housing programs in the state, to fully funding the tax credits to the cities and counties and schools in the State of Iowa. We have ensured that our roads will be safer by enacting some of the toughest drunk driver laws in the nation. We have provided a tremendous increase in our child care funding for welfare recipients as we work to make sure our welfare recipients can find jobs and become tax paying citizens of our state. We provided additional funding for case management so that our senior citizens can stay longer in their own homes and maintain their dignity as they grow old in our state. The area of juvenile crime saw

substantial new funding ranging from building additional beds at Eldora to providing additional money for preventive programs for our delinquent juveniles.

And we made sure that our regents institutions maintain their highly regarded academic image by embarking upon a major capital improvement program at each of the institutions. The list goes on and on, and I know that when we leave here, all of us – Democrats and Republicans – will be talking about the many good things that we did. I think that the legacy of this session will be realized several months from now as this state reaps the benefits of a reduced tax burden and the creation of many new jobs as a result of our actions this year.

I am confident that the actions we have taken this year will result in higher wages for our workers, more jobs for our citizens, and a better future for our children. All in all, a very productive legislative session for the people of Iowa.

As we go home tonight, I am sure that I cannot thank everyone that needs to be thanked, but I will try. Thanks to everyone who makes this place run – from the doormen to the phone operators, to the people in the Fiscal Bureau, the Service Bureau, the post office, and, of course, the Pages. This place wouldn't be as pleasant to work in without your help. Special thanks go to our caucus staffs. I won't name all of the members of the Republican caucus staff, but suffice it to say, you make a huge difference to the future of Iowa by making sure we have the proper and necessary information. Thanks again!

Liz, Alyce, Gayle and Jeff, thank you for helping me run this place as smoothly as I think it was run this year. To the members of the lobby whom I have been avoiding the last several days, thanks once again. You have proven that Iowa is a unique, honest and upstanding state to watch the political process. I have found every one of you to be honest, competent and full of integrity. The information you provide us allows us to make the best decisions for the people of Iowa. While nationally, lobbyist seems to be a bad word, in this chamber, we recognize you as people necessary in the legislative process.

To the members of the press, as always, thank you for your coverage of this body. I have always found the reporting to be fair, even handed, and enlightening. I have tried to be honest with you, and I have appreciated the respect you have shown me. You always report the facts; however, on certain days, I wonder about some of the columns you write.

To Representative Schrader, may the roads be circular without bumps, and the minority caucus, thank you. We had disagreements, but by and large, we worked in a very cooperative manner and it made this session more pleasant. To House Republicans and the leadership team, thank you. We did it together and we have much to be proud of.

Susan, Becky and Sarah – what more can I say that I haven't said before. You guys run the place and I try not to screw it up. And finally, Mr. Speaker, thank you for all your hard work in what could have been a stressful relationship because of perceived future political plans. We worked hand-in-hand and got the job done.

Ladies and Gentlemen, it is time to go home. Working together, we have made a difference. It hasn't been easy but we got it done. The stress and pressure of the session is about to be released. As Jimmy Buffet, my favorite writer, who I am going to see in concert this weekend, said in a recent song – "What's the remedy? We are not talking about rocket science. The answer to your question's very plain to see. You need a holiday. Take a holiday."

Mr. Speaker, Ladies and Gentlemen, I am going to go home, see my wife, Valerie, and my son, Evan, and take a holiday and re-energize myself. I look forward to seeing you all next January.

Thank you very much.

REMARKS BY SPEAKER CORBETT

Speaker Corbett offered the following remarks:

Well to my colleagues, or should I say my friends, I want to thank you for your services here, your work this year, your dedication to the state of Iowa, and your commitment to making the future of this state bright. I want to thank you Representative Schrader for your cooperation. As one of those members who has had a chance to serve in the minority, I appreciate and understand the role and the impact that you have during this session. So thank you for your cooperation. For Representative Siegrist, I thank you for your leadership, and you're lucky we're not meeting in that primary next June. For all the people who work behind the scenes to keep this House rolling, thank you very much. There's a natural tendency in politics to have friction between the two parties. Golda Meir said, "You cannot shake hands with a clenched fist." It is my hope that when we walk out of those doors in a few minutes, we pat each other on the back and share in the successes of this year. And let's work to build on our joint accomplishments in setting an agenda for next year. I started off the beginning of this session quoting a quote I've said, "The greatest work you will ever do is within the walls of your own home." They call this place a house, and we've had some great accomplishments within the walls of this house. But it is not our home, and it's time to go home. So I wish you all the best and have a great summer. Thank you for your work.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 27

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 27, a concurrent resolution to provide for adjournment sine die, as follows and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 27
- 2 by Siegrist and Schrader
- 3 A House concurrent resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved By The House Of Representatives, The*
- 6 *Senate Concurring, That when adjournment is had on*
- 7 *Tuesday, April 29, 1997, it shall be the final*
- 8 *adjournment of the 1997 Regular Session of the*
- 9 *Seventy-seventh General Assembly.*

The motion prevailed and the resolution was adopted.

EXPLANATIONS OF VOTE

On Monday, April 28, I inadvertently voted "nay" on House File 733. I meant to vote "aye."

METCALF of Polk.

I was necessarily absent from the House chamber on April 28 and 29, 1997. Had I been present, I would have voted "aye" on House Files 142, 266, 456, 540, 612, 636, 642, 662, 702, 722, 724, 726, 730, 733, 734 and Senate Files 161, 410, 529, 541, 542, 544 and 553.

NELSON of Marshall

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29th day of April, 1997: House Files 306, 307, 492, 515, 615, 616, 628, 643, 645, 680, 692, 694, 701, and 717.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1997, he approved and transmitted to the Secretary of State the following bills:

House File 331, an act relating to the authorization of school officials to conduct searches of students, student protected areas, lockers, desks, and other facilities and spaces and including effective and applicability provisions.

Senate File 193, an act relating to the election of trustees for special land use districts.

HOUSE AND SENATE FILES REREFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following House Files and Senate Files are rereferred to the committees listed:

House File 504	Ways and Means
House File 564	Commerce-Regulation
House File 580	State Government
House File 639	Labor and Industrial Relations
House File 663	Judiciary
House File 665	Judiciary
House File 667	Judiciary
House File 670	Commerce-Regulation
House File 672	Agriculture

House File 681	Environmental Protection
House File 682	Local Government
House File 706	Agriculture
House File 716	Ways and Means
House File 720	Ways and Means
Senate File 40	Judiciary
Senate File 117	Judiciary
Senate File 357	State Government
Senate File 359	State Government
Senate File 420	Transportation
Senate File 429	Natural Resources
Senate File 459	Human Resources

PRESENTATION OF VISITORS

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

Forty-eight 4th grade students from Woodbury Central School, Menville, accompanied by Mr. Jefferes, Miss Perret, and Mrs. Love. By Klemme of Plymouth.

Ten Talented and Gifted Leadership class students from Orient-Macksburg School, Orient, accompanied by Roberta Hepburn. By Kremer of Buchanan and Dinkla of Guthrie.

Fifty-two 4th grade students from East Elementary School, Ankeny, accompanied by Julie Snyder. 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\488 Joey Woody, Cedar Falls – For breaking the University Collegiate record for 400 Intermediate Hurdles, 1997 Drake Relays.

1997\489 Erik Naaktgeboren, Central City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1997\490 Michael J. Feller, Sibley-Ocheyedan High School, Sibley – For being selected a Northwest Regional Winner for the Des Moines Register's 1997 Academic All-State Team.

1997\491 Mike Wallinga, Hartley-Melvin-Sanborn High School, Hartley – For being named to the Des Moines Register's 1997 Academic All-State Team.

- 1997\492 Jill Dinkla, Guthrie Center – For receiving 2nd place in the 1997 State of Iowa Knights of Columbus Spelling Bee.
- 1997\493 Michael Rosenberg of West High School, Waterloo – For being named to the Des Moines Register's 1997 Academic All-State Team.
- 1997\494 Sarah Gray, Cedar Falls – For winning three straight titles in the 1997 Drake Relays High School 3,000 run.

PETITION FILED

The following petition was received and placed on file:

By Holveck of Polk from 1,146 Supporters of Public Libraries favoring "Enrich Iowa: Fund Libraries."

AMENDMENTS FILED

H—1975	H.F.	731	Senate Amendment
H—1977	H.F.	731	Richardson of Warren
H—1978	H.F.	731	Osterhaus of Jackson
H—1979	H.F.	731	Chiodo of Polk
H—1980	H.F.	731	Osterhaus of Jackson
H—1981	H.F.	731	Chiodo of Polk
H—1982	H.F.	731	Chiodo of Polk
H—1985	H.F.	731	Chiodo of Polk
H—1986	H.F.	731	Chiodo of Polk
H—1987	H.F.	731	Fallon of Polk
H—1988	H.F.	731	Fallon of Polk
H—1990	H.F.	697	Senate Amendment

The House stood at ease at 7:37 p.m., until the fall of the gavel.

The House resumed session 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 April 29, 1997, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 27, a concurrent resolution to provide for adjournment sine die.

Also: That the Senate has on April 29, 1997, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 542, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1996, and providing an effective date.

Also: That the Senate has on April 29, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 13, a concurrent resolution recognizing the 150th anniversary of the founding of the University of Iowa.

Also: That the Senate has on April 29, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 15, a concurrent resolution requesting an interim committee on anatomical gift referral.

Also: That the Senate has on April 29, 1997, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 16, a concurrent resolution welcoming square dancers from throughout the nation to the city of Davenport for the 36th annual Iowa State Square and Round Dance Convention on March 27 and 28, 1998.

MARY PAT GUNDERSON, Secretary

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.

Chief Clerk	Elizabeth A. Isaacson	\$73,736.00	Annual Salary
<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Assistant Chief Clerk I	Jeffrey A. Bean	32-2	E-FT
Sr. Caucus Staff Director	Warren L. Fye	41-5	P-FT
Sr. Caucus Staff Director	Paulee Lipsman	41-6	P-FT
Administrative Assistant II to Speaker	A. John Davis	32-5	P-FT
Administrative Assistant II to Speaker	Jeffrey G. Mitchell	32-4	P-FT
Administrative Assistant II to Leader	Susan D. Severino	32-5	P-FT

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Senior Administrative Assistant to Leader	Mark W. Brandsgard	38-6	P-FT
Legislative Research Analyst	Patricia A. Axmear	27-3	P-FT
Legislative Research Analyst	Kimberly D. Statler	27-3	P-FT
Legislative Research Analyst	Bradley A. Trow	27-1	P-FT
Legislative Research Analyst II	Lon W. Anderson	32-2	P-FT
Legislative Research Analyst I	Craig R. Schoenfeld	29-2	P-FT
Legislative Research Analyst II	Stacie S. Maass	32-3	P-FT
Legislative Research Analyst II	Lewis E. Olson	32-2	P-FT
Senior Legislative Research Analyst	Margaret Ann Thomson	38-4	P-FT
Senior Caucus Secretary	Bruce G. Brandt	24-6	P-FT
Legislative Research Analyst I	James M. Addy	29-2	P-FT
Legislative Research Analyst II	Jenifer L. Parsons	32-3	P-FT
Legislative Research Analyst III	Mary C. Braun	35-3	P-FT
Senior Legislative Research Analyst	Edward J. Conlow	38-5	P-FT
Senior Legislative Research Analyst	Thomas R. Patterson	38-6	P-FT
Senior Legislative Research Analyst	Joseph P. Romano	38-2	P-FT
Caucus Secretary	Anna M. Hyatt	21-1	P-FT
Administrative Secretary to Leader	Becky L. Lorenz	21-2	P-FT
Executive Secretary to Speaker	Susan C. Bruckshaw	24-2	P-PT
Confidential Secretary to Leader	Carolyn J. Gaukel	27-5	P-PT
Confidential Secretary to Chief Clerk	Betty M. Soener	27-4	P-FT
Clerk to Chief Clerk	Kathryn M. Farrell	16-2	S-O
Supervisor of Secretaries I	Colleen Dillon	24-6	P-FT
Assistant Journal Editor	Gayle A. Goble	19-1	P-FT
Compositor/Desk Top Specialist	C. Elaine Schoonover	17-6	P-FT
Compositor/Desk Top Specialist	Trina L. Sterling	17-2	P-FT
Text Processor I	Judy K. Graesch	19-2	P-FT
Senior Finance Officer	Debra K. Rex	31-5	P-FT

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Assistant Finance Officer	Tricia S. Berg	21-2	P-FT
Recording Clerk II	Alyce M. Elmitt	24-4	S-O
Assistant Legal Counsel	E. Jane Fowler	27-6	P-FT
Engrossing & Enrolling Processor	Pauline E. Kephart	27-6	S-O
Assistant to the Legal Counsel	Doreen R. Terrell	19-2	S-O
Indexer II	Juanita F. Swackhammer	25-6	P-FT
Indexer I	Kristin L. Wentz	22-3	P-FT
Switchboard Operator	Howard S. Cowles	14-2	S-O
Switchboard Operator	Madeline E. James	14-6	S-O
Legislative Secretary	Holly J. Armstrong	15-1	S-O
Legislative Secretary	Cheryl K. Arnold	16-2	S-O
Legislative Secretary	Norma L. Bakros	17-5+2	S-O
Legislative Secretary	Sandra J. Blodgett	17-3	S-O
Legislative Secretary	Seth M. Boffeli	15-1	S-O
Legislative Secretary	Frank H. Boggess	16-2	S-O
Legislative Secretary	Alberta B. Bowdre	16-3	S-O
Legislative Secretary	Patricia A. Bradley	16-2	S-O
Legislative Secretary	James D. Bunton	15-1	S-O
Legislative Secretary	Jeremy J. Carmichael	16-2	S-O
Legislative Secretary	David A. Cmelik	16-2	S-O
Legislative Secretary	R. Jeannene Cochran	16-6+2	S-O
Legislative Secretary	Marjorie I. Connors	18-3	S-O
Legislative Secretary	Shirley J. Drake	16-3	S-O
Legislative Secretary	Jennifer E. Dziekan	15-1	S-O
Legislative Secretary	Joan R. Eggen	18-6+2	S-O
Legislative Secretary	Catherine C. Engstrom	16-1	S-O
Legislative Secretary	Theresa M. Ferin	16-4	S-O
Legislative Secretary	Audrey J. Gibson	16-6+2	S-O
Legislative Secretary	Shane D. Grady	15-1	S-O
Legislative Secretary	Dorothy A. Gries	15-3	S-O
Legislative Secretary	Doris E. Guess	16-4	S-O
Legislative Secretary	Sharon A. Haselhoff	16-1	S-O
Legislative Secretary	Carrie M. Hauswald	16-1	S-O
Legislative Secretary	Sarah L. Henderson	16-2	S-O
Legislative Secretary	Todd A. Henderson	16-1	S-O
Legislative Secretary	Nancy J. Hendrickson	18-2	S-O
Legislative Secretary	Celeste J. Holmes	16-1	S-O
Legislative Secretary	Cheryl A. Inman	15-1	S-O
Legislative Secretary	Daren M. Jaques	16-1	S-O
Legislative Secretary	H. Kay Jenkins	16-1	S-O
Legislative Secretary	Nicole J. Jepsen	16-1	S-O
Legislative Secretary	Gena M. Johnson	15-1	S-O
Legislative Secretary	John F. Kiernan	16-2	S-O
Legislative Secretary	Benjamin N. Knight	15-1	S-O
Legislative Secretary	Joan M. Koenigs	16-5+2	S-O
Legislative Secretary	Mary B. Lawless	15-4+2	S-O
Legislative Secretary	Catherine M. Mabry	16-2	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Secretary	M. Maxine Mann	15-6+2	S-O
Legislative Secretary	Ashley M. Marasco	15-1	S-O
Legislative Secretary	Madeline J. Meyer	16-3	S-O
Legislative Secretary	Betty C. Millen	16-6	S-O
Legislative Secretary	V. Faye Mundie	16-3	S-O
Legislative Secretary	Julia F. Nixon	15-1	S-O
Legislative Secretary	James R. Oberhelman	16-1	S-O
Legislative Secretary	M. Anne B. O'Connell	16-4+2	S-O
Legislative Secretary	Ann D. Osterhaus	16-2	S-O
Legislative Secretary	Amy J. Parsons	17-2	S-O
Legislative Secretary	Aaron S. Pickrell	16-2	S-O
Legislative Secretary	Marcy J. Pitstick	15-1	S-O
Legislative Secretary	Craig E. Purscell	16-1	S-O
Legislative Secretary	Kathryn A. Radloff	15-1	S-O
Legislative Secretary	Carolyn J. Ramsay	15-4+2	S-O
Legislative Secretary	Janet R. Ramsay	16-2	S-O
Legislative Secretary	Martha G. Ricklefs	16-3	S-O
Legislative Secretary	Sharon R. Robinson	17-6	S-O
Legislative Secretary	Linda C. Rosky	16-1	S-O
Legislative Secretary	Mary M. Sanders	16-1	S-O
Legislative Secretary	Roberta J. Schrader	16-3	S-O
Legislative Secretary	Clifton O. Schultz III	16-1	S-O
Legislative Secretary	Wilma R. Scieszinski	16-4	S-O
Legislative Secretary	Danielle S. Shirley	16-2	S-O
Legislative Secretary	Betty A. Soukup	17-1	S-O
Legislative Secretary	Jean Tannatt	16-2	S-O
Legislative Secretary	Ann E. Trimble	17-1	S-O
Legislative Secretary	Eileen M. Tyler	15-4	S-O
Legislative Secretary	Sherry L. Van Hooser	17-2	S-O
Legislative Secretary	Janice G. Veenstra	16-2	S-O
Legislative Secretary	Barbara B. Wennerstrum	16-6+2	S-O
Legislative Secretary	Donna M. Whitead	15-1	S-O
Legislative Secretary	Jason S. Zabokrtsky	16-1	S-O
Legislative Secretary	Peter H. Zeihan	16-1	S-O
Legislative Committee Secretary	Mark A. Anderson	17-2	S-O
Legislative Committee Secretary	William R. Anderson II	18-1	S-O
Legislative Committee Secretary	Michele M. Blau	17-2	S-O
Legislative Committee Secretary	Phyllis R. Cowles	17-6+2	S-O
Legislative Committee Secretary	Brenda E. Dinkla	17-1	S-O
Legislative Committee Secretary	M. Rosalie Flesher	17-4+2	S-O
Legislative Committee Secretary	Nancy D. Frank	17-3	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>
Legislative Committee Secretary	LaVena M. Fries	17-6+2	S-0
Legislative Committee Secretary	Constance K. Greig	18-2	S-0
Legislative Committee Secretary	Paula M. Houser	17-1	S-0
Legislative Committee Secretary	Karen F. Klemme	17-3	S-0
Legislative Committee Secretary	Ellen T. Larson	17-1	S-0
Legislative Committee Secretary	Robert B. Martin	17-3	S-0
Legislative Committee Secretary	Twyla L. Miller	17-4+2	S-0
Legislative Committee Secretary	Julie K. Pierce	17-4	S-0
Legislative Committee Secretary	Dorothy E. Potthoff	17-6+2	S-0
Legislative Committee Secretary	Joel A. Sieren	17-1	S-0
Legislative Committee Secretary	Michelle L. Smith	17-1	S-0
Legislative Committee Secretary	Vinita J. Smith	17-3	S-0
Legislative Committee Secretary	Betty J. Sorenson	17-2	S-0
Legislative Committee Secretary	Harriet J. Stromer	17-6+2	S-0
Legislative Committee Secretary	Jo Ann Thomas	17-4+2	S-0
Legislative Committee Secretary	Harriet Vande Hoef	18-5	S-0
Legislative Committee Secretary	Ruth A. Welter	17-3	S-0
Legislative Committee Secretary	Twyla J. Woodward	18-2	S-0
Bill Clerk	Mildred E. Stewart	14-6	S-0
Assistant Bill Clerk	Marie A. Kirby	12-3	S-0
Postmaster	William C. Walling	12-3	S-0
Sergeant-at-Arms	Marvin Hollingshead	17-2	S-0
Assistant Sergeant-at-Arms	Maynard L. Boatwright	14-2	S-0
Doorkeeper	Paul W. Aardsma	11-1	S-0
Doorkeeper	Dwight H. Dugan	11-4	S-0
Doorkeeper	Kathleen L. O'Leary	11-4	S-0
Doorkeeper	Gerald V. Orman	11-2	S-0
Doorkeeper	Richard R. Overholser	11-2	S-0
Doorkeeper	Wilbur N. Rhoads	11-2	S-0
Doorkeeper	William S. Sandholm	11-1	S-0

Class of
Appoint-
ment

<u>Position</u>	<u>Name</u>	<u>Per Hr.</u>	<u>ment</u>
GROUP I			
Speaker's Page	Kelli M. Kilgore	Minimum Wage	S-O
Chief Clerk's Page	Tamara A. Holdren	Minimum Wage	S-O
Chief Clerk's Page	Jared M. McLaren	Minimum Wage	S-O
Page	Sarah B. Armstrong	Minimum Wage	S-O
Page	Cynthia J. Boyce	Minimum Wage	S-O
Page	Nicole R. Buss	Minimum Wage	S-O
Page	Ryan A. Clark	Minimum Wage	S-O
Page	Heather D. Crutchfield	Minimum Wage	S-O
Page	Andrew T. Dorr	Minimum Wage	S-O
Page	Korey M. Hutchinson	Minimum Wage	S-O
Page	Courtney J. Kramer	Minimum Wage	S-O
Page	Kristofer J. Lyons	Minimum Wage	S-O
Page	Audrey L. Mann	Minimum Wage	S-O
Page	Caroline A. McCard	Minimum Wage	S-O
Page	Matthew W. McGuire	Minimum Wage	S-O
Page	Elizabeth A. Mefford	Minimum Wage	S-O
Page	Lori K. Naig	Minimum Wage	S-O
Page	Heather C. O'Hara	Minimum Wage	S-O
Page	Maryn M. P. Olson	Minimum Wage	S-O
Page	Jennifer A. Pierce	Minimum Wage	S-O
Page	Christopher R. Rasmussen	Minimum Wage	S-O
Page	Shuni T. Routh	Minimum Wage	S-O
Page	John M. Schreurs	Minimum Wage	S-O

GROUP II

Chief Clerk's Page	James J. Springhower	Minimum Wage	S-O
Page	Karin S. Anderson	Minimum Wage	S-O
Page	Kathryn J. Burford	Minimum Wage	S-O
Page	Krista L. Burkle	Minimum Wage	S-O
Page	Amanda L. Campbell	Minimum Wage	S-O
Page	Christopher D. Hill	Minimum Wage	S-O
Page	Jennifer A. Ipsen	Minimum Wage	S-O
Page	Kristina M. Kieffer	Minimum Wage	S-O
Page	Krista R. Kloster	Minimum Wage	S-O
Page	Kelly N. Lang	Minimum Wage	S-O
Page	Amy L. Lincoln	Minimum Wage	S-O
Page	Jessica A. Miskimins	Minimum Wage	S-O
Page	Rebecca L. Reeder	Minimum Wage	S-O
Page	Tomson D. Seller	Minimum Wage	S-O
Page	Jared F. Taylor	Minimum Wage	S-O

RANTS of Woodbury, Chair

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the

Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29th day of April, 1997: House Files 114, 121, 142, 218, 226, 236, 265, 266, 308, 335, 355, 371, 405, 410, 453, 456, 485, 514, 540, 544, 557, 579, 597, 611, 612, 613, 635, 636, 637, 642, 647, 658, 661, 662, 666, 674, 693, 698, 702, 707, 708, 710, 715, 722, 724, 726, 729, 730, 732, 733, and 734.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT FOR THE BLIND

The 1996 Annual Report, pursuant to Chapter 216B.7, 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\495 Bi-State Motorcycle Awareness Council – For its participation in “Motorcycle Awareness Month.”
- 1997\496 Dale Rommann, Vinton – For his service as a Past Commander of the George G. Luckey American Legion Post #57.
- 1997\497 Doyle Moore, Vinton – For his 50 years of service to the George G. Luckey American Legion Post #57.
- 1997\498 Gerald Ferneau, Tama – For receiving a Lifetime Membership Award from the Association for Retarded Citizens.
- 1997\499 Maude Shawhan, Carlisle – For celebrating her 92nd birthday.
- 1997\500 Mr. and Mrs. Veugene Borcharding, Guttenberg – For celebrating their 50th wedding anniversary.
- 1997\501 Adam Luhman, West Union – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\502 George and Elsie Watters, Maquoketa – For celebrating their 50th wedding anniversary.
- 1997\503 Harold and Donna Myers, Maquoketa – For celebrating their 50th wedding anniversary.

- 1997\504 David Dziurawiec, Jr. – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\505 Mildred Hogan, Muscatine – For celebrating her 93rd birthday.
- 1997\506 Anna Marie McColley, Cedar Rapids – For receiving a Prudential Spirit of Community Award.
- 1997\507 Sister Helen Huewe, O.S.F., Dubuque – For her 40 years of work in health care.
- 1997\508 Rollin and Ethyl Ball, Sioux City – For celebrating their 50th wedding anniversary.
- 1997\509 Glenn and Mary Musselman, Sioux City – For celebrating their 50th wedding anniversary.
- 1997\510 Bill and Helen Flockhart, Weldon – For celebrating their 50th wedding anniversary.
- 1997\511 Mertin and Merilyn Middlebrook, Corydon – For celebrating their 50th wedding anniversary.
- 1997\512 Mr. and Mrs. Walter Rupalo, Seymour – For celebrating their 50th wedding anniversary.
- 1997\513 John Denis Moeller, Ricketts – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\514 Dean and Doreen Moroney, Delhi – For celebrating their 50th wedding anniversary.
- 1997\515 Evelyn and Jim Graff, Oelwein – For celebrating their 60th wedding anniversary.
- 1997\516 Ethel and Otto Falck – For celebrating their 69th wedding anniversary.
- 1997\517 Helen and Bert Thomson, Fairfield – For celebrating their 69th wedding anniversary.
- 1997\518 Mescal and Reverend David Kennedy, Fairfield – For celebrating their 60th wedding anniversary.
- 1997\519 Harriet and Elmer Adam, Fairfield – For celebrating their 50th wedding anniversary.
- 1997\520 Loris and Paul Wiley, Fairfield – For celebrating their 50th wedding anniversary.
- 1997\521 Matthew Ryan Taylor, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1997\522 Lowell and Helen Warrick, Corydon – For celebrating their 50th wedding anniversary.
- 1997\523 Billie and Betty Moorman, Corydon – For celebrating their 50th wedding anniversary.
- 1997\524 Leslie and Corda Clark, Osceola – For celebrating their 66th wedding anniversary.
- 1997\525 George and Marietta Mc Cannon, Moravia – For celebrating their 50th wedding anniversary.
- 1997\526 Trent Corey, Dubuque – For being selected Best of Class by KWWL.
- 1997\527 Angie Updegraff, Dubuque – For receiving 1st place in the Historical Paper competition.
- 1997\528 Katie Hemmer, Dubuque – For receiving 2nd place in the Historical Paper competition.
- 1997\529 Peter Clark, Dubuque – For receiving 2nd place in the Individual Projects competition.
- 1997\530 Michelle Durant, Dubuque – For receiving 2nd place in the Group Media competition.
- 1997\531 Molli VanDyke, Dubuque – For receiving 2nd place in the Group Media competition.
- 1997\532 Bonnie Runia, Melvin – For being chosen Best College Organist by the National Federation of Music Clubs.
- 1997\533 Neil and Betty Bradley, Newton – For celebrating their 50th wedding anniversary.
- 1997\534 Pete and Henrietta Van Ommen Swank, Newton – For celebrating their 55th wedding anniversary.
- 1997\535 Waunita and Darrell Siefkas, Murray – For celebrating their 50th wedding anniversary.
- 1997\536 Donald V. Gushee, Aurora – For his 50 years of service with the Aurora Volunteer Fire Department.
- 1997\537 Norbert M. Knapp, Aurora – For his 50 years of service with the Aurora Volunteer Fire Department.
- 1997\538 Marva and Donald Schmitt, Independence – For celebrating their 50th wedding anniversary.
- 1997\539 David F. Savage, Mount Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1997\540 Wyatt Hoenig, Mount Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\541 Mike Ungerman, Mount Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1997\542 Art and Catherine Huber, Lawler – For celebrating their 50th wedding anniversary.
- 1997\543 Edward and Anna O'Brien, Elma – For celebrating their 50th wedding anniversary.
- 1997\544 Joseph R. and Ellen Harn Kremer, Jesup – For celebrating their 50th wedding anniversary, Wednesday, June 11, 1997.
- 1997\545 John Berg, Cedar Falls – For his 50 years of service as a pharmacist.
- 1997\546 Max Eggleston, Waverly – For his 50 years of service as a pharmacist.
- 1997\547 Angelo Palmer, Des Moines – For his 50 years of service as a pharmacist.
- 1997\548 William Tipton, Nevada – For his 50 years of service as a pharmacist.
- 1997\549 Nick Pauly, Bellevue – For being selected Best of Class.
- 1997\550 Simpson Women's Softball Team, Indianola – For winning the NCAA, Division III, National Championship.
- 1997\551 Coach Henry Christowski, Indianola – For coaching the Simpson Women's Softball Team to the NCAA, Division III, National Championship.

RESOLUTIONS FILED

SCR 13, by Dvorsky, Neuhauser, Horn, McKean, Tinsman, McKibben, Hedge, and Kramer, a concurrent resolution recognizing the 150th anniversary of the founding of the University of Iowa.

Laid over under **Rule 25**.

SCR 15, by Neuhauser, a concurrent resolution requesting an interim committee on anatomical gift referral.

Laid over under **Rule 25**.

SCR 16, by Deluhery and McCoy, a concurrent resolution welcoming square dancers from throughout the nation to the city of Davenport for

the 36th annual Iowa State Square and Round Dance Convention on March 27 and 28, 1998.

Laid over under **Rule 25**.

COMMITTEE TO NOTIFY THE GOVERNOR

Siegrist of Pottawattamie moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with House Concurrent Resolution 27, duly adopted.

The motion prevailed and the Speaker appointed as such committee Van Maanen of Marion and Murphy of Dubuque.

COMMITTEE TO NOTIFY THE SENATE

Siegrist of Pottawattamie moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance the House Concurrent Resolution 27, duly adopted.

The motion prevailed and the Speaker appointed as such committee Garman of Story and Connors of Polk.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the governor that the House was ready to adjourn returned and reported it had performed its duty and that the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

May 21, 1997

The Honorable Ron J. Corbett
 Speaker of the House
 State Capitol Building
 L O C A L
 Dear Mr. Speaker:

The 1997 session of the Iowa General Assembly can rightly be considered a milestone in Iowa history. Our tax reduction, public safety, and economic

development initiatives will long be remembered as pivotal steps in our drive to improve the quality of life and work in Iowa.

This year Iowa taxpayers witnessed the single largest tax reduction ever passed in Iowa: a 10-percent income tax cut that lowered the state tax burden by \$200 million a year. Iowa's 101 year-old inheritance tax for family members was eliminated! For the third straight year in a row additional property tax relief was provided.

I commend the Legislature for joining me in placing more emphasis upon the victims of crime in Iowa. We passed a comprehensive bill to combat drunken driving that has the potential of saving many lives. We stiffened the penalties for illegal drug manufacturing, ensured that juveniles who break the law are held accountable for their actions, and increased penalties for underage drinking.

The areas of rural and urban Iowa that are not experiencing economic growth will be helped with the passage of the unique enterprise zone legislation. Our venture capital bill will stimulate more new investment and growth. The commitment we made to the John Pappajohn Entrepreneurial Centers will mean greater assistance to start-up firms.

Those achievements only begin to tell the story of one of the most productive and successful sessions I have ever seen. We worked together to reach important agreements. We agreed to reduce the tax burden and control state expenditures. We listened to the victims of crime and strengthened public in many areas. We laid the groundwork for a new era of economic development in parts of Iowa that have lagged behind. We made another major step in rebuilding our state's infrastructure. We are positioned for greater opportunities in the years ahead because of the wise decisions made this session.

Sincerely,
Terry E. Branstad
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 27, duly adopted, the day of April 29, 1997 having arrived, the Speaker of the House of Representatives declared the 1997 Regular Session of the Seventy-seventh General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-seventh General Assembly, 1997 Session, not otherwise printed in the House Journal:

H-1004

1 Amend Senate File 35, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 1, through page 2,
4 line 29, and inserting the following:

5 "Section 1. Section 450.9, subsections 2 and 4,
6 Code 1997, are amended to read as follows:

7 2. Each son and daughter, including legally
8 adopted sons and daughters, or biological sons and
9 daughters entitled to inherit under the law of this
10 state, ~~fifty or stepchild, one hundred~~ thousand
11 dollars.

12 4. Any other lineal descendant of the deceased,
13 ~~fifteen one hundred~~ thousand dollars."

14 2. Title page, by striking lines 1 through 6 and
15 inserting the following: "An Act increasing the
16 inheritance tax exemptions for children, other lineal
17 descendants, and stepchildren, and providing an".

SHOULTZ of Black Hawk

H-1005

1 Amend Senate File 35, 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 422.7, subsection 34, Code
6 1997, is amended to read as follows:

7 34. For a person who is disabled, or is fifty-five
8 years of age or older, or is the surviving spouse of
9 an individual or a survivor having an insurable
10 interest in an individual who would have qualified for
11 the exemption under this subsection for the tax year,
12 subtract, to the extent included, the total amount of
13 a governmental or other pension or retirement pay,
14 including, but not limited to, defined benefit or
15 defined contribution plans, annuities, individual
16 retirement accounts, plans maintained or contributed
17 to by an employer, or maintained or contributed to by
18 a self-employed person as an employer, and deferred
19 compensation plans or any earnings attributable to the
20 deferred compensation plans, ~~up to a maximum of three~~
21 ~~thousand dollars for a person who files a separate~~
22 ~~state income tax return and up to a maximum of six~~
23 ~~thousand dollars for a husband and wife who file a~~
24 ~~joint state income tax return.~~ However, a surviving

25 spouse who is not disabled or fifty-five years of age
 26 or older can only exclude the amount of pension or
 27 retirement pay received as a result of the death of
 28 the other spouse.

29 Sec. 2. APPLICABILITY. This Act applies
 30 retroactively to January 1, 1997, for tax years
 31 beginning on or after that date."

32 2. Title page, by striking lines 1 through 7 and
 33 inserting the following: "An Act providing an
 34 exemption from state individual income tax for
 35 pensions, annuities, and retirement allowances
 36 received and providing a retroactive applicability
 37 date."

MILLAGE of Scott

H-1007

1 Amend Senate File 35, as passed by the Senate, as
 2 follows:

3 1. By striking page 1, line 1, through page 2,
 4 line 29, and inserting the following:

5 "Section 1. Section 450.9, subsections 2, 3, and
 6 4, Code 1997, are amended to read as follows:

7 2. Each son and daughter, including legally
 8 adopted sons and daughters, or biological sons and
 9 daughters entitled to inherit under the law of this
 10 state, fifty or stepchild, one hundred thousand
 11 dollars.

12 3. Father or mother, fifteen one hundred thousand
 13 dollars.

14 4. Any other lineal descendant or ascendant of the
 15 deceased, fifteen one hundred thousand dollars."

16 2. Title page, by striking lines 1 through 6 and
 17 inserting the following: "An Act increasing the
 18 inheritance tax exemptions for parents, children,
 19 other lineal descendants and ascendants, and
 20 stepchildren, and providing an".

SHOULTZ of Black Hawk

H-1008

1 Amend House File 108 as follows:

2 1. Page 1, by striking lines 27 through 30 and
 3 inserting the following: "employment caused by
 4 excessive noise exposure."

JOCHUM of Dubuque

H-1010

1 Amend House File 108 as follows:

2 1. Page 2, by striking lines 2 through 9 and

3 inserting the following: "A claim for occupational
4 hearing loss due to excessive noise levels exposure
5 may be filed ~~six months~~ one month after separation
6 from the employment in which the employee was exposed
7 subjected to excessive noise levels exposure. The
8 date of the injury shall be the date of occurrence of
9 any one of the following events:

KINZER of Scott

H-1018

1 Amend House File 8 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "agency," the following: "county hospital, memorial
4 hospital, merged area hospital."

REYNOLDS-KNIGHT of Van Buren

H-1025

1 Amend House File 8 as follows:
2 1. Page 1, by inserting after line 28 the
3 following:
4 "Sec. . NEW SECTION. 25B.7 FUNDING PROPERTY
5 TAX CREDITS AND EXEMPTIONS.
6 Beginning with property taxes due and payable in
7 the fiscal year beginning July 1, 1997, the cost of
8 providing a property tax credit or property tax
9 exemption which is enacted by the general assembly on
10 or after January 1, 1997, or which is in existence on
11 or after January 1, 1997, shall be fully funded by the
12 state. If a state appropriation made to fund a credit
13 or exemption is not sufficient to fully fund the
14 credit or exemption, the political subdivision shall
15 be required to extend to the taxpayer only that
16 portion of the credit or exemption funded by the state
17 appropriation. The department of revenue and finance
18 shall determine the portion of the credit or exemption
19 which will be funded by the state appropriation."

KREIMAN of Davis

H-1028

1 Amend House File 47 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "CENTERS" the following: "AND REST AREAS".
4 2. Page 1, line 9, by striking the word "Private"
5 and inserting the following: "After January 1, 1997,
6 private".
7 3. Page 1, line 13, by inserting after the word
8 "agreement," the following: "An interstate rest area

9 shall be located entirely on the interstate right-of-
 10 way, including, but not limited to, all entrance and
 11 exit ramps, all rest area buildings including
 12 information centers, and all parking facilities.
 13 Department money and resources shall not be used for
 14 any other type of interstate rest area. Whenever an
 15 interstate rest area is reconstructed, the area
 16 available for parking shall be equal to or more than
 17 the area available for parking prior to the
 18 reconstruction.

19 Sec. ____ EFFECTIVE AND RETROACTIVE APPLICABILITY
 20 DATES. This Act, being deemed of immediate
 21 importance, takes effect upon enactment and applies
 22 retroactively to January 1, 1997."

23 4. Title page, line 1, by striking the word "in"
 24 and inserting the following: "and".

25 5. Title page, line 2, by inserting after the
 26 word "highways" the following: "and providing
 27 effective and retroactive applicability dates".

BRAUNS of Muscatine

H-1030

1 Amend House File 142 as follows:

2 1. Page 1, by inserting after line 22 the
 3 following:

4 "Sec. ____ This Act is repealed on February 1,
 5 1999."

6 2. Title page, line 2, by inserting after the
 7 word "penalty" the following: "and a date of repeal".

BELL of Jasper

H-1033

1 Amend the amendment, H-1027, to House File 142 as
 2 follows:

3 1. Page 1, line 13, by inserting after the word
 4 "seasons." the following: "However, the possession of
 5 a self-loading pistol or revolver having a capacity of
 6 more than eleven cartridges in its magazine and
 7 chamber combined is prohibited while hunting deer."

BELL of Jasper

H-1040

1 Amend House File 212 as follows:

2 1. Page 1, line 24, by inserting after the word
 3 "remit" the following: "ninety percent of".

4 2. Page 1, line 25, by inserting after the word
 5 "subsection." the following: "The remaining ten

6 percent of the tax revenue shall be remitted to the
 7 Iowa department of economic development. The tax
 8 revenue received by the department shall be used to
 9 provide grants for economic development projects in
 10 communities deemed by the department to be
 11 economically depressed. Any city or county may apply
 12 for these grants pursuant to rules and criteria
 13 adopted by the department."

KREIMAN of Davis

H-1042

- 1 Amend House File 235 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "information" the following: "that is available".

MASCHER of Johnson

H-1043

- 1 Amend House File 235 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 144.29A MEDICAL
- 5 PROCEDURES IN A CLINIC — REPORTING.
- 6 1. A health care provider who initially performs
- 7 medical procedures on a patient in a medical clinic
- 8 shall file with the department a report for each
- 9 medical procedure within thirty days of the
- 10 occurrence. The report shall contain all of the
- 11 following information with respect to each medical
- 12 procedure:
- 13 a. The confidential health care provider code as
- 14 assigned by the department.
- 15 b. The report tracking number.
- 16 c. The state of residence and, if this state, the
- 17 county of residence of the patient.
- 18 d. The race of the patient.
- 19 e. The age of the patient.
- 20 f. The marital status of the patient.
- 21 g. The educational level of the patient.
- 22 h. The number of previous medical procedures
- 23 performed on the patient.
- 24 i. The month and year in which the medical
- 25 procedure occurred.
- 26 j. Complications, if any.
- 27 k. The cause of the need for the medical
- 28 procedure, if known.
- 29 1. The type of medical procedure.
- 30 2. It is the intent of the general assembly that
- 31 the information shall be collected, reproduced,
- 32 released, and disclosed in a manner specified by rule

33 of the department, pursuant to chapter 17A, which
34 ensures the anonymity of the patient who experiences a
35 medical procedure, the health care provider who
36 performs the medical procedure, and the clinic in
37 which the medical procedure is performed. The
38 department may share information with federal public
39 health officials for the purposes of securing federal
40 funding or conducting public health research.
41 However, in sharing the information, the department
42 shall not relinquish control of the information, and
43 any agreement entered into by the department with
44 federal public health officials to share information
45 shall prohibit the use, reproduction, release, or
46 disclosure of the information by federal public health
47 officials in a manner which violates this section.
48 The department shall publish, annually, a demographic
49 summary of the information obtained pursuant to this
50 section, except that the department shall not

Page 2

1 reproduce, release, or disclose any information
2 obtained pursuant to this section which reveals the
3 identity of any patient, health care provider, or
4 clinic, and shall ensure anonymity in the following
5 ways:

6 a. The department shall use a report tracking
7 number, a confidential health care provider code, and
8 the identity of a clinic for the sole purpose of
9 information collection and verification prior to entry
10 of the information. Following collection and
11 verification of the information, the department shall
12 use, reproduce, release, and disclose any information
13 collected only for the purpose of annually publishing
14 the demographic summary.

15 b. The department shall enter the information,
16 from any report submitted, within thirty days of
17 receipt of the report, and shall immediately destroy
18 the report following entry of the information.
19 However, entry of the information from a report shall
20 not include any health care provider or clinic
21 identification information including, but not limited
22 to, the confidential health care provider code, as
23 assigned by the department.

24 c. To protect confidentiality, the department
25 shall limit release of information to release in an
26 aggregate form which avoids identification of any
27 individual patient, health care provider, or clinic.
28 For the purposes of this paragraph, "aggregate form"
29 means a compilation of the information received by the
30 department of medical procedures for each information
31 item listed, with the exceptions of the report
32 tracking number, the health care provider code, and

33 any set of information for which the amount is so
 34 small that confidentiality of any person to whom the
 35 information relates may be compromised.

36 3. Except as specified in subsection 2, reports,
 37 information, and records submitted and maintained
 38 pursuant to this section are strictly confidential and
 39 shall not be released or made public upon subpoena,
 40 search warrant, discovery proceedings, or by any other
 41 means.

42 4. The department shall assign a code to any
 43 health care provider who may be required to report a
 44 medical procedure under this section. An application
 45 procedure shall not be required for assignment of a
 46 code to a health care provider.

47 5. A health care provider shall assign a report
 48 tracking number which enables the health care provider
 49 to access the patient's medical information without
 50 identifying the patient.

Page 3

1 6. To ensure proper performance of the reporting
 2 requirements under this section, it is preferred that
 3 a health care provider authorize one staff person to
 4 fulfill the reporting requirements.

5 7. For the purposes of this section, "health care
 6 provider" means an individual licensed under chapter
 7 148, 148C, 148D, 150, 150A, or 152, or any individual
 8 who provides medical services under the authorization
 9 of the licensee.

10 Sec. 2. Section 144.52, Code 1997, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 7. Violates a provision of
 13 section 144.29A."

14 2. Title page, lines 1 and 2, by striking the
 15 words: "terminations of pregnancy" and inserting the
 16 following: "medical procedures performed in a medical
 17 clinic".

GRUNDBERG of Polk

H-1044

1 Amend House File 235 as follows:

2 1. Page 3, line 3, by striking the word "avoids"
 3 and inserting the following: "prevents".

GRUNDBERG of Polk

H-1045

1 Amend House File 235 as follows:

2 1. Page 3, line 35, by striking the word

- 3 "Violates" and inserting the following: "Knowingly
4 violates".
5 2. Page 4, line 1, by inserting after the figure
6 "144.29A" the following: "relating to
7 confidentiality".

METCALF of Polk

H-1046

- 1 Amend House File 235 as follows:
2 1. Page 1, by striking line 18.

BUKTA of Clinton

H-1047

- 1 Amend House File 235 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "information" the following: "that is available".
4 2. Page 1, line 14, by inserting after the word
5 "patient" the following: "and of the male partner
6 responsible for the pregnancy".
7 3. Page 1, line 15, by inserting after the word
8 "patient" the following: "and of the male partner
9 responsible for the pregnancy".
10 4. Page 1, line 16, by inserting after the word
11 "patient" the following: "and of the male partner
12 responsible for the pregnancy".
13 5. Page 1, line 17, by inserting after the word
14 "patient" the following: "and of the male partner
15 responsible for the pregnancy".
16 6. Page 1, line 18, by inserting after the word
17 "patient" the following: "and of the male partner
18 responsible for the pregnancy".

FALLON of Polk

H-1048

- 1 Amend House File 235 as follows:
2 1. Page 1, by inserting after line 27 the
3 following:
4 "o. The religious affiliation of the patient and
5 of the male partner responsible for the pregnancy."

FALLON of Polk

H-1049

- 1 Amend House File 235 as follows:
2 1. Page 1, by striking line 15.
3 2. By renumbering as necessary.

HUSER of Polk

H-1050

- 1 Amend House File 235 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following:
- 4 "o. The income of the patient and of the male
- 5 partner responsible for the pregnancy."

DOTZLER of Black Hawk

H-1051

- 1 Amend House File 235 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "PREGNANCY" the following: "AND VASECTOMIES".
- 4 2. Page 1, line 5, by inserting after the word
- 5 "pregnancy" the following: "or who performs a
- 6 vasectomy".
- 7 3. Page 1, line 6, by inserting after the word
- 8 "termination" the following: "or vasectomy".
- 9 4. Page 1, line 8, by inserting after the word
- 10 "termination" the following: "or vasectomy, as
- 11 applicable".
- 12 5. Page 1, line 20, by inserting after the word
- 13 "pregnancies" the following: "or the number of
- 14 previous vasectomies".
- 15 6. Page 1, line 21, by inserting after the word
- 16 "termination" the following: "or vasectomy".
- 17 7. Page 1, line 32, by inserting after the word
- 18 "pregnancy" the following: "or vasectomy".
- 19 8. Page 1, line 34, by inserting after the word
- 20 "pregnancy" the following: "or who performs a
- 21 vasectomy".
- 22 9. Page 2, line 1, by inserting after the word
- 23 "induced" the following: "or in which a vasectomy is
- 24 performed".
- 25 10. Page 2, line 28, by inserting after the word
- 26 "termination" the following: "or vasectomy".
- 27 11. Page 3, line 7, by inserting after the word
- 28 "pregnancies" the following: "or vasectomies".
- 29 12. Page 3, line 18, by inserting after the word
- 30 "termination" the following: "or vasectomy".
- 31 13. Title page, line 2, by inserting after the
- 32 word "pregnancy" the following: "and vasectomies".

CONNORS of Polk

H-1052

- 1 Amend House File 235 as follows:
- 2 1. Page 3, line 11, by inserting after the word
- 3 "compromised." the following: "'Aggregate form" also

4 means that any compilation of the information shall
5 not be based on an area which is smaller than a region
6 of the department of human services.”

BRAND of Tama

H-1053

1 Amend House File 235 as follows:

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

4 “Section 1. NEW SECTION. 144.29A TERMINATION OF
5 PREGNANCY REPORTING.

6 1. A health care provider who initially identifies
7 and diagnoses a spontaneous termination of pregnancy
8 or who induces a termination of pregnancy shall file
9 with the department a report for each termination
10 within thirty days of the occurrence. The report
11 shall contain all of the following information with
12 respect to each termination:

13 a. The confidential report tracking number.

14 b. Whether the patient is age eighteen or over or
15 under the age of eighteen.

16 c. The marital status of the patient.

17 d. That an induced termination has occurred if the
18 termination is induced.

19 2. It is the intent of the general assembly that
20 the information shall be collected, reproduced,
21 released, and disclosed for the purposes of preventing,
22 unwanted pregnancies, decreasing the pregnancy rate of
23 individuals under eighteen years of age, promoting the
24 health and welfare of Iowa, and securing federal
25 funding, in a manner specified by rule of the
26 department, pursuant to chapter 17A. The department
27 may share information with federal public health
28 officials for the purposes of securing federal funding
29 or conducting public health research. However, in
30 sharing the information, the department shall not
31 relinquish control of the information, and any
32 agreement entered into by the department with federal
33 public health officials to share information shall
34 prohibit the use, reproduction, release, or disclosure
35 of the information by federal public health officials
36 in a manner which violates this section. The
37 department shall publish, annually, a demographic
38 summary of the information obtained pursuant to this
39 section, except that the department shall not
40 reproduce, release, or disclose any information
41 obtained pursuant to this section which reveals the
42 identity of any patient, health care provider,
43 hospital, clinic, or other health facility, and shall
44 ensure anonymity in the following ways:

45 a. The department shall use a confidential report

46 tracking number for the sole purpose of information
47 collection and verification prior to entry of the
48 information. Following collection and verification of
49 the information, the department shall use, reproduce,
50 release, and disclose any information collected only

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1 for the purpose of annually publishing the demographic
2 summary.

3 b. The department shall enter the information,
4 from any report of termination submitted, within
5 thirty days of receipt of the report, and shall
6 immediately destroy the report following entry of the
7 information. However, entry of the information from a
8 report shall not include any health care provider,
9 hospital, clinic, or other health facility
10 identification information.

11 c. To protect confidentiality, the department
12 shall limit release of information to release in an
13 aggregate form which avoids identification of any
14 individual patient, health care provider, hospital,
15 clinic, or other health facility. For the purposes of
16 this paragraph, "aggregate form" means a compilation
17 of the information received by the department of
18 termination of pregnancies for each information item
19 listed, with the exceptions of the confidential report
20 tracking number, and any set of information for which
21 the amount is so small that confidentiality of any
22 person to whom the information relates may be
23 compromised. "Aggregate form" also means that any
24 compilation of information shall not be based on an
25 area which is smaller than a region of the department
26 of human services.

27 3. Except as specified in subsection 2, reports,
28 information, and records submitted and maintained
29 pursuant to this section are strictly confidential and
30 shall not be released or made public upon subpoena,
31 search warrant, discovery proceedings, or by any other
32 means.

33 4. A health care provider shall assign a
34 confidential report tracking number which enables the
35 health care provider to access the patient's medical
36 information without identifying the patient.

37 5. To ensure proper performance of the reporting
38 requirements under this section, it is preferred that
39 a health care provider who practices within a
40 hospital, clinic, or other health facility authorize
41 one staff person to fulfill the reporting
42 requirements.

43 6. For the purposes of this section, "health care
44 provider" means an individual licensed under chapter
45 148, 148C, 148D, 150, 150A, or 152, or any individual

- 46 who provides medical services under the authorization
47 of the licensee.
48 Sec. 2. Section 144.52, Code 1997, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 7. Knowingly violates a provision

Page 3

- 1 of section 144.29A relating to confidentiality.”

GRUNDBERG of Polk

H-1054

- 1 Amend House File 235 as follows:
2 1. Page 4, by inserting after line 1 the
3 following:
4 “Sec. ____ . CONTINGENT EFFECTIVE DATE. This Act
5 shall not take effect unless an appropriation is
6 enacted or the state’s share of the cost is specified
7 in accordance with section 25B.2, subsection 3.”
8 2. Title page, by striking line 2 and inserting
9 the following: “pregnancy, establishing a penalty,
10 and providing a contingent effective date.”

METCALF of Polk

H-1055

- 1 Amend House File 235 as follows:
2 1. Page 3, line 10, by inserting after the word
3 “small” the following: “, with fifty or fewer
4 incidences always being considered too small,”.

MASCHER of Johnson

H-1056

- 1 Amend House File 235 as follows:
2 1. Page 3, line 11, by inserting after the word
3 “compromised.” the following: “The department shall
4 establish a methodology to provide a statistically
5 verifiable basis for any determination of the correct
6 amount at which information may be released so that
7 the confidentiality of any person is not compromised.”

METCALF of Polk

H-1057

- 1 Amend House File 235 as follows:
2 1. Page 1, by inserting after line 27 the
3 following:

- 4 "o. The total number of other pregnancies for
5 which the male partner responsible for the pregnancy
6 is responsible."

BRAND of Tama

H-1058

- 1 Amend House File 235 as follows:
2 1. Page 3, by inserting after line 11 the
3 following:
4 "d. The department shall not reproduce, release,
5 or disclose information in a manner which categorizes
6 the information by county or is in any manner county-
7 specific."

BRAND of Tama

H-1059

- 1 Amend House File 235 as follows:
2 1. Page 1, lines 3 and 4, by striking the words
3 "identifies and diagnoses a spontaneous termination of
4 pregnancy or who".
5 2. Page 1, line 20, by striking the words
6 "spontaneous or".
7 3. Page 1, by striking line 25.
8 4. Page 1, line 33, by striking the words
9 "identifies and diagnoses or".
10 5. Page 2, line 1, by striking the words
11 "identified and diagnosed or".
12 6. By relettering as necessary.

METCALF of Polk

H-1063

- 1 Amend Senate File 128, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking line 19.

BUKTA of Clinton

H-1064

- 1 Amend Senate File 128 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 15, by inserting after the word
4 "patient" the following: "and of the male partner
5 responsible for the pregnancy".
6 2. Page 1, line 16, by inserting after the word
7 "patient" the following: "and of the male partner
8 responsible for the pregnancy".

- 9 3. Page 1, line 17, by inserting after the word
10 "patient" the following: "and of the male partner
11 responsible for the pregnancy".
12 4. Page 1, line 18, by inserting after the word
13 "patient" the following: "and of the male partner
14 responsible for the pregnancy".
15 5. Page 1, line 19, by inserting after the word
16 "patient" the following: "and of the male partner
17 responsible for the pregnancy".

FALLON of Polk

H-1065

- 1 Amend Senate File 128 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 28 the
4 following:
5 "o. The religious affiliation of the patient and
6 of the male partner responsible for the pregnancy."

FALLON of Polk

H-1066

- 1 Amend Senate File 128 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 1, by inserting after the word
4 "PREGNANCY" the following: "AND VASECTOMIES".
5 2. Page 1, line 5, by inserting after the word
6 "pregnancy" the following: "or who performs a
7 vasectomy".
8 3. Page 1, line 6, by inserting after the word
9 "termination" the following: "or vasectomy".
10 4. Page 1, line 9, by inserting after the word
11 "termination" the following: "or vasectomy, as
12 applicable".
13 5. Page 1, line 21, by inserting after the word
14 "pregnancies" the following: "or the number of
15 previous vasectomies".
16 6. Page 1, line 22, by inserting after the word
17 "termination" the following: "or vasectomy".
18 7. Page 1, line 33, by inserting after the word
19 "pregnancy" the following: "or vasectomy".
20 8. Page 1, line 35, by inserting after the word
21 "pregnancy" the following: "or who performs a
22 vasectomy".
23 9. Page 2, line 2, by inserting after the word
24 "induced" the following: "or in which a vasectomy is
25 performed".
26 10. Page 2, line 27, by inserting after the word
27 "termination" the following: "or vasectomy".
28 11. Page 3, line 6, by inserting after the word

- 29 "pregnancies" the following: "or vasectomies".
 30 12. Page 3, line 21, by inserting after the word
 31 "termination" the following: "or vasectomy".
 32 13. Title page, line 2, by inserting after the
 33 word "pregnancy" the following: "and vasectomies".

CONNORS of Polk

H-1067

- 1 Amend Senate File 128, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 16.
 4 2. By renumbering as necessary.

HUSER of Polk

H-1070

- 1 Amend House File 142 as follows:
 2 1. Page 1, line 14, by inserting after the word
 3 "deer." the following: "The commission shall
 4 establish, by rule, the minimum age for a person to
 5 hunt deer with a pistol or revolver."

KLEMME of Plymouth
 HUSEMAN of Cherokee
 O'BRIEN of Boone

H-1073

- 1 Amend House File 142 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "seasons." the following: "If the commission combines
 4 a pistol or revolver deer season with another firearm
 5 deer season, a person shall carry only one firearm
 6 while hunting deer."

BELL of Jasper

H-1077

- 1 Amend Senate File 128, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 14 the
 4 following:
 5 "d. The department shall not reproduce, release,
 6 or disclose information in a manner which categorizes
 7 the information by county or is in any manner county-
 8 specific."

BRAND of Tama

H-1078

- 1 Amend House File 133 as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "dental."
- 4 2. Page 1, line 24, by inserting after the figure
- 5 "151," the following: "153,".

BLODGETT of Cerro Gordo

H-1079

- 1 Amend the amendment, H-1060, to House File 133, as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "_. Page 1, line 17, by striking the word
- 6 "dental,".
- 7 2. Page 1, by inserting after line 4 the
- 8 following:
- 9 "_. Page 1, line 24, by inserting after the
- 10 figure "151," the following: "153,".
- 11 3. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-1080

- 1 Amend House File 142 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "deer." the following: "A person who is under sixteen
- 4 years of age shall not hunt deer with a pistol or
- 5 revolver unless the person is accompanied by a person
- 6 who is at least eighteen years of age."

GIPP of Winneshiek

H-1089

- 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 under
- 5 eighteen years of age shall not hunt deer with a
- 6 pistol or revolver."

WISE of Lee

H-1091

- 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: "The commission shall
5 establish, by rule, the minimum age for a person to
6 hunt deer with a pistol or revolver."

KLEMME of Plymouth
HUSEMAN of Cherokee
O'BRIEN of Boone

H-1092

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 under
5 sixteen years of age shall not hunt deer with a pistol
6 or revolver unless the person is accompanied by a
7 person who is at least eighteen years of age."

KLEMME of Plymouth
HUSEMAN of Cherokee

H-1098

1 Amend the amendment, H-1060, to House File 133, as
2 follows:

3 1. Page 1, line 6, by striking the word "or".
4 2. Page 1, line 8, by inserting after the figure
5 "152" the following: ", or a person licensed as a
6 pharmacist or pharmacy under chapter 155A".

OSTERHAUS of Jackson

H-1107

1 Amend House File 331 as follows:

2 1. Page 2, line 18, by striking the words "by
3 striking the subsection." and inserting the following:
4 "amended to read as follows:
5 5. If a search pursuant to subsection 1 of a
6 school locker, desk, or other facility or space issued
7 or assigned to, or chosen by a student, reveals a
8 violation of the law or the rules of the school
9 regarding a dangerous weapon or controlled substance,
10 the violation shall constitute reasonable grounds for
11 future searches without advance notice to the student
12 of the student's school locker, desk, or other
13 facility or space issued or assigned to, or chosen by
14 the student."

KREIMAN of Davis

H-1111

- 1 Amend House File 142 as follows:
- 2 1. Page 1, by inserting before line 18 the
- 3 following:
- 4 "Sec. ____ Section 483A.1, subsection 2, Code
- 5 1997, is amended by adding the following new
- 6 paragraphs:
- 7 NEW PARAGRAPH g. Resident pistol or revolver
- 8 deer hunting license:
- 9 \$ 75.00
- 10 NEW PARAGRAPH h. Nonresident pistol or revolver
- 11 deer hunting license:
- 12 \$ 330.00
- 13 Sec. ____ Section 483A.8, Code 1997, is amended by
- 14 adding the following new subsection:
- 15 NEW SUBSECTION 4. The commission shall annually
- 16 limit the number of resident pistol or revolver deer
- 17 hunting license to three hundred licenses and the
- 18 number of nonresident pistol or revolver deer hunting
- 19 licenses to fifty licenses."
- 20 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1114

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 3 and 4, by striking the words
- 4 "identifies and diagnoses a spontaneous termination of
- 5 pregnancy or who".
- 6 2. Page 1, line 21, by striking the words
- 7 "spontaneous or".
- 8 3. Page 1, by striking line 26.
- 9 4. Page 1, line 34, by striking the words
- 10 "identifies and diagnoses or".
- 11 5. Page 2, line 2, by striking the words
- 12 "identified and diagnosed or".
- 13 6. By relettering as necessary.

DODERER of Johnson
METCALF of Polk

H-1115

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 9 the
- 4 following:
- 5 "Sec. ____ CONTINGENT EFFECTIVE DATE. This Act
- 6 shall not take effect unless an appropriation is
- 7 enacted or the state's share of the cost is specified

- 8 in accordance with section 25B.2, subsection 3.”
9 2. Title page, by striking line 2 and inserting
10 the following: “pregnancy, establishing a penalty,
11 and providing a contingent effective date.”
12 3. By renumbering as necessary.

DODERER of Johnson
METCALF of Polk

H-1116

- 1 Amend Senate File 128, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 “Section 1. NEW SECTION. 144.29A MEDICAL
6 PROCEDURES IN A CLINIC — REPORTING.
7 1. A health care provider who initially performs
8 medical procedures on a patient in a medical clinic
9 shall file with the department a report for each
10 medical procedure within thirty days of the
11 occurrence. The report shall contain all of the
12 following information with respect to each medical
13 procedure:
14 a. The confidential health care provider code as
15 assigned by the department.
16 b. The report tracking number.
17 c. The state of residence and, if this state, the
18 county of residence of the patient.
19 d. The race of the patient.
20 e. The age of the patient.
21 f. The marital status of the patient.
22 g. The educational level of the patient.
23 h. The number of previous medical procedures
24 performed on the patient.
25 i. The month and year in which the medical
26 procedure occurred.
27 j. Complications, if any.
28 k. The cause of the need for the medical
29 procedure, if known.
30 l. The type of medical procedure.
31 2. It is the intent of the general assembly that
32 the information shall be collected, reproduced,
33 released, and disclosed in a manner specified by rule
34 of the department, pursuant to chapter 17A, which
35 ensures the anonymity of the patient who experiences a
36 medical procedure, the health care provider who
37 performs the medical procedure, and the clinic in
38 which the medical procedure is performed. The
39 department may share information with federal public
40 health officials for the purposes of securing federal
41 funding or conducting public health research.
42 However, in sharing the information, the department

43 shall not relinquish control of the information, and
44 any agreement entered into by the department with
45 federal public health officials to share information
46 shall prohibit the use, reproduction, release, or
47 disclosure of the information by federal public health
48 officials in a manner which violates this section.
49 The department shall publish, annually, a demographic
50 summary of the information obtained pursuant to this

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1 section, except that the department shall not
2 reproduce, release, or disclose any information
3 obtained pursuant to this section which reveals the
4 identity of any patient, health care provider, or
5 clinic, and shall ensure anonymity in the following
6 ways:

7 a. The department shall use a report tracking
8 number, a confidential health care provider code, and
9 the identity of a clinic for the sole purpose of
10 information collection and verification prior to entry
11 of the information. Following collection and
12 verification of the information, the department shall
13 use, reproduce, release, and disclose any information
14 collected only for the purpose of annually publishing
15 the demographic summary.

16 b. The department shall enter the information,
17 from any report submitted, within thirty days of
18 receipt of the report, and shall immediately destroy
19 the report following entry of the information.
20 However, entry of the information from a report shall
21 not include any health care provider or clinic
22 identification information including, but not limited
23 to, the confidential health care provider code, as
24 assigned by the department.

25 c. To protect confidentiality, the department
26 shall limit release of information to release in an
27 aggregate form which avoids identification of any
28 individual patient, health care provider, or clinic.
29 For the purposes of this paragraph, "aggregate form"
30 means a compilation of the information received by the
31 department of medical procedures for each information
32 item listed, with the exceptions of the report
33 tracking number, the health care provider code, and
34 any set of information for which the amount is so
35 small that confidentiality of any person to whom the
36 information relates may be compromised.

37 3. Except as specified in subsection 2, reports,
38 information, and records submitted and maintained
39 pursuant to this section are strictly confidential and
40 shall not be released or made public upon subpoena,

41 search warrant, discovery proceedings, or by any other
42 means.

43 4. The department shall assign a code to any
44 health care provider who may be required to report a
45 medical procedure under this section. An application
46 procedure shall not be required for assignment of a
47 code to a health care provider.

48 5. A health care provider shall assign a report
49 tracking number which enables the health care provider
50 to access the patient's medical information without

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1 identifying the patient.

2 6. To ensure proper performance of the reporting
3 requirements under this section, it is preferred that
4 a health care provider authorize one staff person to
5 fulfill the reporting requirements.

6 7. For the purposes of this section, "health care
7 provider" means an individual licensed under chapter
8 148, 148C, 148D, 150, 150A, or 152, or any individual
9 who provides medical services under the authorization
10 of the licensee.

11 Sec. 2. Section 144.52, Code 1997, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 7. Knowingly violates a provision
14 of section 144.29A."

15 2. Title page, lines 1 and 2, by striking the
16 words: "terminations of pregnancy" and inserting the
17 following: "medical procedures performed in a medical
18 clinic".

GRUNDBERG of Polk

H-1117

1 Amend Senate File 128, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 12.

4 2. Page 1, by striking lines 14 through 16 and
5 inserting the following:

6 "d. The region of the department of human services
7 in which the patient resides."

8 3. Page 1, by striking line 19.

9 4. Page 1, by striking lines 25 through 28.

10 5. By relettering as necessary.

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-1128

- 1 Amend House File 306 as follows:
- 2 1. Page 1, line 12, by inserting after the word
3 "state" the following: "or resident sole proprietor
4 or resident partner in a partnership which carries on
5 business within and without the state".
- 6 2. Page 1, line 19, by inserting after the word
7 "shareholder" the following: ", sole proprietor, or
8 partner".
- 9 3. Page 1, line 22, by inserting after the word
10 "shareholder" the following: ", sole proprietor, or
11 partner".
- 12 4. Page 1, line 25, by inserting after the word
13 "shareholder" the following: ", sole proprietor, or
14 partner".
- 15 5. Page 3, line 24, by inserting after the word
16 "state" the following: "resident sole proprietor or
17 resident partner in a partnership which carries on
18 business within and without the state".
- 19 6. Page 4, line 13, by striking the words and
20 figure "unnumbered paragraph 1,".
- 21 7. Page 4, line 15, by inserting before the word
22 "A" the following: "b."
- 23 8. Page 4, line 18, by inserting after the word
24 "corporation" the following: ", sole proprietorship,
25 or partnership".
- 26 9. Page 4, line 20, by inserting after the word
27 "shareholders" the following: ", sole proprietor, or
28 partners".
- 29 10. Page 4, by inserting after line 22 the
30 following:
- 31 "(1) The net income or loss of the corporation,
32 sole proprietorship, or partnership which is fairly
33 and equitably attributable to this state under in the
34 manner provided in section 422.33, subsections 2 and
35 3.
- 36 (2) Any cash or the value of property
37 distributions which are made only to the extent that
38 they are paid from income upon which Iowa income tax
39 has not been paid, as determined under rules of the
40 director, reduced by fifty percent of the amount of
41 any of these distributions that are made to enable the
42 shareholder to pay federal income tax on items of
43 income, loss, and expenses from the corporation or
44 reduced by one hundred percent of such amount in the
45 case of a sole proprietorship, or partnership."
- 46 11. Page 4, line 27, by inserting after the word
47 "Code," the following: "sole proprietor, or
48 partner".
- 49 12. Page 4, line 31, by inserting after the word
50 "Code" the following: ", sole proprietorship, or

Page 2

- 1 partnership”.
- 2 13. Title page, line 3, by inserting before the
- 3 word “and” the following: “, to sole proprietors, and
- 4 partners of partnerships”.

RICHARDSON of Warren

H-1130

- 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 percent.
- 16 e. On all taxable income exceeding nine thousand
- 17 dollars but not exceeding fifteen thousand dollars,
- 18 ~~six~~ five and ~~eight-tenths~~ two-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 percent.
- 22 g. On all taxable income exceeding twenty thousand
- 23 dollars but not exceeding thirty thousand dollars,
- 24 ~~seven~~ six and ~~fifty-five hundredths~~ percent.
- 25 h. On all taxable income exceeding thirty thousand
- 26 dollars but not exceeding forty-five thousand dollars,
- 27 ~~eight~~ six and ~~eight-tenths~~ five-tenths percent.
- 28 i. On all taxable income exceeding forty-five
- 29 thousand dollars, ~~nine~~ seven and ~~ninety-eight~~
- 30 ~~hundredths~~ percent.
- 31 Sec. ____ Section 422.9, subsection 1, Code 1997,
- 32 is amended to read as follows:
- 33 1. An optional standard deduction, after deduction
- 34 of federal income tax, equal to one thousand two
- 35 hundred thirty dollars for a married person who files
- 36 separately or a single person or equal to three
- 37 thousand thirty dollars for a husband and wife who
- 38 file a joint return, a surviving spouse, or an
- 39 unmarried head of household. The optional standard
- 40 deduction shall not exceed the amount remaining after
- 41 deduction of the federal income tax. The amount of
- 42 the federal income taxes deducted shall not exceed the

43 amount as computed under subsection 2, paragraph "b"
 44 Sec. ____ Section 422.9, subsection 2, paragraph
 45 b, Code 1997, is amended by striking the paragraph and
 46 inserting in lieu thereof the following:
 47 b. Add the amount of federal income taxes paid
 48 with the federal return or as a result of an
 49 adjustment to a federal return for tax years ending
 50 prior to January 1, 1997. Subtract the amount of

Page 2

1 federal income tax refunds received for a tax year to
 2 the extent that the federal income tax was deducted in
 3 a previous tax year.
 4 Sec. ____ This Act applies retroactively to
 5 January 1, 1997".
 6 2. Title page, lines 1 and 2, by striking the
 7 words "by fifteen percent" and inserting the
 8 following: ", and eliminating the deduction for
 9 federal income taxes paid,".

FALLON of Polk
 WITT of Black Hawk

H-1134

1 Amend House File 370 as follows:
 2 1. Page 1, line 11, by inserting after the figure
 3 "85.34," the following: "subsection 2, paragraph u,".
 4 2. Page 1, line 12, by striking the word
 5 "subsection" and inserting the following: "unnumbered
 6 paragraph".
 7 3. Page 1, line 13, by striking the words and
 8 figure "SUBSECTION. 6. PROFESSIONAL ATHLETE." and
 9 inserting the following: "UNNUMBERED PARAGRAPH. For
 10 purposes of".
 11 4. Page 1, line 14, by striking the word
 12 "section" and inserting the following: "lettered
 13 paragraph".

LAMBERTI of Polk

H-1137

1 Amend House File 212 as follows:
 2 1. Page 1, line 28, by inserting after the word
 3 "taxation." the following: "For purposes of this
 4 subsection, any school district that has over fifty
 5 percent of its area located in Polk county shall be
 6 considered a taxing authority of the taxing district
 7 for purposes of this subsection and may subject the

8 real property used in the operation of a racetrack or
 9 racetrack enclosure located in Polk county to property
 10 taxation."

CATALDO of Polk

H-1138

1 Amend House File 212 as follows:
 2 1. Page 1, by inserting after line 28 the
 3 following:
 4 "If the property subject to tax under this
 5 subsection is owned by a county, the amount of
 6 property tax imposed on such property by all taxing
 7 authorities, other than the county, shall be used by
 8 the county as a credit on the state taxes imposed
 9 under this chapter and chapter 99F with regard to
 10 gambling at the racetrack and racetrack enclosure."

CHIDO of Polk

H-1142

1 Amend House File 403 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 321.285, subsection 4, Code
 5 1997, is amended to read as follows:
 6 4. Notwithstanding any other speed restrictions,
 7 the speed limit for all vehicular traffic shall be
 8 ~~fifty-five~~ sixty miles per hour."
 9 2. By renumbering as necessary.

RAYHONS of Hancock

H-1143

1 Amend House File 335 as follows:
 2 1. Page 10, by inserting after line 22 the
 3 following:
 4 "Sec. ____ Section 147.13, subsection 8, Code
 5 1997, is amended to read as follows:
 6 8. For dentistry ~~and dental hygiene~~, dental
 7 examiners.
 8 Sec. ____ Section 147.13, Code 1997, is amended by
 9 adding the following new subsection:
 10 NEW SUBSECTION. 19. For dental hygienists, dental
 11 hygiene examiners.
 12 Sec. ____ Section 147.14, Code 1997, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 17. For dental hygiene examiners,
 15 four members licensed to practice dental hygiene, one
 16 member licensed to practice dentistry who has

17 supervised or worked in collaboration with a dental
 18 hygienist for at least four out of the immediately
 19 preceding five years, and two members not licensed to
 20 practice dentistry or dental hygiene who shall
 21 represent the general public. A majority of the
 22 members of the board constitutes a quorum.

23 Sec. ____ Section 147.74, Code 1997, is amended by
 24 adding the following new subsection:

25 NEW SUBSECTION. 19A. A dental hygienist licensed
 26 under chapter 153 may use the words "licensed dental
 27 hygienist" after the person's name or signify the same
 28 by the use of the letters "L.D.H." after the person's
 29 name.

30 Sec. ____ Section 147.80, subsection 11, Code
 31 1997, is amended to read as follows:

32 11. License to practice dental hygiene issued upon
 33 the basis of an examination given by the board of
 34 dental hygiene examiners, license to practice dental
 35 hygiene issued under a reciprocal agreement, renewal
 36 of a license to practice dental hygiene."

37 2. Page 10, by inserting after line 30 the
 38 following:

39 "Sec. ____ Section 153.15, Code 1997, is amended
 40 to read as follows:

41 153.15 DENTAL HYGIENISTS — SCOPE OF TERM.

42 A licensed dental hygienist may perform those
 43 services which are educational, therapeutic, and
 44 preventive in nature which attain or maintain optimal
 45 oral health as determined by the board of dentistry
 46 dental hygienists and may include but are not
 47 necessarily limited to complete oral prophylaxis,
 48 application of preventive agents to oral structures,
 49 exposure and processing of radiographs, administration
 50 of medicaments prescribed by a licensed dentist,

Page 2

1 obtaining and preparing nonsurgical, clinical and oral
 2 diagnostic tests for interpretation by the dentist,
 3 preparation of preliminary written records of oral
 4 conditions for interpretation by the dentist. Such
 5 services shall be performed under supervision of a
 6 licensed dentist and in a dental office, a public or
 7 private school, public health agencies, hospitals, and
 8 the armed forces, but nothing herein shall be
 9 construed to authorize a dental hygienist to practice
 10 dentistry.

11 Sec. ____ Section 153.15A, subsection 1,
 12 unnumbered paragraph 1, Code 1997, is amended to read
 13 as follows:

14 In addition to requirements adopted by rule by the
 15 board of dental hygienists, in order to obtain
 16 a license as a dental hygienist, an applicant shall

17 present evidence to the board of both of the
18 following:

19 Sec. ____ Section 153.23, Code 1997, is amended to
20 read as follows:

21 153.23 NOTICE OF INTENTION NOT TO RENEW LICENSE.

22 If, prior to the renewal of any license to practice
23 dentistry or dental hygiene, the board of dental
24 examiners or the board of dental hygiene examiners,
25 respectively, is informed upon oath or affirmation
26 lawfully administered, that any such applicant has
27 during the term of the applicant's last license or the
28 last renewal thereof violated any of the provisions of
29 this chapter or chapter 147 or committed any of the
30 acts of unprofessional conduct as defined in this
31 chapter, or if any member of the board certifies in
32 writing that the member is credibly informed that such
33 violation of law or act of unprofessional conduct has
34 been so committed by such applicant, then the board
35 shall notify such applicant, by certified letter, with
36 postage prepaid, mailed to the applicant's address as
37 shown by the records of ~~said~~ the board that such
38 information or certificate has come to the attention
39 of the board, and that on a day and hour specified the
40 applicant may appear before the board at such place
41 stated in such notice and show cause why ~~said~~ the
42 license should be renewed. In such event the renewal
43 of ~~such~~ the license shall not be made prior to the
44 date so fixed and the making of such a showing by the
45 applicant.

46 Sec. ____ Section 153.24, Code 1997, is amended to
47 read as follows:

48 153.24 TIME AND PLACE OF HEARING.

49 The time and place of such hearing before the board
50 of dental examiners or the board of dental hygiene

Page 3

1 examiners shall be open to public inspection at all
2 reasonable hours.

3 Sec. ____ Section 153.25, Code 1997, is amended to
4 read as follows:

5 153.25 HEARING CONFIDENTIAL.

6 At such hearing, which shall be confidential unless
7 the applicant requests it be a public one, any person
8 having knowledge of the facts pertaining to the
9 propriety of the renewal of such license may testify
10 thereto, and the chairperson of the board of dental
11 examiners or the board of dental hygiene examiners is
12 hereby empowered to and shall administer oaths to all
13 such persons offering testimony.

14 Sec. ____ Section 153.26, Code 1997, is amended to
15 read as follows:

16 153.26 REJECTION OF RENEWAL.

17 If at said the hearing, or upon appeal if taken as
18 hereinafter provided, it shall be established that the
19 applicant has theretofore failed to comply with all of
20 the provisions of this chapter or has during the term
21 of the license or the last renewal thereof committed
22 any of the acts of unprofessional conduct as defined
23 in this chapter, then the board of dental examiners or
24 the board of dental hygiene examiners shall reject
25 such application and said the license shall not be
26 renewed except as hereinafter provided.

27 Sec. ____ Section 153.27, Code 1997, is amended to
28 read as follows:

29 153.27 MINUTES OF EVIDENCE.

30 The minutes of all evidence heard by the said board
31 of dental examiners or the board of dental hygiene
32 examiners or exhibits introduced at said the hearing
33 for or against the granting of said the application
34 for license, together with the order of the board
35 granting or rejecting such application for renewal of
36 license, which shall be in writing, shall be and
37 become a part of the records of said the board and
38 shall be open to public inspection at all reasonable
39 hours. Written notice of said the order shall
40 forthwith be mailed to the applicant by the board.

41 Sec. ____ Section 153.28, Code 1997, is amended to
42 read as follows:

43 153.28 JUDICIAL REVIEW.

44 Judicial review of actions of the board of dental
45 examiners or the board of dental hygiene examiners may
46 be sought in accordance with the terms of the Iowa
47 administrative procedure Act.

48 Sec. ____ Section 153.29, Code 1997, is amended to
49 read as follows:

50 153.29 ORDER STANDS DURING REVIEW.

Page 4

1 Notwithstanding the terms of the Iowa
2 administrative procedure Act, chapter 17A, the order
3 of the board of dental examiners or the board of
4 dental hygiene examiners rejecting such application,
5 and refusing to renew such license, shall remain in
6 force and effect until such petition for judicial
7 review is finally determined and disposed of upon the
8 merits and no new or temporary license shall be issued
9 to the applicant pending such disposition.

10 Sec. ____ Section 153.30, Code 1997, is amended to
11 read as follows:

12 153.30 REINSTATEMENT — EXAMINATION.

13 Any former licensee whose application for renewal
14 of license has been rejected by the board of dental
15 examiners or the board of dental hygiene examiners and
16 who has not successfully prosecuted a proceeding for

17 judicial review therefrom as herein provided shall not
18 thereafter receive such license or renewal thereof
19 unless ~~same~~ such license or renewal shall be granted
20 by the board and upon payment of the renewal fees then
21 due. Said The board may require examination of the
22 former licensee, in which case the former licensee
23 shall pay the examination fees provided by law.

24 Sec. ____ Section 153.31, Code 1997, is amended to
25 read as follows:

26 153.31 FALSIFICATION IN APPLICATION FOR RENEWAL.

27 A license to practice either dentistry or dental
28 hygiene shall be revoked or suspended in the manner
29 and upon the grounds elsewhere provided in this
30 chapter, and also when the certificate accompanying
31 the application of such licensee for renewal of
32 license filed with the board of dental examiners or
33 the board of dental hygiene examiners is not in all
34 material respects true.

35 Sec. ____ Section 153.33, unnumbered paragraph 1,
36 Code 1997, is amended to read as follows:

37 Subject to the provisions of this chapter, any
38 provision of this subtitle to the contrary
39 notwithstanding, the board of dental examiners or the
40 board of dental hygiene examiners shall exercise the
41 following powers:

42 Sec. ____ Section 153.34, unnumbered paragraph 1,
43 Code 1997, is amended to read as follows:

44 The board of dental examiners or the board of
45 dental hygiene examiners may issue an order to
46 discipline a licensed dentist or dental hygienist for
47 any of the grounds set forth in this chapter, chapter
48 272C, or title IV. Notwithstanding section 272C.3,
49 licensee discipline may include a civil penalty not to
50 exceed ten thousand dollars. Pursuant to this

Page 5

1 section, the board may discipline a licensee for any
2 of the following reasons:

3 Sec. ____ NEW SECTION. 153.34A REFERENCES TO
4 BOARDS.

5 All references to "board" within this chapter refer
6 to the board of dental examiners for dentists and to
7 the board of dental hygiene examiners for dental
8 hygienists. The board of dental hygiene examiners
9 shall act only on matters pertaining to dental
10 hygienists, the licensure, discipline, and education
11 of dental hygienists, and the practice of dental
12 hygiene."

13 3. Page 11, by inserting after line 13 the
14 following:

15 "Sec. ____ Section 272C.1, subsection 6, Code
16 1997, is amended by adding the following new

17 paragraph:

18 NEW PARAGRAPH. cc. The board of dental hygiene
19 examiners, created pursuant to chapter 147.

20 Sec. ____ CURRENT RULES AND LICENSES.

21 1. All rules pertaining to dental hygiene and
22 dental hygienists in force at the time the board of
23 dental hygiene examiners is created shall remain in
24 force and be enforced by the board of dental hygiene
25 examiners until amended or repealed by the board of
26 dental hygiene examiners.

27 2. All persons holding a valid dental hygiene
28 license granted under the authority of the board of
29 dental examiners shall continue to hold such license
30 for its term unless revoked or suspended by the board
31 of dental hygiene examiners pursuant to this chapter."

32 4. Title page, line 5, by inserting after the
33 word "fees," the following: "creating a board of
34 dental hygiene examiners,".

35 5. By renumbering as necessary.

HAHN of Muscatine
THOMSON of Linn
GIPP of Winneshiek
NELSON of Marshall

KLEMME of Plymouth
JACOBS of Polk
KREMER of Buchanan
DODERER of Johnson

H-1144

1 Amend House File 341 as follows:

2 1. Page 1, line 3, by striking the word "shall"
3 and inserting the following: "may".

Committee on Education

H-1146

1 Amend House Concurrent Resolution 12 as follows:

2 1. Page 2, line 16, by striking the word "Now"
3 and inserting the following: "and
4 *Whereas*, the planned site for the research farm
5 should not be located at the proposed location near a
6 water source outside the community of Madrid, until an
7 independent environmental impact study is conducted
8 and the department of natural resources is consulted
9 in order to ensure that the disposal of manure
10 originating from the site will not threaten Iowa's
11 environment; *Now*".

12 2. Page 3, line 2, by striking the word "delay;"
13 and inserting the following: "threatening Iowa's
14 environment;".

15 3. Page 3, line 9, by inserting after the word
16 "University;" the following: "the Director of the
17 Department of Natural Resources;".

Committee on Agriculture

H-1148

1 Amend House File 230 as follows:

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

4 "Section 1. NEW SECTION. 257.13 ON-TIME FUNDING
5 FOR NEW STUDENTS.

6 1. If a district's actual enrollment for the
7 budget year, determined under section 257.6, is
8 greater than its budget enrollment for the budget
9 year, the district may submit a request to the school
10 budget review committee for on-time funding for new
11 students. The school budget review committee shall
12 consider the relative increase in enrollment on a
13 district-by-district basis, in determining whether to
14 approve the request, and shall determine the amount of
15 additional funding provided if the request is granted.
16 An application for on-time funding must be received by
17 the department of education by October 1. Written
18 notice of the committee's decision shall be given
19 through the department of education to the school
20 board for a district.

21 2. If the school budget review committee approves
22 a request for on-time funding for new students, the
23 funding shall be in an amount up to the product of
24 one-third of the state cost per pupil for the budget
25 year multiplied by the difference between the actual
26 enrollment for the budget year and the budget
27 enrollment for the budget year. The additional
28 funding received under this section is miscellaneous
29 income to the district.

30 3. There is appropriated each fiscal year from the
31 general fund of the state to the department of
32 education up to six million dollars to pay additional
33 funding authorized under this section, which shall be
34 paid to school districts in monthly installments
35 beginning on December 15 and ending on June 15 of a
36 budget year. If the requests approved by the school
37 budget review committee exceed the appropriation in
38 this subsection, the payments to school districts
39 receiving approval for on-time funding shall be
40 prorated such that each school district approved for
41 on-time funding shall receive an amount of on-time
42 funding equal to the percentage that the on-time
43 funding received by the district bears to the total
44 amount of on-time funding received by all districts
45 receiving approval.

46 4. If the board of directors of a school district
47 determines that a need exists for additional funds
48 exceeding the amount provided in this section, a
49 request for supplemental aid based upon increased
50 enrollment may be submitted to the school budget

Page 2

1 review committee as provided in section 257.31.
2 5. A school district which is receiving a budget
3 adjustment for a budget year pursuant to section
4 257.14 shall not be eligible to receive on-time
5 funding for new students for that budget year.
6 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
7 immediate importance, takes effect upon enactment for
8 the purpose of computations required for payment of
9 state aid to school districts for budget years
10 beginning on or after July 1, 1997. This Act remains
11 in effect until the repeal of chapter 257 on July 1,
12 2001."

Committee on Education

H-1150

1 Amend House File 504 as follows:
2 1. Page 12, by inserting after line 14 the
3 following:
4 "Any fee provided in this section which represents
5 an increase over the fee levels in existence prior to
6 the effective date of this Act shall be subject to a
7 five-year phase-in procedure. Each year following the
8 effective date of this Act, the fees shall be
9 increased by twenty percent of the total amount of the
10 fee increase so that after the fifth annual increase
11 the level provided for in this section shall have been
12 reached."

RICHARDSON of Warren

H-1152

1 Amend House File 378 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 331.321, subsection 1,
5 paragraph n, Code 1997, is amended by striking the
6 paragraph."
7 2. Page 1, by striking lines 4 through 22 and
8 inserting the following:
9 "The board of supervisors of a county may create a
10 county compensation board to assist in the annual
11 review and determination of county officer salaries.
12 If a county compensation board is created, the board
13 of supervisors shall appoint its members and determine
14 their terms of office."
15 3. Page 1, by striking lines 24 through 35 and

16 inserting the following: "amended by striking the
17 subsection.

18 Sec. ____ Section 331.907, subsections 1 and 2,
19 Code 1997, are amended by striking the subsections and
20 inserting in lieu thereof the following:

21 1. a. The annual compensation of the auditor,
22 treasurer, recorder, sheriff, county attorney, and
23 supervisors shall be determined as provided in this
24 section. The board of supervisors or the county
25 compensation board, if appointed, shall annually
26 review compensation paid to comparable officers in
27 other counties of this state, other states, private
28 enterprise, and the federal government.

29 b. In setting the salary of the county sheriff,
30 the board shall consider setting the sheriff's salary
31 so that it is comparable to salaries paid to
32 professional law enforcement administrators and
33 command officers of the Iowa highway safety patrol,
34 the division of criminal investigation of the
35 department of public safety, and city police agencies
36 in this state.

37 c. The board of supervisors or the county
38 compensation board, if appointed, shall prepare a
39 compensation schedule for the elective county officers
40 for the succeeding fiscal year. A majority vote of
41 the board of supervisors or the county compensation
42 board is required to approve the proposed compensation
43 schedule.

44 2. At the public hearing held on the county budget
45 as provided in section 331.434, a copy of the proposed
46 compensation schedule shall be submitted for inclusion
47 in the county budget. The board of supervisors shall
48 review the proposed compensation schedule and
49 determine the final compensation schedule which shall
50 not exceed the proposed compensation schedule. A copy

Page 2

1 of the final compensation schedule shall be filed with
2 the county budget at the office of the director of the
3 department of management. The compensation schedule
4 takes effect on July 1 following its adoption by the
5 board of supervisors."

6 4. Page 2, by striking line 5 and inserting the
7 following: "be appointed as provided in section 1 of
8 this Act."

9 5. Title page, by striking lines 1 and 2 and
10 inserting the following: "An Act relating to the
11 annual salaries of elected county officers."

12 6. By renumbering as necessary.

H-1154

- 1 Amend House File 458 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "December." the following: "The department may
- 4 stagger the dates during which licenses are valid
- 5 during the open season and adjust the validity dates
- 6 of a license upon request of a license applicant."

O'BRIEN of Boone

H-1156

- 1 Amend House File 504 as follows:
- 2 1. Page 1, by striking lines 3 through 5 and
- 3 inserting the following:
- 4 "9. Administer and enforce this chapter, and
- 5 chapters 99B, 135B, 135C, 135G, 135H, 135J, ~~137A,~~
- 6 ~~137B,~~ 137C, 137D, ~~137E~~ 137F."
- 7 2. Page 4, by striking line 7 and inserting the
- 8 following: "of forty-five degrees Fahrenheit or seven
- 9 degrees Celsius or".
- 10 3. Page 8, by inserting after line 10 the
- 11 following:
- 12 "17. 3-502.12(A) shall be amended by adding:
- 13 "Packaging of raw meat and raw poultry using a reduced
- 14 oxygen packaging method, with a thirty day "sell by"
- 15 date from the date it was packaged, will be exempt
- 16 from having an HACCP Plan that contains the
- 17 information required in this section and section 8-
- 18 201.14(D)."
- 19 4. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-1159

- 1 Amend House File 58 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 91B.1, unnumbered paragraph 1,
- 5 Code 1997, is amended to read as follows:
- 6 An employee, as defined in section 91A.2, shall
- 7 have access to and shall be permitted to obtain a copy
- 8 of the employee's personnel file maintained by the
- 9 employee's employer, as defined in section 91A.2,
- 10 including but not limited to performance evaluations,
- 11 disciplinary records, and other information concerning
- 12 employer-employee relations. For purposes of this
- 13 section, "employee" includes a person who was
- 14 previously employed by the employer."

- 15 2. Page 1, line 3, by inserting after the word
 16 "each" the following: "page of a".
- 17 3. Page 1, line 7, by inserting after the word
 18 "dollars." the following: "For purposes of this
 19 subsection, "reasonable fee" means an amount
 20 equivalent to an amount charged per page for copies
 21 made by a commercial copying business."
- 22 4. Title page, by striking lines 1 and 2 and
 23 inserting the following: "An Act concerning employee
 24 copying of items in the employee's personnel file by
 25 providing for access by former employees and fees
 26 charged by an employer for copies."
- 27 5. By renumbering, relettering, or redesignating
 28 and correcting internal references as necessary.

Committee on Labor and Industrial Relations

H-1162

- 1 Amend House File 405 as follows:
- 2 1. Page 2, by striking lines 9 through 12 and
 3 inserting the following:
 4 "Before the board of directors may sell, lease, or
 5 dispose of any property belonging to the school
 6 district ~~it~~ the board shall comply with the
 7 requirements set forth in this section and sections
 8 ~~297.15 to through 297.20 and sections 297.23 and~~
 9 ~~297.24. Any real-estate proposed to~~".

Committee on Education

H-1164

- 1 Amend House File 118 as follows:
- 2 1. Page 1, by striking lines 6 through 8 and
 3 inserting the following: "this state, or if the
 4 employee's employer has a place of business in this
 5 state and the employee is domiciled in this state,
 6 or".

MURPHY of Dubuque

H-1166

- 1 Amend House File 332 as follows:
- 2 1. Page 1, line 5, by inserting after the word
 3 "way," the following: "of a reasonable width".
- 4 2. Page 1, line 6; by striking the words "less
 5 than" and inserting the following: "to exceed".
- 6 3. Page 1, by striking lines 8, and 9 and -
 7 inserting the following: "be located on a division,

- 8 subdivision or "forty" line, or immediately adjacent
 9 thereto, and along the line which is the".
 10 4. Page 1, by striking lines 27 through 29 and
 11 inserting the following:
 12 "A public way condemned under this subsection shall
 13 not be considered an existing public road in
 14 subsequent condemnations to provide a public way for
 15 access to an existing public road."
 16 5. Page 2, line 4, by inserting after the figure
 17 "679A." the following: "On appeal, the condemner
 18 shall establish that the interest of the condemner in
 19 establishing the public way is greater than the
 20 interest of the present owner or lessee of the
 21 condemned land."

Committee on Local Government

H-1167

- 1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 5 the
 4 following:
 5 "10. To signs posted by a city or county in a
 6 public place, relating to public welfare and safety in
 7 the vicinity of the sign."

WARNSTADT of Woodbury
 WHITEAD of Woodbury

H-1169

- 1 Amend House File 223 as follows:
 2 1. Page 1, by inserting after line 15 the
 3 following:
 4 "Sec. ____ Section 483A.24, subsection 2, Code
 5 1997, is amended by adding a new paragraph:
 6 NEW PARAGRAPH. d. In addition to a free deer
 7 hunting license issued pursuant to paragraph "b", the
 8 department may issue additional free deer hunting
 9 licenses to owners of farm units in a hunting zone if,
 10 pursuant to section 481A.39, the commission finds that
 11 the deer population should be reduced. Additional
 12 free deer hunting licenses shall be allocated by rule
 13 of the commission based on the number of farm unit
 14 acres owned by owners in a hunting zone. The free
 15 deer hunting licenses are valid only in the hunting
 16 zone in which the farm unit of the owner is located.
 17 The free deer hunting licenses issued pursuant to this
 18 paragraph are transferable and may be sold by an
 19 owner. The owner shall furnish the department with

20 the name and address of the person to whom the free
 21 deer hunting license is transferred. The recipients
 22 of free deer hunting licenses shall report the number
 23 of deer taken to the department."

KREIMAN of Davis

H-1170

1 Amend House File 546 as follows:
 2 1. Page 1, by inserting after line 27, the
 3 following:
 4 "Sec. ____ Section 669.11, Code 1997, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. If an award which is
 7 paid under this section pertains to the actions of a
 8 person who is providing supervision, security, or
 9 transportation for inmates or criminal defendants who
 10 are providing services pursuant to an agreement under
 11 section 904.703, and the person is not a person who is
 12 employed in a direct capacity by the state, the
 13 person's direct employer shall reimburse the state for
 14 the amount of the award."
 15 2. By renumbering as necessary.

KREIMAN of Davis

H-1171

1 Amend Senate File 128, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 10 through 28 and
 4 inserting the following:
 5 "a. The confidential health care provider code as
 6 assigned by the department.
 7 b. The report tracking number.
 8 c. The department of human services' region in
 9 which the patient resides.
 10 d. The age of the patient.
 11 e. The marital status of the patient.
 12 f. The number of previous pregnancies, live
 13 births, and spontaneous or induced termination of
 14 pregnancies.
 15 g. The month and year in which the termination
 16 occurred.
 17 h. The number of weeks since the patient's last
 18 menstrual period and a clinical estimate of
 19 gestation."

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-1173

1 Amend House File 392 as follows:

2 1. Page 1, line 14, by inserting after the figure
3 "2." the following: "a."

4 2. Page 1, by inserting after line 24 the
5 following:

6 "b. If at any time before the date fixed for
7 implementing an extension of the surcharge pursuant to
8 this subsection, a petition is filed with the county
9 auditor in the manner provided by section 331.306 and
10 signed by eligible electors in the E911 service area
11 equal in number to at least ten percent of the votes
12 cast in the E911 service area for the office of
13 president of the United States or governor at the
14 preceding general election, asking that the question
15 of extending the surcharge be submitted to the
16 registered voters of the E911 service area, the board
17 shall either by resolution declare the proposal to
18 extend the surcharge to have been abandoned or shall
19 direct the county commissioner of elections to call a
20 special election upon the question of extending the
21 surcharge. Notice of the election and its conduct
22 shall be substantially in the manner provided in
23 section 331.442, subsections 2, 3 and 4.
24 c. If a petition is not filed, or if a petition is
25 filed and the proposition of extending the surcharge
26 is approved at an election pursuant to paragraph "b",
27 the board may proceed with the extension of the
28 surcharge."

RICHARDSON of Warren

H-1176

1 Amend House File 557 as follows:

2 1. Page 6, by inserting after line 4 the
3 following:

4 "Sec. . NEW SECTION. 514B.13A PROHIBITED
5 CONDUCT.

6 1. A health maintenance organization shall not
7 prohibit a participating provider from or penalize a
8 participating provider for discussing treatment
9 options with covered persons, irrespective of the
10 health maintenance organization's position on the
11 treatment options, or from advocating on behalf of
12 covered persons within the utilization review or
13 grievance processes established by the health
14 maintenance organization or a person contracting with
15 the health maintenance organization.
16 2. A health maintenance organization shall not

17 penalize a provider because the provider, in good
 18 faith, reports to state or federal authorities any act
 19 or practice by the health maintenance organization
 20 that, in the opinion of the provider, jeopardizes
 21 patient health or welfare.

22 Sec. ____ NEW SECTION. 514F.4 PROHIBITED
 23 CONDUCT.

24 1. A health care insurer shall not prohibit a
 25 participating provider from or penalize a
 26 participating provider for discussing treatment
 27 options with covered persons, irrespective of the
 28 health care insurer's position on the treatment
 29 options, or from advocating on behalf of covered
 30 persons within the utilization review or grievance
 31 processes established by the health care insurer or a
 32 person contracting with the health care insurer.

33 2. A health care insurer shall not penalize a
 34 provider because the provider, in good faith, reports
 35 to state or federal authorities any act or practice by
 36 the health care insurer that, in the opinion of the
 37 provider, jeopardizes patient health or welfare."

38 2. Renumber as necessary.

DODERER of Johnson

H-1178

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~~ fifty
 11 dollars, by more than five and not more than ten miles
 12 per hour the fine is ~~twenty~~ seventy-five dollars, and
 13 by more than ten ~~and not more than fifteen miles per~~
 14 ~~hour the fine is forty dollars, by more than fifteen~~
 15 ~~and not more than twenty miles per hour the fine is~~
 16 ~~sixty~~ one hundred dollars, ~~and by more than twenty~~
 17 ~~miles per hour the fine is sixty dollars plus two~~
 18 ~~dollars for each mile per hour of excessive speed over~~
 19 ~~twenty miles per hour over the limit."~~

20 2. Title page, line 3, by inserting after the
 21 word "vehicles" the following: "and providing a
 22 penalty".

23 3. By renumbering as necessary.

FALLON of Polk

H-1179

1 Amend House File 289 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. NEW SECTION. 730.6 PUBLIC SAFETY

5 EMPLOYEES - DRUG TESTING.

6 1. For purposes of this section, "public safety
7 employee" means an employee of the state or a
8 political subdivision of the state who is a fire
9 fighter, a peace officer as defined in section 801.4,
10 or an emergency medical care provider as defined in
11 section 147A.1.

12 2. Notwithstanding the provisions of section 730.6
13 to the contrary, an employer of public safety
14 employees may elect to require public safety employees
15 of the employer to submit to drug and alcohol testing
16 pursuant to a written policy adopted by the employer
17 and applicable to all such employees. The written
18 policy shall establish procedures and standards for
19 drug and alcohol testing of public safety employees
20 which shall be consistent with the procedures and
21 standards established for drug and alcohol testing of
22 employees under the federal Omnibus Transportation
23 Employee Testing Act of 1991.

24 3. The written policy shall provide that upon
25 receipt for a public safety employee of the first
26 confirmed positive drug or alcohol test result, the
27 employer shall provide the public safety employee with
28 a substance abuse evaluation, and treatment if
29 recommended by the evaluation, with costs apportioned
30 as provided under the employee benefit plan or at
31 employer expense, if an employee benefit plan is not
32 in effect which apportions costs. The employer shall
33 take no disciplinary action against the public safety
34 employee upon receipt of the first confirmed positive
35 drug or alcohol test result if the public safety
36 employee undergoes a substance abuse evaluation, and
37 if the public safety employee successfully completes
38 substance abuse treatment if treatment is recommended
39 by the evaluation. However, if a public safety
40 employee fails to undergo substance abuse evaluation
41 when required as a result of a drug or alcohol test,
42 fails to successfully complete substance abuse
43 treatment when recommended by an evaluation, or fails
44 to pass subsequent drug or alcohol tests as provided
45 in the written policy, the public safety employee may
46 be disciplined up to and including discharge. The
47 substance abuse evaluation and treatment provided by
48 the employer shall take place under a program approved
49 by the department of public health or accredited by
50 the joint commission on the accreditation of health

Page 2

- 1 care organizations."
- 2 2. Title page, lines 1 and 2, by striking the
- 3 words "and making penalties applicable".

Committee on Local Government

H-1180

- 1 Amend House File 306 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "state" the following: "or resident member of a
- 4 limited liability company which carries on business
- 5 within and without the state".
- 6 2. Page 1, line 19, by inserting after the word
- 7 "shareholder" the following: "or member".
- 8 3. Page 1, line 22, by inserting after the word
- 9 "shareholder" the following: "or member".
- 10 4. Page 1, line 25, by inserting after the word
- 11 "shareholder" the following: "or member".
- 12 5. Page 3, line 24, by inserting after the word
- 13 "state," the following: "or resident member of a
- 14 limited liability company which carries on business
- 15 within and without the state".
- 16 6. Page 4, line 13, by striking the words and
- 17 figure "unnumbered paragraph 1,".
- 18 7. Page 4, line 15, by inserting before the word
- 19 "A" the following: "b."
- 20 8. Page 4, line 18, by inserting after the word
- 21 "corporation" the following: "or limited liability
- 22 company".
- 23 9. Page 4, line 20, by inserting after the word
- 24 "shareholders" the following: "or members".
- 25 10. Page 4, by inserting after line 22 the
- 26 following:
- 27 "(1) The net income or loss of the corporation or
- 28 limited liability company which is fairly and
- 29 equitably attributable to this state under in the
- 30 manner provided in section 422.33, subsections 2 and
- 31 3.
- 32 (2) Any cash or the value of property
- 33 distributions which are made only to the extent that
- 34 they are paid from income upon which Iowa income tax
- 35 has not been paid, as determined under rules of the
- 36 director, reduced by fifty percent of the amount of
- 37 any of these distributions that are made to enable the
- 38 shareholder to pay federal income tax on items of
- 39 income, loss, and expenses from the corporation or
- 40 reduced by one hundred percent of such amount in the
- 41 case of a limited liability company."

- 42 11. Page 4, line 27, by inserting after the word
43 "Code," the following: "or is a member,"
44 12. Page 4, line 31, by inserting after the word
45 "Code" the following: "or limited liability company".
46 13. Title page, line 3, by inserting before the
47 word "and" the following: "and to members of limited
48 liability companies".

GRUNDBERG of Polk
LARSON of Linn

H-1181

- 1 Amend House File 428 as follows:
2 1. Page 3, line 21, by striking the words "An
3 employee of either" and inserting the following: "A
4 person employed by any".
5 2. Page 3, by inserting after line 24 the
6 following:
7 "(3) A financial institution as defined in section
8 535A.1.
9 (4) An insurance company authorized to transact
10 the business of insurance in this state."

Committee on Local Government

H-1185

- 1 Amend House File 334 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:
4 "6. A franchisor shall not prohibit a franchisee
5 from, or enforce a prohibition against a franchisee,
6 engaging in any lawful business at any location after
7 a termination or refusal to renew by a franchisor,
8 unless it is one which relies on a substantially
9 similar marketing program as the terminated or
10 nonrenewed franchise or unless the franchisor offers
11 in writing no later than ten business days before
12 expiration of the franchise to purchase the assets of
13 the franchised business for its fair market value as a
14 going concern. The value of the assets shall not
15 include the goodwill of the business attributable to
16 the trademark licensed to the franchisee in the
17 franchise agreement. The offer may be conditioned
18 upon the ascertainment of a fair market value by an
19 impartial appraiser. This subsection does not apply
20 to assets of the franchised business which the
21 franchisee did not purchase from the franchisor, or
22 the agent of the franchisor."

HEATON of Henry
WEIGEL of Chickasaw

H-1186

- 1 Amend House File 334 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:
4 "6. This section shall be liberally construed to
5 effectuate its purposes."

HEATON of Henry

H-1187

- 1 Amend House File 334 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:
4 "6. a. A franchisor shall not refuse to renew a
5 franchise unless both of the following apply:
6 (1) The franchisee has been notified of the
7 franchisor's intent not to renew at least six months
8 prior to the expiration date or any extension of the
9 franchise agreement.
10 (2) Any of the following circumstances exist:
11 (a) Good cause exists, provided that the refusal
12 of the franchisor to renew is not arbitrary or
13 capricious. For purposes of this subsection, "good
14 cause" means cause based on a legitimate business
15 reason.
16 (b) The franchisor and franchisee agree not to
17 renew the franchise.
18 (c) The franchisor completely withdraws from
19 directly or indirectly distributing its products or
20 services in the geographic market served by the
21 franchisee, provided that upon expiration of the
22 franchise, the franchisor agrees not to seek to
23 enforce any covenant of the nonrenewed franchisee not
24 to compete with the franchisor or franchisees of the
25 franchisor.
26 b. As a condition of renewal of the franchise, a
27 franchise agreement may require that the franchisee
28 meet the then current requirements for franchises and
29 that the franchisee execute a new agreement
30 incorporating the then current terms and fees for new
31 franchises."

WEIGEL of Chickasaw

H-1188

- 1 Amend House File 334 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:

4 "6. A franchisor shall not restrict a franchisee
5 from associating with other franchisees or from
6 participating in a trade association, and shall not
7 retaliate against a franchisee for engaging in these
8 activities."

WEIGEL of Chickasaw

H-1191

1 Amend House File 334 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:
4 "6. This section does not limit any liability that
5 may exist under another statute or at common law.
6 Prior law governs all actions based on facts occurring
7 before July 1, 1997."

HEATON of Henry
WEIGEL of Chickasaw

H-1192

1 Amend House File 334 as follows:
2 1. By striking page 1, line 1, through page 3,
3 line 14.
4 2. Title page, by striking lines 1 through 3 and
5 inserting the following: "An Act".
6 3. By renumbering as necessary.

HEATON of Henry

H-1193

1 Amend House File 334 as follows:
2 1. By striking page 1, line 1, through page 3,
3 line 14 and inserting the following:
4 "Section 1. NEW SECTION. 523J.1 SHORT TITLE.
5 This chapter may be cited as the "Iowa Franchise
6 Law".
7 Sec. 2. NEW SECTION. 523J.2 DEFINITIONS.
8 As used in this chapter, unless the context
9 otherwise requires:
10 1. "Community of interest" means a continuing
11 financial interest between the franchisor and
12 franchisee in either the operation of a franchised
13 business or the marketing of goods or services related
14 to a franchised business.
15 2. "Franchisee" means a person who is granted a
16 franchise for a business located in this state.
17 3. "Franchise" means a contract or agreement,
18 either expressed or implied, whether oral or written,

19 between two or more persons, by which a person is
 20 granted the right to sell or distribute goods or
 21 services, or use a trade name, trademark, service
 22 mark, logotype, advertising, or other commercial
 23 symbol, in which there is a community of interest in
 24 the business of offering, selling, or distributing
 25 goods or services at wholesale, retail, by lease,
 26 agreement, or otherwise.

27 4. "Good cause" means either of the following:

28 a. The failure by a franchisee to comply
 29 substantially with essential and reasonable
 30 requirements imposed upon the franchisee by the
 31 franchisor, or sought to be imposed by the franchisor,
 32 which requirements are not discriminatory as compared
 33 with requirements imposed on other similarly situated
 34 franchisees either by their terms or in the manner of
 35 their enforcement.

36 b. Bad faith by the franchisee in carrying out the
 37 terms of the franchise.

38 5. "Franchisor" means a person who grants a
 39 franchise.

40 6. "Person" means person as defined in section
 41 4.1.

42 Sec. 3. NEW SECTION. 523J.3 PURPOSE — RULES OF
 43 CONSTRUCTION — VARIATION BY CONTRACT.

44 1. This chapter shall be liberally construed and
 45 applied to promote its underlying remedial purposes
 46 and policies.

47 2. The underlying purposes and policies of this
 48 chapter are as follows:

49 a. To promote the compelling interest of the
 50 public in fair business relations between franchisees

Page 2

1 and franchisors, and in the continuation of franchises
 2 on a fair basis.

3 b. To protect franchisees against unfair treatment
 4 by franchisors, who inherently have superior economic
 5 power and superior bargaining power in the negotiation
 6 of franchises.

7 c. To provide franchisees with rights and remedies
 8 in addition to those existing by contract or common
 9 law.

10 d. To govern all franchise agreements, including
 11 any renewals of or amendments to such agreements, to
 12 the full extent consistent with the constitutions of
 13 this state and the United States.

14 3. This application of this chapter shall not be
 15 varied by contract or agreement. Any contract or
 16 agreement purporting to do so is void and

17 unenforceable to that extent only.

18 Sec. 4. NEW SECTION. 523J.4 CANCELLATION AND
19 ALTERATION OF A FRANCHISE.

20 A franchisor, directly or through any officer,
21 agent, or employee, shall not terminate, cancel, fail
22 to renew, or substantially change the competitive
23 circumstances of a franchise without good cause. The
24 burden of proving good cause is on the franchisor.

25 Sec. 5. NEW SECTION. 523J.5 NOTICE OF
26 TERMINATION OR CHANGE IN FRANCHISE.

27 Except as otherwise provided in this section, a
28 franchisor shall provide a franchisee at least ninety
29 days' prior written notice of termination,
30 cancellation, nonrenewal, or substantial change in
31 competitive circumstances. The notice shall state all
32 the reasons for termination, cancellation, nonrenewal,
33 or substantial change in competitive circumstances and
34 shall provide that the franchisee has sixty days in
35 which to rectify any claimed deficiency. If the
36 deficiency is rectified within sixty days the
37 termination, cancellation, nonrenewal, or substantial
38 change in competitive circumstances is void. The
39 notice provisions of this section shall not apply if
40 the reason for termination, cancellation, or
41 nonrenewal is insolvency, the occurrence of an
42 assignment for the benefit of creditors, or
43 bankruptcy. If the reason for termination,
44 cancellation, nonrenewal, or substantial change in
45 competitive circumstances is nonpayment of sums due
46 under the franchise, the franchisee is entitled to
47 written notice of such default, and has ten days in
48 which to remedy such default from the date of delivery
49 or posting of such notice.

50 Sec. 6. NEW SECTION. 523J.6 REPURCHASE OF

Page 3

1 INVENTORIES.

2 If a franchise is terminated, cancelled, or not
3 renewed by the franchisor, the franchisor, at the
4 option of the franchisee, shall repurchase all
5 inventories sold by the franchisor to the franchisee
6 for resale under the franchise agreement at the fair
7 wholesale market value. This section applies only to
8 merchandise with a name, trademark, label, or other
9 mark on it which identifies the franchisor.

10 Sec. 7. NEW SECTION. 523J.7 APPLICATION TO
11 ARBITRATION AGREEMENTS.

12 This chapter does not apply to provisions for the
13 binding arbitration of disputes contained in a
14 franchise agreement if the criteria for determining

15 whether good cause exists for a termination,
16 cancellation, nonrenewal, or substantial change of
17 competitive circumstances, and the relief provided
18 under such provisions is no less than that provided
19 for in this chapter.

20 Sec. 8. NEW SECTION. 523J.8 ACTION FOR DAMAGES
21 AND INJUNCTIVE RELIEF.

22 A franchisee may bring an action against a
23 franchisor who violates this chapter in any court of
24 competent jurisdiction for damages sustained by the
25 franchisee as a consequence of the franchisor's
26 violation. Damages sought and awarded may include
27 actual costs of the action and reasonable attorney
28 fees. The franchisee may also be granted injunctive
29 relief against unlawful termination, cancellation,
30 nonrenewal, or substantial change of competitive
31 circumstances.

32 Sec. 9. NEW SECTION. 523J.9 TEMPORARY
33 INJUNCTIONS.

34 In an action brought by a franchisee against a
35 franchisor under this chapter, a violation of this
36 chapter by the franchisor is deemed to be an
37 irreparable injury to the franchisee for purposes of
38 determining if a temporary injunction should be
39 issued.

40 Sec. 10. NEW SECTION. 523J.10 ENCROACHMENT.

41 1: If a franchisor develops, or grants to a
42 franchisee the right to develop, a new outlet or
43 location which sells essentially the same goods or
44 services under the same trademark, service mark, trade
45 name, logotype, or other commercial symbol as an
46 existing franchisee and the new outlet or location has
47 an adverse effect on the gross sales of the existing
48 franchisee's outlet or location, the existing
49 adversely affected franchisee has a cause of action
50 for monetary damages in an amount calculated pursuant

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1 to subsection 3, unless any of the following apply:
2 a. The franchisor has first offered the new outlet
3 or location to the existing franchisee on the same
4 basic terms and conditions available to the other
5 potential franchisee, or, if the new outlet or
6 location is to be owned by the franchisor, on the
7 terms and conditions that would ordinarily be offered
8 to a franchisee for a similarly situated outlet or
9 location.
10 b. The adverse impact on the existing franchisee's
11 annual gross sales, based on a comparison to the
12 annual gross sales from the existing outlet or

13 location during the twelve-month period immediately
14 preceding the opening of the new outlet or location,
15 is determined to have been less than five percent
16 during the first twelve months of operation of the new
17 outlet or location.

18 c. The existing franchisee, at the time the
19 franchisor develops, or grants to a franchisee the
20 right to develop, a new outlet or location, is not in
21 compliance with the franchisor's then current
22 reasonable criteria for eligibility for a new
23 franchise. A franchisee determined to be ineligible
24 pursuant to this paragraph shall be afforded the
25 opportunity to seek compensation pursuant to the
26 formal procedure established under paragraph "d",
27 subparagraph (2). Such procedure shall be the
28 franchisee's exclusive remedy.

29 d. The franchisor has established both of the
30 following:

31 (1) A formal procedure for hearing and acting upon
32 claims by an existing franchisee with regard to a
33 decision by the franchisor to develop, or grant to a
34 franchisee the right to develop, a new outlet or
35 location, prior to the opening of the new outlet or
36 location.

37 (2) A reasonable formal procedure for awarding
38 compensation or other form of consideration to a
39 franchisee to offset all or a portion of the
40 franchisee's lost profits caused by the establishment
41 of the new outlet or location. The procedure shall
42 involve, at the option of the franchisee, one of the
43 following:

44 (a) A panel, comprised of an equal number of
45 members selected by the franchisee and the franchisor,
46 and one additional member to be selected unanimously
47 by the members selected by the franchisee and the
48 franchisor.

49 (b) A neutral third-party mediator or an
50 arbitrator with the authority to make a decision or

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1 award in accordance with the formal procedure. The
2 procedure shall be deemed reasonable if approved by a
3 majority of the franchisor's franchisees in the United
4 States, either individually or by an elected
5 representative body.

6 (c) Arbitration of any dispute before neutral
7 arbitrators pursuant to the rules of the American
8 arbitration association. The award of an arbitrator
9 pursuant to this subparagraph subdivision is subject
10 to judicial review pursuant to chapter 679A.

- 11 2. A franchisor shall establish and make available
12 to its franchisees a written policy setting forth its
13 reasonable criteria to be used by the franchisor to
14 determine whether an existing franchisee is eligible
15 for a franchise for an additional outlet or location.
- 16 3. a. In establishing damages under a cause of
17 action brought pursuant to this section, the
18 franchisee has the burden of proving the amount of
19 lost profits attributable to the compensable sales.
20 In any action brought under this section, the damages
21 payable shall be limited to no more than three years
22 of the proven lost profits. For purposes of this
23 subsection, "compensable sales" means the annual gross
24 sales from the existing outlet or location during the
25 twelve-month period immediately preceding the opening
26 of the new outlet or location less both of the
27 following:
- 28 (1) Five percent.
- 29 (2) The actual gross sales from the operation of
30 the existing outlet or location for the twelve-month
31 period immediately following the opening of the new
32 outlet or location.
- 33 b. Compensable sales shall exclude any amount
34 attributable to factors other than the opening and
35 operation of the new outlet or location.
- 36 4. Any cause of action brought under this section
37 must be filed within eighteen months of the opening of
38 the new outlet or location or within three months
39 after the completion of the procedure under subsection
40 1, paragraph "d", subparagraph (2), whichever is
41 later.
- 42 5. Upon petition by the franchisor or the
43 franchisee, the district court may grant a permanent
44 or preliminary injunction to prevent injury or
45 threatened injury for a violation of this section or
46 to preserve the status quo pending the outcome of the
47 formal procedure under subsection 1, paragraph "d",
48 subparagraph (2)."
- 49 2. Title page, by striking lines 1 through 3 and
50 inserting the following: "An Act relating to certain

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- 1 franchise and franchise agreements by establishing
2 rights and duties of a franchisor and franchisee,
3 and".
- 4 3. By renumbering as necessary.

H-1194

- 1 Amend House File 334 as follows:
- 2 1. Page 3, by inserting after line 14 the
- 3 following:
- 4 "6. If any provision or clause of this section or
- 5 any application of this section to any person or
- 6 circumstances is held invalid, such invalidity shall
- 7 not affect other provisions or applications of the
- 8 section which can be given effect without the invalid
- 9 provision or application, and to this end the
- 10 provisions of this section are declared to be
- 11 severable."

HEATON of Henry

H-1195

- 1 Amend House File 334 as follows:
- 2 1. Page 3, by inserting after line 14 the
- 3 following:
- 4 "6. a. Except as provided in paragraph "b", a
- 5 franchisor shall allow a franchisee to obtain
- 6 equipment, fixtures, supplies, and services used in
- 7 the establishment and operation of the franchised
- 8 business from sources of the franchisee's choosing,
- 9 provided that such goods and services meet standards
- 10 as to their nature and quality promulgated by the
- 11 franchisor.
- 12 b. Paragraph "a" does not apply to reasonable
- 13 quantities of inventory goods or services, including
- 14 display and sample items, that the franchisor requires
- 15 the franchisee to obtain from the franchisor or its
- 16 affiliate, but only if the goods or services are
- 17 central to the franchised business and either are
- 18 actually manufactured or produced by the franchisor or
- 19 its affiliate, or incorporate a trade secret owned by
- 20 the franchisor or its affiliate."

HEATON of Henry

H-1196

- 1 Amend House File 504 as follows:
- 2 1. Page 1, by striking lines 3 through 5 and
- 3 inserting the following:
- 4 "9. Administer and enforce this chapter, and
- 5 chapters 99B, 135B, 135C, 135G, 135H, 135J, ~~137A,~~
- 6 ~~137B,~~ 137C, 137D, and ~~137E~~ 137E."
- 7 2. Page 1, line 16, by striking the words "and
- 8 food processing".

- 9 3. Page 1, line 17, by striking the word
 10 "plants".
- 11 4. Page 4, by striking line 7 and inserting the
 12 following: "of forty-five degrees Fahrenheit or seven
 13 degrees Celsius or".
- 14 5. Page 7, line 6, by striking the figure "(77)"
 15 and inserting the following: "(79)".
- 16 6. Page 7, line 10, by striking the figure "(77)"
 17 and inserting the following: "(79)".
- 18 7. Page 8, by inserting after line 23 the
 19 following:
 20 "20. 3-502.12(A) shall be amended by adding:
 21 "Packaging of raw meat and raw poultry using a reduced
 22 oxygen packaging method, with a "sell by" date of
 23 thirty days from the date of packaging, shall not
 24 require an HACCP plan containing the information
 25 required in this section and in section 8-201.14(D)."
- 26 8. Page 11, line 6, by inserting after the word
 27 "of" the following: "food in".
- 28 9. Page 11, line 21, by inserting after the word
 29 "of" the following: "food in".
- 30 10. Page 12, line 1, by inserting after the word
 31 "of" the following: "food in".
- 32 11. Page 14, line 26, by striking the words "or
 33 food".
- 34 12. Page 14, line 27, by striking the words
 35 "processing plants".
- 36 13. Page 14, line 28, by striking the words "or
 37 food processing plant".
- 38 14. Page 15, line 30, by striking the words
 39 "grocery store or".

BLODGETT of Cerro Gordo

H-1197

- 1 Amend House File 564 as follows:
- 2 1. Page 1, line 1, by striking the words and
 3 figures "subsection 1, Code 1997, is" and inserting
 4 the following: "subsections 1 and 3, Code 1997, are".
- 5 2. Page 1, by inserting after line 9 the
 6 following:
 7 "3. In its review of a proposal for
 8 reorganization, the board ~~may~~ shall consider all of
 9 the following:
- 10 a. Whether the board will have reasonable access
 11 to books, records, documents, and other information
 12 relating to the public utility or any of its
 13 affiliates.
- 14 b. Whether the public utility's ability to attract
 15 capital on reasonable terms, including the maintenance

- 16 of a reasonable capital structure, is impaired.
17 c. Whether the ability of the public utility to
18 provide safe, reasonable, and adequate service is
19 impaired.
20 d. Whether ratepayers are detrimentally affected.
21 e. Whether the public interest is detrimentally
22 affected.
23 f. Whether the reorganization will adversely
24 impact competition in the market in this state for any
25 gas or electric service.
26 g. Whether the reorganization will benefit the
27 communities in the area served by the public utility,
28 and will benefit the local and state economy with
29 respect to, among other factors, job creation and
30 retention.
31 h. Whether the reorganization will maintain and
32 improve the ability of the state to protect and
33 improve the environment, promote energy conservation,
34 and require long-term resource planning by the public
35 utility."

WISE of Lee

H-1198

- 1 Amend House File 498 as follows:
2 1. Page 1, line 28, by striking the figure "1997"
3 and inserting the following: "1998".
4 2. By striking page 2, line 35, through page 3,
5 line 13.
6 3. Page 3, line 16, by striking the figure "1997"
7 and inserting the following: "1998".
8 4. Page 3, line 24, by striking the figure "1997"
9 and inserting the following: "1998".
10 5. Page 5, line 13, by striking the figures
11 "1997-1998" and inserting the following: "1998-1999".
12 6. Page 5, line 14, by striking the figure "1997"
13 and inserting the following: "1998".
14 7. Page 5, line 18, by striking the figure "1996"
15 and inserting the following: "1997".
16 8. Page 5, line 20, by striking the figure "1996"
17 and inserting the following: "1997".
18 9. Page 5, line 25, by striking the figure "1995"
19 and inserting the following: "1996".
20 10. Page 5, by inserting after line 26 the
21 following:
22 "d. A special education allowable growth amount
23 that is equal to the state percent of growth for the
24 budget year multiplied by the quotient obtained in
25 paragraph "c"."
26 11. Page 5, line 28, by striking the figure

- 27 "1996" and inserting the following: "1997".
 28 12. Page 5, line 30, by striking the figure
 29 "1996" and inserting the following: "1997".
 30 13. Page 6, line 1, by striking the figures
 31 "1998-1999" and inserting the following: "1999-2000".
 32 14. Page 6, line 2, by striking the figure "1998"
 33 and inserting the following: "1999".
 34 15. Page 6, line 15, by striking the figures
 35 "1996-1997" and inserting the following: "1997-1998".
 36 16. Page 6, line 17, by striking the figure
 37 "1997" and inserting the following: "1998".
 38 17. Page 6, line 25, by striking the figures
 39 "1997-1998" and inserting the following: "1998-1999".
 40 18. Page 6, line 26, by striking the figure
 41 "1997" and inserting the following: "1998".
 42 19. Page 6, line 29, by striking the figure
 43 "1997" and inserting the following: "1998".
 44 20. Page 6, line 32, by striking the figure
 45 "1997" and inserting the following: "1998".
 46 21. Page 7, line 1, by striking the figures
 47 "1998-1999" and inserting the following: "1999-2000".
 48 22. Page 7, line 2, by striking the figure "1998"
 49 and inserting the following: "1999".
 50 23. Page 7, line 16, by striking the figures

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- 1 "1997-1998" and inserting the following: "1998-1999".
 2 24. Page 7, line 17, by striking the figure
 3 "1997" and inserting the following: "1998".
 4 25. Page 7, line 20, by striking the figure
 5 "1996" and inserting the following: "1997".
 6 26. Page 7, line 21, by striking the figure
 7 "1996" and inserting the following: "1997".
 8 27. Page 7, line 23, by inserting after the word
 9 and figure "2A" the following: ", paragraph "b"".
 10 28. Page 7, line 25, by striking the figure
 11 "1995" and inserting the following: "1996".
 12 29. Page 7, by inserting after line 27 the
 13 following:
 14 "d. The special education allowable growth amount
 15 calculated under section 257.9, subsection 2A,
 16 paragraph "d"".
 17 30. Page 7, line 29, by striking the figure
 18 "1996" and inserting the following: "1997".
 19 31. Page 7, line 31, by striking the figure
 20 "1996" and inserting the following: "1997".
 21 32. Page 8, line 2, by striking the figures
 22 "1998-1999" and inserting the following: "1999-2000".
 23 33. Page 8, line 3, by striking the figure "1998"
 24 and inserting the following: "1999".

- 25 34. Page 8, line 6, by inserting after the words
 26 "plus the" the following: "special education".
 27 35. Page 8, line 17, by striking the figures
 28 "1996-1997" and inserting the following: "1997-1998".
 29 36. Page 8, line 19, by striking the figure
 30 "1997" and inserting the following: "1998".
 31 37. Page 8, line 35, by striking the figures
 32 "1997-1998" and inserting the following: "1998-1999".
 33 38. Page 9, line 1, by striking the figure "1997"
 34 and inserting the following: "1998".
 35 39. Page 9, line 9, by striking the figures
 36 "1998-1999" and inserting the following: "1999-2000".
 37 40. Page 9, line 10, by striking the figure
 38 "1998" and inserting the following: "1999".
 39 41. Page 10, line 31, by striking the figure
 40 "1997" and inserting the following: "1998".
 41 42. Page 10, line 35, by inserting after the
 42 words "exceed the" the following: "total".
 43 43. Page 11, line 13, by striking the figure
 44 "1997" and inserting the following: "1998".
 45 44. Page 12, by striking lines 3 and 4.
 46 45. Page 12, by inserting after line 8 the
 47 following:
 48 "Sec. ____ Section 257.31, subsection 14, Code
 49 1997, is amended by striking the subsection."
 50 46. Page 12, line 28, by striking the figure

Page 3

- 1 "1997" and inserting the following: "1998".
 2 47. Page 13, line 3, by inserting after the word
 3 "in" the following: "grades one through six".
 4 48. Page 14, line 8, by striking the words "at-
 5 risk and" and inserting the following: "at-risk aid".
 6 49. Page 14, by inserting after line 24 the
 7 following:
 8 "Sec. ____ Section 273.9, subsection 2, Code 1997,
 9 is amended to read as follows:
 10 2. School districts shall pay the costs of special
 11 education instructional programs with the moneys
 12 available to the districts for each child requiring
 13 special education, ~~by application of the special~~
 14 ~~education weighting plan in section 256B.9.~~ Special
 15 education instructional programs shall be provided at
 16 the local level if practicable, or otherwise by
 17 contractual arrangements with the area education
 18 agency board as provided in section 273.3, subsection
 19 5, but in each case the total money available through
 20 ~~section 256B.9 and chapter 257 because of weighted~~
 21 ~~enrollment~~ for each child education
 22 instruction shall be made available to the district or

23 agency which provides the special education
 24 instructional program to the child, subject to
 25 adjustments for transportation or other costs which
 26 may be paid by the school district in which the child
 27 is enrolled. Each district shall co-operate with its
 28 area education agency to provide an appropriate
 29 special education instructional program for each child
 30 who requires special education instruction, as
 31 identified and counted within the certification by the
 32 area director of special education or as identified by
 33 the area director of special education subsequent to
 34 the certification, and shall not provide a special
 35 education instructional program to a child who has not
 36 been so identified and counted within the
 37 certification or identified subsequent to the
 38 certification."

39 50. Page 14, by striking lines 25 through 28 and
 40 inserting the following:

41 "Sec. ____ This Act shall take effect for the
 42 school year beginning July 1, 1998."

43 51. Title page, by striking lines 4 and 5, and
 44 inserting the following: "providing an appropriation,
 45 and".

46 52. By renumbering as necessary.

Committee on Education

H-1200

1 Amend House File 327 as follows:

2 1. Page 1, by striking lines 6 through 10.

3 2. By renumbering as necessary.

GRUNDBERG of Polk

H-1201

1 Amend House File 564 as follows:

2 1. Page 1, line 1, by striking the words and
 3 figures "subsection 1, Code 1997, is" and inserting
 4 the following: "subsections 1 and 3, Code 1997, are".

5 2. Page 1, line 9, by inserting after the word
 6 "interest." the following: "The proposal shall
 7 include information concerning each of the
 8 considerations identified in subsection 3."

9 3. In its review of a proposal for reorganization,
 10 the board may consider all of the following:

11 a. Whether the board will have reasonable access
 12 to books, records, documents, and other information
 13 relating to the public utility or any of its
 14 affiliates.

15 b. Whether the public utility's ability to attract
 16 capital on reasonable terms, including the maintenance
 17 of a reasonable capital structure, is impaired.

18 c. Whether the ability of the public utility to
19 provide safe, reasonable, and adequate service is
20 impaired, including whether the reorganized public
21 utility will maintain administrative, technical, and
22 operational personnel within this state necessary for
23 the delivery of safe, reasonable, and adequate service
24 and facilities.

25 d. Whether ~~ratepayers are detrimentally affected~~
26 to the fullest extent possible, the reorganization
27 will produce demonstrable, direct, and substantial net
28 benefits to affected ratepayers in both the short-term
29 and long-term, and that all classes of ratepayers will
30 receive similar benefits.

31 e. Whether the reorganization will have an adverse
32 impact on competition in this state for any utility
33 service.

34 f. Whether the reorganization will benefit local
35 and state economies, including job creation and
36 retention, and the communities in the area served by
37 the public utility.

38 g. Whether the reorganization will maintain and
39 improve the ability of the state to protect and
40 improve the environment, promote renewable energy,
41 require energy conservation, and require long-term
42 resource planning by public utilities.

43 e. h. Whether the public interest is detrimentally
44 affected."

VANDE HOEF of Osceola

H-1202

1 Amend House File 306 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "state" the following: "or resident shareholder of a
4 professional corporation, resident sole proprietor,
5 resident partner in a partnership, or resident member
6 of a limited liability company which carries on
7 business within and without the state".

8 2. Page 1, line 19, by inserting after the word
9 "shareholder" the following: ", sole proprietor,
10 partner, or member".

11 3. Page 1, line 22, by inserting after the word
12 "shareholder" the following: ", sole proprietor,
13 partner, or member".

14 4. Page 1, line 25, by inserting after the word
15 "shareholder" the following: ", sole proprietor,
16 partner, or member".

17 5. Page 3, line 24, by inserting after the word
18 "state," the following: "resident shareholder of a
19 professional corporation, resident sole proprietor,
20 resident partner in a partnership, or resident member
21 of a limited liability company which carries on

22 business within and without the state."

23 6. Page 4, line 13, by striking the words and
24 figure "unnumbered paragraph 1."

25 7. Page 4, line 15, by inserting before the word
26 "A" the following: "b."

27 8. Page 4, line 18, by inserting after the word
28 "corporation" the following: "professional
29 corporation, sole proprietorship, partnership, or
30 limited liability company".

31 9. Page 4, line 20, by inserting after the word
32 "shareholders" the following: "sole proprietor,
33 partners, or members".

34 10. Page 4, by inserting after line 22 the
35 following:

36 "(1) The net income or loss of the corporation,
37 sole proprietorship, partnership, or limited liability
38 company which is fairly and equitably attributable to
39 this state under in the manner provided in section
40 422.33, subsections 2 and 3.

41 (2) Any cash or the value of property
42 distributions which are made only to the extent that
43 they are paid from income upon which Iowa income tax
44 has not been paid, as determined under rules of the
45 director, reduced by fifty percent of the amount of
46 any of these distributions that are made to enable the
47 shareholder to pay federal income tax on items of
48 income, loss, and expenses from the corporation or
49 reduced by one hundred percent of such amount in the
50 case of a professional corporation, sole

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1 proprietorship, partnership, or limited liability
2 company."

3 11. Page 4, line 27, by inserting after the word
4 "Code," the following: "shareholder, sole proprietor,
5 partner, member,".

6 12. Page 4, line 31, by inserting after the word
7 "Code" the following: "shareholder, sole
8 proprietorship, partnership, or limited liability
9 company".

10 13. Title page, line 3, by inserting before the
11 word "and" the following: "to shareholders of
12 professional corporations, sole proprietors, partners
13 of partnerships, and members of limited liability
14 companies".

RICHARDSON of Warren

H-1204

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. A satellite absentee voting station
32 established at the direction of the commissioner or by
33 petition may remain open until five p.m. on the day
34 before the election."

35 2. By renumbering as necessary.

CHIODO of Polk

H-1205

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 demonstrating that the
12 petition is deemed granted and that waiver of the
13 notification requirements is deemed authorized."

14 2. Page 1, by inserting after line 6 the
15 following:

16 "____ Page 1, line 21, by striking the word

- 17 "seventeen" and inserting the following: "ten".
18 3. By renumbering as necessary.

BODDICKER of Cedar
BURNETT of Story

H-1209

- 1 Amend House File 334 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 537A.10 FRANCHISE
5 AGREEMENTS.
6 1. DEFINITIONS. a. "Franchise" means an oral or
7 written agreement, either expressed or implied, which
8 provides all of the following:
9 (1) Grants the right to distribute goods or
10 provide services under a marketing plan prescribed or
11 suggested in substantial part by the franchisor.
12 (2) Requires payment of a franchise fee to a
13 franchisor or its affiliate.
14 (3) Allows the franchise business to be
15 substantially associated with a trademark, service
16 mark, trade name, logotype, advertisement, or other
17 commercial symbol of or designating the franchisor or
18 its affiliate.
19 "Franchise" does not include any business that is
20 operated under a lease or license on the premises of
21 the lessor or licensor as long as such business is
22 incidental to the business conducted by the lessor or
23 licensor on such premises, including, without
24 limitation, leased departments, licensed departments,
25 and concessions, if the leased or licensed department
26 operates only under the trademark, trade name, service
27 mark, or other commercial symbol designating the
28 lessor or licensor.
29 "Franchise" also does not include any contract
30 under which a petroleum retailer or petroleum
31 distributor is authorized or permitted to occupy
32 leased marketing premises, which premises are to be
33 employed in connection with the sale, consignment, or
34 distribution of motor fuel under a trademark owned or
35 controlled by a refiner regulated by the federal
36 Petroleum Marketing Practices Act, 15 U.S.C. § 2801 et
37 seq. "Refiner" means a person engaged in the refining
38 of crude oil to produce motor fuel, and includes an
39 affiliate of such person. "Franchise" also does not
40 include a contract entered into by any person
41 regulated under chapter 123, 322, 322A, 322B, 322C,
42 322D, 322F, 522, or 543B, or a contract establishing a
43 franchise relationship with respect to the sale of
44 construction equipment, lawn or garden equipment, or
45 real estate.

- 46 b. "Franchise agreement" means an agreement by
47 which a franchisor grants a franchise to a franchisee.
48 c. "Franchise fee" means a direct or indirect
49 payment to purchase or operate a franchise. Franchise
50 fee does not include any of the following:

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- 1 (1) Payment of a reasonable service charge to the
2 issuer of a credit card by an establishment accepting
3 the credit card.
- 4 (2) Payment to a trading stamp company by a person
5 issuing trading stamps in connection with a retail
6 sale.
- 7 (3) An agreement to purchase at a bona fide
8 wholesale price a reasonable quantity of tangible
9 goods for resale.
- 10 (4) The purchase or agreement to purchase, at a
11 fair market value, any fixtures, equipment, leasehold
12 improvements, real property, supplies, or other
13 materials reasonably necessary to enter into or
14 continue a business.
- 15 (5) Payments by a purchaser pursuant to a bona
16 fide loan from a seller to the purchaser.
- 17 (6) Payment of rent which reflects payment for the
18 economic value of leased real or personal property.
- 19 (7) The purchase or agreement to purchase
20 promotional or demonstration supplies, materials, or
21 equipment furnished at fair market value and not
22 intended for resale.
- 23 d. "Franchisee" means a person to whom a franchise
24 is granted.
- 25 e. "Franchisor" means a person who grants a
26 franchise.
- 27 2. A franchise agreement shall be deemed to
28 include an implied duty of good faith in performance
29 and enforcement of the agreement. "Good faith" means
30 honesty in fact and the observance of reasonable
31 commercial standards of fair dealing in the trade.
32 The exercise of rights and the performance of duties
33 in the manner expressly authorized or contemplated by
34 a franchise agreement is not a breach of this
35 subsection.
- 36 3. A franchisor shall establish a formal procedure
37 for hearing and acting upon claims by a franchisee and
38 for the referral of such claims to one of the
39 following:
- 40 a. A neutral arbitrator for arbitration pursuant
41 to the rules of the American arbitration association.
42 The award of an arbitrator pursuant to this subsection
43 is subject to judicial review pursuant to chapter
44 679A.
- 45 b. A neutral third-party mediator.

46 c. Another dispute resolution mechanism as agreed
 47 to by the franchisor and franchisee.
 48 4. A provision in a franchise agreement that
 49 designates jurisdiction or venue for litigation in a
 50 forum outside of this state is void.

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1 5. A condition, stipulation, or provision in a
 2 franchise agreement requiring the application of the
 3 law of another state is void.
 4 Sec. 2. Chapter 523H, Code 1997, is repealed."
 5 2. Title page, line 2, by striking the words
 6 "providing for" and inserting the following:
 7 "requiring".

METCALF of Polk
 CHAPMAN of Linn

H-1211

1 Amend the amendment, H-1209, to House File 334, as
 2 follows:
 3 1. Page 1, line 4, by striking the word and
 4 figure "Section 1." and inserting the following:
 5 "Section 1. Section 523H.1, Code 1997, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 2A. "Food establishment" means
 8 food establishment, as defined by section 137A.1, or
 9 food service establishment, as defined by section
 10 137B.2, including outlets and carry-out stores.
 11 Sec. ____ Section 523H.1, subsection 3, paragraph
 12 a, Code 1997, is amended to read as follows:
 13 a. "Franchise" means either of the following:
 14 (1) An oral or written agreement with respect to a
 15 food establishment, either express or implied, which
 16 provides all of the following:
 17 (a) Grants the right to ~~distribute goods or~~
 18 provide services operate a food establishment under a
 19 marketing plan prescribed or suggested in substantial
 20 part by the franchisor.
 21 (b) Requires payment of a franchise fee to a
 22 franchisor or its affiliate.
 23 (c) Allows the franchise food establishment
 24 business to be substantially associated with a
 25 trademark, service mark, trade name, logotype,
 26 advertisement, or other commercial symbol of or
 27 designating the franchisor or its affiliate.
 28 (2) A master food establishment franchise.
 29 Sec. ____ Section 523H.1, subsection 3, paragraph
 30 c, Code 1997, is amended by striking the paragraph:
 31 Sec. ____"

- 32 2. Page 1, by inserting after line 18 the
33 following:
34 "Franchise" does not include a food establishment
35 franchise subject to chapter 523H."
36 3. Page 3, by striking line 4.
37 4. Page 3, lines 5 and 6, by striking the words
38 and figure "line 2, by striking the words "providing
39 for"" and inserting the following: "by striking lines
40 3 and 4".
41 5. Page 3, line 7, by striking the word
42 "requiring"" and inserting the following:
43 "resolution, and providing for venue and choice of
44 law".
45 6. By renumbering as necessary.

RICHARDSON of Warren

H-1215

- 1 Amend House File 13 as follows:
2 1. Page 1, line 3, by striking the word "A" and
3 inserting the following: "Unless a person under
4 eighteen years of age has parental consent to
5 participate in a game or raffle, a".

BRUNKHORST of Bremer

H-1218

- 1 Amend the amendment, H-1188, to House File 334, as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 " Page 3, by striking lines 1 through 8 and
6 inserting the following:
7 "3. A franchisor shall establish a formal
8 procedure for hearing and acting upon claims by a
9 franchisee and for the referral of such claims to one
10 of the following:
11 a. A neutral arbitrator for arbitration pursuant
12 to the rules of the American arbitration association.
13 The award of an arbitrator pursuant to this subsection
14 is subject to judicial review pursuant to chapter
15 679A.
16 b. A neutral third-party mediator.
17 c. Another dispute resolution mechanism as agreed
18 to by the franchisor and franchisee."
19 2. By renumbering as necessary.

METCALF of Polk

H-1219

- 1 Amend House File 334 as follows:
- 2 1. Page 3, by striking lines 1 through 8 and
- 3 inserting the following:
- 4 "3. A franchisor shall establish a formal
- 5 procedure for hearing and acting upon claims by a
- 6 franchisee and for the referral of such claims to one
- 7 of the following:
- 8 a. A neutral arbitrator for arbitration pursuant
- 9 to the rules of the American arbitration association.
- 10 The award of an arbitrator pursuant to this subsection
- 11 is subject to judicial review pursuant to chapter
- 12 679A.
- 13 b. A neutral third-party mediator.
- 14 c. Another dispute resolution mechanism as agreed
- 15 to by the franchisor and franchisee."

METCALF of Polk

H-1220

- 1 Amend House File 530 as follows:
- 2 1. Page 4, by striking lines 29 through 33 and
- 3 inserting the following: "allowance for use."
- 4 2. Page 5, by inserting after line 21 the
- 5 following:
- 6 "c. The manufacturer shall have a cause of action
- 7 against the dealer or lessor for reimbursement of any
- 8 amount that the manufacturer pays to a consumer
- 9 pursuant to this subsection which exceeds the net
- 10 price received by the manufacturer for the assistive
- 11 device."
- 12 3. By renumbering and relettering as necessary.

BRUNKHORST of Bremer

H-1221

- 1 Amend the amendment, H-1165, to House File 334 as
- 2 follows:
- 3 1. Page 4, line 18, by striking the figure "(6)."
- 4 and inserting the following: "(6)."
- 5 2. Page 4, by inserting after line 18 the
- 6 following:
- 7 "___ Page 3, by inserting after line 14 the
- 8 following."
- 9 3. Page 5, line 38, by striking the word
- 10 "safety." and inserting the following: "safety."
- 11 4. Page 5, by inserting after line 38 the
- 12 following:
- 13 "___ Page 3, by inserting after line 14 the
- 14 following."
- 15 5. Page 6, line 16, by striking the word

- 16 "franchises." and inserting the following:
 17 "franchises.""
 18 6. Page 6, by inserting after line 16 the
 19 following:
 20 "_. Page 3, by inserting after line 14 the
 21 following:""
 22 7. Page 6, line 21, by striking the word
 23 "activities." and inserting the following:
 24 "activities.""
 25 8. Page 6, by inserting after line 21 the
 26 following:
 27 "_. Page 3, by inserting after line 14 the
 28 following:""
 29 9. Page 6, line 40, by striking the word
 30 "franchisor." and inserting the following:
 31 "franchisor.""
 32 10. Page 6, by inserting after line 40 the
 33 following:
 34 "_. Page 3, by inserting after line 14 the
 35 following:""
 36 11. Page 7, line 7, by striking the word
 37 "affiliate." and inserting the following:
 38 "affiliate.""
 39 12. Page 7, by inserting after line 7 the
 40 following:
 41 "_. Page 3, by inserting after line 14, the
 42 following:""
 43 13. Page 7, line 11, by striking the figure
 44 "1997." and inserting the following: "1997.""
 45 14. Page 7, by inserting after line 11 the
 46 following:
 47 "_. Page 3, by inserting after line 14 the
 48 following:""
 49 15. Page 7, line 13, by striking the word
 50 "purposes." and inserting the following: "purposes.""

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- 1 16. Page 7, by inserting after line 13 the
 2 following:
 3 "_. Page 3, by inserting after line 14 the
 4 following:""
 5 17. By renumbering as necessary.

KREMER of Buchanan

H-1222

- 1 Amend House File 504 as follows:
 2 1. Page 12, line 14, by inserting after the word
 3 "fees" the following: "not to exceed seventy-five
 4 percent of the total fees applicable".

DIX of Butler

H-1223

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 striking lines 1 and 2 and
6 inserting the following:

7 "Section 1. Section 135L.1, subsection 3, Code
8 1997, is amended by striking the subsection and
9 inserting in lieu thereof the following:

10 3. "Adult sponsor" means a person other than a
11 parent, who is twenty-five years of age or older, with
12 whom the pregnant minor currently resides and has
13 previously resided for a period of at least six months
14 at the time that notification is required pursuant to
15 section 135L.3.

16 Sec. __. Section 135L.1, subsection 6, Code 1997,
17 is amended by striking the subsection."

18 2. Page 1, by inserting after line 6 the
19 following:

20 "_. Page 1, by striking lines 25 and 26 and
21 inserting the following: "subparagraph (2), Code
22 1997, is amended to read as follows:

23 (2) (a) The pregnant minor declares, in a written
24 statement submitted to the attending physician, a
25 reason for not notifying a parent and a reason for
26 notifying ~~a grandparent or an aunt or uncle~~ an adult
27 sponsor of the pregnant minor in lieu of the
28 notification of a parent. Upon receipt of the written
29 statement from the pregnant minor, the attending
30 physician shall provide notification to ~~a grandparent~~
31 ~~or an aunt or uncle~~ an adult sponsor of the pregnant
32 minor, specified by the pregnant minor, in the manner
33 in which notification is provided to a parent.

34 (b) The notification form shall be in duplicate
35 and shall include both of the following:

36 (i) A declaration which informs the ~~grandparent or~~
37 ~~the aunt or uncle~~ adult sponsor of the pregnant minor
38 that the ~~grandparent or aunt or uncle~~ adult sponsor of
39 the pregnant minor may be subject to civil action if
40 the ~~grandparent or aunt or uncle~~ adult sponsor accepts
41 notification.

42 (ii) A provision that the ~~grandparent or aunt or~~
43 ~~uncle~~ adult sponsor of the pregnant minor may refuse
44 acceptance of notification."

45 3. Page 1, by inserting after line 19 the
46 following:

47 "_. Page 2, by striking lines 21 and 22 and
48 inserting the following: "notification document
49 mailed to a parent, ~~grandparent, or aunt or uncle~~ or
50 an adult sponsor of the pregnant minor under this

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1 chapter, a false".

- 2 ___ Page 2, by striking lines 31 through 33 and
 3 inserting the following:
 4 "1. With the exception of the civil liability
 5 which may apply to ~~a grandparent or aunt or uncle~~ an
 6 adult sponsor of a pregnant minor who accepts
 7 notification under this chapter, a person is".
 8 ___ Page 3, by striking lines 12 and 13 and
 9 inserting the following: "necessary for notification
 10 of a parent, ~~grandparent, or aunt or uncle~~ or an adult
 11 sponsor of a pregnant minor who is designated to
 12 receive".
 13 4. By renumbering as necessary.

MORELAND of Wapello

H-1228

- 1 Amend House File 121 as follows:
 2 1. Page 1, by striking lines 1 and 2.
 3 2. Page 1, by striking lines 24 through 26.
 4 3. Page 2, lines 21 and 22, by striking the words
 5 "~~grandparent, or aunt or uncle~~" and inserting the
 6 following: ", grandparent, or aunt or uncle".
 7 4. Page 2, line 28, by inserting after the figure
 8 "135L.7," the following: "subsection 2,".
 9 5. By striking page 2, line 30, through page 3,
 10 line 1.
 11 6. Page 3, by striking lines 6 through 14.
 12 7. By renumbering as necessary.

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-1237

- 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 and
 6 inserting in lieu thereof the following:
 7 3. "Adult sponsor" means a relative of the
 8 pregnant minor other than a parent, who is twenty-five
 9 years of age or older, with whom the pregnant minor
 10 currently resides and has previously resided for a
 11 period of at least six months at the time that
 12 notification is required pursuant to section 135L.3.
 13 Sec. ___ Section 135L.1, subsection 6, Code 1997,
 14 is amended by striking the subsection."
 15 2. Page 1, by striking lines 25 and 26 and
 16 inserting the following: "subparagraph (2), Code

17 1997, is amended to read as follows:

18 (2) (a) The pregnant minor declares, in a written
 19 statement submitted to the attending physician, a
 20 reason for not notifying a parent and a reason for
 21 notifying a ~~grandparent or an aunt or uncle~~ an adult
 22 sponsor of the pregnant minor in lieu of the
 23 notification of a parent. Upon receipt of the written
 24 statement from the pregnant minor, the attending
 25 physician shall provide notification to a ~~grandparent~~
 26 ~~or an aunt or uncle~~ an adult sponsor of the pregnant
 27 minor, specified by the pregnant minor, in the manner
 28 in which notification is provided to a parent.

29 (b) The notification form shall be in duplicate
 30 and shall include both of the following:

31 (i) A declaration which informs the ~~grandparent or~~
 32 ~~the aunt or uncle~~ adult sponsor of the pregnant minor
 33 that the ~~grandparent or aunt or uncle~~ adult sponsor of
 34 the pregnant minor may be subject to civil action if
 35 the ~~grandparent or aunt or uncle~~ adult sponsor accepts
 36 notification.

37 (ii) A provision that the ~~grandparent or aunt or~~
 38 ~~uncle~~ adult sponsor of the pregnant minor may refuse
 39 acceptance of notification."

40 3. Page 2, by striking lines 21 and 22 and
 41 inserting the following: "notification document
 42 mailed to a parent, ~~grandparent, or aunt or uncle~~ or
 43 an adult sponsor of the pregnant minor under this
 44 chapter, a false".

45 4. Page 2, by striking lines 31 through 33 and
 46 inserting the following:
 47 "1. With the exception of the civil liability
 48 which may apply to a ~~grandparent or aunt or uncle~~ an
 49 adult sponsor of a pregnant minor who accepts
 50 notification under this chapter, a person is".

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1 5. Page 3, by striking lines 12 and 13 and
 2 inserting the following: "necessary for notification
 3 of a parent, ~~grandparent, or aunt or uncle~~ or an adult
 4 sponsor of a pregnant minor who is designated to
 5 receive".

6 6. By renumbering as necessary.

MORELAND of Wapello

H-1238

1 Amend House File 530 as follows:

2 1. Page 3, line 11, by striking the word "two"
 3 and inserting the following: "four".

4 2. Page 6, line 32, by striking the word "two"
 5 and inserting the following: "four".

BRUNKHORST of Bremer

H-1240

- 1 Amend House File 554 as follows:
- 2 1. Page 1, line 12, by striking the word "a" and
- 3 inserting the following: "the".
- 4 2. Page 1, by striking lines 13 through 23 and
- 5 inserting the following: "proportion that the
- 6 allocation to that community college in 1996 Iowa
- 7 Acts, chapter 1215, section 6, subsection 15, bears to
- 8 the total appropriation made in 1996 Iowa Acts,
- 9 chapter 1215, section 6, subsection 15."

MILLAGE of Scott

H-1243

- 1 Amend House File 564 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 476.76, subsection 1, Code
- 5 1997, is amended to read as follows:
- 6 1. The acquisition, sale, lease, or any other
- 7 disposition, directly or indirectly, including by
- 8 merger or consolidation, of ~~the whole or any~~
- 9 substantial part more than twenty percent of a public
- 10 utility's assets."
- 11 2. Title page, line 1, by striking the words "the
- 12 review of".
- 13 3. By renumbering as necessary.

RANTS of Woodbury
 KREMER of Buchanan
 DRAKE of Pottawattamie

H-1244

- 1 Amend House File 595 as follows:
- 2 1. Page 1, line 2, by inserting before the word
- 3 "PENALTY" the following: "CIVIL".
- 4 2. Page 1, lines 15 and 16, by striking the words
- 5 "commits a serious misdemeanor" and inserting the
- 6 following: "shall be subject to a civil penalty of an
- 7 amount equivalent to ten percent of the contributions
- 8 of employees not timely deposited. The civil penalty
- 9 shall be recovered by the county attorney of the
- 10 county where the violation occurred".

MILLAGE of Scott

H-1245

- 1 Amend House File 634 as follows:
- 2 1. Page 1, line 11, by striking the words "the

- 3 facility" and inserting the following: "unless the
- 4 facility administrator personally knows the background
- 5 of the person, the facility administrator".

BRUNKHORST of Bremer
HAHN of Muscatine

H-1246

- 1 Amend House File 223 as follows:
- 2 1. Page 1, by striking lines 12 and 13 and
- 3 inserting the following: "equipment to the least
- 4 restrictive license issued under section 481A.38 an
- 5 anterless only permit. The owner or the tenant need
- 6 not reside on".

DOTZLER of Black Hawk

H-1247

- 1 Amend House File 223 as follows:
- 2 1. Page 1, line 10, by striking the word "zone"
- 3 and inserting the following: "county".

DOTZLER of Black Hawk

H-1248

- 1 Amend House File 458 as follows:
- 2 1. Page 1, line 5, by striking the word "last"
- 3 and inserting the following: "first".
- 4 2. Page 1, line 5, by striking the word
- 5 "November" and inserting the following: "December".

DOTZLER of Black Hawk

H-1253

- 1 Amend House File 523 as follows:
- 2 1. Page 1, by striking line 4 and inserting the
- 3 following: "GOVERNMENTAL EMPLOYERS.
- 4 a. Notwithstanding any provision of this".
- 5 2. Page 1, by striking line 8 and inserting the
- 6 following: "situation.
- 7 b. For purposes of this subsection:
- 8 (1) "Eligible".
- 9 3. Page 1, by inserting after line 14 the
- 10 following:
- 11 "(2) "Emergency situation" means the existence of
- 12 any condition or practice that could reasonably be
- 13 expected to cause death or serious physical harm

- 14 before such condition or practice can be abated.”
15 4. By renumbering and relettering as necessary.

WEIGEL of Chickasaw
FALCK of Fayette
SUKUP of Franklin

VEENSTRA of Sioux
WARNSTADT of Woodbury
KREMER of Buchanan

H-1254

- 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” may submit a plan and
10 proposed budget for the education of a child living in
11 the facility to the department of education by January
12 1 annually. The department of education shall notify
13 the facility of its approval or denial of the plan in
14 writing by February 1. Notification, if the plan is
15 denied, shall identify any areas of noncompliance with
16 the education standards provided in section 256.11,
17 and shall contain recommendations for corrective
18 action necessary for compliance.
19 (2) Notwithstanding section 282.31, if the plan is
20 approved, the department of education shall direct the
21 department of revenue and finance to pay the approved
22 budget amount provided for in the plan to the facility
23 in monthly installments beginning September 15 and
24 ending June 15 of the next succeeding school year.
25 The installments shall be as nearly equal as possible
26 as determined by the department of management, taking
27 into consideration the relative budget and cash
28 position of the state’s resources. The department of
29 revenue and finance shall transfer the approved budget
30 amount for the facility from the moneys appropriated
31 under section 257.16 and make the payments to the
32 facility. The facility shall submit an accounting for
33 the actual cost of the plan to the department of
34 education by August 1 of the following school year.
35 The department shall review and approve or modify all
36 expenditures incurred in compliance with rules adopted
37 by the state board of education pursuant to section
38 256.7, subsection 10, and shall notify the department
39 of revenue and finance of the approved accounting
40 amount. The approved accounting amount shall be
41 compared with any amounts paid by the department of
42 revenue and finance to the facility and any
43 differences added to or subtracted from the October
44 payment made under this paragraph for the next school
45 year. Any amount paid by the department of revenue
46 and finance shall be deducted monthly from the state

47 foundation aid paid under section 257.16 to all school
 48 districts in the state during the subsequent fiscal
 49 year. The portion of the total amount of the approved
 50 budget that shall be deducted from the state aid of a

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1 school district shall be the same as the ratio that
 2 the budget enrollment for the budget year of the
 3 school district bears to the total budget enrollment
 4 in the state for that budget year in which the
 5 deduction is made.
 6 (3) A facility may appeal a decision by the
 7 department of education to deny the plan submitted
 8 pursuant to this paragraph, to the state board of
 9 education. The decision of the state board is final."
 10 2. By renumbering as necessary.

RANTS of Woodbury

H-1255

1 Amend House File 449 as follows:
 2 1. Page 1, line 9, by striking the word "both"
 3 and inserting the following: "all".
 4 2. Page 1, by inserting after line 10 the
 5 following:
 6 " . Flunitrazepam has been consumed by or
 7 administered to the other participant without the
 8 other participant's knowledge."

GRUNDBERG of Polk

H-1259

1 Amend House File 641 as follows:
 2 1. Page 1, line 22, by inserting after the word
 3 "damage" the following: "and the year in which the
 4 significant damage was sustained".
 5 2. Page 2, line 25, by inserting after the word
 6 "damage" the following: ", the year in which the
 7 significant damage was sustained".
 8 3. Page 3, line 12, by inserting after the word
 9 ""DAMAGED"" the following: "and the year in which the
 10 significant damage was sustained".
 11 4. Page 3, line 14, by inserting after the word
 12 "designation" the following: ", and the year in which
 13 the significant damage was sustained".

BRAUNS of Muscatine
 WEIDMAN of Cass
 NELSON of Marshall
 CHIODO of Polk
 HUSER of Polk

H-1268

1 Amend House File 664 as follows:

- 2 1. Page 1, line 2, by inserting before the word
3 "PENALTY" the following: "CIVIL".
4 2. Page 1, lines 15 and 16, by striking the words
5 "commits a serious misdemeanor" and inserting the
6 following: "shall be subject to a civil penalty of an
7 amount equivalent to ten percent of the contributions
8 of employees not timely deposited. The civil penalty
9 shall be recovered by the county attorney of the
10 county where the violation occurred".

MILLAGE of Scott

H-1269

1 Amend House File 691 as follows:

- 2 1. Page 1, by striking line 6, and inserting the
3 following: "program to be implemented in both".
4 2. Page 2, by inserting after line 1, the
5 following:
6 "i. Provides information regarding the risks of
7 contracting sexually-transmitted diseases."
8 3. Page 2, by inserting after line 1 the
9 following:
10 "If the Iowa department of public health develops a
11 video for use in the program, the director of public
12 health shall establish a task force to assist in
13 development of the video. The director shall select a
14 representative of the health care profession, an
15 adolescent treatment program, school nurses, secondary
16 school teachers, and others with expertise in
17 pregnancy prevention as members of the task force. If
18 a video is developed the Iowa department of public
19 health shall provide a copy of the video to any school
20 with students in grades six through nine, upon request
21 and for a fee which is the actual cost of postage and
22 handling."
23 4. Page 2, by striking line 11, and inserting the
24 following: "in accordance with the".

MURPHY of Dubuque

H-1270

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 actual 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."

BODDICKER of Cedar

H-1271

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: "tēn".

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."

19 7. Page 1, by inserting after line 23 the
20 following:

21 "Sec. ____ Section 513A.8, Code 1997, is
22 repealed."

23 8. By renumbering as necessary.

CHURCHILL of Polk
MYERS of Johnson
WEIGEL of Chickasaw
LAMBERTI of Polk
DIX of Butler

H-1272

1 Amend House File 118 as follows:

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

4 "Section 1. Section 85.3, subsection 2, Code 1997,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 2. Any employer who is a nonresident of this state
8 who makes a contract of employment with a resident of
9 this state to be performed in whole or in part by
10 either party in this state, or a foreign corporation
11 lawfully qualified to transact business in this state
12 under chapter 490, shall be deemed to be doing
13 business in this state and shall be subject to this
14 chapter, chapters 85A, 85B, 86, and 87, the
15 jurisdiction of the industrial commissioner and
16 service of process or original notice in the manner
17 provided by section 617.3.

18 Sec. 2. Section 85.71, subsections 1 through 4,
19 Code 1997, are amended by striking the subsections and
20 inserting in lieu thereof the following:

21 1. The employer is a resident of this state and
22 the employee is domiciled in this state, or

23 2. The employer is doing business in this state
24 and the employee is domiciled in this state, or

25 3. The contract of hire was made in this state and
26 the workers' compensation law of another state is not
27 applicable to the employee's employer.

28 Sec. 3. Section 86.11, Code 1997, is amended to
29 read as follows:

30 86.11 REPORTS OF INJURIES.

31 Every employer shall hereafter keep a record of all
32 injuries, fatal or otherwise, alleged by an employee
33 to have been sustained in the course of the employee's
34 employment and resulting in incapacity for a longer
35 period than one day. If the injury results only in
36 temporary disability, causing incapacity for a longer
37 period than three days ~~except as provided in section~~
38 ~~86.36 then within four days~~ thereafter, not counting
39 Sundays and legal holidays, the employer or insurance
40 carrier having had notice or knowledge of the
41 occurrence of such injury and resulting disability,
42 shall file a written report with the industrial
43 commissioner on forms to be procured from the
44 commissioner for that purpose. If such injury to the
45 employee results in permanent total disability,
46 permanent partial disability or death, then the
47 employer or insurance carrier upon notice or knowledge
48 of the occurrence of the employment injury, shall file
49 a report with the industrial commissioner, within four
50 days after having notice or knowledge of the permanent

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1 injury to the employee or the employee's death. The
 2 report to the industrial commissioner of injury shall
 3 be without prejudice to the employer or insurance
 4 carrier and shall not be admitted in evidence or used
 5 in any trial or hearing before any court, the
 6 industrial commissioner or a deputy industrial
 7 commissioner except as to the notice under section
 8 85.23.

9 Sec. 4. Section 86.36, Code 1997, is repealed.
 10 2. Title page, line 1, by inserting after the
 11 word "compensation" the following: "concerning
 12 nonresident employers and".

MURPHY of Dubuque

H-1278

1 Amend House File 612 as follows:
 2 1. Page 131, by inserting before line 16 the
 3 following:
 4 "Sec. ____ Section 600B.41A, subsection 2, Code
 5 1997, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. c. A paternity determination based
 8 upon a prior court order if the order was not entered
 9 based upon blood or genetic test results, or an
 10 existing custody order based upon the prior
 11 determination of paternity, when the mother of the
 12 child, the child or the legal representative of the
 13 mother or the child, files a petition to overcome
 14 paternity under this section and the reasons for the
 15 belief that the established father is not the
 16 biological father of the child were known to the party
 17 filing the petition at the time that the order
 18 establishing paternity or custody was entered."
 19 2. Page 131, by inserting after line 27 the
 20 following:
 21 "Sec. ____ Section 600B.41A, Code 1997, is amended
 22 by adding the following new subsection:
 23 NEW SUBSECTION. 3A. If the established father
 24 objects to the overcoming of paternity, the court
 25 shall consider all of the following:
 26 a. The court shall not overcome the paternity of
 27 an established father unless the identity of the
 28 biological father is established by blood or genetic
 29 testing demonstrating the biological father's
 30 paternity is ninety-five percent or higher and if the
 31 biological father has other children, that the
 32 biological father is providing support and has an
 33 established relationship with any of these children.
 34 b. The court shall not overcome paternity of an

35 established father when the established father has
36 been awarded custody of the child under a court order.
37 Additionally, if the established father has been
38 awarded custody of the child under a court order and
39 if overcoming paternity could result in the separation
40 of the child from half-siblings, it is not in the best
41 interest of the child to overcome paternity unless
42 maintaining the relationship between the child and the
43 half-siblings is not in the best interest of the
44 child."

BODDICKER of Cedar

H-1279

1 Amend House File 612 as follows:

2 1. Page 117, by inserting after line 24 the
3 following:

4 "Sec. ____ Section 598.21, Code 1997, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 12. If the court, in an action to
7 overcome paternity pursuant to section 600B.41A,
8 determines that the test results conducted in
9 accordance with section 600B.41 or chapter 252F
10 exclude the established father as the biological
11 father, but the court dismisses the action to overcome
12 paternity, the court shall modify any existing support
13 order to discharge the established father from any and
14 all support due prior to the date the order is filed,
15 current support, and future support and shall order
16 the mother to be solely liable for support of the
17 child if all of the following apply:

18 a. The mother represented the established father
19 as the biological father of the child in a court
20 proceeding or in court documents.

21 b. The mother has testified that a possibility
22 exists that the established father is not the
23 biological father of the child.

24 c. Blood or genetic test results demonstrate that
25 the established father is excluded as the biological
26 father of the child.

27 This section is applicable to any existing or
28 future support order which is based upon a dismissal
29 of an action to overcome paternity pursuant to section
30 600B.41A and which meets all of the criteria of this
31 subsection.

32 Any costs associated with the modification action
33 shall be paid by the mother.

TYRRELL of Iowa

H-1284

- 1 Amend House File 174 as follows:
- 2 1. Page 1, line 3, by striking the word "In" and
- 3 inserting the following:
- 4 "1. In".
- 5 2. Page 1, by inserting after line 9, the
- 6 following:
- 7 "2. Supplies of application forms for a marriage
- 8 license and marriage licenses existing prior to the
- 9 effective date of this section may be used until
- 10 exhausted. In the interim, the statement required to
- 11 be contained in the application form for a marriage
- 12 license and marriage licenses pursuant to subsection
- 13 1, may be attached to the form or license as an
- 14 addendum.
- 15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
- 16 immediate importance, takes effect upon enactment."
- 17 3. Title page, line 2, by inserting after the
- 18 words "a marriage license" the following: ", and
- 19 providing an effective date".

BRUNKHORST of Bremer
ARNOLD of Lucas

H-1285

- 1 Amend House File 223 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. ____ Section 483A.7, subsection 3, Code
- 5 1997, is amended to read as follows:
- 6 3. A nonresident wild turkey hunter is required to
- 7 have only a nonresident wild turkey hunting license
- 8 and a wildlife habitat stamp. The commission shall
- 9 annually limit to two thousand licenses the number of
- 10 nonresidents allowed to have wild turkey hunting
- 11 licenses. The number of nonresident wild turkey
- 12 hunting licenses shall be determined as provided in
- 13 section 481A.38. When issuing the wild turkey hunting
- 14 licenses, the department shall give preference to
- 15 nonresident applicants who own eighty acres or more of
- 16 land in this state. The commission shall allocate the
- 17 nonresident wild turkey hunting licenses issued among
- 18 the zones based on the populations of wild turkey. A
- 19 nonresident applying for a wild turkey hunting license
- 20 must exhibit proof of having successfully completed a
- 21 hunter safety and ethics education program as provided
- 22 in section 483A.27 or its equivalent as determined by
- 23 the department before the license is issued.
- 24 Sec. ____ Section 483A.8, subsection 3, Code 1997,
- 25 is amended to read as follows:
- 26 3. A nonresident deer hunter is required to have

27 only a nonresident deer license and a wildlife habitat
 28 stamp. The commission shall annually limit to five
 29 thousand licenses the number of nonresidents allowed
 30 to have deer hunting licenses. The number of
 31 nonresident deer hunting licenses shall be determined
 32 as provided in section 481A.38. When issuing the deer
 33 hunting licenses, the department shall give preference
 34 to nonresident applicants who own eighty acres or more
 35 of land in this state. The commission shall allocate
 36 the nonresident deer hunting licenses issued among the
 37 zones based on the populations of deer. However, a
 38 nonresident applicant may request one or more hunting
 39 zones, in order of preference, in which the applicant
 40 wishes to hunt. If the request cannot be fulfilled,
 41 the applicable fees shall be returned to the
 42 applicant. A nonresident applying for a deer hunting
 43 license must exhibit proof of having successfully
 44 completed a hunter safety and ethics education program
 45 as provided in section 483A.27 or its equivalent as
 46 determined by the department before the license is
 47 issued.”
 48 2. Title page, by striking lines 1 and 2 and
 49 inserting the following: “An Act relating to the
 50 hunting of wild turkeys and deer.”

KREIMAN of Davis

H-1286

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 existing action or
 21 proceeding authorized by law, to enforce the support
 22 obligation.
 23 4. All of the following are applicable to an
 24 action initiated by an attorney under this section:

- 25 a. The attorney has a lien for compensation which
 26 is an amount which is thirty-three and one-third
 27 percent of any amount collected upon all amounts
 28 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. A person who obstructs an action to collect
 36 support under this section is subject to a penalty,
 37 which is three times the amount of the support order
 38 and which is in addition to the amount of the support
 39 owed. Any penalty collected shall be applied equally
 40 to the support obligation assigned to the state and to
 41 payment of the lien established under this section.”
- 42 2. By renumbering as necessary.

BODDICKER of Cedar

H-1287

- 1 Amend House File 636 as follows:
 2 1. Page 1, by striking lines 1 through 8.
 3 2. By renumbering as necessary.

CHURCHILL of Polk
 BERNAU of Story
 CATALDO of Polk
 CORMACK of Webster
 JACOBS of Polk

H-1288

- 1 Amend House File 706 as follows:
 2 1. By striking page 5, line 32, through page 7,
 3 line 17, and inserting the following:
 4 “Sec. ____ Section 9H.5, subsection 3, paragraph
 5 a, Code 1997, is amended to read as follows:
 6 3. a. An authorized ~~farm corporation, authorized~~
 7 ~~trust, authorized limited liability company, or~~
 8 ~~limited partnership entity or a network entity~~
 9 violating this section shall be assessed a civil
 10 penalty of not more than twenty-five thousand dollars
 11 and shall divest itself of any land held in violation
 12 of this section within one year after judgment. A
 13 civil penalty of not more than one thousand dollars
 14 may be imposed on a person who ~~becomes a stockholder~~
 15 ~~of holds an interest in an authorized farm~~
 16 ~~corporation, beneficiary of an authorized trust,~~
 17 ~~member of an authorized limited liability company, or~~
 18 ~~limited partner in a limited partnership in violation~~

19 ~~of this section entity or a network entity.~~ The
20 person shall divest the interest held by the person in
21 the ~~corporation, trust, limited liability company, or~~
22 ~~limited partnership~~ authorized entity or network
23 entity required to comply with this section. The
24 court may determine the method of divesting an
25 interest held by a person found to be in violation of
26 this chapter. A financial gain realized by a person
27 who disposes of an interest held in violation of this
28 chapter shall be forfeited to the state's general
29 fund. All court costs and fees shall be paid by the
30 person holding the interest in violation of this
31 chapter."

DREES of Carroll

H-1289

- 1 Amend House File 706 as follows:
- 2 1. Page 6, line 16, by striking the words "an
- 3 order requiring compliance" and inserting the
- 4 following: "subsection 2".

KREIMAN of Davis

H-1290

- 1 Amend House File 706 as follows:
- 2 1. Page 6, line 17, by inserting after the word
- 3 "dollars" the following: "for each day that the
- 4 violation continues".

KREIMAN of Davis

H-1293

- 1 Amend House File 140 as follows:
- 2 1. Page 1, line 16, by striking the word "eight"
- 3 and inserting the following: "eight-thirty".

FALLON of Polk

H-1294

- 1 Amend House File 140 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 "Sec. 2. Section 1 of this Act is repealed,
- 5 effective July 1, 1999. The Code editor shall, upon
- 6 repeal of section 1 of this Act, return the language
- 7 of section 49.73, subsection 2, to the language
- 8 contained in that subsection in the 1997 Code of Iowa.
- 9 Sec. 3. By January 15, 1999, the secretary of

10 state shall report to the general assembly on the
 11 comparison of voter turnout rates at those elections
 12 where the polls closed at eight o'clock and such
 13 elections held prior to enactment of this Act where
 14 the polls closed at nine o'clock. The report shall
 15 focus, in particular, on those voter precincts where
 16 voter turnout, when compared to the number of
 17 registered voters in the precinct, has been lower than
 18 the average statewide."
 19 2. By renumbering as necessary.

FALLON of Polk

H-1298

1 Amend House File 662 as follows:
 2 1. Page 6, line 31, by inserting after the word
 3 "court." the following: "The court may, however,
 4 reduce the fee to ten dollars or waive the fee, if the
 5 person remains in custody or if, based on the
 6 affidavit of financial status, the court determines
 7 that the person does not have the financial resources
 8 to pay the fee."

MILLAGE of Scott

H-1306

1 Amend House File 689 as follows:
 2 1. Page 1, by inserting after line 34 the
 3 following:
 4 "A city shall not join an entity created under this
 5 chapter or any separate administrative or legal entity
 6 created pursuant to chapter 28E for the purpose of
 7 utilizing the provisions of this chapter for financing
 8 electric power facilities until the proposal for the
 9 city to join the entity has been authorized by a
 10 resolution adopted by the city council."

RICHARDSON of Warren

H-1308

1 Amend House File 449 as follows:
 2 1. Page 1, by striking lines 1 through 5.
 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."
 10 4. Page 1, line 12, by striking the word

- 11 "resisting" and inserting the following: "consenting
 12 to".
 13 5. By renumbering as necessary.

GRUNDBERG of Polk

H-1311

- 1 Amend House File 710 as follows:
 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.
 8 4. By renumbering as necessary.

MURPHY of Dubuque
 KREIMAN of Davis
 HUSER of Polk
 OSTERHAUS of Jackson
 JOCHUM of Dubuque
 REYNOLDS-KNIGHT of Van Buren
 LARKIN of Lee
 RICHARDSON of Warren
 MASCHER of Johnson
 WEIGEL of Chickasaw

MORELAND of Wapello
 HOLVECK of Polk
 KINZER of Scott
 FALCK of Fayette
 BURNETT of Story
 FORD of Polk
 MYERS of Johnson
 CONNORS of Polk
 FALLON of Polk

H-1317

- 1 Amend House File 706 as follows:
 2 1. By striking page 1, line 1, through page 4,
 3 line 32, and inserting the following:
 4 "Section 1. Section 9H.1, Code 1997, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 2A. "Authorized entity" means an
 7 authorized farm corporation, authorized trust,
 8 authorized limited liability company, or limited
 9 partnership other than a family farm limited
 10 partnership."
 11 2. Page 5, line 2, by striking the words "or a
 12 network entity".
 13 3. Page 5, line 3, by striking the words "or
 14 network entity".
 15 4. Page 5, line 4, by striking the words "or
 16 network".
 17 5. Page 5, by striking lines 6 through 8 and
 18 inserting the following: "hundred acres of
 19 agricultural land."
 20 6. Page 5, line 10, by striking the words "or
 21 network".
 22 7. Page 5, by striking lines 12 through 21 and
 23 inserting the following:

- 24 "(1) A stockholder of an authorized farm
 25 corporation.
 26 (2) A beneficiary of an authorized trust.
 27 (3) A limited partner in a limited partnership
 28 other than a family farm limited partnership.
 29 (4) A member of an authorized limited liability
 30 company."
 31 8. By renumbering as necessary.

GREINER of Washington

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.

KREIMAN of Davis

H-1324

- 1 Amend House File 672 as follows:
 2 1. Page 3, by inserting after line 15 the
 3 following:
 4 "Sec. ____ . CONDITIONAL EFFECTIVE DATE. This Act
 5 takes effect upon the earlier of the following:
 6 1. Upon the retirement, removal, resignation, or
 7 death of the secretary of agriculture serving in that
 8 capacity on January 1, 1997.
 9 2. After the expiration of one term served by an
 10 individual who defeated the secretary of agriculture
 11 serving in that capacity on January 1, 1997, in an
 12 attempt by that secretary of agriculture to win

13 reelection.

14 Election laws applicable to election of the
15 secretary of agriculture shall not apply for the year
16 in which the term of an individual who has defeated
17 the secretary of agriculture serving in that capacity
18 on January 1, 1997, expires."

19 2. Title page, line 2, by inserting after the
20 word "agriculture" the following: ", and providing a
21 contingent effective date".

DREES of Carroll

H-1328

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 existing 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 order and which is in addition to the
39 amount of the 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 this section."
 46 2. By renumbering as necessary.

BODDICKER of Cedar

H-1331

1 Amend House File 706 as follows:
 2 1. Page 5, by striking lines 22 through 30 and
 3 inserting the following:
 4 "c. This subsection shall not apply to an interest
 5 in an authorized entity to the extent that the
 6 interest was held on or".

DREES of Carroll

H-1332

1 Amend House File 706 as follows:
 2 1. Page 5, lines 6 and 7, by striking the words
 3 "who is a family farm entity or network entity".

SCHERRMAN of Dubuque
 WEIGEL of Chickasaw

H-1333

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
 10 another state, the court shall modify the custody
 11 order to preserve, as nearly as possible, the existing
 12 relationship between the minor child and the
 13 nonrelocating parent. If modified, the order shall,
 14 at a minimum, include a provision for extended
 15 visitation during summer vacations and school breaks
 16 and scheduled telephone contact between the
 17 nonrelocating parent and the minor child. The
 18 modification may include a provision assigning the
 19 responsibility for transportation of the minor child
 20 for visitation purposes to either or both parents. If
 21 the court makes a finding of past interference by the

22 parent awarded joint legal custody and physical care
 23 or sole legal custody with the minor child's access to
 24 the other parent, the court may order the posting of a
 25 cash bond to assure future compliance with the
 26 visitation provisions of the decree. The supreme
 27 court shall prescribe guidelines for the forfeiting of
 28 the bond and restoration of the bond following
 29 forfeiting of the bond."

30 3. Page 121, by inserting after line 25 the
 31 following:

32 "Sec. ____ Section 598.23, subsection 2, Code
 33 1997, is amended by adding the following new
 34 paragraphs:

35 NEW PARAGRAPH. c. Directs the parties to provide
 36 access to the child through a neutral party or neutral
 37 site or center.

38 NEW PARAGRAPH. d. Imposes sanctions or specific
 39 requirements or orders the parties to participate in
 40 mediation to enforce the joint custody provisions of
 41 the decree.

42 Sec. ____ Section 598.23, Code 1997, is amended by
 43 adding the following new subsection:

44 NEW SUBSECTION. 3. In addition to the provisions
 45 for punishment for contempt under this section, if the
 46 court finds a person in contempt for failing to comply
 47 with the visitation provisions of an order or decree
 48 without good cause, the court may enjoin the contemnor
 49 from engaging in the activity governed by a license to
 50 operate a motor vehicle through suspension or

Page 2

1 revocation of the license and may impose conditions
 2 for reinstatement of the license."

3 4. By renumbering as necessary.

CONNORS of Polk
 BODDICKER of Cedar

H-1337

1 Amend the amendment, H-1285, to House File 223 as
 2 follows:

3 1. Page 1, line 18, by inserting after the word
 4 "turkey." the following: "A wild turkey hunting
 5 license issued pursuant to this subsection is valid in
 6 the zone to which the license is assigned and within
 7 twenty miles of the boundaries of the zone."

8 2. Page 1, line 37, by inserting after the word
 9 "deer." the following: "A deer hunting license issued
 10 pursuant to the subsection is valid in the zone to
 11 which the license is assigned and within twenty miles
 12 of the boundaries of the zone."

KREIMAN of Davis

H-1338

- 1 Amend House File 223 as follows:
- 2 1. Page 1, lines 9 and 10, by striking the words
- 3 "hunting zone" and inserting the following: "county".
- 4 2. Page 1, line 11, by inserting after the word
- 5 "located" the following: "and any adjoining county".

ARNOLD of Lucas

H-1339

- 1 Amend the amendment, H-1222, to House File 504 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the words
- 4 "seventy-five" and inserting the following: "eighty-
- 5 five".

BLODGETT of Cerro Gordo

H-1340

- 1 Amend House File 580 as follows:
- 2 1. Page 1, by striking lines 17 and 18 and
- 3 inserting the following: "is guilty of a simple
- 4 misdemeanor which is punishable by the maximum fine
- 5 authorized from a simple misdemeanor."
- 6 2. Page 3, by striking line 4 and inserting the
- 7 following: "which is punishable by the maximum fine".

HANSEN of Pottawattamie

H-1344

- 1 Amend House File 644 as follows:
- 2 1. Page 1, line 5, by striking the word
- 3 "residential" and inserting the following:
- 4 "habitation".
- 5 2. By striking page 1, line 25, through page 2,
- 6 line 12, and inserting the following:
- 7 "1. A licensee shall not represent any party or
- 8 parties to a residential property transaction or
- 9 otherwise as a licensee unless that licensee makes an
- 10 affirmative written a disclosure to all parties to the
- 11 transaction identifying which party that person
- 12 represents in the transaction. ~~The disclosure shall~~
- 13 ~~be acknowledged by separate signatures of all parties~~
- 14 ~~to the transaction.~~
- 15 2. a. The disclosure required in subsection 1
- 16 shall be made by the licensee at the time the licensee
- 17 provides specific assistance to the client, ~~or prior~~
- 18 ~~to any offer being made or accepted by any party to a~~
- 19 ~~transaction, whichever is sooner. A change in a~~

20 licensee's representation that makes the initial
 21 disclosure incomplete, misleading, or inaccurate
 22 requires that a new disclosure be made immediately.

23 b. For purposes of this section, "specific
 24 assistance" means eliciting or accepting confidential
 25 information about a party's real estate needs,
 26 motivation, or financial qualifications. "Specific
 27 assistance" does not mean an open house showing,
 28 preliminary conversations concerning price range,
 29 location, and property styles, or responding to
 30 general factual questions concerning properties which
 31 have been advertised for sale or lease.

32 c. A written disclosure for residential property
 33 shall be acknowledged by separate signatures of all
 34 parties to the transaction prior to any offer being
 35 made or accepted by any party to a transaction."

36 3. Page 4, by inserting after line 5 the
 37 following:

38 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
 39 of immediate importance, takes effect upon enactment."

40 4. Title page, line 3, by inserting after the
 41 word "transactions" the following: ", and providing
 42 an effective date".

43 5. By renumbering as necessary.

JACOBS of Polk

H-1345

1 Amend House File 670 as follows:

2 1. Page 2, line 25, by inserting after the words
 3 "real estate" the following: ", unless such broker or
 4 salesperson is informed in writing by the current
 5 seller that the broker or salesperson is authorized to
 6 disclose confidential information that the transferred
 7 real estate is or might be psychologically impacted
 8 real estate and fails to disclose such information".

VAN FOSSEN of Scott

H-1346

1 Amend House File 681 as follows:

2 1. Page 10, line 17, by inserting after the word
 3 "database." the following: "The department shall not
 4 be required to establish and maintain the database
 5 required in this section if sufficient moneys are not
 6 available."

BURNETT of Story

H-1347

- 1 Amend House File 681 as follows:
- 2 1. Page 2, line 33, by striking the word "or" and
- 3 inserting the following: "and".

BURNETT of Story

H-1348

- 1 Amend House File 681 as follows:
- 2 1. Page 1, by striking lines 4 through 21.
- 3 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1349

- 1 Amend House File 681 as follows:
- 2 1. Page 8, by striking lines 29 and 30 and
- 3 inserting the following: "report and disclosed before
- 4 the violations are reported by an employee of the
- 5 owner or operator."

MASCHER of Johnson

H-1350

- 1 Amend House File 681 as follows:
- 2 1. By striking page 2, line 7, through page 3,
- 3 line 1, and inserting the following:
- 4 "3. "Environmental audit report" means a formal
- 5 written report which is a single, discreet set of
- 6 documents clearly identified as the environmental
- 7 audit report containing information generated and
- 8 collected during the course of conducting an
- 9 environmental audit. An environmental audit report
- 10 includes any information which is collected and
- 11 developed for the primary purpose of conducting the
- 12 environmental audit. An environmental audit report
- 13 includes, at a minimum, all of the following
- 14 components:
- 15 a. A report describing the scope of the audit
- 16 including the starting and ending dates.
- 17 b. The names and qualifications of the person or
- 18 persons performing the audit.
- 19 c. A summary of findings and conclusions resulting
- 20 from the audit.
- 21 d. Identification of areas of noncompliance
- 22 identified during the audit.
- 23 e. Proposed steps for correcting noncompliance.
- 24 f. If more than sixty calendar days will be
- 25 required to correct an area of noncompliance, a

- 26 compliance schedule identifying the time needed and
27 interim compliance measures to be taken to correct the
28 noncompliance and a statement of reasons supporting
29 the time periods needed.
30 g. Proposed steps and schedules designed to
31 prevent future noncompliance including consideration
32 of pollution prevention alternatives.
33 h. Appendices and exhibits appropriate to support
34 the findings, conclusions, and proposed steps and
35 schedules.”
36 2. By renumbering as necessary.

MASCHER of Johnson

H-1351

- 1 Amend House File 681 as follows:
2 1. Page 9, line 32, by striking the word “shall”
3 and inserting the following: “may”.

BURNETT of Story

H-1352

- 1 Amend House File 681 as follows:
2 1. Page 3, by inserting after line 11 the
3 following:
4 “Sec. ____ NEW SECTION. 455H.3A REPORTING
5 REQUIREMENTS.
6 1. An owner or operator shall immediately notify
7 the department of natural resources when the owner or
8 operator causes an environmental audit to be
9 undertaken and when the environmental audit is
10 completed.
11 2. An owner or operator who causes an
12 environmental audit to be undertaken shall submit a
13 copy of the environmental audit report to the
14 department of natural resources within one month of
15 the completion of the report. All environmental audit
16 reports submitted to the department shall be subject
17 to the privilege requirements provided in this
18 chapter.”
19 2. By renumbering as necessary.

BURNETT of Story

H-1353

- 1 Amend House File 681 as follows:
2 1. Page 8, line 24, by inserting after the word
3 “agency.” the following: “For purposes of this

- 4 paragraph, "imminent discovery" means a discovery of a
 5 violation which is likely to occur or can reasonably
 6 be expected to occur."

BURNETT of Story

H-1354

- 1 Amend House File 681 as follows:
 2 1. Page 8, line 10, by inserting after the word
 3 "audit" the following: "in accordance with a
 4 compliance timeline established by the department of
 5 natural resources".

MASCHER of Johnson

H-1355

- 1 Amend House File 681 as follows:
 2 1. Page 9, by striking lines 23 through 25 and
 3 inserting the following: "disclosure."

FALLON of Polk

H-1356

- 1 Amend House File 681 as follows:
 2 1. Page 10, by striking lines 25 through 31.
 3 2. By renumbering as necessary.

FALLON of Polk

H-1357

- 1 Amend House File 686 as follows:
 2 1. Page 2, by striking lines 5 through 7 and
 3 inserting the following: "unused right-of-way shall
 4 send by certified mail to".
 5 2. Page 2, line 30, by inserting after the word
 6 "shall" the following: "transfer the land for a
 7 public purpose or".

MURPHY of Dubuque
 WELTER of Jones
 VAN MAANEN of Marion

H-1358

- 1 Amend House File 706 as follows:
 2 1. Page 3, by inserting after line 29 the
 3 following:
 4 "Sec. ____ Section 9H.2, unnumbered paragraph 1,
 5 Code 1997, is amended to read as follows:

6 In order to preserve free and private enterprise,
 7 prevent monopoly, and protect consumers, it is
 8 unlawful for any processor of beef or pork or limited
 9 partnership in which a processor holds partnership
 10 shares as a general partner or partnership shares as a
 11 limited partner, or limited liability company in which
 12 a processor is a member, to directly or indirectly
 13 own, control or operate a feedlot in Iowa in which
 14 hogs or cattle are fed for slaughter. In addition, a
 15 processor shall not directly or indirectly control the
 16 manufacturing, processing, or preparation for sale of
 17 pork products derived from swine if the processor
 18 contracted for the care and feeding of the swine in
 19 this state. However, this section does not apply to a
 20 cooperative association organized under chapter 497,
 21 498, or 499, if the cooperative association contracts
 22 for the care and feeding of swine with a member of the
 23 cooperative association who is actively engaged in
 24 farming. This section does not apply to an
 25 association organized as a cooperative in which
 26 another cooperative association organized under
 27 chapter 497, 498, or 499 is a member, if the
 28 association contracts with a member which is a
 29 cooperative association organized under chapter 497,
 30 498, or 499, which contracts for the care and feeding
 31 of swine with a member of the cooperative who is
 32 actively engaged in farming. This section shall not
 33 preclude a processor, limited partnership, or limited
 34 liability company from contracting for the purchase of
 35 hogs or cattle, provided that where the contract sets
 36 a date for delivery which is more than twenty days
 37 after the making of the contract it shall:"

38 2. Title page, line 1, by striking the words "by
 39 persons owning or leasing" and inserting the
 40 following: "in".

41 3. Title page, line 2, by inserting after the
 42 word "land" the following: "and livestock".

KREIMAN of Davis

H-1359

1 Amend House File 706 as follows:

2 1. Page 6, by inserting after line 30 the
 3 following:

4 "Sec. ____ Section 9H.14, Code 1997, is amended to
 5 read as follows:

6 9H.14 DUTIES OF SECRETARY OF STATE.

7 1. The secretary of state shall notify the
 8 attorney general when the secretary of state has
 9 reason to believe a violation of this chapter has
 10 occurred.

11 2. It is the intent of this section that

12 information shall be made available to members of the
 13 general assembly and appropriate committees of the
 14 general assembly in order to determine the extent of
 15 farming being carried out in this state by
 16 corporations and other business entities, and the
 17 effect of such farming practices upon the economy of
 18 this state. The reports of corporations, limited
 19 liability companies, limited partnerships, trusts,
 20 contractors, and processors required in this chapter
 21 shall be confidential reports except as follows:
 22 a. Information provided to the attorney general
 23 for review and appropriate action when necessary.
 24 b. Information reported by an authorized entity
 25 pursuant to section 9H.5A relating to the approximate
 26 number of livestock owned, contracted for, or kept by
 27 the authorized entity, and the approximate number of
 28 offspring produced from the livestock.
 29 The secretary of state shall assist any committee
 30 of the general assembly existing or established for
 31 the purposes of studying the effects of this chapter
 32 and the practices this chapter seeks to study and
 33 regulate."

KREIMAN of Davis

H-1360

1 Amend House File 706 as follows:
 2 1. Page 6, by inserting after line 30 the
 3 following:
 4 "Sec. ____ Section 9H.14, Code 1997, is amended to
 5 read as follows:
 6 9H.14 DUTIES OF SECRETARY OF STATE.
 7 1. The secretary of state shall notify the
 8 attorney general when the secretary of state has
 9 reason to believe a violation of this chapter has
 10 occurred.
 11 2. It is the intent of this section that
 12 information shall be made available to members of the
 13 general assembly and appropriate committees of the
 14 general assembly in order to determine the extent of
 15 farming being carried out in this state by
 16 corporations and other business entities and the
 17 effect of such farming practices upon the economy of
 18 this state. The reports of corporations, limited
 19 liability companies, limited partnerships, trusts,
 20 contractors, and processors required in this chapter
 21 shall be confidential reports except as follows:
 22 a. Information provided to the attorney general
 23 for review and appropriate action when necessary.
 24 b. Information reported by an authorized entity
 25 pursuant to section 9H.5A relating to the total acres
 26 owned or leased by the authorized entity, and persons

27 holding an interest in the authorized entity.
 28 The secretary of state shall assist any committee
 29 of the general assembly existing or established for
 30 the purposes of studying the effects of this chapter
 31 and the practices this chapter seeks to study and
 32 regulate."

KOENIGS of Mitchell

H-1361

1 Amend House File 706 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 9H.1, subsection 1, unnumbered
 5 paragraph 1, Code 1997, is amended to read as follows:
 6 "Actively engaged in farming" means that a natural
 7 person ~~who is a shareholder and an officer, director~~
 8 ~~or employee of the corporation or who is a member or~~
 9 ~~manager of the limited liability company either~~
 10 conducts any of the following activities as part of a
 11 farm operation."
 12 2. Page 5, lines 6 and 7, by striking the words
 13 "who is a family farm entity or network entity" and
 14 inserting the following: ", other than a natural
 15 person actively engaged in farming."
 16 3. Page 5, by striking line 8, and inserting the
 17 following: "more than one authorized entity. A
 18 natural person actively engaged in farming shall not
 19 hold an interest in more than three authorized
 20 entities."

KOENIGS of Mitchell

H-1362

1 Amend House File 706 as follows:
 2 1. Page 2, by inserting after line 1 the
 3 following:
 4 "Sec. ____ Section 9H.1, subsection 12, Code 1997,
 5 is amended to read as follows:
 6 12. "Feedlot" means a lot, yard, building, corral
 7 or other area in which hogs or cattle fed for
 8 slaughter are confined. The term includes areas which
 9 are used for the raising of crops or other vegetation
 10 and upon which hogs or cattle fed for slaughter are
 11 allowed to graze or feed."

MORELAND of Wapello

H-1363

1 Amend House File 706 as follows:
 2 1. Page 2, by inserting after line 3 the

3 following:

4 "NEW SUBSECTION. 2A. "Animal weight capacity"
5 means the same as defined in section 455B.161."

6 2. Page 2, line 4, by striking the figure "2A"
7 and inserting the following: "2B".

8 3. Page 5, by inserting before line 32 the
9 following:

10 "Sec. ____ Section 9H.5, Code 1997, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 2A. An authorized entity shall
13 not directly or indirectly own, control, or contract
14 for the care and feeding of animals having an animal
15 weight capacity of six hundred twenty-five thousand
16 pounds or more for animals other than bovine or one
17 million six hundred thousand pounds or more for
18 bovine."

19 4. Page 6, by inserting after line 17 the
20 following:

21 "(3) A civil penalty of not more than one thousand
22 dollars may be imposed on an authorized entity which
23 directly or indirectly owns, controls, or contracts
24 for the care and feeding of animals having an animal
25 weight capacity exceeding the amount allowed pursuant
26 to subsection 2A. The authorized entity shall divest
27 the interest held by the authorized entity in the
28 animals to comply with subsection 2A. The court may
29 determine the method of divesting an interest held by
30 an authorized entity found to be in violation of
31 subsection 2A. A financial gain realized by an
32 authorized entity which disposes of an interest held
33 in violation of subsection 2A shall be forfeited to
34 the general fund of the state. All court costs and
35 fees shall be paid by the authorized entity holding
36 the interest in violation of subsection 2A."

37 5. Page 6, by inserting after line 17 the
38 following:

39 "Sec. ____ Section 9H.5A, subsection 3, paragraph
40 g, Code 1997, is amended to read as follows:

41 g. The approximate number of livestock, including
42 cattle, sheep, swine, ostriches, rheas, emus, or
43 poultry, owned, contracted for, or kept by the
44 corporation, limited liability company, trust, or
45 limited partnership, and the approximate number of
46 offspring produced from the livestock. An authorized
47 entity shall report the largest animal weight capacity
48 for each species of animal directly or indirectly
49 owned, controlled, or contracted for by the authorized
50 entity."

H-1366

- 1 Amend House File 504 as follows:
- 2 1. Page 10, by striking lines 34 and 35 and
3 inserting the following:
- 4 "2. For a temporary food establishment per fixed
5 location, the fee shall be as follows:
- 6 a. One to three days in the same location, twenty-
7 five dollars.
- 8 b. Four to seven days in the same location, sixty
9 dollars.
- 10 c. Eight or more days in the same location, one
11 hundred dollars."
- 12 2. Page 11, line 8, by striking the word "sixty"
13 and inserting the following: "fifty".
- 14 3. Page 11, line 10, by striking the words
15 "dollars, one hundred" and inserting the following:
16 "dollars, eighty".
- 17 4. Page 11, lines 13 and 14, by striking the
18 words "two hundred dollars" and inserting the
19 following: "one hundred seventy-five dollars".
- 20 5. Page 11, by striking lines 15 and 16 and
21 inserting the following:
- 22 "d. Annual gross sales of at least two hundred
23 fifty thousand dollars but less than five hundred
24 thousand dollars, two hundred dollars.
- 25 e. Annual gross sales of five hundred thousand
26 dollars or more, two hundred twenty-five dollars."

HEATON of Henry

H-1367

- 1 Amend House File 706 as follows:
- 2 1. Page 3, by inserting after line 29 the
3 following:
- 4 "Sec. ____ Section 9H.2, Code 1997, is amended to
5 read as follows:
- 6 9H.2 PROHIBITED OPERATIONS - EXCEPTIONS.
- 7 1. In order to preserve free and private
8 enterprise, prevent monopoly, and protect consumers,
9 it is unlawful for any processor of beef or pork or
10 limited partnership in which a processor holds
11 partnership shares as a general partner or partnership
12 shares as a limited partner, or limited liability
13 company in which a processor is a member, to own,
14 control or operate a feedlot in Iowa in which hogs or
15 cattle are fed for slaughter. In addition, a
16 processor shall not directly or indirectly control the
17 manufacturing, processing, or preparation for sale of
18 pork products derived from swine if the processor
19 contracted for the care and feeding of the swine in
20 this state. However, this section does not apply to a

21 cooperative association organized under chapter 497,
22 498, or 499, if the cooperative association contracts
23 for the care and feeding of swine with a member of the
24 cooperative association who is actively engaged in
25 farming. This section does not apply to an
26 association organized as a cooperative in which
27 another cooperative association organized under
28 chapter 497, 498, or 499 is a member, if the
29 association contracts with a member which is a
30 cooperative association organized under chapter 497,
31 498, or 499, which contracts for the care and feeding
32 of swine with a member of the cooperative who is
33 actively engaged in farming. This section shall not
34 preclude a processor, limited partnership, or limited
35 liability company from contracting for the purchase of
36 hogs or cattle, provided that where the contract sets
37 a date for delivery which is more than twenty days
38 after the making of the contract it shall do either of
39 the following:

- 40 1- a. Specify a calendar day for delivery of the
41 livestock; ~~or,~~
42 2- b. Specify the month for the delivery, and
43 shall allow the farmer to set the week for the
44 delivery within such month and the processor, limited
45 partnership, or limited liability company to set the
46 date for delivery within such week. This section
47 shall not prevent processors or educational
48 institutions from carrying on legitimate research,
49 educational, or demonstration activities, nor shall it
50 prevent processors from owning and operating

Page 2

1 facilities to provide normal care and feeding of
2 animals for a period not to exceed ten days
3 immediately prior to slaughter, or for a longer period
4 in an emergency. Any processor or limited partnership
5 which owns, controls, or operates a feedlot on August
6 15, 1975, shall have until July 1, 1985, to dispose of
7 the property.

8 2. Except as provided in this subsection, a
9 processor purchasing or soliciting livestock for
10 slaughter in this state shall not discriminate in
11 prices paid or offered to be paid to sellers of that
12 livestock. This subsection shall not apply to any of
13 the following:

14 a. A person exempted from the license and
15 financial responsibility provisions of chapter 172A
16 pursuant to section 172A.6.

17 b. The sale and purchase of livestock if all of
18 the following requirements are met:

19 (1) The price differential is based on one of the
20 following:

21 (a) The quality of the livestock, if the processor
22 purchases or solicits the livestock based upon a
23 payment method specifying prices paid for criteria
24 relating to carcass merit.

25 (b) Actual and quantifiable costs related to
26 transporting and acquiring the livestock by the
27 processor.

28 (c) An agreement for the delivery of livestock at
29 a specified date or time.

30 (2) After making a differential payment to a
31 seller, the processor publishes information relating
32 to the differential pricing, including the payment
33 method for carcass merit, transportation and
34 acquisition pricing, and an offer to enter into an
35 agreement for the delivery of livestock at a specified
36 date or time according to the same terms and
37 conditions offered to other sellers. A processor
38 shall provide all sellers with the same terms and
39 conditions offered to a seller who receives a
40 differential price.

41 c. The processor shall, at the beginning of each
42 day in which livestock are purchased, post in a
43 conspicuous place at the point of delivery, all prices
44 for livestock to be paid that day.

45 Sec. ____ Section 9H.3, Code 1997, is amended to
46 read as follows:

47 9H.3 PENALTIES FOR PROHIBITED OPERATION —
48 INJUNCTIVE RELIEF.

49 1. A processor violating section 9H.2 shall be
50 assessed a civil penalty of not more than twenty-five

Page 3

1 thousand dollars. A processor acting in violation of
2 section 9H.2, subsection 2, commits a fraudulent
3 practice as provided in chapter 714. The attorney
4 general or any person injured by a violation of the
5 subsection may bring an action in district court to
6 restrain a processor from violating the subsection. A
7 seller who receives a discriminatory price or who is
8 offered only a discriminatory price for livestock
9 based upon a violation of the subsection by a
10 processor has a civil cause of action against the
11 processor and, if successful, shall be awarded treble
12 damages.

13 2. The courts of this state may prevent and
14 restrain violations of this chapter through the
15 issuance of an injunction. The attorney general or a
16 county attorney shall institute suits on behalf of the
17 state to prevent and restrain violations of this
18 chapter."

19 2. Title page, line 1, by striking the words "by
20 persons owning or leasing" and inserting the

- 21 following: "in".
 22 3. Title page, line 2, by inserting after the
 23 word "land" the following: "and livestock".

KOENIGS of Mitchell
 WEIGEL of Chickasaw

H-1372

- 1 Amend House File 681 as follows:
 2 1. Page 1, line 11, by striking the words "large
 3 and".
 4 2. Page 3, line 4, by striking the words "the
 5 person or entity" and inserting the following: "a
 6 person who owns or operates a small business as
 7 defined in section 17A.31, a family farm, or a family
 8 farm business entity within the scope of section
 9 9H.1".
 10 3. Page 3, by inserting after line 11 the
 11 following:
 12 "Sec. . NEW SECTION. 455H.4 APPLICABILITY.
 13 The benefits conferred by this chapter apply only
 14 to environmental audits for facilities used in a small
 15 business as defined in section 17A.31, a family farm,
 16 or a family farm business entity within the scope of
 17 section 9H.1."
 18 4. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1373

- 1 Amend House File 681 as follows:
 2 1. Page 1, line 3, by striking the words "and
 3 Immunity".
 4 2. Page 1, line 10, by striking the words "and
 5 prosecution".
 6 3. Page 1, lines 19 and 20, by striking the words
 7 "and limited immunity is provided".
 8 4. By striking page 7, line 17, through page 10,
 9 line 3.
 10 5. Page 10, by striking lines 11 through 17.
 11 6. Page 10, line 18, by striking the figure "2."
 12 7. Page 10, line 27, by striking the words
 13 "established in this chapter, and the".
 14 8. Page 10, line 28, by striking the words
 15 "presumption and immunity".
 16 9. By renumbering as necessary.

MASCHER of Johnson

H-1374

- 1 Amend House File 681 as follows:
2 1. By striking page 6, line 23, through page 7,
3 line 16.
4 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1375

- 1 Amend House File 681 as follows:
2 1. Page 1, line 27, by inserting after the word
3 "Act" the following: "by an independent environmental
4 auditor certified by the department".
5 2. Page 2, line 4, by inserting after the word
6 "may" the following: "authorize a certified
7 independent environmental auditor to".
8 3. Page 2, line 25, by inserting after the word
9 "prepared" the following: "and certified in
10 accordance with rules of the department".
11 4. Page 2, line 35, by inserting after the word
12 "updates" the following: "certified by the auditor in
13 accordance with rules of the department".
14 5. Page 3, by inserting after line 11 the
15 following:
16 "Sec. . NEW SECTION. 455H.3A CERTIFICATION
17 AND REPORTING.
18 The department shall adopt rules providing for the
19 certification of independent environmental auditors,
20 certification of environmental audit reports and
21 updates by auditors, notification of audit
22 commencement by certified auditors, and filing of
23 summaries of audit reports and updates by certified
24 auditors. Notwithstanding any audit report privilege
25 provisions contained elsewhere in this chapter, the
26 rules shall require a certified auditor to file with
27 the department a notice of commencement of an audit, a
28 notice of completion of the audit, and a summary
29 report of the scope of the audit, including the
30 recommendations for corrective actions and practices
31 which were included in the audit report to improve
32 compliance with environmental laws. Each notice and
33 summary report shall include the identification of the
34 owner or operator and affected facilities."
35 6. Page 3, line 26, by inserting before the word
36 "A" the following: "Eligibility of the owner or
37 operator for any benefit conferred by this chapter
38 shall be contingent on compliance with all
39 certification and reporting requirements imposed by

40 this chapter and rules which implement this chapter."
 41 7. By renumbering as necessary.

BURNETT of Story

H-1376

1 Amend House File 681 as follows:
 2 1. Page 3, by inserting after line 11 the
 3 following:
 4 "Sec. NEW SECTION. 455H.3A NOTICE AND
 5 REPORTING.
 6 The department shall adopt rules providing for the
 7 certification of environmental audit reports and
 8 updates by auditors, notification of audit
 9 commencement by auditors, and filing of summaries of
 10 audit reports and updates by auditors.
 11 Notwithstanding any audit report privilege provision
 12 contained elsewhere in this chapter, the rules shall
 13 require an owner or operator to file with the
 14 department a notice of commencement of an audit, a
 15 notice of completion of the audit, and a summary
 16 report of the scope of the audit, including the
 17 recommendations for corrective actions and practices
 18 which were included in the audit report to improve
 19 compliance with environmental laws. Each notice and
 20 summary report shall include the identification of the
 21 owner or operator and affected facilities."
 22 2. Page 3, line 26, by inserting before the word
 23 "A" the following: "Eligibility of the owner or
 24 operator for any benefit conferred by this chapter
 25 shall be contingent on compliance with all
 26 certification and reporting requirements imposed by
 27 this chapter and rules which implement this chapter."
 28 3. By renumbering as necessary.

BURNETT of Story

H-1377

1 Amend House File 681 as follows:
 2 1. Page 3, by inserting after line 11 the
 3 following:
 4 "Sec. NEW SECTION. 455H.3A SCOPE.
 5 Notwithstanding any other provision of this
 6 chapter, the privileges and immunities conferred by
 7 this chapter shall not apply in a civil or criminal
 8 action against an owner or operator for penalties for
 9 discharge of a pollutant which resulted in violation
 10 of water quality standards applicable to a surface
 11 water body or resulted in contamination of
 12 groundwater."
 13 2. By renumbering as necessary.

HUSER of Polk

H-1380

1 Amend House File 681 as follows:

2 1. By striking page 1, line 1, through page 10,
3 line 31, and inserting the following:

4 "Section 1. NEW SECTION. 455H.1 TITLE.

5 This chapter shall be known and cited as the
6 "Environmental Audit and Voluntary Compliance Act".

7 Sec. ____ NEW SECTION. 455H.2 FINDINGS AND
8 DECLARATIONS.

9 The general assembly finds and declares that
10 protection of the environment is enhanced by voluntary
11 compliance with state environmental requirements and
12 that the public will benefit from incentives to
13 voluntarily identify and remedy environmental
14 noncompliance issues. It is further declared that
15 limited expansion of the protection against
16 prosecution will encourage regulated entities, large
17 and small, to voluntarily discover, correct, and
18 prevent instances of noncompliance with state
19 environmental requirements resulting in enhanced
20 protection of human health and the environment in the
21 state. The provisions of this chapter will not
22 inhibit the exercise of regulatory authority by those
23 persons entrusted with protecting the environment.
24 Therefore, an environmental audit and voluntary
25 compliance program is created and limited immunity is
26 provided to improve compliance with environmental
27 laws.

28 Sec. ____ NEW SECTION. 455H.3 DEFINITIONS.

29 As used in this chapter:

- 30 1. "Department" means the department of natural
31 resources created in chapter 455A.
- 32 2. "Director" means the director of the department
33 of natural resources or the director's designee.
- 34 3. "Environmental audit" means a voluntary,
35 systematic, objective, and documented internal
36 evaluation conducted by an owner or operator after the
37 effective date of this Act at one or more facilities,
38 or of processes, activities, or management systems
39 related to a facility, regulated under state
40 environmental requirements that are designed to
41 identify and correct noncompliance and prevent future
42 noncompliance. An environmental audit may be
43 conducted by the owner or operator of the facility, by
44 an employee of the owner or operator of the facility,
45 by an officer or director of the facility, by an
46 independent contractor hired by the owner or operator
47 of the facility, or by the attorney of the owner or
48 operator of the facility provided, however, that the
49 person performing the audit possesses a knowledge of
50 the facility and of state environmental requirements

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1 reasonably necessary to conduct the audit. An
2 environmental audit within the meaning of this chapter
3 shall include the preparation of an environmental
4 audit report.

5 4. "Environmental audit report" means a formal
6 written report which is a single, discreet set of
7 documents clearly identified as the environmental
8 audit report and containing information generated and
9 collected in the course of conducting an environmental
10 audit. The report includes any information which is
11 collected and developed for the primary purpose of
12 conducting an environmental audit. The report
13 includes at a minimum all of the following components:

14 a. A report describing the scope of the
15 environmental audit including the starting and ending
16 dates.

17 b. The names and qualifications of the person
18 performing the environmental audit.

19 c. A summary of findings and conclusions resulting
20 from the environmental audit.

21 d. Identification of areas of noncompliance
22 identified during the environmental audit.

23 e. Proposed steps for correcting noncompliance.

24 f. If more than sixty calendar days will be
25 required to correct an area of noncompliance, a
26 compliance schedule identifying the time needed and
27 interim compliance measures to be taken to correct the
28 noncompliance and a statement of reasons supporting
29 the time periods needed.

30 g. Proposed steps and schedules designed to
31 prevent future noncompliance including consideration
32 of pollution prevention alternatives.

33 h. Appendices and exhibits appropriate to support
34 the findings, conclusions, and proposed steps and
35 schedules.

36 5. "Facility" means all buildings, equipment,
37 structures, and other stationary items that are
38 located on a single site or on contiguous or adjacent
39 sites and that are owned or operated by the same
40 person.

41 6. "Owner or operator" means the person or entity
42 who causes an environmental audit to be undertaken.
43 "Owner or operator" does not include a prospective
44 purchaser who caused the environmental audit to be
45 undertaken.

46 7. "Pollution prevention" means the elimination or
47 reduction of the use, generation, or release of
48 pollutants at their source.

49 8. "State" means the department of natural
50 resources, the attorney general, and all political

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1 subdivisions of the state.

2 9. "State environmental requirement" means laws
3 administered by the department, rules adopted by the
4 department, permits or orders issued by the
5 department, an agreement entered into with the
6 department, or a court order issued pursuant to any of
7 the foregoing, or regulations under an ordinance or
8 other legally binding requirement of a political
9 subdivision of the state under authority granted by
10 state law relating to environmental protection.

11 Sec. ____ NEW SECTION. 455H.4 PROGRAM
12 ELIGIBILITY REQUIREMENTS.

13 In order to be eligible to participate in and enjoy
14 any of the benefits and privileges of this chapter, an
15 owner or operator must satisfy all of the following
16 conditions:

17 1. The owner's or operator's facility must not be
18 under a current enforcement action in the form of an
19 outstanding and unsatisfied administrative order,
20 referral to the attorney general, pending civil or
21 criminal court action, or outstanding and unsatisfied
22 court judgment.

23 2. At least twelve calendar months must have
24 elapsed since the final disposition of the last
25 enforcement action in the form of an administrative
26 order, referral to the attorney general, or civil or
27 criminal court action involving the facility.

28 3. At least twelve calendar months must have
29 elapsed since the submission of the last environmental
30 audit pursuant to this chapter for the facility.

31 4. The owner or operator must provide the director
32 with at least thirty calendar days' written notice of
33 intent to conduct an environmental audit meeting the
34 requirements of this chapter. This notification shall
35 include the projected starting and ending dates of the
36 audit. The notification shall also include a
37 certification of the owner or operator of the facility
38 that the applicable requirements of this section are
39 met.

40 5. The owner or operator must submit an
41 environmental audit report meeting the requirements of
42 section 455H.3, subsection 4, to the director within
43 sixty calendar days after the ending date of the
44 environmental audit. If the report identifies a
45 violation of an ordinance or other legally binding
46 requirement enacted by a political subdivision of the
47 state under authority granted by state law relating to
48 environmental protection, the owner or operator shall
49 also submit a copy of the environmental audit report
50 to the political subdivision within sixty calendar

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1 days after the ending date of the environmental audit.
2 6. Submit to the director a written commitment
3 signed by the owner or operator of the facility to
4 correct areas of noncompliance identified in the
5 environmental audit report within sixty calendar days
6 or in accordance with the compliance schedule
7 contained in the environmental audit report.

8 7. The owner or operator must correct all areas of
9 noncompliance in accordance with the compliance
10 schedule as approved or extended by the director.

11 Sec. ____ NEW SECTION. 455H.5 REVIEW OF
12 COMPLIANCE SCHEDULES.

13 1. A compliance schedule submitted as part of an
14 environmental audit report in accordance with the
15 requirements of section 455H.3, subsection 4, shall be
16 subject to review and approval by the director. In
17 reviewing and approving a compliance schedule, the
18 director shall take into account information supplied
19 by the owner or operator as part of the environmental
20 audit report and information developed or obtained by
21 the department. In the event of a dispute over
22 approval of the compliance schedule, the owner or
23 operator may request a hearing pursuant to chapter
24 17A. A compliance schedule may be amended by written
25 agreement between the director and the owner or
26 operator.

27 2. The decision to approve a compliance schedule
28 shall be based on consideration of all of the
29 following factors:

- 30 a. The nature and extent of the noncompliance.
- 31 b. The severity of the impact or threat to the
32 environment, public health, or public safety resulting
33 from the noncompliance.
- 34 c. The economic benefits, if any, resulting from
35 the noncompliance and the current economic
36 circumstances of the facility.
- 37 d. The availability of equipment, material, and
38 technical expertise necessary to correct the
39 noncompliance.
- 40 e. The time needed to implement pollution
41 prevention opportunities as an alternative to
42 pollution control approaches to correct the
43 noncompliance.

44 Sec. ____ NEW SECTION. 455H.6 DEFERRAL OF
45 ENFORCEMENT.

46 1. The state shall defer for at least ninety
47 calendar days the enforcement of state environmental
48 requirements against the owner or operator of a
49 facility if an environmental audit report has been
50 submitted to the director and the owner or operator

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1 meets the requirements of section 455H.4, subsections
2 1 through 6. If the report includes a compliance
3 schedule, and the compliance schedule is approved
4 under section 455H.5, the state shall defer
5 enforcement for the term of the approved compliance
6 schedule unless the owner or operator of the facility
7 fails to meet an interim compliance date contained in
8 the compliance schedule.

9 2. If within ninety calendar days after an
10 environmental audit report meeting the requirements of
11 section 455H.3, subsection 4, is received by the
12 director or within the time specified in an approved
13 compliance schedule, the owner or operator of a
14 facility corrects the areas of noncompliance
15 identified in the environmental audit report and
16 certifies to the director that the areas of
17 noncompliance have been corrected, the state shall not
18 impose any administrative or civil penalties against
19 the owner or operator of the facility for the reported
20 areas of noncompliance.

21 3. Notwithstanding subsections 1 and 2, the state
22 may at any time bring an enforcement action, which may
23 include a penalty, against the owner or operator of a
24 facility if any of the following instances occurs:

25 a. Less than one year has elapsed since final
26 resolution of an enforcement action against an owner
27 or operator in the form of an administrative order, or
28 a civil or criminal court action against the facility
29 for noncompliance with laws administered by the
30 department, rules adopted by the department, permits
31 or orders issued by the department, an agreement
32 entered into with the department, or a court order
33 issued pursuant to any of the foregoing and the owner
34 or operator was also shown as having been in
35 noncompliance in the report required under section
36 455H.3, subsection 4.

37 b. The facility has previously been found by the
38 state to have three or more instances of noncompliance
39 with state environmental requirements within the past
40 three years.

41 c. An instance of noncompliance causes serious
42 harm to public health, public safety, or the
43 environment.

44 d. An instance of noncompliance creates an
45 imminent threat to public health, public safety, or
46 the environment.

47 4. If the state finds one of the conditions in
48 subsection 3 exists, the state shall take into account
49 good faith efforts by the owner or operator to comply
50 with laws, rules, permits, or orders issued by the

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1 department, an agreement entered into with the
2 department, or a court order issued pursuant to any of
3 the foregoing in deciding whether to pursue an
4 enforcement action, whether an enforcement action
5 should be administrative, civil, or criminal, and
6 what, if any, penalty should be imposed. In
7 determining whether the owner or operator has acted in
8 good faith, the state shall consider all of the
9 following:

10 a. Whether when noncompliance was discovered, the
11 owner or operator took corrective actions that were
12 timely and appropriate under the circumstances.

13 b. Whether the owner or operator exercised
14 reasonable care in attempting to prevent noncompliance
15 and ensure compliance with environmental requirements.

16 c. Whether the noncompliance resulted in
17 significant economic benefit to the regulated entity.

18 d. Whether prior to implementing the environmental
19 audit and voluntary compliance program, the owner or
20 operator had a history of good faith efforts to comply
21 with laws, rules, permits, or orders issued by the
22 department, an agreement entered into with the
23 department, or a court order issued pursuant to any of
24 the foregoing relating to environmental protection
25 requirements.

26 e. Whether the owner or operator demonstrated good
27 faith efforts to achieve compliance since implementing
28 an environmental audit and voluntary compliance
29 program.

30 f. Whether the owner or operator has demonstrated
31 efforts to implement pollution prevention
32 opportunities.

33 5. Nothing in this chapter precludes the state
34 from taking any enforcement action the state is
35 authorized to take with respect to noncompliance
36 discovered by the state prior to the time an owner or
37 operator has submitted an environmental audit report
38 meeting the requirements of section 455H.3, subsection
39 4, to the director, or not identified and addressed as
40 an area of noncompliance within the environmental
41 audit report submitted to the director.

42 Sec. ____ NEW SECTION. 455H.7 ACCESS TO
43 ENVIRONMENTAL AUDIT REPORTS.

44 After receipt by the director of a final
45 environmental audit report meeting the requirements of
46 section 455H.3, subsection 4, the final environmental
47 audit report shall be considered a public record
48 within the meaning and governed by provisions of
49 chapter 22. An owner or operator may request that
50 information submitted to the director as part of the

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1 environmental audit report be treated as confidential
2 records as that term is defined in section 22.7. Any
3 information found to be a confidential record within
4 the meaning of section 22.7 shall not be considered a
5 public record. Participation by an owner or operator
6 in the environmental audit and voluntary compliance
7 program does not waive, minimize, reduce, expand, or
8 otherwise affect the level of protection or
9 confidentiality that exists under law with respect to
10 any other documents relating to an environmental
11 audit.

12 Sec. ____ NEW SECTION. 455H.8 ENVIRONMENTAL
13 AUDIT REPORTS INADMISSIBLE.

14 1. After receipt by the director of an
15 environmental audit report in compliance with sections
16 455H.3 and 455H.4, an environmental audit report is
17 not discoverable or admissible as evidence in any
18 civil, criminal, or administrative proceeding or in
19 response to a regulatory inspection, or inquiry,
20 except as otherwise provided in this chapter.

21 2. After receipt by the director of an
22 environmental audit report in compliance with sections
23 455H.3 and 455H.4, the owner or operator, or a person
24 who conducts an environmental audit for an owner or
25 operator, shall not be compelled to testify regarding
26 any information obtained solely through the
27 environmental audit and part of the environmental
28 audit report submitted to the director, without
29 consent of the owner or operator, unless ordered to do
30 so by a court of record or administrative tribunal.
31 This subsection does not apply if the environmental
32 audit is subject to an exception under section 455H.6.

33 3. The prohibitions in subsections 1 and 2 shall
34 apply only if both of the following conditions are
35 met:

36 a. The environmental audit report submitted to the
37 director meets all the requirements of section 455H.3,
38 subsection 4.

39 b. The owner or operator is in compliance with a
40 compliance schedule, if any, as approved or extended
41 by the director under section 455H.5.

42 4. The prohibition on admissibility shall not
43 extend to any of the following regardless of whether
44 or not they are included within an environmental audit
45 report:

46 a. Documents, communications, data, reports, or
47 other information required to be collected, developed,
48 maintained, reported, or otherwise made available to a
49 regulatory agency pursuant to local, state, or federal
50 environmental laws or regulations. However, the

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- 1 prohibition shall extend to any observations,
- 2 findings, opinions, suggestions, or conclusions
- 3 derived from the above by the person conducting the
- 4 environmental audit.
- 5 b. Information obtained from observation,
- 6 sampling, or monitoring by any regulatory agency.
- 7 c. Information legally obtained from a source
- 8 independent of the environmental audit or from a
- 9 person who did not obtain the information from the
- 10 environmental audit or the environmental audit report.
- 11 d. Machinery and equipment maintenance records.
- 12 5. The prohibition on admissibility shall not
- 13 apply if a court or administrative tribunal determines
- 14 any of the following or determines that there is a
- 15 genuine issue of material fact which is germane to the
- 16 pending proceeding, as to any of the following:
- 17 a. The prohibition is asserted for a fraudulent
- 18 purpose.
- 19 b. The owner or operator was not eligible for
- 20 participation under section 455H.4, the environmental
- 21 audit report does not meet the requirements of section
- 22 455H.3, subsection 4, or the owner or operator has
- 23 failed to comply with the compliance schedule approved
- 24 under section 455H.5.
- 25 c. The environmental audit report or related
- 26 documents include material misrepresentations, or
- 27 there is evidence of perjury as to which the audit
- 28 report or testimony may be material.
- 29 d. The material is not subject to the prohibition.
- 30 e. The material, otherwise subject to the
- 31 prohibition, shows evidence of noncompliance with
- 32 local, state, or federal environmental laws and
- 33 appropriate efforts to achieve compliance with local,
- 34 state, or federal environmental laws were not
- 35 initiated and pursued with reasonable diligence upon
- 36 discovery of noncompliance.
- 37 f. The material, otherwise subject to the
- 38 prohibition, shows that violations of local, state, or
- 39 federal environmental laws were intentional or
- 40 repeated, or shows that violations of local, state, or
- 41 federal environmental laws resulted in substantial
- 42 harm to the public health or the environment. The
- 43 court or administrative tribunal may find admissible
- 44 only those portions of an environmental audit report
- 45 relevant to the issue in dispute.
- 46 g. The proceeding is an enforcement action
- 47 permitted under section 455H.6 or one to determine any
- 48 issue arising under this chapter.
- 49 h. The proceeding is one to determine whether the
- 50 owner or operator of the facility in question is

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1 eligible for any immunities or liability protections
 2 provided by any other law.

3 6. The owner or operator and the state may at any
 4 time stipulate to entry of an order directing that
 5 specific information contained in an environmental
 6 audit report is or is not subject to the prohibition
 7 under this section.

8 Sec. ____ NEW SECTION. 455H.9 NO EFFECT ON OTHER
 9 RIGHTS OR PRIVILEGES.

10 Nothing in this chapter shall limit, waive, or
 11 abrogate any of the following:

12 1. Rights of an owner or operator who chooses not
 13 to participate, or is not eligible to participate, in
 14 the environmental audit and voluntary compliance
 15 program.

16 2. Rights of other persons relative to matters
 17 addressed by the environmental audit and voluntary
 18 compliance program.

19 3. The scope or nature of any statutory or common
 20 law privilege, including the work product doctrine and
 21 the attorney-client privilege.

22 Sec. ____ NEW SECTION. 455H.10 REPORTS REQUIRED
 23 BY LAW.

24 Nothing in this chapter alters the obligation of
 25 any person to report releases, violations, or other
 26 matters that are required to be reported by state or
 27 federal law, rule, permit, or administrative or
 28 judicial order."

29 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1383

1 Amend House File 681 as follows:

2 1. Page 2, by striking lines 2 through 6 and
 3 inserting the following: "environmental management
 4 system or process. An environmental audit may be
 5 conducted by the owner or operator of the facility, by
 6 an employee of the owner or operator of the facility,
 7 by an officer or director of the facility, by an
 8 independent contractor of the facility provided the
 9 person participating in the audit possesses a
 10 knowledge of the facility and of the state
 11 environmental requirements."

12 2. Page 4, by striking line 9 and inserting the
 13 following: "privilege under sections 455B.484A and
 14 455H.4:"

15 3. Page 7, by inserting after line 16 the
 16 following:

17 "5. An employee who reports environmental

- 18 noncompliance and who is acting on the reasonable
 19 belief of either of the following shall be exempt from
 20 this section:
- 21 a. There was a willful or fraudulent attempt on
 22 the part of the owner or operator to suppress evidence
 23 of violations which harm public health or the
 24 environment.
- 25 b. There were compliance actions which were not
 26 being undertaken promptly, in good faith, or
 27 competently, and such information was being
 28 suppressed."
- 29 4. Page 9, by striking lines 23 through 25 and
 30 inserting the following: "disclosure."
- 31 5. Page 9, line 32, by striking the word
 32 "mitigate" and inserting the following: "consider
 33 mitigating".
- 34 6. Page 10, by striking lines 25 through 31.

BRADLEY of Clinton
 WITT of Black Hawk

H-1384

- 1 Amend House File 681 as follows:
- 2 1. Page 3, lines 10 and 11, by striking the words
 3 "clear, present, and impending" and inserting the
 4 following: "condition of acute toxicity in a water of
 5 the state or other damage or".

HOLVECK of Polk

H-1385

- 1 Amend House File 681 as follows:
- 2 1. Page 10, by inserting after line 31 the
 3 following:
- 4 "Sec. ____ NEW SECTION. 455H.12 APPLICABILITY.
 5 Notwithstanding any other provision of this
 6 chapter, the privileges and immunities conferred by
 7 this chapter do not apply to environmental audits of
 8 facilities or practices used in the storage or
 9 disposal of animal waste produced at a confinement
 10 feeding operation regulated under chapter 455B."

MASCHER of Johnson

H-1390

- 1 Amend House File 644 as follows:
- 2 1. Page 1, line 10, by inserting after the word
 3 "transaction" the following: "or to a commercial real
 4 estate transaction of one million dollars or greater".
- 5 2. Page 1, line 16, by inserting after the word

6 "transaction" the following: "or with respect to a
 7 commercial real estate transaction of one million
 8 dollars or greater".

9 3. Page 1, line 21, by inserting after the word
 10 "transaction" the following: "or with respect to a
 11 commercial real estate transaction of one million
 12 dollars or greater".

13 4. Page 1, line 26, by inserting after the word
 14 "transaction" the following: "or to a commercial real
 15 estate transaction of one million dollars or greater".

16 5. Page 2, line 1, by inserting after the word
 17 "transaction" the following: "or to the commercial
 18 real estate transaction of one million dollars or
 19 greater".

20 6. Page 2, line 16, by inserting after the word
 21 "TRANSACTION" the following: "OR CERTAIN COMMERCIAL
 22 TRANSACTIONS".

23 7. Page 2, line 18, by inserting after the word
 24 "transaction" the following: "or to a commercial real
 25 estate transaction of one million dollars or greater".

26 8. Page 3, line 2, by inserting after the word
 27 "agreement" the following: "or into a commercial real
 28 estate brokerage agreement for a transaction of one
 29 million dollars or greater".

30 9. Page 3, line 13, by inserting after the word
 31 "transaction" the following: "or in a commercial real
 32 estate transaction of one million dollars or greater".

33 10. Page 3, line 28, by inserting after the word
 34 "agreement" the following: "or into a commercial real
 35 estate brokerage agreement for a transaction of one
 36 million dollars or greater".

37 11. Page 3, line 32, by inserting after the word
 38 "TRANSACTION" the following: "OR CERTAIN COMMERCIAL
 39 TRANSACTIONS".

40 12. Page 3, line 35, by inserting after the word
 41 "transactions" the following: "or in commercial real
 42 estate transactions of one million dollars or
 43 greater".

44 13. Title page, line 2, by striking the word
 45 "residential".

HOLVECK of Polk

H-1391

1 Amend House File 681 as follows:

2 1. Page 1, line 3, by striking the words
 3 "Privilege and".

4 2. Page 1, line 10, by striking the words
 5 "disclosure and".

6 3. Page 1, by striking lines 17 through 19 and
 7 inserting the following: "environment. Therefore,
 8 limited".

- 9 4. Page 2, line 10, by striking the words "
 10 privileged document".
 11 5. Page 3, by striking lines 8 and 9.
 12 6. By striking page 3, line 12, through page 7,
 13 line 16.
 14 7. Page 8, by striking lines 5 and 6.
 15 8. Page 10, line 4, by striking the word "OTHER".
 16 9. Page 10, by striking lines 25 through 31.
 17 10. Title page, by striking lines 1 and 2 and
 18 inserting the following: "An Act relating to
 19 environmental audit reports."
 20 11. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1394

- 1 Amend the amendment, H-1383, to House File 681 as
 2 follows:
 3 1. Page 1, by striking lines 13 through 14 and
 4 inserting the following: "following: "privilege
 5 provisions under section 455H.4 and the
 6 confidentiality provisions under sections 268.4 and
 7 455B.484A:" "

BRADLEY of Clinton
 WITT of Black Hawk

H-1396

- 1 Amend the amendment, H-1344, to House File 644 as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "transaction" the following: "or to a commercial real
 5 estate transaction of five hundred thousand dollars or
 6 less".
 7 2. Page 1, line 10, by striking the words
 8 "~~written a~~" and inserting the following: "a written".
 9 3. Page 1, line 32, by striking the words "for
 10 residential property".
 11 4. Page 1, by inserting after line 39 the
 12 following:
 13 "_. Title page, line 2, by striking the word
 14 "residential".
 15 5. By renumbering as necessary.

HOLVECK of Polk

H-1397

- 1 Amend the amendment, H-1344, to House File 644, as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word

- 4 "transaction" the following: "or to a commercial real
 5 estate transaction of one million dollars or less".
 6 2. Page 1, line 10, by striking the words
 7 "written a" and inserting the following: "a written".
 8 3. Page 1, line 32, by striking the words "for
 9 residential property".
 10 4. Page 1, by inserting after line 39 the
 11 following:
 12 "_. Title page, line 2, by striking the word
 13 "residential".
 14 5. By renumbering as necessary.

HOLVECK of Polk

H-1398

- 1 Amend the amendment, H-1390, to House File 644 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 12 and
 4 inserting the following:
 5 "_. Page 1, line 10, by inserting after the
 6 word "transaction" the following: "or to a commercial
 7 real estate transaction of five hundred thousand
 8 dollars or less".
 9 __. Page 1, line 16, by inserting after the word
 10 "transaction" the following: "or with respect to a
 11 commercial real estate transaction of five hundred
 12 thousand dollars or less".
 13 __. Page 1, line 21, by inserting after the word
 14 "transaction" the following: "or with respect to a
 15 commercial real estate transaction of five hundred
 16 thousand dollars or less".
 17 2. Page 1, by striking lines 13 through 19 and
 18 inserting the following:
 19 "_. Page 1, line 26, by inserting after the
 20 word "transaction" the following: "or to a commercial
 21 real estate transaction of five hundred thousand
 22 dollars or less".
 23 __. Page 2, line 1, by inserting after the word
 24 "transaction" the following: "or to the commercial
 25 real estate transaction of five hundred thousand
 26 dollars or less".
 27 3. Page 1, by striking lines 20 through 45 and
 28 inserting the following:
 29 "_. Page 2, line 16, by inserting after the
 30 word "TRANSACTION" the following: "OR CERTAIN
 31 COMMERCIAL TRANSACTIONS".
 32 __. Page 2, line 18, by inserting after the word
 33 "transaction" the following: "or to a commercial real
 34 estate transaction of five hundred thousand dollars or
 35 less".
 36 __. Page 3, line 2, by inserting after the word
 37 "agreement" the following: "or into a commercial real

38 estate brokerage agreement for a transaction of five
 39 hundred thousand dollars or less".

40 __. Page 3, line 13, by inserting after the word
 41 "transaction" the following: "or in a commercial real
 42 estate transaction of five hundred thousand dollars or
 43 less".

44 __. Page 3, line 28, by inserting after the word
 45 "agreement" the following: "or into a commercial real
 46 estate brokerage agreement for a transaction of five
 47 hundred thousand dollars or less".

48 __. Page 3, line 32, by inserting after the word
 49 "TRANSACTION" the following: "OR CERTAIN COMMERCIAL
 50 TRANSACTIONS".

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1 __. Page 3, line 35, by inserting after the word
 2 "transactions" the following: "or in commercial real
 3 estate transactions of five hundred thousand dollars
 4 or less".

5 __. Title page, line 2, by striking the word
 6 "residential".

7 4. By renumbering as necessary.

HOLVECK of Polk

H-1399

1 Amend the amendment, H-1390, House File 644 as
 2 follows:

3 1. Page 1, by striking lines 2 through 12 and
 4 inserting the following:

5 " __. Page 1, line 10, by inserting after the
 6 word "transaction" the following: "or to a commercial
 7 real estate transaction of one million dollars or
 8 less".

9 __. Page 1, line 16, by inserting after the word
 10 "transaction" the following: "or with respect to a
 11 commercial real estate transaction of one million
 12 dollars or less".

13 __. Page 1, line 21, by inserting after the word
 14 "transaction" the following: "or with respect to a
 15 commercial real estate transaction of one million
 16 dollars or less".

17 2. Page 1, by striking lines 13 through 19 and
 18 inserting the following:

19 " __. Page 1, line 26, by inserting after the
 20 word "transaction" the following: "or to a commercial
 21 real estate transaction of one million dollars or
 22 less".

23 __. Page 2, line 1, by inserting after the word
 24 "transaction" the following: "or to the commercial
 25 real estate transaction of one million dollars or

26 less".

27 3. Page 1, by striking lines 20 through 45 and
28 inserting the following:

29 " Page 2, line 16, by inserting after the
30 word "TRANSACTION" the following: "OR CERTAIN
31 COMMERCIAL TRANSACTIONS".

32 " Page 2, line 18, by inserting after the word
33 "transaction" the following: "or to a commercial real
34 estate transaction of one million dollars or less".

35 " Page 3, line 2, by inserting after the word
36 "agreement" the following: "or into a commercial real
37 estate brokerage agreement for a transaction of one
38 million dollars or less".

39 " Page 3, line 13, by inserting after the word
40 "transaction" the following: "or in a commercial real
41 estate transaction of one million dollars or less".

42 " Page 3, line 28, by inserting after the word
43 "agreement" the following: "or into a commercial real
44 estate brokerage agreement for a transaction of one
45 million dollars or less".

46 " Page 3, line 32, by inserting after the word
47 "TRANSACTION" the following: "OR CERTAIN COMMERCIAL
48 TRANSACTIONS".

49 " Page 3, line 35, by inserting after the word
50 "transactions" the following: "or in commercial real

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1 estate transactions of one million dollars or less".

2 " Title page, line 2, by striking the word
3 "residential".

4 4. By renumbering as necessary.

HOLVECK of Polk

H-1404

1 Amend House File 613 as follows:

2 1. Page 5, by inserting after line 12 the
3 following:

4 "Sec. NEW SECTION. 12.51 MAIN STREET LINKED
5 INVESTMENTS LOAN PROGRAM.

6 The treasurer of state shall adopt rules to
7 implement a main street linked investments loan
8 program to increase the availability of lower cost
9 funds to stimulate building restorations or
10 rehabilitations of historic buildings within the
11 central business district of a city which is a
12 certified local government, or in the Iowa main street
13 program or the rural main street program. The rules
14 shall include the following conditions:

15 1. Linked investment loans shall be limited to
16 projects for a building restoration or rehabilitation

17 located in the central business district whose
18 boundaries are the same as the main street or rural
19 main street or central business district of a city
20 which is a certified local government project area.

21 2. Eligible borrowers are limited to the property
22 owner, contract purchaser of record, or long-term
23 lessee.

24 3. Loan applications under this program shall be
25 for the restoration or rehabilitation of facades of
26 buildings which are eligible or nominated or listed on
27 the national register of historic places. Public
28 buildings are excluded.

29 4. A facade restoration or rehabilitation must
30 follow United States secretary of interior's standards
31 for rehabilitation and guidelines for rehabilitating
32 historic buildings.

33 5. The maximum loan amount under the main street
34 linked investments loan program is fifty thousand
35 dollars per project.

36 6. Not more than one-third of the amount
37 authorized in section 12.34 may be used for purposes
38 of this program and the rural small business transfer
39 linked investment loan program under section 12.40.

40 Sec. ____ NEW SECTION. 12.52 APPLICATION
41 PROCESS.

42 Applicants shall be certified as eligible for
43 assistance prior to submitting applications to the
44 treasurer of state for loans under the main street
45 linked investment loan program. Administrative rules
46 pursuant to chapter 17A shall be adopted jointly by
47 the department of economic development and by the
48 department of cultural affairs to require applicants
49 to do the following:

50 1. Show evidence of preliminary design assistance

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1 from the Iowa main street program of the department of
2 economic development or the state historic
3 preservation office of the department of cultural
4 affairs.

5 2. Show evidence of preliminary design review
6 approval from the local design review committee.

7 3. Submit project plans and specifications
8 prepared by an architect with historic preservation
9 experience. The plans shall be submitted to a final
10 design review board comprised of representatives of
11 the state historic preservation office, the Iowa main
12 street program, and one private sector architect
13 selected jointly by the directors of the departments
14 of economic development and cultural affairs. The
15 treasurer of state or the treasurer of state's
16 designee shall serve as an ad hoc member of the

17 design review board. The design review board shall
 18 provide certification of eligible projects to the
 19 treasurer of state following the review."
 20 2. By renumbering as necessary.

WARNSTADT of Woodbury
 WHITEAD of Woodbury

H-1406

1 Amend House File 706 as follows:
 2 1. Title page, by striking lines 1 and 2 and
 3 inserting the following: "An Act to reduce the number
 4 of independent family farmers in this state."

KOENIGS of Mitchell

H-1410

1 Amend House File 708 as follows:
 2 1. Page 18, by inserting after line 23 the
 3 following:
 4 "Section . Section 335.2, Code 1997, is amended
 5 to read as follows:
 6 335.2 FARMS EXEMPT.
 7 1. Except to the extent required to implement
 8 section 335.27, no as provided in subsection 2, an
 9 ordinance adopted under this chapter applies shall not
 10 apply to land, farm including houses, farm barns, farm
 11 outbuildings, or other buildings or structures located
 12 on land which are is primarily adapted, by reason of
 13 nature and area, for use for agricultural purposes,
 14 while so used. However, the ordinances may apply to
 15 any
 16 2. Subsection 1 shall not apply to any of the
 17 following:
 18 a. The construction or expansion of an anaerobic
 19 lagoon or earthen manure storage basin used in
 20 connection with an animal feeding operation regulated
 21 by the department of natural resources as provided in
 22 chapter 455B.
 23 b. An ordinance required to implement an
 24 agricultural preservation ordinance, as provided in
 25 section 335.27.
 26 c. A structure, building, dam, obstruction,
 27 deposit or excavation in or on the flood plains of any
 28 river or stream."
 29 2. Page 19, by inserting after line 11 the
 30 following:
 31 "Sec. . Section 455B.112, Code 1997, is amended
 32 to read as follows:
 33 455B.112 ACTIONS BY ATTORNEY GENERAL.
 34 In addition to the duty to commence legal

35 proceedings at the request of the director or
 36 commission under this chapter, the attorney general
 37 may institute civil or criminal proceedings, including
 38 an action for injunction, to enforce the provisions of
 39 this chapter including orders or permits issued or
 40 rules adopted under this chapter or to enforce the
 41 requirements of an ordinance adopted in a county
 42 pursuant to section 455B.167 or 455B.205.
 43 Sec. ____ NEW SECTION. 455B.167 AUTHORITY OF
 44 COUNTIES.

45 1. A county may adopt an ordinance providing
 46 requirements for the construction or expansion of an
 47 anaerobic lagoon or earthen manure storage basin which
 48 are more stringent than required in this part or rules
 49 adopted by the department pursuant to this part,
 50 including but not limited to providing separation

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1 distance requirements greater than provided pursuant
 2 to section 455B.161, requiring a separation distance
 3 between an anaerobic lagoon or earthen manure storage
 4 basin and the limits of a city, providing for more
 5 stringent requirements for the expansion of an
 6 anaerobic lagoon or earthen manure storage basin than
 7 provided in section 455B.162, and not applying an
 8 exemption provided pursuant to section 455B.165.

9 2. A person who violates a requirement adopted by
 10 a county pursuant to this section shall be subject to
 11 a civil penalty not to exceed five thousand dollars
 12 for each day of such violation, unless the violation
 13 is also a violation of state law. The violator shall
 14 be subject to prosecution by the county attorney in
 15 the county where the violation occurs. The person in
 16 violation may be restrained by an injunction in an
 17 action brought by the county attorney. The county
 18 board of supervisors may refer the case for
 19 prosecution to the attorney general who may initiate
 20 and carry out the prosecution in cooperation with the
 21 county attorney.

22 Sec. ____ Section 455B.171, Code 1997, is amended
 23 by adding the following new subsections:

24 NEW SUBSECTION. 1A. "Anaerobic lagoon" means the
 25 same as defined in section 455B.161.

26 NEW SUBSECTION. 2A. "Animal feeding operation
 27 structure" means the same as defined in section
 28 455B.161.

29 NEW SUBSECTION. 7A. "Earthen manure storage
 30 basin" means the same as defined in section 455B.161.

31 NEW SUBSECTION. 29A. "Spray irrigation equipment"
 32 means mechanical equipment commonly used for the
 33 artificial application of water to growing crops if
 34 the equipment is connected by hoses or pipes to an

35 animal feeding operation structure containing manure
 36 and the equipment is used for the aerial application
 37 of manure to growing crops.
 38 Sec. ____ NEW SECTION. 455B.205 AUTHORITY OF
 39 COUNTIES.
 40 1. A county may adopt an ordinance providing
 41 requirements for the storage of manure in an anaerobic
 42 lagoon or earthen manure storage basin and for the
 43 disposal of manure by using spray irrigation equipment
 44 which are more stringent than required pursuant to
 45 section 455B.201 or 455B.204, or rules adopted by the
 46 department.
 47 2. A person who violates a requirement adopted by
 48 a county pursuant to this section shall be subject to
 49 a civil penalty not to exceed ten thousand dollars for
 50 each day of such violation, unless the violation is

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1 also a violation of state law. The violator shall be
 2 subject to prosecution by the county attorney in the
 3 county where the violation occurs. The person in
 4 violation may be restrained by an injunction in an
 5 action brought by the county attorney. The county
 6 board of supervisors may refer the case for
 7 prosecution to the attorney general who may initiate
 8 and carry out the prosecution in cooperation with the
 9 county attorney."

KREIMAN of Davis

H-1413

1 Amend the amendment, H-1383, to House File 681 as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "facility" the following: "or a certified independent
 5 environmental auditor".
 6 2. Page 1, by inserting after line 11 the
 7 following:
 8 "____ Page 3, by inserting after line 11 the
 9 following:
 10 "Sec. ____ NEW SECTION. 455H.3A CERTIFICATION OF
 11 AUDITORS.
 12 The department shall adopt rules providing for the
 13 certification of independent environmental auditors.'"

BURNETT of Story

H-1414

1 Amend the amendment, H-1349, to House File 681 as
 2 follows:
 3 1. Page 1, by striking lines 4 and 5 and

- 4 inserting the following: "the violations are reported
5 by any third party."

MASCHER of Johnson

H-1415

- 1 Amend the amendment, H-1354, to House File 681 as
2 follows:
3 1. Page 1, line 4, by striking the word
4 "established" and inserting the following:
5 "approved".

MASCHER of Johnson

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

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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~~

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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

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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."

FREVERT of Palo Alto
FALLON of Polk

H-1428

1 Amend House File 706 as follows:
2 1. Page 5, line 8, by inserting after the word
3 "entities." the following: "The provisions of section
4 657.11 shall not apply to an authorized entity."
5 2. Page 7, by inserting after line 17 the
6 following:
7 "Sec. ____ Section 657.11, Code 1997, is amended

8 by adding the following new subsection:
 9 **NEW SUBSECTION.** 9. This section does not apply to
 10 a person organized as an authorized entity as defined
 11 in section 9H.1."

KOENIGS of Mitchell

H-1429

1 Amend House File 706 as follows:
 2 1. Page 2, line 20, by striking the words "Sixty
 3 percent" and inserting the following: "One hundred
 4 percent".
 5 '2. Page 2, line 20, by striking the words "and
 6 sixty" and inserting the following: "and one
 7 hundred".
 8 3. Page 2, line 31, by striking the word "Sixty"
 9 and inserting the following: "One hundred".
 10 4. Page 2, line 32, by striking the word "sixty"
 11 and inserting the following: "one hundred".
 12 5. Page 3, line 8, by striking the word "Sixty"
 13 and inserting the following: "One hundred".
 14 6. Page 3, line 9, by striking the word "sixty"
 15 and inserting the following: "one hundred".
 16 7. Page 3, line 21, by striking the word "Sixty"
 17 and inserting the following: "One hundred".
 18 8. Page 3, line 22, by striking the word "sixty"
 19 and inserting the following: "one hundred".

WEIGEL of Chickasaw

H-1432

1 Amend House File 706 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 9H.1, subsection 1, unnumbered
 5 paragraph 1, Code 1997, is amended to read as follows:
 6 "Actively engaged in farming" means that a natural
 7 person ~~who is a shareholder and an officer, director~~
 8 ~~or employee of the corporation or who is a member or~~
 9 ~~manager of the limited liability company either~~
 10 conducts any of the following activities as part of a
 11 farm operation."
 12 2. Page 2, by inserting after line 3 the
 13 following:
 14 "**NEW SUBSECTION.** 2A. "Agricultural producer
 15 cooperative" means a cooperative organized under
 16 chapter 499 or 501, if all of the following apply:
 17 a. The cooperative is formed to carry out the
 18 purposes of an agricultural association as provided in
 19 section 499.2.

20 b. Seventy-five percent of the cooperative's
 21 voting membership is held by natural persons who are
 22 either actively engaged in farming or are landlords
 23 who receive a share of agricultural products as rent."

24 3. Page 2, line 4, by striking the figure "2A."
 25 and inserting the following: "2B."

26 4. Page 2, by striking lines 17 through 19 and
 27 inserting the following:

28 "b. The stockholders are limited to natural
 29 persons, persons acting in a fiduciary capacity for
 30 the benefit of natural persons, or agricultural
 31 producer cooperatives."

32 5. Page 2, by striking lines 29 and 30 and
 33 inserting the following:

34 "b. The members are limited to natural persons,
 35 persons acting in a fiduciary capacity for the benefit
 36 of natural persons, or agricultural producer
 37 cooperatives."

38 6. Page 3, by striking lines 5 through 7 and
 39 inserting the following:

40 "b. The general partner is a natural person and
 41 the limited partners are limited to natural persons,
 42 persons acting in a fiduciary capacity for the benefit
 43 of natural persons, or agricultural producer
 44 cooperatives."

45 7. Page 3, by striking lines 17 through 20 and
 46 inserting the following:

47 "b. The beneficiaries are limited to natural
 48 persons, persons acting in a fiduciary capacity for
 49 the benefit of natural persons, or agricultural
 50 producer cooperatives, if no beneficiary is acting as

Page 2

1 a trustee or in a similar capacity for the trust."

2 8. Page 3, line 28, by striking the word "or".

3 9. Page 3, line 29, by inserting after the word
 4 "trust" the following: ", or an agricultural producer
 5 cooperative".

6 10. Page 5, by inserting after line 21 the
 7 following:

8 "() A member of an agricultural producer
 9 cooperative who owns more than three percent of the
 10 total outstanding allocated members' equity of the
 11 cooperative."

MUNDIE of Webster

H-1437

1 Amend House File 613 as follows:

2 1. Page 2, line 20, by striking the words "sixty-
 3 five" and inserting the following: "seventy-five".

WISE of Lee

H-1438

- 1 Amend House File 613 as follows:
- 2 1. Page 3, by striking line 25.
- 3 2. By renumbering as necessary.

WISE of Lee

H-1439

- 1 Amend House File 708 as follows:
- 2 1. By striking page 13, line 25, through page 14,
- 3 line 6.
- 4 2. By renumbering as necessary.

DREES of Carroll

H-1444

- 1 Amend House File 640 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".

RICHARDSON of Warren

H-1449

- 1 Amend the amendment, H-1436, to House File 613 as
- 2 follows:
- 3 1. By striking page 4, line 50, through page 5,
- 4 line 7.
- 5 2. By relettering as necessary.

FORD of Polk

H-1452

- 1 Amend House File 667 as follows:
- 2 1. Page 6, by inserting after line 26 the
- 3 following:
- 4 "Sec. ____ Section 17A.3, Code 1997, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 3. A rule shall not expand or
- 7 enlarge the jurisdiction, authority, or discretion
- 8 conferred upon or delegated to an agency by statute."
- 9 2. By striking page 15, line 33, through page 16,
- 10 line 33, and inserting the following: "amended to

11 read as follows:

12 3. a If a party fails to appear in a contested
13 case proceeding after proper service of notice, the
14 presiding officer may, if no adjournment is granted,
15 proceed with the hearing and make a decision in the
16 absence of the party.

17 b. A party may request the presiding officer or
18 the agency that a decision entered pursuant to
19 paragraph "a" be vacated for any reason specified by
20 agency rule. If the request is made to the agency,
21 and adequate reasons are provided showing good cause
22 for the failure to appear, the agency may remand the
23 matter back to the presiding officer for an
24 evidentiary hearing on the merits."

25 3. Page 28, by inserting after line 17 the
26 following:

27 "Sec. ____ Section 96.6, subsection 3, unnumbered
28 paragraph 2, Code 1997, is amended to read as follows:

29 Appeals Notwithstanding the provisions of section
30 17A.11, appeals from the initial determination shall
31 be heard by an administrative law judge employed by
32 the department. An administrative law judge's
33 decision may be appealed by any party to the
34 employment appeal board created in section 10A.601.
35 The decision of the appeal board is final agency
36 action and an appeal of the decision shall be made
37 directly to the district court.

38 Sec. ____ Section 96.7, subsection 4, unnumbered
39 paragraph 3, Code 1997, is amended to read as follows:

40 A Notwithstanding the provisions of section 17A.11,
41 a hearing on an appeal shall be conducted by an
42 administrative law judge employed by and officed in
43 the department according to rules adopted by the
44 department. A copy of the decision of the
45 administrative law judge shall be sent by regular mail
46 to the last address, according to the records of the
47 department, of each affected employing unit or
48 employer."

49 4. By renumbering as necessary.

DINKLA of Guthrie

H-1459

1 Amend House File 693 as follows:

2 1. Page 9, by striking lines 8 through 15.

3 2. Title page, line 4, by inserting after the
4 word "claims," the following: "and".

5 3. Title page, line 5, by striking the words "
6 and joint and several liability".

7 4. By renumbering as necessary.

MORELAND of Wapello

H-1460

1 Amend House File 693 as follows:
2 1. Page 9, by striking lines 12 through 15 and
3 inserting the following: "and severable liability
4 shall not apply to defendants who are found to bear
5 less than fifty percent of the total fault assigned to
6 all parties. However, a defendant found to bear fifty
7 percent or more of fault shall only be jointly and
8 severally liable for economic damages and not for any
9 noneconomic damage awards. In actions brought under
10 this chapter, the rule of joint and several liability
11 shall apply when the plaintiff is found to bear no
12 fault."

MORELAND of Wapello

H-1463

1 Amend House File 484 as follows:
2 1. Page 1, line 22, by striking the figure and
3 word "1. Additional" and inserting the following:
4 "1, or additional".
5 2. Page 1, line 22, by striking the word "if" and
6 inserting the following: "after".
7 3. Page 1, line 23, by striking the figure "1"
8 and inserting the following: "1 without interest".
9 4. Page 1, line 26, by striking the word "shall"
10 and inserting the following: "will".
11 5. Page 1, line 34, by inserting after the word
12 "assessment," the following: "and shall".
13 6. Page 2, line 1, by inserting after the word
14 "and" the following: "shall".

HUSEMAN of Cherokee
MERTZ of Kossuth

H-1464

1 Amend House File 681 as follows:
2 1. By striking page 1, line 1, through page 10,
3 line 31, and inserting the following:
4 "Sec. ____ NEW SECTION. 455H.1 PURPOSE.
5 The purpose of this chapter is to promote
6 environmental compliance in the business community by
7 providing incentives to conduct environmental audits.
8 Sec. ____ NEW SECTION. 455H.2 APPLICABILITY.
9 This chapter applies to small businesses. For
10 purposes of this chapter, "small business" means a
11 person, corporation, partnership, or other entity
12 which employs one hundred or fewer individuals and
13 shall include all facilities and operations owned by
14 the entity.

15 Sec. ____ NEW SECTION. 455H.3 IMMUNITY.

16 A small business shall be immune from any
 17 administrative or civil penalty or any criminal
 18 penalties for negligent acts if the small business
 19 meets all of the following criteria:

20 1. The small-business makes a good faith effort to
 21 comply with applicable local, state, and federal
 22 environmental laws as demonstrated by either of the
 23 following:

24 a. The small business receives onsite compliance
 25 assistance from a government or government-supported
 26 program that offers services to small businesses and
 27 violations of local, state, and federal environmental
 28 laws are detected during the compliance assistance.
 29 If a small business requests from the department of
 30 natural resources a period of time to remedy
 31 violations after receiving compliance assistance from
 32 a confidential assistance program, the small business
 33 must promptly disclose the violations to the
 34 department.

35 b. The small business conducts an environmental
 36 audit and promptly reports all violations of local,
 37 state, and federal environmental laws to the
 38 department of natural resources discovered during the
 39 audit.

40 In order to meet the criteria in this subsection,
 41 all violations of local, state, and federal
 42 environmental laws must be reported to the department
 43 before the violation is otherwise discovered by or
 44 reported to the department.

45 2. The small business has not been subject to an
 46 information request, warning letter, notice of
 47 violation, field citation, citizen suit, or other
 48 enforcement action or received penalty mitigation for
 49 any current violation within the past three years and
 50 the small business has not been subject to two or more

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1 enforcement actions for environmental violations
 2 within the past five years.

3 3. The small business shall remedy any violations
 4 of local, state, and federal environmental laws within
 5 the shortest practicable time which shall not exceed
 6 one hundred eighty days from the time the violation is
 7 detected. However, the small business may request an
 8 additional period of one hundred eighty days if the
 9 small business demonstrates the violation cannot be
 10 remedied by implementing pollution prevention
 11 measures. For any violation which cannot be remedied
 12 within ninety days from the time of detection, the
 13 small business shall submit a written schedule to the
 14 department of natural resources or the department

15 shall issue a compliance order with a schedule.
 16 Remedying a violation includes, but is not limited to,
 17 remediating any environmental harm associated with the
 18 violation and implementing steps to prevent a
 19 recurrence of the violation.

20 4. All of the following apply:

21 a. The violation has not caused actual serious
 22 harm to public health, safety, or the environment.

23 b. The violation is not one that may present an
 24 imminent and substantial endangerment to public health
 25 or the environment.

26 c. The violation does not present a significant
 27 health, safety, or environmental threat.

28 d. The violation does not involve criminal
 29 conduct.

30 Sec. ____ NEW SECTION. 455H.4 ENVIRONMENTAL
 31 AUDITS AND COMPLIANCE ASSISTANCE.

32 1. An environmental audit is a systematic,
 33 documented, periodic, and objective review by
 34 regulated entities of facility operations and
 35 practices related to meeting local, state, and federal
 36 environmental laws.

37 2. Compliance assistance is information or
 38 assistance provided by a governmental agency or
 39 department or government-supported entity to help the
 40 regulated community comply with legally mandated
 41 environmental requirements. Compliance assistance
 42 does not include enforcement inspections or
 43 enforcement actions. If a small business requests
 44 assistance from a governmental agency which is unable
 45 to provide assistance, the governmental agency shall
 46 provide a prompt response to the small business
 47 indicating that such assistance is not available and
 48 providing the names of other public and private
 49 sources of assistance that may be available.

50 Sec. ____ NEW SECTION. 455H.5 ENFORCEMENT.

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1 1. Violations detected through inspections or
 2 field citations reported to an agency by a member of
 3 the public or an employee of the small business,
 4 identified in notices of citizen suits, or previously
 5 reported to an agency or department as required by
 6 applicable local, state, and federal environmental
 7 laws, regulations, or permits remain enforceable.

8 2. A small business is subject to all applicable
 9 enforcement response policies for all violations that
 10 had been detected through compliance assistance
 11 programs and were not remedied within the corrections
 12 period.

13 3. The actions of the state in providing
 14 compliance assistance is not a legal defense in any

15 enforcement action. This subsection does not limit
 16 the state's discretion to use information relating to
 17 violations revealed through compliance assistance as
 18 evidence in subsequent enforcement actions."
 19 2. By renumbering as necessary.

BURNETT of Story

H-1465

1 Amend House File 706 as follows:
 2 1. Page 6, by inserting after line 30 the
 3 following:
 4 "Sec. ____ Section 9H.14, Code 1997, is amended to
 5 read as follows:
 6 9H.14 DUTIES OF SECRETARY OF STATE.
 7 1. The secretary of state shall notify the
 8 attorney general when the secretary of state has
 9 reason to believe a violation of this chapter has
 10 occurred.
 11 2. It is the intent of this section that
 12 information shall be made available to members of the
 13 general assembly and appropriate committees of the
 14 general assembly in order to determine the extent of
 15 farming being carried out in this state by
 16 corporations and other business entities and the
 17 effect of such farming practices upon the economy of
 18 this state. The reports of corporations, limited
 19 liability companies, limited partnerships, trusts,
 20 contractors, and processors required in this chapter
 21 shall be confidential reports except as to the
 22 attorney general for review and appropriate action
 23 when necessary. The secretary of state shall assist
 24 any committee of the general assembly existing or
 25 established for the purposes of studying the effects
 26 of this chapter and the practices this chapter seeks
 27 to study and regulate.
 28 3. The secretary of state shall establish a system
 29 to advise persons who request whether holding an
 30 interest in two or more authorized entities or network
 31 entities violates section 9H.5. The secretary of
 32 state shall not disclose more information than
 33 required in order to properly advise a requesting
 34 person."

KOENIGS of Mitchell

H-1466

1 Amend Senate File 429, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 26, by striking the words "eight
 4 a.m." and inserting the following: "sunrise."

BRUNKHORST of Bremer

H-1467

- 1 Amend House File 580 as follows:
 2 1. Page 2, by inserting after line 29 the
 3 following:
 4 "Sec. ____ Section 99F.7, subsection 1, Code 1997,
 5 is amended to read as follows:
 6 1. If the commission is satisfied that this
 7 chapter and its rules adopted under this chapter
 8 applicable to licensees have been or will be complied
 9 with, the commission shall issue a license for a
 10 period of not more than three years to an applicant to
 11 own a gambling game operation and to an applicant to
 12 operate an excursion gambling boat. The commission
 13 shall decide which of the gambling games authorized
 14 under this chapter it will permit. The commission
 15 shall decide the number, location, and type of
 16 excursion gambling boats licensed under this chapter
 17 for operation only on the Mississippi and Missouri
 18 ivers, lakes, and reservoirs of this state. The
 19 license shall set forth the name of the licensee, the
 20 type of license granted, the place where the excursion
 21 gambling boats will operate and dock, and the time and
 22 number of days during the excursion season and the off
 23 season when gambling may be conducted by the licensee.
 24 The commission shall not allow a licensee to conduct
 25 gambling games on an excursion gambling boat while
 26 docked during the off season if the licensee does not
 27 operate gambling excursions for a minimum number of
 28 days during the excursion season. The commission may
 29 delay the commencement of the excursion season at the
 30 request of a licensee."
 31 2. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-1471

- 1 Amend the amendment, H-1384, to House File 681 as
 2 follows:
 3 1. Page 1, by striking lines 4 through 5 and
 4 inserting the following: "threatened or
 5 existing condition of damage or".

HOLVECK of Polk

H-1476

- 1 Amend House File 540 as follows:
 2 1. By striking page 2, line 18, through page 3,
 3 line 9, and inserting the following:
 4 "Sec. ____ NEW SECTION 19A.12B STATE DEFERRED
 5 COMPENSATION ADMINISTRATION REVOLVING FUND.
 6 A deferred compensation administration revolving
 7 fund is established in the state treasury under the

8 control of the department. All mutual fund
 9 contributions of employees participating in the
 10 deferred compensation program shall be deposited into
 11 the revolving fund. The department shall authorize
 12 disbursements from the revolving fund for the
 13 investment of participants' contributions.

14 An annual report outlining the deferred
 15 compensation administration expenses shall be made
 16 available upon request. Notwithstanding section 8.33,
 17 any unencumbered or unobligated moneys in the
 18 revolving fund at the end of a fiscal year shall not
 19 revert to the general fund of the state."

20 2. By renumbering as necessary.

JACOBS of Polk

H-1484

1 Amend House File 693 as follows:

2 1. Page 9, by inserting after line 15 the
 3 following:

4 "Sec. . NEW SECTION. 668B.1 LIMITATION ON
 5 NONECONOMIC DAMAGES.

6 1. In a civil action in which liability is
 7 admitted or established, the present value of the
 8 damages awarded for noneconomic losses incurred or to
 9 be incurred in the future by the plaintiff by reason
 10 of personal injury or death, shall not exceed two
 11 hundred fifty thousand dollars. As used in this
 12 section, "noneconomic losses" shall include but not be
 13 limited to pain and suffering, mental anguish,
 14 emotional distress, humiliation, loss of consortium,
 15 lost opportunity, loss of expectations, and punitive
 16 or exemplary damages.

17 2. In an action tried to a jury where damages for
 18 noneconomic losses are sought, the court shall submit
 19 an instruction to the jury that the maximum allowable
 20 award allowed by law for noneconomic losses in a case
 21 of the most egregious nature is two hundred fifty
 22 thousand dollars and that the damages awarded in the
 23 case before them for noneconomic damages shall be made
 24 in proportion thereto based on the egregiousness of
 25 the loss if liability for such losses is established.
 26 A separate interrogatory verdict form shall be
 27 submitted for the return of noneconomic damages unless
 28 all parties waive this requirement."

29 2. By renumbering as necessary.

CHURCHILL of Polk
 SUKUP of Franklin
 BRUNKHORST of Bremer
 WELTER of Jones
 VEENSTRA of Sioux

H-1486

- 1 Amend House File 716 as follows:
- 2 1. Page 9, by striking lines 26 through 28 and
- 3 inserting the following: "provided in this chapter."
- 4 2. Page 10, line 32, by striking the words "when
- 5 calculated" and inserting the following: "as
- 6 calculated for an individual student".

BRUNKHORST of Bremer
LORD of Dallas

H-1488

- 1 Amend House File 671 as follows:
- 2 1. Page 1, line 5, by striking the words "or all-
- 3 terrain vehicle".
- 4 2. Page 1, line 6, by striking the words "or all-
- 5 terrain vehicle".
- 6 3. Page 1, line 9, by striking the words "or all-
- 7 terrain vehicle".
- 8 4. Page 1, line 10, by striking the words "or
- 9 all-terrain vehicle".
- 10 5. Page 1, line 14, by striking the words "or
- 11 all-terrain vehicle".
- 12 6. Page 1, line 25, by striking the words "or
- 13 all-terrain vehicle".
- 14 7. Page 1, line 28, by striking the words "or
- 15 all-terrain vehicle".
- 16 8. Page 1, lines 32 and 33, by striking the words
- 17 "or all-terrain vehicle".
- 18 9. Page 2, line 2, by striking the words "or all-
- 19 terrain vehicle".
- 20 10. Page 2, lines 4 and 5, by striking the words
- 21 "or all-terrain vehicle".
- 22 11. Page 2, line 8, by striking the words "or
- 23 all-terrain vehicle".
- 24 12. Page 2, line 14, by striking the words "or
- 25 all-terrain vehicle".
- 26 13. Page 2, lines 16 and 17, by striking the
- 27 words "or all-terrain vehicle".
- 28 14. Page 2, lines 18 and 19, by striking the
- 29 words "or all-terrain vehicle".
- 30 15. Page 2, line 26, by striking the words "or
- 31 all-terrain vehicle".
- 32 16. Page 2, line 30, by striking the words "or
- 33 all-terrain vehicle".
- 34 17. Page 2, line 34, by striking the words "or
- 35 all-terrain vehicle".
- 36 18. Page 3, lines 3 and 4, by striking the words
- 37 "and all-terrain vehicles".
- 38 19. Page 3, line 33, by striking the words "OR
- 39 ALL-TERRAIN VEHICLE".

- 40 20. Page 3, line 34, by striking the words "or
 41 all-terrain vehicle".
- 42 21. Page 4, line 3, by striking the words "or
 43 all-terrain vehicle".
- 44 22. Page 4, lines 8 and 9, by striking the words
 45 "or all-terrain vehicle".
- 46 23. Page 4, line 15, by striking the words "or
 47 all-terrain vehicle".
- 48 24. Page 6, line 11, by striking the words
 49 "twenty twenty-five dollars for an all-terrain
 50 vehicle" and inserting the following: "twenty dollars

Page 2

- 1 for an all-terrain vehicle".
- 2 25. Title page, line 1, by striking the words
 3 "and all-terrain vehicles".
- 4 26. Title page, line 3, by striking the words
 5 "and all-terrain vehicle".

SCHRADER of Marion

H-1489

- 1 Amend House File 504 as follows:
- 2 1. Page 8, by inserting after line 23 the
 3 following:
- 4 "20. A carbonating device in a food establishment
 5 shall have a dual check valve which shall be installed
 6 so that it is upstream from the carbonating device and
 7 downstream from any copper in the water supply line."

BLODGETT of Cerro Gordo

H-1490

- 1 Amend House File 665 as follows:
- 2 1. Page 1, line 10, by inserting after "21 U.S.C.
 3 § 862" the following: ", except that the court shall
 4 not enter any order pursuant to 21 U.S.C. § 862
 5 (b)(1)(A)(i), or 21 U.S.C. § 862 (b)(1)(A)(iv),
 6 regarding ineligibility for federal benefits for up to
 7 one year for a first conviction under state law for
 8 possession of a controlled substance".

GRUNDBERG of Polk

H-1491

- 1 Amend the amendment, H-1460, to House File 693 as
 2 follows:
- 3 1. Page 1, by striking lines 9 through 12 and
 4 inserting the following: "noneconomic damage awards.

5 If a plaintiff is found to bear no fault, a defendant
 6 found to bear fifty percent or more of the fault shall
 7 be jointly and severally liable for both economic and
 8 noneconomic damages.”

MILLAGE of Scott

H-1492

1 Amend House File 663 as follows:
 2 1. Page 1, by striking lines 16 and 17, and
 3 inserting the following: “of the sale proceeds shall
 4 be retained by the department of justice for the
 5 enforcement of the criminal law by the attorney
 6 general.”
 7 2. Page 1, by striking lines 18 through 23, and
 8 inserting the following:
 9 “3. Forfeited property may be used by the
 10 department of justice in the enforcement of the
 11 criminal law. The department A law enforcement agency
 12 may give, sell, or trade property to any other state
 13 agency or to any other law enforcement agency within
 14 the state if, in the opinion of the attorney general,
 15 it will enhance law enforcement within the state.”
 16 3. Page 1, by striking line 32 and inserting the
 17 following:
 18 “5. 4. Notwithstanding subsection subsections 1,
 19 2, and 3.”
 20 4. By renumbering as necessary.

LAMBERTI of Polk

H-1493

1 Amend Senate File 79, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 “Sec. ____ Section 99F.7, subsection 1, Code 1997,
 6 is amended to read as follows:
 7 1. If the commission is satisfied that this
 8 chapter and its rules adopted under this chapter
 9 applicable to licensees have been or will be complied
 10 with, the commission shall issue a license for a
 11 period of not more than three years to an applicant to
 12 own a gambling game operation and to an applicant to
 13 operate an excursion gambling boat. The commission
 14 shall decide which of the gambling games authorized
 15 under this chapter it will permit. The commission
 16 shall decide the number, location, and type of
 17 excursion gambling boats licensed under this chapter
 18 for operation only on the Mississippi and Missouri
 19 rivers, lakes, and reservoirs of this state. The

20 license shall set forth the name of the licensee, the
 21 type of license granted, the place where the excursion
 22 gambling boats will operate and dock, and the time and
 23 number of days during the excursion season and the off
 24 season when gambling may be conducted by the licensee.
 25 The commission shall not allow a licensee to conduct
 26 gambling games on an excursion gambling boat while
 27 docked during the off season if the licensee does not
 28 operate gambling excursions for a minimum number of
 29 days during the excursion season. The commission may
 30 delay the commencement of the excursion season at the
 31 request of a licensee."

- 32 2. Page 1, line 11, by striking the word "This"
 33 and inserting the following: "Section 1 of this".
 34 3. By renumbering as necessary.

BLODGETT of Cerro Gordo

H-1494

- 1 Amend Senate File 429, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 30, by striking the word
 4 "eighteen" and inserting the following: "sixteen".

Committee on Natural Resources

H-1498

- 1 Amend House File 665 as follows:
 2 1. Page 1, by striking line 3 and inserting the
 3 following:
 4 "NEW SUBSECTION. 11. a. In addition to any
 5 sentence or other".
 6 2. Page 1, line 5, by inserting after the word
 7 "chapter" the following: "123 or".
 8 3. Page 1, by striking lines 10 and 11 and
 9 inserting the following: "provisions of 21 U.S.C. }
 10 862.
 11 b. For the purposes of this subsection:
 12 (1) "Drug" includes any controlled substance, as
 13 defined in chapter 124, as well as any alcoholic
 14 beverage, as defined in chapter 123. "Drug" does not
 15 mean drug as defined according to 21 U.S.C. § 802.
 16 (2) "Federal benefit" means the issuance of any
 17 grant."
 18 4. Page 1, by striking line 17 and inserting the
 19 following: "which payments or services are required
 20 for eligibility.
 21 c. The".
 22 5. Page 1, by striking line 20 and inserting the
 23 following: "862."

- 24 d. The clerk of the district court shall send a
 25 copy of any".
 26 6. By renumbering as necessary.

GRUNDBERG of Polk

H-1500

1 Amend the amendment, H-1297, to House File 580 as
 2 follows:

3 1. Page 1, by striking lines 4 through 11 and
 4 inserting the following:

5 "Sec. ____ Section 99D.9, subsection 6, Code 1997,
 6 is amended to read as follows:

7 6. A licensee ~~may~~ shall not loan to any person
 8 money or any other thing of value or permit a
 9 financial institution, vendor, or other person to loan
 10 money on the basis of a credit card or similar
 11 instrument in person or through an electronic or
 12 mechanical device including but not limited to a
 13 satellite terminal as defined in section 527.2 for the
 14 purpose of permitting that person to wager on any
 15 race. The use of a check or a debit card with
 16 overdraft protection is not prohibited by this
 17 subsection."

18 2. Page 1, by striking lines 14 through 21 and
 19 inserting the following:

20 "Sec. ____ Section 99F.7, subsection 9, Code 1997,
 21 is amended to read as follows:

22 9. A licensee shall not loan to any person money
 23 or any other thing of value or permit a financial
 24 institution, vendor, or other person to loan money on
 25 the basis of a credit card or similar instrument in
 26 person or through an electronic or mechanical device
 27 including but not limited to a satellite terminal as
 28 defined in section 527.2 for the purpose of permitting
 29 that person to wager on any game of chance. The use
 30 of a check or a debit card with overdraft protection
 31 is not prohibited by this subsection."

FALLON of Polk
 SUKUP of Franklin
 GARMAN of Story

H-1506

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's parent or guardian has not exercised
 6 reasonable judgment in deciding whether to pursue the

- 7 child's claim the statute of limitations tolls until
8 one year after the minor reaches the age of majority".

KREIMAN of Davis

H-1507

- 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: "unless a foreign object
5 unintentionally left in the body caused the injury or
6 death".

BELL of Jasper.

H-1509

- 1 Amend the amendment, H-1460, to House File 693 as
2 follows:
3 1. Page 1, by striking lines 9 through 12 and
4 inserting the following: "noneconomic damage awards.
5 However, where the plaintiff is found to bear no
6 fault, the rule of joint and several liability shall
7 apply to both economic damages and noneconomic
8 damages."

MORELAND of Wapello

H-1513

- 1 Amend the amendment, H-1456, to House File 693 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 " Page 4, line 17, by inserting after the
6 word "assistant," the following: "nurse
7 practitioner."
8 " Page 4, line 29, by inserting after the word
9 "assistants," the following: "nurse practitioners."
10 " Page 4, line 31, by inserting after the word
11 "assistants," the following: "nurse practitioners."
12 " Page 5, line 5, by inserting after the word
13 "assistant," the following: "nurse practitioner."
14 " Page 5, line 12, by inserting after the word
15 "assistant," the following: "nurse practitioner."
16 " Page 5, line 16, by inserting after the word
17 "assistant," the following: "nurse practitioner."
18 " Page 5, line 35, by inserting after the word
19 "assistant," the following: "nurse practitioner."
20 2. Page 1, line 4, by inserting after the word
21 "assistant," the following: "nurse practitioner."
22 3. Page 1, line 7, by inserting after the word

- 23 "assistant," the following: "nurse practitioner."
 24 4. Page 1, line 10, by inserting after the word
 25 "assistant," the following: "nurse practitioner."
 26 5. Page 1, line 13, by inserting after the word
 27 "assistant," the following: "nurse practitioner."
 28 6. By renumbering as necessary.

JOCHUM of Dubuque

H-1516

- 1 Amend the amendment, H-1152, to House File 378 as
 2 follows:
 3 1. Page 1, line 10, by inserting after the word
 4 "board" the following: "or may request the other
 5 members of the county conference board created
 6 pursuant to section 441.2".
 7 2. Page 1, line 14, by inserting after the word
 8 "office." the following: "If the county conference
 9 board agrees to assist in making salary
 10 recommendations, the board of supervisors shall pay
 11 the necessary expenses related to the salaries review
 12 and recommendations."
 13 3. Page 1, line 24, by striking the words
 14 "supervisors or" and inserting the following:
 15 "supervisors,".
 16 4. Page 1, line 25, by striking the words "if
 17 appointed" and inserting the following: "or the
 18 county conference board, as applicable".
 19 5. Page 1, line 37, by striking the words
 20 "supervisors or" and inserting the following:
 21 "supervisors,".
 22 6. Page 1, line 38, by striking the words "if
 23 appointed" and inserting the following: "or the
 24 county conference board, as applicable".
 25 7. Page 1, line 43, by inserting after the word
 26 "schedule." the following: "The county conference
 27 board may approve the proposed compensation schedule
 28 by majority of the participating members or by a
 29 majority of the voting units."

FREVERT of Palo Alto
 KREIMAN of Davis

H-1518

- 1 Amend House File 639 as follows:
 2 1. Page 2, by striking lines 4 through 12 and
 3 inserting the following:
 4 "85.63 CUMULATIVE INJURIES - COMPENSATION.
 5 1. If an employee has previously lost or lost the
 6 use of one hand, one arm, one foot, one leg, or one
 7 eye, which constitutes a functional impairment to the
 8 enumerated member of five percent or more, and the

9 employee becomes permanently disabled by a compensable
 10 injury which has resulted in the loss of or loss of
 11 use of another such member or organ, the employer
 12 shall be liable to the employee for compensation for
 13 the degree of disability which would have resulted
 14 from the latter injury if there had been no pre-
 15 existing disability, and such additional compensation,
 16 if applicable, as provided in subsection 2.

17 2. If the difference in the number of weeks of
 18 compensation that would otherwise be payable for the
 19 degree of permanent disability involved for the prior
 20 and latter injuries exceeds the total of the number of
 21 weeks of compensation that would have been payable for
 22 the previous loss of use of a member or organ and the
 23 number of weeks of compensation payable for the latter
 24 injury by thirty-seven and one-half or more weeks,
 25 then the employee shall also be entitled to
 26 compensation from the employer for the number of weeks
 27 representing this difference after the expiration of
 28 the full period provided by law for compensation for
 29 the latter injury."

30 2. Title page, line 4, by inserting after the
 31 word "surcharge," the following: "providing for
 32 employee compensation for certain cumulative
 33 injuries,".

34 3. By renumbering as necessary.

TAYLOR of Linn

H-1522

1 Amend House File 710 as follows:

2 1. Page 22, by inserting after line 11 the
 3 following:

4 "Of the funds appropriated in this subsection,
 5 \$3,366 is allocated for the expenses of the commission
 6 on community action agencies."

7 2. Page 27, by striking lines 19 through 22.

8 3. By renumbering as necessary.

BRAND of Tama
 MURPHY of Dubuque

H-1523

1 Amend House File 676 as follows:

2 1. Page 1, by striking lines 11 through 13.

GARMAN of Story

H-1524

1 Amend House File 676 as follows:

2 1. Page 1, line 13, by inserting after the word

3 "occurring" the following: " provided that the
4 location is not farther than fifteen miles driving
5 distance from the licensee's residence or schools of
6 enrollment".

GARMAN of Story

H-1527

1 Amend House File 706 as follows:

2 1. Page 2, by inserting after line 11 the
3 following:

4 "NEW SUBSECTION. 10A. "Farmer" means a person who
5 is one of the following:

6 a. A person who regularly participates in physical
7 labor or the day-to-day management of a farming
8 operation and who files a schedule F as part of the
9 person's annual form 1040 filing with the United
10 States internal revenue service.

11 b. A person who qualified under paragraph "a" for
12 twenty or more years in the past."

13 2. Page 5, by inserting before line 9 the
14 following:

15 "If a person who holds an interest in an authorized
16 entity or network entity proposes to transfer an
17 interest in the authorized or network entity to a
18 person other than a farmer holding an interest in the
19 entity, the transferor must first offer to sell or
20 dispose of the interest to each of the farmers holding
21 an interest in the entity on the same terms and at the
22 same price as proposed to the person who is not a
23 farmer holding an interest in the entity. Each farmer
24 holding an interest in the entity shall have ten
25 business days after being given notice of the terms
26 and price of the proposed transfer in which to
27 exercise the right to purchase the interest by
28 submitting a binding offer to the transferor on the
29 same terms as the proposed transfer, with execution of
30 the transfer to occur within thirty days after the
31 offer unless otherwise agreed by the parties. If more
32 than one farmer holding an interest in the entity
33 exercises the right to purchase the interest, the
34 transferor shall transfer the interest according to
35 terms negotiated between the parties. After the
36 expiration of either the period for offer or the
37 period for execution without the submission of an
38 offer or an execution, the transferor may sell or
39 otherwise dispose of the interest to any other person
40 on the terms upon which it was offered to the farmers
41 holding interests in the entity. However, this
42 paragraph shall not apply to a transfer of an interest
43 between persons related to each other as spouse,
44 parent, grandparent, lineal ascendants of grandparents

45 or their spouses and other lineal descendants of the
46 grandparents or their spouses or persons acting in a
47 fiduciary capacity for persons so related."

48 3. By renumbering as necessary.

WEIGEL of Chickasaw

H-1528

1 Amend House File 706 as follows:

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

4 "Sec. ____ Section 9H.1, subsection 3, Code 1997,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. c. Seventy-five percent or more of
7 the voting stock is held by farmers."

8 2. Page 1, by inserting after line 25 the
9 following:

10 "Sec. ____ Section 9H.1, subsection 3A, Code 1997,
11 is amended by adding the following new paragraph:
12 NEW PARAGRAPH. c. Seventy-five percent or more of
13 the membership interest is held by farmers."

14 3. Page 2, by inserting after line 1, the
15 following:

16 "Sec. ____ Section 9H.1, subsection 4, paragraph
17 c, Code 1997, is amended to read as follows:

18 c. Its income is not exempt from taxation under
19 the laws of either the United States or the state of
20 Iowa; and

21 Sec. ____ Section 9H.1, subsection 4, Code 1997,
22 is amended by adding the following new paragraph:
23 NEW PARAGRAPH. d. Seventy-five percent or more of
24 the interest in the trust is held by beneficiaries who
25 are farmers.

26 Sec. ____ Section 9H.1, subsection 16, Code 1997,
27 is amended to read as follows:

28 16. "Limited partnership" means a limited
29 partnership as defined in section 487.101, ~~subsection~~
30 ~~7, which owns or leases agricultural land or is~~
31 ~~engaged in farming in which the general partner is a~~
32 farmer and seventy-five percent of the limited
33 partnership interest is held by farmers."

34 4. Page 2, by inserting after line 11, the
35 following:

36 "NEW SUBSECTION. 10A. "Farmer" means a person who
37 is one of the following:

38 a. A person who regularly participates in physical
39 labor or the day-to-day management of a farming
40 operation and who files a schedule F as part of the
41 person's annual form 1040 filing with the United
42 States internal revenue service.

43 b. A person who met the requirements under
44 paragraph "a" for twenty or more years in the past."

45 5. Page 6, by inserting after line 30 the
 46 following:
 47 "Sec. ____ NEW SECTION. 9H.12 AUTHORIZED
 48 ENTITIES ESTABLISHED PRIOR TO THE EFFECTIVE DATE OF
 49 THIS ACT.
 50 An authorized entity established before the

Page 2

1 effective date of this Act may continue to own or
 2 lease agricultural land as provided prior to the
 3 effective date of this Act for as long as the
 4 authorized entity continues to own or lease the
 5 agricultural land."
 6 6. By renumbering as necessary.

FALLON of Polk

H-1529

1 Amend House File 706 as follows:
 2 1. Page 1, by inserting after line 12 the
 3 following:
 4 "Sec. ____ Section 9H.1, subsection 3, Code 1997,
 5 is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. c. The revenue of the corporation
 7 from rent, royalties, dividends, interest, and
 8 annuities does not exceed twenty percent of its gross
 9 receipts."
 10 2. Page 1, by inserting after line 25 the
 11 following:
 12 "Sec. ____ Section 9H.1, subsection 3A, Code 1997,
 13 is amended by adding the following new paragraph:
 14 NEW PARAGRAPH. c. The revenue of the limited
 15 liability company from rent, royalties, dividends,
 16 interest, and annuities does not exceed twenty percent
 17 of its gross receipts."
 18 3. Page 2, by inserting after line 1, the
 19 following:
 20 "Sec. ____ Section 9H.1, subsection 4, paragraph
 21 c, Code 1997, is amended to read as follows:
 22 c. Its income is not exempt from taxation under
 23 the laws of either the United States or the state of
 24 Iowa; and
 25 Sec. ____ Section 9H.1, subsection 4, Code 1997,
 26 is amended by adding the following new paragraph:
 27 NEW PARAGRAPH. d. The revenue of the trust from
 28 rent, royalties, dividends, interest, and annuities
 29 does not exceed twenty percent of its gross receipts.
 30 Sec. ____ Section 9H.1, subsection 16, Code 1997,
 31 is amended to read as follows:
 32 16. "Limited partnership" means a limited
 33 partnership as defined in section 487.101, ~~subsection~~

34 ~~7, which owns or leases agricultural land or is~~
 35 ~~engaged in farming in which the revenue of the limited~~
 36 ~~partnership from rent, royalties, dividends, interest,~~
 37 ~~and annuities does not exceed twenty percent of its~~
 38 ~~gross receipts."~~

39 4. Page 6, by inserting after line 30 the
 40 following:

41 "Sec. ____ NEW SECTION. 9H.12 AUTHORIZED
 42 ENTITIES ESTABLISHED PRIOR TO THE EFFECTIVE DATE OF
 43 THIS ACT.

44 An authorized entity established before the
 45 effective date of this Act may continue to own or
 46 lease agricultural land as provided prior to the
 47 effective date of this Act for as long as the
 48 authorized entity continues to own or lease the
 49 agricultural land."

50 5. By renumbering as necessary.

FALLON of Polk

H-1532

1 Amend the amendment, H-1466, to Senate File 429, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 4, by striking the word
 5 "sunrise." and inserting the following: "seven a.m."

BLODGETT of Cerro Gordo

H-1533

1 Amend Senate File 429, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 15, by striking the word
 4 "sixteen" and inserting the following: "fourteen".

BLODGETT of Cerro Gordo
 BRUNKHORST of Bremer

H-1534

1 Amend Senate File 429, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, line 20, by striking the words "fifty
 4 one hundred" and inserting the following: "fifty".

BLODGETT of Cerro Gordo

H-1535

1 Amend House File 710 as follows:

2 1. Page 17, line 32, by striking the figure

- 3 "952,000" and inserting the following: "5,306,000".
 4 2. Page 18, line 19, by striking the words "Any
 5 new funds or funds" and inserting the following:
 6 "Funds".
 7 3. Page 18, by striking line 22 and inserting the
 8 following: "all counties throughout the state."
 9 4. Page 18, line 23, by striking the word
 10 "services."

KREIMAN of Davis

H-1536

- 1 Amend Senate File 432, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 15, by striking the word
 4 "assessed" and inserting the following: "appraised".
 5 2. Page 1, line 18, by striking the word
 6 "assessed" and inserting the following: "appraised".
 7 3. Page 2, line 17, by striking the word
 8 "assessed" and inserting the following: "appraised".
 9 4. Page 2, by striking lines 18 through 21 and
 10 inserting the follow: "parcel, or piece of land
 11 ~~Neglect or failure for any reasons, to comply with the~~
 12 ~~notice, does not prevent the giving of a clear title~~
 13 ~~to the purchaser of the tract, parcel, or piece of~~
 14 ~~land."~~

Committee on Local Government

H-1541

- 1 Amend House File 13 as follows:
 2 1. Page 1, line 1, by inserting after the word
 3 "OF" the following: "YOUNG OR SMALL".
 4 2. Page 1, by striking lines 3 through 6 and
 5 inserting the following:
 6 "1. As used in this section:
 7 a. "Small animal" includes, but is not limited to,
 8 a goldfish, turtle, or rodent.
 9 b. "Young animal" includes, but is not limited to,
 10 a rabbit, bunny, baby chicken, kitten, or puppy.
 11 2. A person licensed to conduct games of skill or
 12 games of chance pursuant to this chapter shall not
 13 offer to give or give a young animal or small animal
 14 as a prize, gift, or door prize as a part of the
 15 conduct of a game of skill or game of chance."
 16 3. By renumbering as necessary.

HOUSER of Pottawattamie

H-1546

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. 1A. "Agricultural drainage well"
 7 means a vertical opening to an aquifer or permeable
 8 substratum which is constructed by any means
 9 including, but not limited to, drilling, driving,
 10 digging, boring, augering, jetting, washing, or
 11 coring, and which is capable of intercepting or
 12 receiving surface or subsurface drainage water from
 13 land directly or by a drainage system.
 14 Sec. ____ Section 455B.201, subsection 4, Code
 15 1997, is amended to read as follows:
 16 4. A person shall not use spray irrigation
 17 equipment to apply manure on land from which water
 18 drains into an agricultural drainage well. A person
 19 shall not otherwise apply manure by spray irrigation
 20 equipment, except as provided by rules which shall be
 21 adopted by the department pursuant to chapter 17A."

KOENIGS of Mitchell

H-1548

1 Amend Senate File 189, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking line 1 and inserting the
 4 following:
 5 "Section 1. Section 257.1, subsection 2,
 6 unnumbered paragraph 3, Code 1997, is amended to read
 7 as follows:
 8 For the budget year commencing July 1, ~~1995~~ 1997,
 9 the department of management shall add the amount of
 10 the additional budget adjustment computed in section
 11 257.14, subsection 2, to the combined foundation base.
 12 Sec. 2. Section 257.14, subsections 1 and 2, Code
 13 1997, are".
 14 2. Page 1, by inserting after line 11 the
 15 following:
 16 "2. For the budget year beginning July 1, ~~1995~~
 17 1997, if the department of management determines that
 18 the regular program district cost plus the budget
 19 adjustment computed under subsection 1 of a school
 20 district is less than one hundred one percent of the
 21 total of the regular program district cost plus any
 22 adjustment added under this section for the base year
 23 for that school district, the department of management
 24 shall provide an additional budget adjustment for that
 25 budget year that is equal to the difference."

- 26 3. Title page, line 2, by inserting after the
 27 word "years," the following: "increasing the amount
 28 of that guarantee for one year,".
 29 4. By renumbering as necessary.

OSTERHAUS of Jackson

H-1551

- 1 Amend Senate File 495, 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. ____ Section 99F.7, subsection 1, Code 1997,
 6 is amended to read as follows:
 7 1. If the commission is satisfied that this
 8 chapter and its rules adopted under this chapter
 9 applicable to licensees have been or will be complied
 10 with, the commission shall issue a license for a
 11 period of not more than three years to an applicant to
 12 own a gambling game operation and to an applicant to
 13 operate an excursion gambling boat. The commission
 14 shall decide which of the gambling games authorized
 15 under this chapter it will permit. The commission
 16 shall decide the number, location, and type of
 17 excursion gambling boats licensed under this chapter
 18 for operation only on the Mississippi and Missouri
 19 ivers, lakes, and reservoirs of this state. The
 20 license shall set forth the name of the licensee, the
 21 type of license granted, the place where the excursion
 22 gambling boats will operate and dock, and the time and
 23 number of days during the excursion season and the off
 24 season when gambling may be conducted by the licensee.
 25 The commission shall not allow a licensee to conduct
 26 gambling games on an excursion gambling boat while
 27 docked during the off season if the licensee does not
 28 operate gambling excursions for a minimum number of
 29 days during the excursion season. The commission may
 30 delay the commencement of the excursion season at the
 31 request of a licensee."
 32 2. Title page, line 1, by inserting after the
 33 word "Act" the following: "relating to gambling, by
 34 restricting the operation of excursion gambling boats
 35 and by".

BLODGETT of Cerro Gordo

H-1553

- 1 Amend the amendment, H-1452, to House File 667 as
 2 follows:
 3 1. Page 1, by inserting after line 8 the
 4 following:

5 “ Page 12, by inserting after line 13 the
6 following:

7 “Sec. ____ Section 17A.8, subsection 9, Code 1997,
8 is amended to read as follows:

9 9. Upon a vote of two-thirds of its members, the
10 administrative rules review committee may delay the
11 effective date of a rule until the adjournment of the
12 next regular session of the general assembly. The
13 committee shall refer a rule whose effective date has
14 been delayed to the speaker of the house of
15 representatives and the president of the senate who
16 shall refer the rule to the appropriate standing
17 committees of the general assembly. A standing
18 committee shall review a rule within twenty-one days
19 after the rule is referred to the committee by the
20 speaker of the house of representatives or the
21 president of the senate and shall take formal
22 committee action by sponsoring a joint resolution to
23 disapprove the rule, by proposing legislation relating
24 to the rule, or by refusing to propose a joint
25 resolution or legislation concerning the rule. The
26 standing committee shall inform the administrative
27 rules review committee of the committee action taken
28 concerning the rule. If the general assembly has not
29 disapproved of the rule by a joint resolution, the
30 rule shall become effective. The speaker of the house
31 of representatives and the president of the senate
32 shall notify the administrative code editor of the
33 final disposition of each rule delayed pursuant to
34 this subsection. If a rule is disapproved, it shall
35 not become effective and the agency shall rescind the
36 rule. This section shall not apply to rules made
37 effective under section 17A.5, subsection 2, paragraph
38 “b.””

RANTS of Woodbury

H-1555

1 Amend Senate File 174, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 6 through 11 and
4 inserting the following: “under the custody of the
5 department. ~~However, on Big Creek lake and lake~~
6 ~~Maebride, a motorboat with a power unit exceeding ten~~
7 ~~horsepower may be operated only when permitted by rule~~
8 ~~and the rule shall not authorize such use during the~~
9 ~~period beginning on the Friday before Memorial Day and~~
10 ~~ending on Labor Day inclusively. This paragraph does~~
11 ~~not limit”.~~

BRAUNS of Muscatine

H-1565

- 1 Amend Senate File 132, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 20, by inserting after line 15 the
4 following:
5 "Sec. ____ STUDY.
6 1. The director of transportation or the
7 director's designee shall convene a committee to study
8 emergency response activities and associated costs of
9 responding to hazardous incidents involving the
10 transportation of hazardous substances on the highways
11 of this state.
12 2. The committee shall include all of the
13 following:
14 a. The commissioner of public safety or the
15 commissioner's designee.
16 b. The director of the department of natural
17 resources or the director's designee.
18 c. A representative selected by the Iowa firemen's
19 association.
20 d. A representative selected by the Iowa
21 association of professional fire fighters.
22 e. A representative selected by the petroleum
23 marketers of Iowa.
24 f. A representative selected by the Iowa motor
25 truck association.
26 g. A representative selected by the agribusiness
27 association of Iowa.
28 h. A representative selected by the Iowa propane
29 gas association.
30 i. A representative selected by the Iowa state
31 association of counties.
32 j. A representative of the Iowa hazardous
33 materials task force.
34 k. The chairperson of the state emergency response
35 commission or the chairperson's designee.
36 3. The committee shall study and develop
37 recommendations on appropriate response levels to
38 incidents involving hazardous materials, duration of
39 response, incident command system at the scene of an
40 incident involving the transportation of hazardous
41 materials on the highways of this state, and measures
42 to control the costs of responding to such incidents.
43 By January 1, 1998, the committee shall submit a
44 report to the general assembly which shall include,
45 but not be limited to, recommendations by the
46 committee relating to the areas of study enumerated in
47 this subsection."
48 2. By renumbering as necessary.

H-1567

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. NEW SECTION. 8D.0A LEGISLATIVE
6 INTENT - INTERNET ACCESS.

7 1. LEGISLATIVE INTENT. In addition to the
8 purposes contained in section 8D.1, it is the intent
9 of the general assembly that the commission provide
10 dial-up internet access from a remote site to teachers
11 and administrators at primary and secondary schools,
12 faculty and professional staff at postsecondary
13 institutions, and students enrolled at postsecondary
14 institutions. The general assembly finds that this
15 access is necessary to assure that educational
16 applications of the network, which are to be given the
17 highest priority, are utilized to provide the greatest
18 benefit to students at all levels.

19 2. INTERNET ACCESS. Notwithstanding section
20 8D.13A, the commission, in implementing the intent of
21 the general assembly set forth in subsection 1, shall
22 provide remote or dial-up access to the internet
23 through the use of the network or any network services
24 to all of the following:

25 a. A teacher as defined in section 272.1.
26 b. An administrator as defined in section 272.1.
27 c. A faculty or professional staff member at a
28 nonprofit institution of higher education, an
29 institution under the control of the state board of
30 regents, or a community college.
31 d. A student enrolled at a nonprofit institution
32 of higher education, an institution under the control
33 of the state board of regents, or a community
34 college."

35 2. By renumbering as necessary.

WISE of Lee

H-1571

1 Amend House File 266 as follows:

2 1. Page 5, by inserting after line 21 the
3 following:

4 "Sec. ____ Section 422B.10, subsection 2, Code
5 1997, is amended to read as follows:

6 2. a. The director of revenue and finance within
7 fifteen days of the beginning of each fiscal year
8 shall send to each city or county where the local
9 option tax is imposed, an estimate of the amount of
10 tax moneys each city or county will receive for the
11 year and for each ~~quarter~~ month of the year. At the

12 end of each quarter month, the director may revise the
 13 estimates for the year and remaining quarters months.
 14 b. The director of revenue and finance shall remit
 15 ninety percent of the estimate tax receipts for the
 16 city or county to the city or county ~~after the end of~~
 17 ~~each quarter no later than the following dates:~~
 18 November 10, February 10, May 10, and August 10 on or
 19 before August 31 of the fiscal year and on or before
 20 the last day of each following month.
 21 c. The director of revenue and finance shall remit
 22 a final payment of the remainder of tax moneys due the
 23 city or county for the fiscal year before ~~the due date~~
 24 for the payment of the first quarter November 10 of
 25 the next fiscal year. If an overpayment has resulted
 26 during the previous fiscal year, the first payment of
 27 the new fiscal year shall be adjusted to reflect any
 28 overpayment."

SHOULTZ of Black Hawk
 KOENIGS of Mitchell

H-1573

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."
 17 3. Page 19, by striking lines 13 through 16.
 18 4. Page 19, by striking lines 21 and 22.
 19 5. Page 19, line 24, by striking the word and
 20 figure "Section 24" and inserting the following:
 21 "Sections 24 and 100".
 22 6. Page 19, line 25, by striking the word "takes"
 23 and inserting the following: "take".
 24 7. By renumbering as necessary.

MERTZ of Kossuth

H-1575

1 Amend Senate File 429, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 17, by inserting after the word
 4 "age" the following: "or unless the person has
 5 successfully completed a course of instruction for the
 6 safe use and operation of a personal watercraft
 7 approved by the commission and has been issued a
 8 personal watercraft safety certificate. The
 9 department shall establish a curriculum for an
 10 approved course of instruction for the safe use and
 11 operation of a personal watercraft. The department
 12 shall not enforce the age restriction relating to the
 13 operation of a personal watercraft as provided in this
 14 section until the commission determines that
 15 sufficient courses of instruction in safe use and
 16 operation of personal watercraft are available to
 17 persons who wish to obtain a personal watercraft
 18 safety certificate".

BLODGETT of Cerro Gordo
 MAY of Worth
 SUKUP of Franklin

H-1576

1 Amend Senate File 473, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, line 23, by inserting after the word
 4 "area." the following: "A person shall not construct
 5 or expand an earthen storage structure which is part
 6 of an animal feeding operation located outside an
 7 agricultural drainage well area."

DREES of Carroll

H-1577

1 Amend Senate File 499, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 12 the
 4 following:
 5 "Sec. ____ CIGARETTE AND TOBACCO PRODUCTS -
 6 ADVERTISING - INTERIM. The legislative council is
 7 requested to establish an interim committee to review
 8 the effects of the advertising of cigarette and
 9 tobacco products on persons under the age of eighteen.
 10 The committee shall make recommendations to the
 11 general assembly on or before December 15, 1997, which
 12 include measures which may be implemented to address
 13 such advertising."

FALLON of Polk

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.

WITT of Black Hawk

H-1593

1 Amend House File 670 as follows:
 2 1. Page 2, by inserting after line 21 the
 3 following:
 4 "c. "Psychologically impacted real estate" does
 5 not include a permitted confinement feeding operation
 6 for swine as defined in section 455B.161."

WEIGEL of Chickasaw

H-1594

- 1 Amend House File 670 as follows:
- 2 1. Page 2, line 5, by striking the word "NOT".
- 3 2. Page 2, line 9, by striking the word "not".
- 4 3. Page 2, by inserting after line 21 the
- 5 following:
- 6 "c. "Psychologically impacted real estate" also
- 7 includes a permitted confinement feeding operation for
- 8 swine as defined in section 455B.161."
- 9 4. Page 2, line 22, by striking the words "shall
- 10 not arise" and inserting the following: "arises".
- 11 5. Title page, line 3, by striking the word
- 12 "not".

WEIGEL of Chickasaw

H-1595

- 1 Amend House File 682 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Sec. ____ Section 455D.3, subsection 3, paragraph
- 5 a, unnumbered paragraph 2, Code 1997, is amended to
- 6 read as follows:
- 7 If at any time the department determines that a
- 8 planning area has met or exceeded the twenty-five
- 9 percent goal, a planning area shall subtract fifty
- 10 seventy-five cents from the total amount of the
- 11 tonnage fee imposed pursuant to section 455B.310,
- 12 subsection 2. The reduction in tonnage fees pursuant
- 13 to this paragraph shall be taken from that portion of
- 14 the tonnage fees which would have been allocated for
- 15 funding alternatives to landfills pursuant to section
- 16 455E.11, subsection 2, paragraph "a", subparagraph
- 17 (1).
- 18 Sec. ____ Between the effective date of this Act
- 19 and June 30, 1998, any planning area which is subject
- 20 to the provisions of section 455D.3, subsection 4,
- 21 shall not be required to pay the fee provided for in
- 22 section 455D.3, subsection 4, paragraph "a".
- 23 Sec. ____ The legislative council is requested to
- 24 establish an interim committee for three meetings to
- 25 conduct a comprehensive review of the goals,
- 26 regulation, reporting, and status of statewide efforts
- 27 to reduce and recycle solid waste. The review shall
- 28 include, but not be limited to, an evaluation of the
- 29 effectiveness of statewide goals for waste stream
- 30 reduction, incentives, and penalties used to encourage
- 31 planning areas to meet the waste stream reduction
- 32 goals, recycling programs, tonnage fees, and programs
- 33 funded by tonnage fees. The committee shall submit a

- 34 report of its findings and recommendations to the
35 general assembly by December 15, 1997.”
36 2. By renumbering as necessary.

KLEMME of Plymouth

H-1596

- 1 Amend House File 716 as follows:
2 1. Page 9, by striking lines 25 through 28 and
3 inserting the following: “transportation services to
4 students as provided in this section and sections
5 285.6 and 285.17.”
6 2. Page 20, by inserting after line 10 the
7 following:
8 “Sec. ____ NEW SECTION. 285.17 TRANSPORTATION
9 ASSISTANCE AID TO DISTRICTS.
10 1. The department shall pay transportation
11 assistance aid to a school district from funds
12 appropriated in this section to school districts whose
13 average transportation costs per pupil exceed one
14 hundred twenty-five percent of the state average
15 transportation costs per pupil determined under
16 subsection 2.
17 2. A district’s average transportation costs per
18 pupil shall be determined by dividing the district’s
19 actual cost for all children transported in all school
20 buses for a school year pursuant to section 285.8, by
21 the district’s actual enrollment for the school year,
22 as defined in section 257.6. The state average
23 transportation costs per pupil shall be determined by
24 dividing the total actual costs for all children
25 transported in all districts for a school year, by the
26 total of all districts’ actual enrollments for the
27 school year.
28 3. A school district shall annually certify its
29 actual cost for all children transported in all school
30 buses by July 15 after each school year on forms
31 prescribed by the department of education.
32 4. If a school district’s average transportation
33 costs per pupil are greater than one hundred twenty-
34 five percent of the state average transportation costs
35 per pupil, the department of education shall pay
36 transportation assistance aid equal to the amount of
37 the difference multiplied by the district’s actual
38 enrollment for the school year.
39 5. Transportation assistance aid received by a
40 school district pursuant to this section is

- 41 miscellaneous income for purposes of chapter 257."
- 42 3. By renumbering as necessary

WEIGEL of Chickasaw
 KOENIGS of Mitchell
 MAY of Worth
 OSTERHAUS of Jackson
 FOEGE of Linn
 BRAND of Tama
 LARKIN of Lee

MERTZ of Kossuth
 DREES of Carroll
 SCHERRMAN of Dubuque
 THOMAS of Clayton
 WISE of Lee
 O'BRIEN of Boone

H-1601

- 1 Amend the amendment, H-1492, to House File 663, as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "_. Page 1, line 14, by striking the word
- 6 "agency" and inserting the following: "agency,
- 7 agencies, or task force".
- 8 2. By renumbering as necessary.

LAMBERTI of Polk

H-1602

- 1 Amend House File 670 as follows:
- 2 1. Page 2, by striking lines 4 through 29.
- 3 2. Title page, by striking lines 1 through 3 and
- 4 inserting the following: "An Act relating to
- 5 transfers of real property by amending the definition
- 6 of".

WEIGEL of Chickasaw

H-1603

- 1 Amend House File 670 as follows:
- 2 1. Page 2, line 21, by striking the word
- 3 "allegedly".

DODERER of Johnson
 HOLVECK of Polk
 FOEGE of Linn

SHOULTZ of Black Hawk
 KOENIGS of Mitchell
 BUKTA of Clinton

H-1604

- 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. The department shall also conduct
8 a prior authorization cost-effectiveness review study
9 and shall not include in the study any individual
10 currently or previously utilized for a similar study
11 by the department.

12 b. The prospective drug utilization review and
13 prior authorization review studies shall include, but
14 are not limited to, all of the following:

15 (1) The net cost of the generic substitution and
16 brand-name drugs denied under prior authorization,
17 including the effect of rebates.

18 (2) The costs attributed to cost-shifting to more
19 expensive treatment regimens, including additional
20 physician visits, emergency room visits,
21 hospitalization, and nursing home placements.

22 (3) The cost of prescribing mandates, such as
23 requiring two failures of generic drug treatment
24 before allowing prescribing of a brand-name
25 alternative.

26 (4) Outcomes measures of cost-effectiveness and
27 comparison of the two approaches.

28 (5) Administrative costs and comparison of the two
29 approaches.

30 c. Beginning April 1, 1998, the department shall
31 remove from the categories of prescription drugs, for
32 which prior authorization is currently necessary, all
33 of the following for which the comparative drug usage
34 studies establish that prospective drug utilization
35 review is at least as cost-effective as prior
36 authorization:

37 (1) Nonsedating antihistamines.

38 (2) Histamine H2-receptor antagonists.

39 (3) Cephalexin hydrochloride monohydrate
40 prescriptions.

41 (4) Single-source nonsteroidal anti-inflammatory
42 drugs.

43 (5) Single-source benzodiazepines.

44 (6) Topical acne products.

45 (7) Proton pump inhibitors.

46 d. The department may adopt emergency rules to
47 implement this subsection."

BLODGETT of Cerro Gordo
HANSEN of Pottawattamie

H-1605

1 Amend Senate File 429, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 17, by inserting after the word
4 "age" the following: "or unless the person has
5 successfully completed a course of instruction for the

6 safe use and operation of a personal watercraft
 7 approved by the commission and has been issued a
 8 personal watercraft safety certificate. The
 9 department shall establish a curriculum for an
 10 approved course of instruction for the safe use and
 11 operation of a personal watercraft”

SUKUP of Franklin
 VAN FOSSEN of Scott
 BRUNKHORST of Bremer

H-1606

1 Amend Senate File 429, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 13 through 17 and
 4 inserting the following: “~~operation.~~”

SUKUP of Franklin
 VAN FOSSEN of Scott
 BRUNKHORST of Bremer

H-1615

1 Amend House File 715 as follows:
 2 1. By striking page 24, line 34, through page 25,
 3 line 2, and inserting the following:
 4 “2. a. The provisions of section 232.143 and any
 5 related provision of law or rule prohibiting a group
 6 foster care placement which is not in accordance with
 7 a regional plan established pursuant to section
 8 232.143 shall not apply for the fiscal year beginning
 9 July 1, 1997, and moneys appropriated in this section
 10 shall be used as necessary to provide group foster
 11 care in accordance with court orders for the care.”
 12 2. By renumbering as necessary.

SHOULTZ of Black Hawk
 DOTZLER of Black Hawk

H-1630

1 Amend House File 715 as follows:
 2 1. Page 39, by striking line 25 and inserting the
 3 following:
 4 “..... \$ 7,140,000”
 5 2. Page 43, by inserting after line 21 the
 6 following:
 7 “Sec. ____ PROVIDER REIMBURSEMENT – SHELTERED
 8 WORKSHOPS. There is appropriated from the general
 9 fund of the state to the department of human services
 10 for the fiscal year beginning July 1, 1997, and ending
 11 June 30, 1998, the following amount, or so much

12 thereof as is necessary, to be used for the purpose
13 designated:

14 For payment of an increase in provider
15 reimbursement for sheltered workshops:

16 \$ 90,000

17 The moneys appropriated in this section shall be
18 allocated to counties in accordance with the
19 methodology for distribution of property tax relief
20 fund moneys under section 426B.2, subsection 1. The
21 moneys provided pursuant to this section shall be used
22 to pay the state share of the increase in
23 reimbursement rates by two percent over the
24 reimbursement rate provided on June 30, 1997, for
25 sheltered workshops."

WARNSTADT of Woodbury
WHITEAD of Woodbury

H-1633

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 department
15 shall adopt emergency rules to remove the categories
16 of prescription drugs for which prior authorization is
17 currently required unless otherwise directed by the
18 general assembly."

BLODGETT of Cerro Gordo
HANSEN of Pottawattamie

H-1637

1 Amend House File 667 as follows:

2 1. Page 12, by inserting after line 13 the
3 following:

4 "Sec. ____ Section 17A.8, subsection 9, Code 1997,
5 is amended to read as follows:

6 9. Upon a vote of two-thirds of its members, the
7 administrative rules review committee may delay the
8 effective date of a rule until the adjournment of the
9 next regular session of the general assembly. The

10 committee shall refer a rule whose effective date has
 11 been delayed to the speaker of the house of
 12 representatives and the president of the senate who
 13 shall refer the rule to the appropriate standing
 14 committees of the general assembly. A standing
 15 committee shall review a rule within twenty-one days
 16 after the rule is referred to the committee by the
 17 speaker of the house of representatives or the
 18 president of the senate and shall take formal
 19 committee action by sponsoring a joint resolution to
 20 disapprove the rule, by proposing legislation relating
 21 to the rule, or by refusing to propose a joint
 22 resolution or legislation concerning the rule. The
 23 standing committee shall inform the administrative
 24 rules review committee of the committee action taken
 25 concerning the rule. If the general assembly has not
 26 disapproved of the rule by a joint resolution, the
 27 rule shall become effective. The speaker of the house
 28 of representatives and the president of the senate
 29 shall notify the administrative code editor of the
 30 final disposition of each rule delayed pursuant to
 31 this subsection. If a rule is disapproved, it shall
 32 not become effective and the agency shall rescind the
 33 rule. This section shall not apply to rules made
 34 effective under section 17A.5, subsection 2, paragraph
 35 "b".

36 2. By renumbering as necessary.

RANTS of Woodbury

H-1638

1 Amend House File 720 as follows:
 2 1. Page 12, line 2, by inserting after the word
 3 "dollars" the following: "per beneficiary".

JOCHUM of Dubuque

H-1639

1 Amend the amendment, H-1567, to Senate File 519, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 34 the
 5 following:
 6 "3. VALUE OF ACCESS TAXABLE. The commission shall
 7 establish the value of providing remote or dial-up
 8 access to the internet through the use of the network
 9 or any network services to any person enumerated in
 10 subsection 2, paragraphs "a" through "d". The
 11 commission shall provide a statement of that value to
 12 such a person for purposes of income taxation under
 13 federal and state law."

MILLAGE of Scott

H-1641

- 1 Amend the amendment, H-1552, to Senate File 519, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 40 the
5 following:
6 "3. The commission shall establish the value of
7 providing dial-up access to the internet through the
8 use of the network or any network services to any
9 individual person accessing the network through an
10 authorized user. The commission shall provide a
11 statement of that value to such a person for purposes
12 of income taxation under federal and state law."

MILLAGE of Scott

H-1644

- 1 Amend the amendment, H-1633 to House File 715 as
2 follows:
3 1. Page 2, line 5, by inserting before the word
4 "The" the following: "e."
5 2. Page 2, by striking lines 15 through 18, and
6 inserting the following: "shall adopt emergency rules
7 to remove the following categories of prescription
8 drugs for which prior authorization is currently
9 required, unless contraindicated by the studies or
10 otherwise directed by the general assembly:
11 (1) Nonsedating antihistamines.
12 (2) Histamine H2-receptor antagonists.
13 (3) Cephalixin hydrochloride monohydrate
14 prescriptions.
15 (4) Single-source nonsteriodal anti-inflammatory
16 drugs.
17 (5) Single-source benzodiazepines.
18 (6) Topical acne products.
19 (7) Proton pump inhibitors." "

BLODGETT of Cerro Gordo

H-1649

- 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 4, by striking lines 2 through 6, and
5 inserting the following:
6 "_. Page 48, line 28, by inserting after the
7 word "registered." the following: "The department
8 shall review the effects of providing a rate
9 reimbursement incentive on child day care availability
10 including but not limited to any change in the number

11 of providers who are registered and the effect on
 12 access to providers in rural and urban areas. The
 13 department shall report the findings of the review to
 14 the general assembly on or before January 2, 1998.”
 15 3. By renumbering as necessary.

Houser of Pottawattamie

H-1650

1 Amend the amendment, H-1369, to Senate File 391, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 4 the
 5 following:
 6 “_. Page 8, by inserting after line 19 the
 7 following:
 8 “Sec. ___. REPAIR OF HIGHWAY 235. The state
 9 department of transportation shall include in its
 10 current five-year plan, provisions for completing the
 11 repairs and reconstruction planned for highway 235.”
 12 2. By renumbering as necessary.

GRUNDBERG of Polk

H-1655

1 Amend Senate File 516, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 32, by inserting after line 8 the
 4 following:
 5 “DIVISION III
 6 Sec. ___. Section 239B.12, subsection 1, as
 7 enacted by this Act, is amended by striking the
 8 subsection and inserting in lieu thereof the
 9 following:
 10 1. a: The department shall require immunizations
 11 of children who are preschool age and are a member of
 12 a family receiving assistance under this chapter. The
 13 department shall adopt rules setting forth the
 14 immunization requirements which shall be in accordance
 15 with the immunization recommendations adopted by the
 16 Iowa department of public health under section 139.9,
 17 including the exemption provisions in section 139.9,
 18 subsection 4. The rules shall specify the types of
 19 immunizations required, the age groupings to which the
 20 requirements apply, and other provisions. The rules
 21 shall also include exemptions for good cause or for
 22 factors beyond the control of the child's parent,
 23 guardian, or custodian. The exemptions shall be in
 24 addition to those established by the Iowa department
 25 of public health.
 26 b. Unless exempt by rule, a participant family

27 which is not in compliance with an immunization
28 requirement shall be subject to sanction. The
29 sanction shall be a deduction from cash benefit
30 assistance payable to the participant family in an
31 amount equivalent to twenty-five percent of the
32 applicable family investment program payment standard.
33 The sanction shall apply until the participant family
34 complies with the immunization requirement.

35 Sec. ____ Section 239B.12, subsection 2, as
36 enacted by this Act, is amended to read as follows:

37 2. The department of human services shall
38 cooperate with the Iowa department of public health to
39 establish an interagency agreement allowing the
40 sharing of pertinent client data, as permitted under
41 federal law and regulation, for the purposes of
42 determining immunization rates of participants,
43 evaluating family investment program efforts to
44 encourage require immunizations, and developing
45 strategies to further encourage immunization of
46 participants.

47 Sec. ____ EFFECTIVE DATE. This division of this
48 Act takes effect July 1, 1998."

BODDICKER of Cedar

H-1669

1 Amend Senate File 515, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 19 and 20, and
4 inserting the following: "violation of this section
5 and who has one previous conviction for a violation of
6 this section commits an aggravated".

7 2. Page 2, by striking lines 25 and 26, and
8 inserting the following: "violation of this section
9 and who has two or more previous convictions for a
10 violation of this section commits a class "D" felony."

BODDICKER of Cedar

H-1673

1 Amend Senate File 472, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 455B.171, Code 1997, is
6 amended by adding the following new subsections:
7 NEW SUBSECTION. 1C. "Anaerobic lagoon" means the
8 same as defined in section 455B.161.

9 NEW SUBSECTION. 2A. "Animal feeding operation
10 structure" means the same as defined in section
11 455B.161.

12 NEW SUBSECTION. 7A. "Earthen manure storage
13 basin" means the same as defined in section 455B.161.

14 Sec. 2. NEW SECTION. 455B.201A ANAEROBIC LAGOONS
15 AND EARTHEN MANURE STORAGE BASINS.

16 1. A person shall not construct or expand an
17 earthen manure storage basin used in conjunction with
18 a confinement feeding operation in which swine are
19 confined, if the earthen manure storage basin as
20 constructed or expanded would have the capacity to
21 store more than three million gallons of waste
22 discharge.

23 2. As a condition of a permit approved by the
24 department for the construction or expansion of an
25 animal feeding operation structure which is part of a
26 confinement feeding operation as provided in section
27 455B.173, the department shall inspect each anaerobic
28 lagoon or earthen manure storage basin which is part
29 of the confinement feeding operation at least once
30 each eighteen months. An inspection conducted
31 pursuant to this subsection shall be limited to a
32 visual inspection of the site where the anaerobic
33 lagoon or earthen manure storage basin is located.
34 The department shall inspect the site at a reasonable
35 time after providing twenty-four hours' notice to the
36 person owning or managing the confinement feeding
37 operation. However, in order to inspect the premises
38 the departmental inspector must comply with standard
39 biosecurity requirements customarily required by the
40 operation. The visual inspection shall consist of
41 determining whether any of the following exists:

- 42 a. An adequate freeboard level.
- 43 b. The seepage of manure from the anaerobic lagoon
44 or earthen manure storage basin.
- 45 c. Erosion.
- 46 d. Inadequate vegetation cover.
- 47 e. The presence of an opening allowing manure to
48 drain from the anaerobic lagoon or earthen manure
49 storage basin.

50 Sec. 3. NEW SECTION. 455B.201B RESTRICTIONS

Page 2

1 WITHIN THE RATHBUN WATERSHED.

- 2 1. The following shall apply to an anaerobic
3 lagoon or earthen manure storage basin which is part
4 of a confinement feeding operation, if the anaerobic
5 lagoon or earthen manure storage basin is required to
6 receive a construction permit pursuant to section
7 455B.173 and is located within the Rathbun watershed
8 as designated by the United States government:
 - 9 a. Not later than July 1, 1998, the owner of a
10 confinement feeding operation shall construct a
11 secondary manure containment for an anaerobic lagoon
12 or earthen manure storage basin existing on the

13 effective date of this Act and which is part of the
 14 confinement feeding operation located within the
 15 watershed.
 16 b. A person shall not construct or expand an
 17 anaerobic lagoon or earthen manure storage basin
 18 within the watershed, unless the person constructs
 19 secondary manure containment for the anaerobic lagoon
 20 or earthen manure storage basin.
 21 c. The department must approve a permit for the
 22 construction of the secondary manure containment prior
 23 to its construction. The department shall approve the
 24 construction of the secondary manure containment as
 25 part of the construction permit for an anaerobic
 26 lagoon or earthen manure storage basin constructed on
 27 and after the effective date of this Act.
 28 d. The secondary manure containment required to be
 29 constructed pursuant to this section shall be
 30 constructed of materials and according to
 31 specifications required by rules which shall be
 32 adopted by the department in order to contain an
 33 above-grade breach or overflow of a berm of an
 34 anaerobic lagoon or earthen manure storage basin.
 35 2. The department shall adopt rules which impose
 36 restrictions on the use of spray irrigation equipment
 37 within the watershed.
 38 3. A person shall not be prohibited from
 39 constructing a secondary manure containment under this
 40 section because the person is classified as a habitual
 41 violator as provided in section 455B.173.”
 42 2. Title page, line 1, by inserting after the
 43 word “Act” the following: “relating to animal feeding
 44 operations, by regulating animal feeding operation
 45 structures and”.
 46 3. By renumbering as necessary.

SUKUP of Franklin
 TEIG of Hamilton
 GREINER of Washington
 GREIG of Emmet
 KOENIGS of Mitchell

ARNOLD of Lucas
 EDDIE of Buena Vista
 MEYER of Sac
 GARMAN of Story
 MUNDIE of Webster

H-1676

1 Amend Senate File 253, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by inserting after line 3 the
 4 following:
 5 “_ . An animal shelter or pound as defined in
 6 section 162.2, if the animal shelter or pound engages
 7 a licensed veterinarian or the holder of a temporary
 8 permit issued by the board pursuant to section 169.11,
 9 in order to practice veterinary medicine at the animal
 10 shelter or pound.”

H-1677

- 1 Amend the amendment, H-1673, to Senate File 472, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 40, by striking the words
- 5 "consist of" and inserting the following: "include,
- 6 but not be limited to,".

KOENIGS of Mitchell

H-1678

- 1 Amend the amendment, H-1673, to Senate File 472, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 1, by striking the words "THE
- 5 RATHBUN WATERSHED" and inserting the following:
- 6 "WATERSHEDS".
- 7 2. Page 2, by striking lines 7 and 8 and
- 8 inserting the following: "455B.173 and is located
- 9 within the watershed of any lake used to supply
- 10 drinking water:".

KOENIGS of Mitchell

H-1679

- 1 Amend the amendment, H-1673, to Senate File 472, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 16, by inserting after the word
- 5 "an" the following: "anaerobic lagoon or".
- 6 2. Page 1, line 19, by inserting before the word
- 7 "earthen" the following: "anaerobic lagoon or".

KOENIGS of Mitchell

H-1680

- 1 Amend the amendment, H-1673, to Senate File 472, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 6 the
- 5 following:
- 6 "NEW SUBSECTION. 1A. "Animal" means the same as
- 7 defined in section 455B.161."
- 8 2. Page 1, line 18, by striking the word "swine"
- 9 and inserting the following: "animals".

MEYER of Sac

H-1681

1 Amend the amendment, H-1673, to Senate File 472, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "___ A county board of supervisors may adopt an
7 ordinance pursuant to section 331.302 requiring a
8 person to submit security evidence of financial
9 responsibility with the county prior to constructing
10 an anaerobic lagoon or earthen manure storage basin
11 which is part of a confinement feeding operation. A
12 person shall not construct or expand an anaerobic
13 lagoon or earthen manure storage basin in violation of
14 the ordinance. The security evidence of financial
15 responsibility may be in the form of a bond, cash
16 deposit, or statement of net worth as required by the
17 board. The bond or cash deposit shall be for an
18 amount and be used for the exclusive purpose of
19 ensuring the cleanup of a site contaminated by manure
20 originating from the confinement feeding operation.
21 As used in this subsection, "bond" means a bond issued
22 by a surety company or an irrevocable letter of credit
23 issued by a financial institution as defined in
24 section 12.61."

FREVERT of Palo Alto

H-1682

1 Amend House File 667 as follows:

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

4 "ARTICLE 1

5 GENERAL PROVISIONS

6 Section 1. NEW SECTION. 17A.1101 CITATION,
7 STATEMENT OF PURPOSE, AND CONSTRUCTION.

8 1. This chapter may be cited as the "Iowa
9 Administrative Procedure Act". Whenever the terms
10 "administrative procedure Act" or "chapter 17A" appear
11 in the Code, they mean this chapter and this Act.

12 2. The purposes of this chapter are the following:

13 a. To provide legislative and gubernatorial
14 oversight of powers and duties delegated to
15 administrative agencies.

16 b. To increase the public accountability of
17 administrative agencies.

18 c. To simplify government by assuring a uniform
19 minimum procedure to which all agencies will be held
20 in the conduct of their most important functions.

21 d. To increase public access to information about
22 agency law and policy.

- 23 e. To increase public participation in the
 24 formulation of administrative rules and the efficacy
 25 and acceptability of those rules.
- 26 f. To increase the fairness and efficiency of
 27 agencies in their conduct of adjudicative proceedings.
- 28 g. To simplify the process of judicial review of
 29 agency action as well as to increase its availability
 30 and effectiveness.
- 31 3. In accomplishing its objectives, the intention
 32 of this chapter is to strike a fair balance between
 33 the need for adequate protection of private rights and
 34 political control of agency processes and the need for
 35 efficient, economical, and effective government
 36 administration.
- 37 4. The coverage and requirements of this chapter
 38 shall be construed broadly to effectuate the purposes
 39 of this chapter and any exemptions from its
 40 requirements contained in this chapter or elsewhere
 41 shall be narrowly construed.
- 42 Sec. 2. NEW SECTION. 17A.1102 DEFINITIONS.
- 43 As used in this chapter, unless the context
 44 otherwise requires:
- 45 1. "Adjudicative proceeding" means the process for
 46 formulating and issuing an order.
- 47 2. "Agency" means a board, commission, department,
 48 officer, or other administrative unit of this state,
 49 including the agency head, and one or more members of
 50 the agency head or agency employees directly or

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- 1 indirectly purporting to act on behalf or under the
 2 authority of the agency head. "Agency" does not mean
 3 the general assembly or any of its components, the
 4 judicial department or any of its components, the
 5 governor, or a political subdivision of the state or
 6 any of the administrative units of a political
 7 subdivision, but it does include a board, commission,
 8 department, officer, or other administrative unit
 9 created or appointed by joint or concerted action of
 10 an agency and one or more political subdivisions of
 11 the state or any of their administrative units. To
 12 the extent it purports to exercise authority subject
 13 to any provision of this chapter, an administrative
 14 unit otherwise qualifying as an "agency" must be
 15 treated as a separate agency even if the
 16 administrative unit is located within or subordinate
 17 to another agency.
- 18 Unless provided otherwise by statute, no less than
 19 two-thirds of the members eligible to vote of a
 20 multimember agency head constitute a quorum authorized
 21 to act in the name of the agency.
- 22 3. "Agency action" means any one of the following:

- 23 a. The whole or a part of a rule or an order.
 24 b. The failure to adopt a rule or issue an order.
 25 c. An agency's performance of, or failure to
 26 perform, any other duty, function, or activity,
 27 discretionary or otherwise.
 28 4. "Agency head" means an individual or body of
 29 individuals in whom the ultimate legal authority of
 30 the agency, with respect to the matter at issue, is
 31 vested by any provision of law.
 32 5. "License" means a franchise, permit,
 33 certification, approval, registration, charter, or
 34 similar form of authorization required by law.
 35 6. "Order" means an agency action of particular
 36 applicability that determines the legal rights,
 37 duties, privileges, immunities, or other legal
 38 interests of one or more specific persons. The term
 39 does not include an "executive order" issued by the
 40 governor pursuant to section 17A.1104 or 17A.3202. A
 41 "final order" means the whole or part of an agency
 42 order other than a nonfinal order. A "nonfinal order"
 43 includes an initial order and means the whole or part
 44 of an agency order that the agency intends to be
 45 preliminary, preparatory, procedural, or intermediate
 46 with regard to subsequent agency action.
 47 7. "Party to agency proceedings" or "party" in
 48 context so indicating, means any of the following:
 49 a. A person to whom the agency action is
 50 specifically directed.

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- 1 b. A person named as a party to an agency
 2 proceeding or allowed to intervene or participate as a
 3 party in the proceeding.
 4 8. "Party to judicial review or civil enforcement
 5 proceeding" or "party" in context so indicating, means
 6 any of the following:
 7 a. A person who files a petition for judicial
 8 review or civil enforcement.
 9 b. A person named as a party in a proceeding for
 10 judicial review or civil enforcement or allowed to
 11 participate as a party in the proceeding.
 12 9. "Person" means an individual, partnership,
 13 corporation, association, governmental subdivision or
 14 unit thereof, or public or private organization or
 15 entity of any character, and includes another agency.
 16 10. "Presiding officer" means an individual who
 17 presides at any stage in an adjudicative proceeding.
 18 11. "Provision of law" means the whole or a part
 19 of the federal or state constitution, or of any
 20 federal or state statute, court rule, executive order,
 21 or rule of an agency.
 22 12. "Rule" means the whole or a part of an agency

23 statement of general applicability that implements,
 24 interprets, or prescribes law or policy, or the
 25 organization, procedures, or practice requirements of
 26 an agency. The term includes the amendment, repeal,
 27 or suspension of an existing rule. Notwithstanding
 28 any other provision of law, "rule" includes an
 29 executive order or directive of the governor which
 30 creates an agency or establishes a program or which
 31 transfers a program between agencies established by
 32 statute or rule.

33 13. "Rulemaking" means the process for formulating
 34 and adopting a rule.

35 Sec. 3. NEW SECTION. 17A.1103 APPLICABILITY AND
 36 RELATION TO OTHER LAW.

37 1. This chapter applies to all agencies and all
 38 proceedings not expressly exempted, mentioning this
 39 chapter by name or number.

40 2. This chapter creates only procedural rights and
 41 imposes only procedural duties. The procedural rights
 42 and duties are in addition to those created and
 43 imposed by other statutes. To the extent that any
 44 other statute would diminish a right created or duty
 45 imposed by this chapter, the other statute is
 46 superseded by this chapter, unless the other statute
 47 expressly provides otherwise, mentioning this chapter
 48 by name or number. However, where this chapter
 49 expressly refers to another statute and incorporates
 50 its contents, that other statute controls whether or

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1 not it mentions this chapter by name or number.

2 3. An agency may grant procedural rights to
 3 persons in addition to those conferred by this chapter
 4 as long as rights conferred upon other persons by any
 5 provision of law are not substantially prejudiced.

6 4. An agency may exercise only that authority
 7 delegated to it by some provision of law and not
 8 otherwise prohibited by law.

9 Sec. 4. NEW SECTION. 17A.1104 SUSPENSION OF
 10 CHAPTER'S PROVISIONS WHEN NECESSARY TO AVOID LOSS OF
 11 FEDERAL FUNDS OR SERVICES.

12 1. To the extent necessary to avoid a denial of
 13 funds or services from the United States which would
 14 otherwise be available to the state, the governor by
 15 executive order may suspend, in whole or in part, one
 16 or more provisions of this chapter. The governor by
 17 executive order shall declare the termination of a
 18 suspension as soon as it is no longer necessary to
 19 prevent the loss of funds or services from the United
 20 States.

21 2. An executive order issued under subsection 1 is
 22 subject to the requirements applicable to the adoption

23 and effectiveness of a rule.

24 3. If any provision of this chapter is suspended
25 pursuant to this section, the governor shall promptly
26 report the suspension to the general assembly. The
27 report must include recommendations concerning any
28 desirable legislation that may be necessary to conform
29 this chapter to federal law.

30 Sec. 5. NEW SECTION. 17A.1105 WAIVER.

31 Except to the extent precluded by another provision
32 of law, a person may waive any right conferred upon
33 that person by this chapter.

34 Sec. 6. NEW SECTION. 17A.1106 INFORMAL
35 SETTLEMENTS.

36 Except to the extent precluded by another provision
37 of law, informal settlement of matters that may make
38 unnecessary more elaborate proceedings under this
39 chapter is encouraged. Agencies shall establish by
40 rule specific procedures to facilitate informal
41 settlement of matters. This section does not require
42 any party or other person to settle a matter pursuant
43 to informal procedures.

44 Sec. 7. NEW SECTION. 17A.1107 CONVERSION OF
45 PROCEEDINGS.

46 1. At any point in an agency proceeding the
47 presiding officer or other agency official responsible
48 for the proceeding may convert the proceeding to
49 another type of agency proceeding provided for by this
50 chapter if the conversion is appropriate under the

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1 particular circumstances, is in the public interest,
2 and does not prejudice the substantial rights of any
3 party. If required by any provision of law, the
4 presiding officer or other agency official responsible
5 for the proceeding shall convert the proceeding to
6 another type of agency proceeding provided by this
7 chapter.

8 2. A conversion of a proceeding of one type to a
9 proceeding of another type may be effected only upon
10 notice to all parties to the original proceeding and
11 an opportunity to present argument on that issue. An
12 order converting one type of proceeding to another
13 type of proceeding is a final order.

14 3. If the presiding officer or other agency
15 official responsible for the original proceeding would
16 not have authority over the new proceeding to which it
17 is to be converted, that officer or official, in
18 accordance with agency rules, shall secure the
19 appointment of a successor to preside over or be
20 responsible for the new proceeding.

21 4. To the extent feasible and consistent with the
22 rights of parties and the requirements of this chapter

23 pertaining to the new proceeding, the record of the
24 original agency proceeding must be used in the new
25 agency proceeding.

26 5. After a proceeding is converted from one type
27 to another, the presiding officer or other agency
28 official responsible for the new proceeding shall do
29 all of the following:

30 a. Give such additional notice to parties or other
31 persons as is necessary to satisfy the requirements of
32 this chapter pertaining to the new proceeding.

33 b. Dispose of the matters involved without further
34 proceedings if sufficient proceedings have already
35 been held to satisfy the requirements of this chapter
36 pertaining to the new proceeding.

37 c. Conduct or cause to be conducted any additional
38 proceedings necessary to satisfy the requirements of
39 this chapter pertaining to the new proceeding.

40 6. Each agency shall adopt rules to govern the
41 conversion of one type of proceeding to another. The
42 rules must include an enumeration of the factors to be
43 considered in determining whether and under what
44 circumstances one type of proceeding will be converted
45 to another.

46 Sec. 8. NEW SECTION. 17A.1108 EFFECTIVE DATE.

47 This chapter takes effect on July 1, 1998, and does
48 not govern proceedings pending on that date. However,
49 section 17A.3103, subsection 3, takes effect on July
50 1, 1997. This chapter governs all agency proceedings,

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1 and all proceedings for judicial review or civil
2 enforcement of agency action, commenced after that
3 date. This chapter also governs agency proceedings
4 conducted on a remand from a court or another agency
5 after the effective date of this chapter.

ARTICLE 2

7 PUBLIC ACCESS TO AGENCY LAW AND POLICY

8 Sec. 9. NEW SECTION. 17A.2101 PUBLICATION,
9 COMPILATION, INDEXING, AND PUBLIC INSPECTION OF RULES.

10 1. The administrative rules editor shall cause the
11 "Iowa Administrative Bulletin" to be published in
12 pamphlet or electronic form at least every other week
13 containing all of the following:

14 a. Notices of proposed rule adoption prepared in
15 such a manner so that the text of a proposed rule
16 shows the text of any existing rule being changed and
17 the change being made.

18 b. Newly filed adopted rules prepared so that the
19 text of the newly filed adopted rule shows the text of
20 any existing rule being changed and the change being
21 made.

22 c. All proclamations and executive orders of the

23 governor which are general and permanent in nature.

24 d. Resolutions nullifying administrative rules
25 passed by the general assembly pursuant to article
26 III, section 40 of the Constitution of the State of
27 Iowa.

28 e. Other materials deemed appropriate for such
29 publication by the administrative rules review
30 committee or the administrative rules coordinator.

31 2. Subject to the direction of the administrative
32 rules coordinator, the administrative rules editor
33 shall cause the "Iowa Administrative Code" to be
34 compiled, indexed, and published in loose-leaf or
35 electronic form containing all effective rules of each
36 agency. The administrative rules editor shall also
37 cause loose-leaf or electronic supplements to the Iowa
38 administrative code to be published on a schedule
39 determined by the administrative rules coordinator and
40 the administrative rules review committee. Any such
41 loose-leaf supplements shall be in a form suitable for
42 insertion in the appropriate places in the permanent
43 compilation, and any such electronic supplements shall
44 be wholly integrated into the text of the permanent
45 compilation. The administrative rules coordinator
46 shall devise a uniform numbering system for rules and
47 may renumber rules before publication to conform with
48 the system.

49 3. a. The administrative rules editor may omit
50 from the Iowa administrative bulletin or code any

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1 proposed or filed adopted rule the publication of
2 which would be unduly cumbersome, expensive, or
3 otherwise inexpedient, if all of the following apply:

4 (1) The administrative rules editor and the
5 administrative rules coordinator determine that
6 knowledge of the rule is likely to be important to
7 only a small class of persons.

8 (2) On application to the adopting agency, the
9 proposed or adopted rule in printed or electronic form
10 is made available at no more than its cost of
11 reproduction.

12 (3) The administrative bulletin or code contains a
13 notice stating in detail the specific subject matter
14 of the omitted proposed or adopted rule and how a copy
15 of the omitted material may be obtained.

16 b. The administrative rules editor shall omit from
17 the Iowa administrative code any rule or portion of a
18 rule nullified by the general assembly pursuant to
19 article III, section 40 of the Constitution of the
20 State of Iowa, any rule or portion of a rule rescinded
21 by the governor pursuant to section 17A.3202, and any
22 other rule that is no longer effective.

23 4. The Iowa administrative bulletin and the Iowa
24 administrative code and its supplements shall be made
25 available upon request to all persons who subscribe to
26 any of them through the state printing division of the
27 department of general services. Copies of this code
28 so made available shall be kept current by the
29 division.

30 Each agency shall also make available for public
31 inspection and copying in its principal office those
32 portions of the Iowa administrative bulletin and code
33 containing all rules adopted or used by the agency in
34 the discharge of its functions, and the index to those
35 rules. An agency may satisfy the requirements of this
36 paragraph by making available for public inspection
37 and copying in its principal office a complete and up-
38 to-date set of the administrative bulletin and code.

39 5. All expenses incurred by the administrative
40 rules editor under this section shall be defrayed
41 under section 2B.22.

42 6. a. The Iowa administrative code shall be cited
43 as (agency identification number) IAC, (chapter, rule,
44 subrule, lettered paragraph, or numbered
45 subparagraph).

46 b. The Iowa administrative bulletin shall be cited
47 as IAB (volume), (number), (publication date), (page
48 number), (ARC number). "ARC number" means the
49 identification number assigned by the administrative
50 rules coordinator to each rulemaking document.

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1 7. Except as otherwise required by law,
2 subsections 1 and 2 do not apply to rules governed by
3 section 17A.3116, and the following provisions apply
4 instead:

5 a. Each agency shall index by subject all of its
6 written rules within the scope of section 17A.3116.
7 All of those rules must also be made available for
8 public inspection and copying at no more than the cost
9 of reproduction; however, an agency need not make
10 available for public inspection and copying those
11 portions containing rules governed by section
12 17A.3116, subsection 2, except to the extent that such
13 inspection and copying is required by constitution or
14 statute or in discovery under the Iowa rules of civil
15 or criminal procedure.

16 b. A rule subject to the requirements of this
17 subsection shall not be relied on by an agency to the
18 detriment of any person who does not have actual,
19 timely knowledge of the contents of the rule until the
20 requirements of paragraph "a" are satisfied. The
21 burden of proving that knowledge is on the agency.

22 Sec. 10. NEW SECTION. 17A.2102 PUBLIC INSPECTION

23 AND INDEXING OF AGENCY ORDERS.

24 1. In addition to other requirements imposed by
25 any provision of law, each agency shall make all
26 written final orders, including settlement orders,
27 available for public inspection and copying at no more
28 than the cost of reproduction and index them by name
29 and subject. When the agency makes them available for
30 public inspection and copying, the agency shall delete
31 from those orders identifying details to the extent
32 required by any provision of law or necessary to
33 prevent a clearly unwarranted invasion of privacy or
34 release of trade secrets. In each case the
35 justification for the deletion must be explained in
36 writing and attached to the order.

37 2. A written final order shall not be relied on as
38 precedent by an agency and shall not be invoked by an
39 agency for any purpose, to the detriment of any
40 person, until it has been made available for public
41 inspection and indexed in the manner described in
42 subsection 1. This provision is inapplicable to any
43 person who has actual timely knowledge of the order.

44 The burden of proving that knowledge is on the agency.
45 Sec. 11. NEW SECTION. 17A.2103 DECLARATORY
46 ORDERS.

47 1. Any person may petition an agency for a
48 declaratory order as to the applicability to specified
49 circumstances of a statute, rule, or order within the
50 primary jurisdiction of the agency. An agency shall

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1 issue a declaratory order in response to a petition
2 for that order unless the agency determines that
3 issuance of the order under the circumstances would be
4 contrary to a rule adopted in accordance with
5 subsection 2. However, an agency shall not issue a
6 declaratory order that would substantially prejudice
7 the rights of a person who would be a necessary party
8 and who does not consent in writing to the
9 determination of the matter by a declaratory order
10 proceeding.

11 2. Each agency shall adopt rules that provide for
12 the form, contents, and filing of petitions for
13 declaratory orders, the procedural rights of persons
14 in relation to the petitions, and the disposition of
15 the petitions. The rules must describe the classes of
16 circumstances in which the agency will not issue a
17 declaratory order and must be consistent with the
18 public interest and with the general policy of this
19 chapter to facilitate and encourage agency issuance of
20 reliable advice.

21 3. Within fifteen days after receipt of a petition
22 for a declaratory order, an agency shall give notice

23 of the petition to all persons to whom notice is
 24 required by any provision of law and may give notice
 25 to any other persons.

26 4. Persons who qualify under section 17A.4209,
 27 subsection 1, paragraphs "b" and "c" as an intervenor
 28 and who file timely petitions for intervention
 29 according to agency rules may intervene in proceedings
 30 for declaratory orders. Other provisions of article 4
 31 of this chapter apply to agency proceedings for
 32 declaratory orders only to the extent an agency so
 33 provides by rule or order.

34 5. Within thirty days after receipt of a petition
 35 for a declaratory order an agency, in writing, shall
 36 do one of the following:

37 a. Issue an order declaring the applicability of
 38 the statute, rule, or order in question to the
 39 specified circumstances.

40 b. Set the matter for specified proceedings.

41 c. Agree to issue a declaratory order by a
 42 specified time.

43 d. Decline to issue a declaratory order, stating
 44 the reasons for its action.

45 6. A copy of all orders issued in response to a
 46 petition for a declaratory order must be mailed
 47 promptly to the petitioner and any other parties.

48 7. A declaratory order has the same status and
 49 binding effect as any other order issued in an agency
 50 adjudicative proceeding. A declaratory order must

Page 10

1 contain the names of all parties to the proceeding on
 2 which it is based, the particular facts on which it is
 3 based, and the reasons for its conclusion.

4 8. If an agency has not issued a declaratory order
 5 within sixty days after receipt of a petition
 6 therefor, the petition is deemed to have been denied.

7 Sec. 12. NEW SECTION. 17A.2104 REQUIRED
 8 RULEMAKING.

9 In addition to other rulemaking requirements
 10 imposed by law, each agency shall do all of the
 11 following:

12 1. Adopt as a rule a description of the
 13 organization of the agency which states the course and
 14 method of its operations, the administrative
 15 subdivisions of the agency and the programs
 16 implemented by each of them, a statement of the
 17 mission of the agency and the methods by which and
 18 location where the public may obtain information or
 19 make submissions or requests.

20 2. Adopt rules of practice setting forth the
 21 nature and requirements of all formal and informal
 22 procedures available to the public, including a

23 description of all forms and instructions that are to
 24 be used by the public in dealing with the agency.
 25 3. As soon as feasible and to the extent
 26 practicable, adopt rules, in addition to those
 27 otherwise required by this chapter, embodying
 28 appropriate standards, principles, and procedural
 29 safeguards that the agency will apply to the law it
 30 administers.

31 ARTICLE 3
 32 RULEMAKING
 33 PART 1

34 ADOPTION AND EFFECTIVENESS OF RULES

35 Sec. 13. NEW SECTION. 17A.3101 ADVICE ON
 36 POSSIBLE RULES BEFORE NOTICE OF PROPOSED RULE
 37 ADOPTION.

38 1. In addition to seeking information by other
 39 methods, an agency, before publication of a notice of
 40 proposed rule adoption under section 17A.3103, may
 41 solicit comments from the public on a subject matter
 42 of possible rulemaking under active consideration
 43 within the agency by causing notice to be published in
 44 the administrative bulletin of the subject matter and
 45 indicating where, when, and how persons may comment.

46 2. Each agency head may also appoint formal
 47 committees, as determined by the agency head, to
 48 comment, before publication of a notice of proposed
 49 rule adoption under section 17A.3103, on the subject
 50 matter of a possible rulemaking under active

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1 consideration within the agency. The membership of
 2 those committees must be published at least annually
 3 in the administrative bulletin.

4 Sec. 14. NEW SECTION. 17A.3102 PUBLIC RULEMAKING
 5 DOCKET.

6 1. Each agency shall maintain a current, public
 7 rulemaking docket.

8 2. The rulemaking docket must list each pending
 9 rulemaking proceeding. A rulemaking proceeding is
 10 pending from the time it is commenced, by publication
 11 of a notice of proposed rule adoption, to the time it
 12 is terminated, by publication of a notice of
 13 termination or the rule becoming effective. For each
 14 rulemaking proceeding, the docket must indicate all of
 15 the following:

- 16 a. The subject matter of the proposed rule.
- 17 b. A citation to all published notices relating to
- 18 the proceeding.
- 19 c. Where written submissions on the proposed rule
- 20 may be inspected.
- 21 d. The time during which written submissions may
- 22 be made.

23 e. The names of persons who have made written
 24 requests for an opportunity to make oral presentations
 25 on the proposed rule, where those requests may be
 26 inspected, and where and when oral presentations may
 27 be made.

28 f. Whether a written request for the issuance of a
 29 regulatory analysis of the proposed rule has been
 30 filed, whether that analysis has been issued, and
 31 where the written request and analysis may be
 32 inspected.

33 g. The current status of the proposed rule and any
 34 agency determinations with respect thereto.

35 h. Any known timetable for agency decisions or
 36 other action in the proceeding.

37 i. The date of the rule's adoption.

38 j. The date or dates the rule is to be or was
 39 considered by the Administrative Rules Review
 40 Committee and an indication of any action taken by
 41 that committee on the rule.

42 k. The date of the rule's filing, indexing, and
 43 publication.

44 l. When the rule will become effective.

45 Sec. 15. NEW SECTION. 17A.3103 NOTICE OF
 46 PROPOSED RULE ADOPTION.

47 1. At least thirty-five days before the adoption
 48 of a rule, an agency shall cause notice of its
 49 contemplated action to be published in the
 50 administrative bulletin by submitting five copies of

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1 the proposed rule to the administrative rules
 2 coordinator, who shall assign an ARC number to each
 3 rulemaking document and forward three copies to the
 4 administrative rules editor for publication in the
 5 administrative bulletin. The notice of proposed rule
 6 adoption must include all of the following:

7 a. A short explanation of the purpose of the
 8 proposed rule.

9 b. The specific legal authority authorizing the
 10 proposed rule.

11 c. Subject to section 17A.2101, subsection 3, the
 12 text of the proposed rule.

13 d. Where, when, and how persons may present their
 14 views on the proposed rule.

15 e. Where, when, and how persons may demand an oral
 16 proceeding on the proposed rule if the notice does not
 17 already provide for one.

18 2. Within three days after its publication in the
 19 administrative bulletin, the agency shall cause a copy
 20 of the notice of proposed rule adoption to be mailed
 21 to each person who has made a timely request to the
 22 agency for a mailed copy of the notice. An agency may

23 charge persons for the actual cost of providing them
24 with mailed copies. Failure to provide copies as
25 provided in this subsection shall not be grounds for
26 invalidation of a rule, unless that failure was
27 deliberate on the part of the agency or a result of
28 gross negligence.

29 3. An agency may publish a notice of proposed rule
30 adoption and hold a rulemaking proceeding on the
31 notice after the enactment and before the effective
32 date of a statute authorizing it to adopt the proposed
33 rule as long as any rule adopted on the basis of that
34 proceeding states that it will not become effective
35 until a specified date on or after the effective date
36 of the authorizing statute.

37 Sec. 16. NEW SECTION. 17A.3104 PUBLIC
38 PARTICIPATION.

39 1. For at least twenty days after publication of
40 the notice of proposed rule adoption, an agency shall
41 afford persons the opportunity to submit in writing,
42 argument, data, and views on the proposed rule.

43 2. a. An agency shall schedule an oral proceeding
44 on a proposed rule if, within twenty days after the
45 published notice of proposed rule adoption, a written
46 request for an oral proceeding is submitted by the
47 administrative rules review committee, the
48 administrative rules coordinator, a political
49 subdivision, an agency, twenty-five persons, or by an
50 association having not less than twenty-five members.

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1 At that proceeding, persons may present oral argument,
2 data, and views on the proposed rule.

3 b. An oral proceeding on a proposed rule, if
4 required, may not be held earlier than twenty days
5 after notice of its location and time is published in
6 the administrative bulletin.

7 c. The agency head, a member of the agency head,
8 or another person designated by the agency, shall
9 preside at a required oral proceeding on a proposed
10 rule. The person presiding must have knowledge of the
11 purpose and subject matter of the proposed rule. If
12 the agency does not preside, the presiding officer
13 shall prepare a memorandum for consideration by the
14 agency summarizing the contents of the presentations
15 made at the oral proceeding. Oral proceedings must be
16 open to the public and be recorded by stenographic or
17 other means.

18 d. Each agency shall adopt rules for the conduct
19 of oral rulemaking proceedings. Those rules may
20 include provisions calculated to prevent undue
21 repetition in the oral proceedings.

22 Sec. 17. NEW SECTION. 17A.3105 REGULATORY

23 ANALYSIS.

24 1. An agency shall issue a regulatory analysis of
25 a proposed rule that complies with requirements of
26 subsection 2, paragraph "a", if, within thirty-five
27 days after the published notice of proposed rule
28 adoption, a written request for the analysis is
29 submitted to the agency by the administrative rules
30 review committee or the administrative rules
31 coordinator. An agency shall issue a regulatory
32 analysis of a proposed rule that complies with
33 subsection 2, paragraph "b", if that rule would have a
34 substantial impact on small business and if such a
35 request is submitted to the agency within the
36 specified time period by the administrative rules
37 review committee, the administrative rules
38 coordinator, at least twenty-five persons signing that
39 request who each qualify as a small business, or by an
40 organization representing at least twenty-five such
41 persons. If a rule has been adopted without prior
42 notice and an opportunity for public participation in
43 reliance upon section 17A.3108, the written request
44 for the analysis may be made within seventy days of
45 publication of that rule.

46 2. a. Except to the extent that the written
47 request expressly waives one or more of the following,
48 the regulatory analysis must contain all of the
49 following:

50 (1) A description of the classes of persons who

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1 probably will be affected by the proposed rule,
2 including classes that will bear the costs of the
3 proposed rule and classes that will benefit from the
4 proposed rule.

5 (2) A description of the probable quantitative and
6 qualitative impact of the proposed rule, economic or
7 otherwise, upon affected classes of persons, including
8 a description of the nature and amount of all of the
9 different kinds of costs that would be incurred in
10 complying with the proposed rule.

11 (3) The probable costs to the agency and to any
12 other agency of the implementation and enforcement of
13 the proposed rule and any anticipated effect on state
14 revenues.

15 (4) A comparison of the probable costs and
16 benefits of the proposed rule to the probable costs
17 and benefits of inaction.

18 (5) A determination of whether there are less
19 costly methods or less intrusive methods for achieving
20 the purpose of the proposed rule.

21 (6) A description of any alternative methods for
22 achieving the purpose of the proposed rule that were

23 seriously considered by the agency and the reasons why
24 they were rejected in favor of the proposed rule.

25 b. In the case of a rule that would have a
26 substantial impact on small business, the regulatory
27 analysis must contain a discussion of whether it would
28 be feasible and practicable to do any of the following
29 to reduce the impact of the rule on small business:

30 (1) Establish less stringent compliance or
31 reporting requirements in the rule for small business.

32 (2) Establish less stringent schedules or
33 deadlines in the rule for compliance or reporting
34 requirements for small business.

35 (3) Consolidate or simplify the rule's compliance
36 or reporting requirements for small business.

37 (4) Establish performance standards to replace
38 design or operational standards in the rule for small
39 business.

40 (5) Exempt small business from any or all
41 requirements of the rule.

42 c. The agency shall reduce the impact of the
43 proposed rule on small business by using a method
44 discussed in paragraph "b" if it finds that the method
45 is legal and feasible in meeting the statutory
46 objectives which are the basis of the proposed rule.

47 3. Each regulatory analysis must include
48 quantifications of the data to the extent practicable
49 and must take account of both short-term and long-term
50 consequences.

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1 4. Notwithstanding any other time period specified
2 in this chapter, a concise summary of the regulatory
3 analysis must be published in the administrative
4 bulletin at least ten days before the earliest of the
5 following:

6 a. The end of the period during which persons may
7 make written submissions on the proposed rule.

8 b. The end of the period during which an oral
9 proceeding may be requested.

10 c. The date of any required oral proceeding on the
11 proposed rule.

12 In the case of a rule adopted without prior notice
13 and an opportunity for public participation in
14 reliance upon section 17A.3108, the summary must be
15 published within seventy days of the request.

16 5. The published summary of the regulatory
17 analysis must also indicate where persons may obtain
18 copies of the full text of the regulatory analysis and
19 where, when, and how persons may present their views
20 on the proposed rule and demand an oral proceeding
21 thereon if one is not already provided.

22 6. If the agency has made a good faith effort to

23 comply with the requirements of subsections 1 through
 24 3, the rule may not be invalidated on the ground that
 25 the contents of the regulatory analysis are
 26 insufficient or inaccurate.

27 7. For the purpose of this section, "small
 28 business" means any entity including but not limited
 29 to an individual, partnership, corporation, joint
 30 venture, association, or cooperative, to which all of
 31 the following apply:

32 a. It is not an affiliate or subsidiary of an
 33 entity dominant in its field of operation.

34 b. It has either twenty or fewer full-time
 35 equivalent positions or less than one million dollars
 36 in annual gross revenues in the preceding fiscal year.

37 For purposes of this definition, "dominant in its
 38 field of operation" means having more than twenty
 39 full-time equivalent positions and more than one
 40 million dollars in annual gross revenues, and
 41 "affiliate or subsidiary of an entity dominant in its
 42 field of operation" means an entity which is at least
 43 twenty percent owned by an entity dominant in its
 44 field of operation, or by partners, officers,
 45 directors, majority stockholders, or their equivalent,
 46 of an entity dominant in that field of operation.

47 Sec. 18. NEW SECTION. 17A.3106 TIME AND MANNER
 48 OF RULE ADOPTION.

49 1. An agency shall not adopt a rule until the
 50 period for making written submissions and oral

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1 presentations has expired and the period for
 2 requesting a regulatory analysis has expired.

3 2. Within one hundred eighty days after the later
 4 of the publication of the notice of proposed rule
 5 adoption, or the end of oral proceedings thereon, an
 6 agency shall adopt a rule pursuant to the rulemaking
 7 proceeding or terminate the proceeding by publication
 8 of a notice to that effect in the administrative
 9 bulletin.

10 3. Before the adoption of a rule, an agency shall
 11 consider the written submissions, oral submissions or
 12 any memorandum summarizing oral submissions, and any
 13 regulatory analysis, provided for by this part.

14 4. Within the scope of its delegated authority, an
 15 agency may use its own experience, technical
 16 competence, specialized knowledge, and judgment, in
 17 the adoption of a rule.

18 Sec. 19. NEW SECTION. 17A.3107 VARIANCE BETWEEN
 19 ADOPTED RULE AND NOTICE OF PROPOSED RULE ADOPTION.

20 1. The agency shall not adopt a rule that differs
 21 from the rule proposed in the notice of proposed rule
 22 adoption on which the rule is based unless all of the

23 following apply:

24 a. The differences are within the scope of the
25 matter announced in the notice of proposed rule
26 adoption and are in character with the issues raised
27 in that notice.

28 b. The differences are a logical outgrowth of the
29 contents of that notice of proposed rule adoption and
30 the comments submitted in response thereto.

31 c. The notice of proposed rule adoption provided
32 fair warning that the outcome of that rulemaking
33 proceeding could be the rule in question.

34 2. In determining whether the notice of proposed
35 rule adoption provided fair warning that the outcome
36 of that rulemaking proceeding could be the rule in
37 question the agency shall consider all of the
38 following factors:

39 a. The extent to which persons who will be
40 affected by the rule should have understood that the
41 rulemaking proceeding on which it is based could
42 affect their interests.

43 b. The extent to which the subject matter of the
44 rule or issues determined by the rule are different
45 from the subject matter or issues contained in the
46 notice of proposed rule adoption.

47 c. The extent to which the effects of the rule
48 differ from the effects of the proposed rule contained
49 in the notice of proposed rule adoption.

50 Sec. 20. NEW SECTION. 17A.3108 GENERAL EXEMPTION

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1 FROM PUBLIC RULEMAKING PROCEDURES.

2 1. To the extent an agency for good cause finds
3 that any requirements of sections 17A.3103 through
4 17A.3107 are unnecessary, impracticable, or contrary
5 to the public interest in the process of adopting a
6 particular rule, those requirements do not apply. The
7 agency shall incorporate the required finding and a
8 brief statement of its supporting reasons in each rule
9 adopted in reliance upon this subsection. An agency
10 shall not rely upon this subsection on the ground that
11 it has insufficient time to follow usual procedures to
12 adopt a rule, because adoption of the rule is required
13 by a statute that became effective only very recently,
14 unless that statute also requires the agency to adopt
15 the rule by a specified date and it would be
16 impracticable to follow usual procedures for adoption
17 of the rule during the period between the date of the
18 enactment of the statute and the specified date by
19 which the agency must adopt the rule.

20 2. In an action contesting a rule adopted under
21 subsection 1, the burden is upon the agency to
22 demonstrate that any omitted requirements of sections

23 17A.3103 through 17A.3107 were impracticable,
24 unnecessary, or contrary to the public interest in the
25 particular circumstances involved.

26 3. Within two years after the effective date of a
27 rule adopted under subsection 1, the administrative
28 rules review committee, the governor, or the attorney
29 general may request the agency to hold a rulemaking
30 proceeding thereon according to the requirements of
31 sections 17A.3103 through 17A.3107. The request must
32 be in writing, filed in the office of the
33 administrative rules coordinator, and sent to the
34 agency. The administrative rules coordinator shall
35 immediately forward to the administrative rules editor
36 a certified copy of the request. Notice of the filing
37 of the request must be published in the next issue of
38 the administrative bulletin. The rule in question
39 ceases to be effective one hundred eighty days after
40 the request is filed. However, an agency, after the
41 filing of the request, may subsequently adopt an
42 identical rule in a rulemaking proceeding conducted
43 pursuant to the requirements of sections 17A.3103
44 through 17A.3107.

45 Sec. 21. NEW SECTION. 17A.3109 EXEMPTION FOR
46 CERTAIN RULES.

47 1. An agency need not follow the provisions of
48 sections 17A.3103 through 17A.3108 in the adoption of
49 a rule that only defines the meaning of a statute or
50 other provision of law or precedent if the agency does

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1 not possess delegated authority to bind the courts to
2 any extent with its definition. A rule adopted under
3 this subsection must include a statement that it was
4 adopted under this subsection when it is published in
5 the administrative bulletin, and there must be an
6 indication to that effect in a footnote to the rule
7 when it is published in the administrative code.

8 2. A reviewing court shall determine wholly de
9 novo the validity of a rule within the scope of
10 subsection 1 that is adopted without complying with
11 the provisions of sections 17A.3103 through 17A.3108.

12 Sec. 22. NEW SECTION. 17A.3110 CONCISE
13 EXPLANATORY STATEMENT.

14 1. At the time it adopts a rule, an agency shall
15 issue a concise explanatory statement containing all
16 of the following:

17 a. A summary of the principal reasons urged for
18 and against the rule.

19 b. The agency's reasons for adopting the rule,
20 including the agency's reasons for overruling the
21 considerations urged against its adoption.

22 c. An indication of any change between the text of

23 the proposed rule contained in the published notice of
 24 proposed rule adoption and the text of the rule as
 25 finally adopted, with the reasons for any change.

26 However, an agency may, without any additional
 27 rulemaking proceedings, amend a concise explanatory
 28 statement subsequent to its issuance in order to add,
 29 based on later developments, new reasons for adopting
 30 the rule or for overruling considerations urged
 31 against adoption of the rule; but any such amendment
 32 is effective only prospectively from the latter of the
 33 date when the amendment is filed with the rule and its
 34 original explanatory statement in the office of the
 35 administrative rules coordinator as required by
 36 section 17A.3114, subsection 1, and notice of the
 37 amendment and a brief summary of its contents is
 38 published in the administrative bulletin.

39 2. Only the reasons contained in the concise
 40 explanatory statement may be used by any party as
 41 justifications for the adoption of the rule in any
 42 proceeding in which its validity is at issue.

43 Sec. 23. NEW SECTION. 17A.3111 CONTENTS, STYLE,
 44 AND FORM OF RULE.

45 1. Each rule adopted by an agency must contain the
 46 text of the rule and all of the following:

- 47 a. The date the agency adopted the rule.
- 48 b. A concise statement of the purpose of the rule.
- 49 c. A reference to all rules repealed, amended, or
 50 suspended by the rule.

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- 1 d. A reference to the specific statutory or other
 2 authority authorizing adoption of the rule.
- 3 e. Any findings required by any provisions of law
 4 as a prerequisite to adoption or effectiveness of the
 5 rule.

6 f. The effective date of the rule if other than
 7 that specified in section 17A.3115, subsection 1.
 8 2. To the extent feasible; each rule should be
 9 written in clear and concise language understandable
 10 to persons who may be affected by it.

11 3. An agency may incorporate, by reference in its
 12 rules and without publishing the incorporated matter
 13 in full, all or any part of a code, standard, rule, or
 14 regulation that has been adopted by an agency of the
 15 United States or of this state, another state, or by a
 16 nationally or internationally recognized organization
 17 or association, if incorporation of its text in agency
 18 rules would be unduly cumbersome, expensive, or
 19 otherwise inexpedient. The reference in the agency
 20 rules must fully identify the incorporated matter by
 21 location, date, and otherwise, and must state that the
 22 rule does not include any later amendments or editions

23 of the incorporated matter. An agency may incorporate
24 by reference such matter in its rules only if the
25 agency, organization, or association originally
26 issuing that matter makes copies of it readily
27 available to the public. The rules must state where
28 copies of the incorporated matter may be inspected,
29 and copied or purchased at cost, at the agency issuing
30 the rule, and where copies are available from the
31 entity originally issuing that matter. An agency
32 which adopts standards by reference to another
33 publication shall purchase and provide a copy of the
34 publication containing the standards to the
35 administrative rules coordinator who shall deposit the
36 copy in the state law library where it shall be made
37 available for inspection and reference. In those
38 cases where the purchase of an additional copy would
39 be an unreasonable expense, the administrative rules
40 coordinator may waive this requirement if the
41 publication can be temporarily and promptly obtained
42 for review by the state law library upon request.
43 Sec. 24. NEW SECTION. 17A.3112 AGENCY RULEMAKING
44 RECORD.

45 1. An agency shall maintain for a period of at
46 least five years an official rulemaking record for
47 each rule it adopts. The record and materials
48 incorporated by reference must be available for public
49 inspection.
50 2. The agency rulemaking record must contain all

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1 of the following:
2 a. Copies of all publications in the
3 administrative bulletin with respect to the rule or
4 the proceeding upon which the rule is based.
5 b. Copies of any portions of the agency's public
6 rulemaking docket containing entries relating to the
7 rule or the proceeding upon which the rule is based.
8 c. All written petitions, requests, submissions,
9 and comments received by the agency and all other
10 written materials that are unprivileged and that are
11 not required by statute to be kept confidential that
12 were considered by the agency in connection with the
13 formulation, proposal, or adoption of the rule or the
14 proceeding upon which the rule is based.
15 d. Any official transcript of oral presentations
16 made in the proceeding upon which the rule is based
17 or, if not transcribed, any tape recording or
18 stenographic record of those presentations, and any
19 memorandum prepared by a presiding officer summarizing
20 the contents of those presentations.
21 e. A copy of any regulatory analysis prepared for
22 the proceeding upon which the rule is based.

- 23 f. A copy of the rule and explanatory statement.
- 24 filed in the office of the administrative rules
- 25 coordinator.
- 26 g. All petitions for exceptions to, amendments of,
- 27 or repeal or suspension of, the rule.
- 28 h. A copy of any request filed pursuant to section
- 29 17A.3108, subsection 3.
- 30 i. A copy of any objection to the rule filed by
- 31 the administrative rules review committee pursuant to
- 32 section 17A.3204, subsection 4, and the agency's
- 33 response.
- 34 j. A copy of any filed executive order with
- 35 respect to the rule.

36 3. Upon judicial review, the record required by
 37 this section constitutes the official agency
 38 rulemaking record with respect to a rule. Except as
 39 provided in section 17A.3110, subsection 2, or
 40 otherwise required by a provision of law, the agency
 41 rulemaking record need not constitute the exclusive
 42 basis for agency action on that rule or for judicial
 43 review thereof.

44 Sec. 25. NEW SECTION. 17A.3113 INVALIDITY OF
 45 RULES NOT ADOPTED ACCORDING TO CHAPTER — TIME
 46 LIMITATIONS.

47 1. A rule adopted after the effective date of this
 48 Act is invalid unless adopted in substantial
 49 compliance with the provisions of sections 17A.3102
 50 through 17A.3108 and sections 17A.3110 through

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1 17A.3112.
 2 2. An action to contest the validity of a rule on
 3 the grounds of its noncompliance with any provision of
 4 sections 17A.3102 through 17A.3108 or sections
 5 17A.3110 through 17A.3112 must be commenced within two
 6 years after the effective date of the rule.

7 Sec. 26. NEW SECTION. 17A.3114 FILING OF RULES.

8 1. An agency shall file in the office of the
 9 administrative rules coordinator three certified
 10 copies of each rule it adopts and all existing rules
 11 that have not previously been filed. The filing must
 12 be done as soon after adoption of the rule as is
 13 practicable. At the time of filing, each adopted rule
 14 must have attached to it the explanatory statement
 15 required by section 17A.3110. The administrative
 16 rules coordinator shall assign an ARC number to each
 17 rule and shall affix to each rule and statement a
 18 certification of the time and date of filing and keep
 19 a permanent register open to public inspection of all
 20 filed rules and attached explanatory statements. In
 21 filing a rule, each agency shall use a standard form
 22 prescribed by the administrative rules coordinator.

23 2. The administrative rules coordinator shall
24 transmit to the administrative rules editor, two
25 certified copies of each filed rule as soon after its
26 filing as is practicable.

27 Sec. 27. NEW SECTION. 17A.3115 EFFECTIVE DATE OF
28 RULES.

29 1. Except to the extent subsection 2 provides
30 otherwise, each adopted rule becomes effective thirty-
31 five days after the later of its filing in the office
32 of the administrative rules coordinator or its
33 publication and indexing in the administrative
34 bulletin.

35 2. a. A rule becomes effective on a date later
36 than that established by subsection 1 if a later date
37 is required by another statute or specified in the
38 rule.

39 b. A rule may become effective immediately upon
40 its filing or on any subsequent date earlier than that
41 established by subsection 1 if the agency establishes
42 such an effective date and finds that one or more of
43 the following applies:

44 (1) The earlier effective date is required by
45 constitution, statute, or court order.

46 (2) The rule only confers a benefit or removes a
47 restriction on the public or some segment thereof.

48 (3) The rule only delays the effective date of
49 another rule that is not yet effective.

50 (4) The earlier effective date is necessary to

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1 avoid immediate danger to the public health, safety,
2 or welfare.

3 (5) The rule is wholly ministerial and does not
4 alter the existing legal rights of any person.

5 c. The finding and a brief statement of the
6 reasons therefor required by paragraph "b" must be
7 made a part of the rule. In any action contesting the
8 effective date of a rule made effective under
9 paragraph "b", the burden is on the agency to justify
10 its finding.

11 d. Each agency shall make a reasonable effort to
12 make known to persons who may be affected by it a rule
13 made effective before publication and indexing under
14 this subsection.

15 3. This section does not relieve an agency from
16 compliance with any provision of law requiring that
17 some or all of its rules be approved by other
18 designated officials or bodies before they become
19 effective.

20 Sec. 28. NEW SECTION. 17A.3116 SPECIAL PROVISION
21 FOR CERTAIN CLASSES OF RULES.

22 Except to the extent otherwise provided by any

23 provision of law, sections 17A.3102 through 17A.3115
 24 are inapplicable to all of the following:

25 1. A rule concerning only the internal management
 26 of an agency which does not directly and substantially
 27 affect the procedural or substantive rights or duties
 28 of any segment of the public.

29 2. A rule that establishes criteria or guidelines
 30 to be used by the staff of an agency in performing
 31 audits, investigations, or inspections, settling
 32 commercial disputes, negotiating commercial
 33 arrangements, or in the defense, prosecution, or
 34 settlement of cases, if disclosure of the criteria or
 35 guidelines would do any of the following:

36 a. Enable law violators to avoid detection.
 37 b. Facilitate disregard of requirements imposed by
 38 law.

39 c. Give a clearly improper advantage to persons
 40 who are in an adverse position to the state.

41 3. A rule that only establishes specific prices to
 42 be charged for particular goods or services sold by an
 43 agency.

44 4. A rule concerning only the physical servicing,
 45 maintenance, or care of agency owned or operated
 46 facilities or property.

47 5. A rule relating only to the use of a particular
 48 facility or property owned, operated, or maintained by
 49 the state or any of its political subdivisions, if the
 50 substance of the rule is adequately indicated by means

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1 of signs or signals to persons who use the facility or
 2 property.

3 6. A rule concerning only inmates of a
 4 correctional or detention facility, students enrolled
 5 in an educational institution, or patients admitted to
 6 a hospital, if adopted by that facility, institution,
 7 or hospital.

8 7. A form whose contents or substantive
 9 requirements are prescribed by rule or statute, and
 10 instructions for the execution or use of the form.

11 8. An agency budget.

12 9. An opinion of the attorney general.

13 10. The terms of a collective bargaining
 14 agreement.

15 Sec. 29. NEW SECTION. 17A.3117 PETITION FOR
 16 ADOPTION OF RULE.

17 1. Any person may petition an agency requesting
 18 the adoption of a rule. Each agency shall prescribe
 19 by rule the form of the petition and the procedure for
 20 its submission, consideration, and disposition.

21 Within sixty days after submission of a petition, the
 22 agency shall either deny the petition in writing,

23 stating its reasons therefor, initiate rulemaking
 24 proceedings in accordance with this chapter or if
 25 otherwise lawful, adopt a rule.

26 2. If a person petitions an agency requesting the
 27 adoption of a rule superseding specified principles of
 28 law or policy lawfully declared by the agency as the
 29 basis for its decisions in particular cases, the
 30 agency shall initiate rulemaking proceedings in
 31 accordance with this chapter and adopt such a rule
 32 unless the agency finds, and incorporates in that
 33 finding the reasons therefor, that the adoption of
 34 such a rule at this time is infeasible or that such a
 35 rule is impracticable, and provides a copy of that
 36 finding to the petitioner.

37 PART 2

38 REVIEW OF AGENCY RULES

39 Sec. 30. NEW SECTION. 17A.3201 REVIEW BY AGENCY.

40 The administrative rules review committee, the
 41 administrative rules coordinator, a political
 42 subdivision, an agency, twenty-five persons signing
 43 one request, or an association having not less than
 44 twenty-five members, may request an agency to conduct
 45 a formal review of a specified rule of that agency to
 46 determine whether the rule should be repealed or
 47 amended or a new rule adopted instead. If the agency
 48 has not conducted such a review of the specified rule
 49 within a period of five years prior to the filing with
 50 the agency of that written request, the agency shall

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1 prepare within a reasonable time a written report with
 2 respect to the rule summarizing its findings, its
 3 supporting reasons, and any proposed course of action.
 4 The report must include, for the specified rule, a
 5 concise statement of all of the following:

6 1. The rule's effectiveness in achieving its
 7 objectives, including a summary of any available data
 8 supporting the conclusions reached.

9 2. Criticisms of the rule received during the
 10 previous five years, including a summary of any
 11 petitions for waiver of the rule tendered to the
 12 agency or granted by the agency.

13 3. Alternative solutions to the criticisms and the
 14 reasons they were rejected or the changes made in the
 15 rule in response to those criticisms and the reasons
 16 for the changes.

17 A copy of the report must be sent to the
 18 administrative rules review committee and the
 19 administrative rules coordinator and be available for
 20 public inspection.

21 Sec. 31. NEW SECTION. 17A.3202 REVIEW BY
 22 GOVERNOR - ADMINISTRATIVE RULES COORDINATOR.

23 1. To the extent the agency itself would have such
24 authority, the governor may rescind or suspend all or
25 a severable portion of a rule of an agency. In
26 exercising this authority, the governor shall act by
27 an executive order. If the rule in question has been
28 effective for more than one hundred eighty days, that
29 executive order shall be subject to the provisions of
30 sections 17A.3103, 17A.3104, and 17A.3106 through
31 17A.3116 applicable to the adoption and effectiveness
32 of a rule.

33 2. The governor may summarily terminate any
34 pending rulemaking proceeding by an executive order to
35 that effect, stating in the order the reasons for the
36 action. The executive order must be filed in the
37 office of the administrative rules coordinator, which
38 shall promptly forward a certified copy to the agency
39 and the administrative rules editor. An executive
40 order terminating a rulemaking proceeding becomes
41 effective on the date it is filed and must be
42 published in the next issue of the administrative
43 bulletin.

44 3. There is created, within the office of the
45 governor, an administrative rules coordinator to
46 advise the governor in the execution of the authority
47 vested under this article. The governor shall appoint
48 the administrative rules coordinator who shall serve
49 at the pleasure of the governor.

50 Sec. 32. NEW SECTION. 17A.3203 ADMINISTRATIVE

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1 RULES REVIEW COMMITTEE.

2 1. There is created an administrative rules review
3 committee. The committee shall be bipartisan and
4 shall be composed of the following members:

5 a. Five senators appointed by the majority leader
6 of the senate.

7 b. Five representatives appointed by the speaker
8 of the house.

9 2. Committee members shall be appointed prior to
10 the adjournment of a regular session convened in an
11 odd-numbered year. Member's terms of office shall be
12 for four years beginning May 1 of the year of
13 appointment. However, a member shall serve until a
14 successor is appointed. A vacancy on the committee
15 shall be filled by the original appointing authority
16 for the remainder of the term. A vacancy shall exist
17 whenever a committee member ceases to be a member of
18 the house from which the member was appointed.

19 3. A committee member shall be paid the per diem
20 specified in section 2.10, subsection 6, for each day
21 in attendance and shall be reimbursed for actual and
22 necessary expenses. There is appropriated from money

23 in the general fund not otherwise appropriated an
24 amount sufficient to pay costs incurred under this
25 section.

26 4. The committee shall choose a chairperson from
27 its membership and prescribe its rules of procedure.
28 The committee may employ a secretary or may appoint
29 the administrative rules editor or a designee to act
30 as secretary.

31 5. A regular committee meeting shall be held at
32 the seat of government on the second Tuesday of each
33 month. Unless impracticable in advance of each such
34 meeting the subject matter to be considered shall be
35 published in the Iowa administrative bulletin. A
36 special committee meeting may be called by the
37 chairperson at any place in the state and at any time.
38 Unless impracticable, in advance of each special
39 meeting notice of the time and place of such meeting
40 and the subject matter to be considered shall be
41 published in the Iowa administrative bulletin.

42 6. Notwithstanding section 13.7, the committee may
43 employ necessary legal and technical staff.

44 Sec. 33. NEW SECTION. 17A.3204 REVIEW BY
45 ADMINISTRATIVE RULES REVIEW COMMITTEE.

46 1. The administrative rules review committee shall
47 selectively review possible, proposed, or adopted
48 rules and prescribe appropriate committee procedures
49 for that purpose. The committee may receive and
50 investigate complaints from members of the public with

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1 respect to possible, proposed, or adopted rules and
2 hold public proceedings on those complaints.
3 2. Committee meetings must be open to the public.
4 Subject to procedures established by the committee,
5 persons may present oral argument, data, or views at
6 those meetings. The committee may require a
7 representative of an agency whose possible, proposed,
8 or adopted rule is under examination to attend a
9 committee meeting and answer relevant questions. The
10 committee may also communicate to the agency its
11 comments on any possible, proposed, or adopted rule
12 and require the agency to respond to them in writing.
13 Unless impracticable, in advance of each committee
14 meeting notice of the time and place of the meeting
15 and the specific subject matter to be considered must
16 be published in the administrative bulletin.

17 3. The committee may recommend enactment of a
18 statute to improve the operation of an agency. The
19 committee may also recommend that a particular rule be
20 superseded in whole or in part by statute. The
21 speaker of the house and the president of the senate
22 shall refer those recommendations to the appropriate

23 standing committees. This subsection does not
24 preclude any committee of the general assembly from
25 reviewing a rule on its own motion or recommending
26 that it be superseded in whole or in part by statute.

27 4. a. If the committee objects to all or some
28 portion of a rule because the committee considers it
29 to be beyond the procedural or substantive authority
30 delegated to the adopting agency, or prohibited by
31 law, the committee may file that objection in the
32 office of the administrative rules coordinator. The
33 filed objection must contain a concise statement of
34 the committee's reasons for its action.

35 b. The administrative rules coordinator shall
36 affix to each objection a certification of the date
37 and time of its filing and as soon thereafter as
38 practicable shall transmit a certified copy thereof to
39 the agency issuing the rule in question and the
40 administrative rules editor. The administrative rules
41 coordinator shall also maintain a permanent register
42 open to public inspection of all objections by the
43 committee.

44 c. The administrative rules editor shall publish
45 and index an objection filed pursuant to this
46 subsection in the next issue of the administrative
47 bulletin and indicate its existence in a footnote to
48 the rule in question when that rule is published in
49 the administrative code. In case of a filed objection
50 by the committee to a rule that is subject to the

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1 requirements of section 17A.2101, subsection 7, the
2 agency shall indicate the existence of that objection
3 adjacent to the rule in the official compilation
4 referred to in that subsection.

5 d. Within thirty days after the filing of an
6 objection by the committee to a rule, the adopting
7 agency shall respond in writing to the committee.
8 After receipt of the response, the committee may
9 withdraw or modify its objection.

10 e. After the filing of an objection by the
11 committee that is not subsequently withdrawn, the
12 burden is upon the agency in any proceeding for
13 judicial review or for enforcement of the rule to
14 establish that the whole or portion of the rule
15 objected to is within the procedural and substantive
16 authority delegated to the agency and not prohibited
17 by law. A court holding a rule in such a proceeding
18 to be invalid because it is outside the authority
19 delegated to the agency or prohibited by law shall
20 render judgment against the agency for court costs.
21 Court costs include a reasonable attorney's fee and
22 are payable by the treasurer of state from the support

23 appropriations of the agency that adopted the rule.

24 f. The failure of the administrative rules review
25 committee to object to a rule is not an implied
26 legislative authorization of its procedural or
27 substantive validity.

28 5. The committee may recommend to an agency that
29 it adopt a rule. The committee may also require an
30 agency to publish notice of the committee's
31 recommendation as a proposed rule of the agency and to
32 allow public participation thereon, according to the
33 provisions of sections 17A.3103 and 17A.3104. An
34 agency is not required to adopt the proposed rule.

35 6. The committee may, by a two-thirds vote of the
36 committee members, delay the effective date of an
37 adopted rule that is not yet effective for any period
38 designated by the committee that would end no later
39 than the next adjournment of a regular session of the
40 general assembly. When the committee takes such
41 action the committee shall state the reasons therefor.
42 If the general assembly has not disapproved the rule
43 by a joint resolution prior to the end of the period
44 during which its effectiveness has been delayed by the
45 action of the committee, the rule shall become
46 effective. If the rule is disapproved by the general
47 assembly during that period, the rule shall not become
48 effective and the agency shall summarily withdraw the
49 rule.

50 7. The committee shall file an annual report with

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1 the presiding officer of each house and the governor.

2 ARTICLE 4

3 ADJUDICATIVE PROCEEDINGS

4 PART 1

5 AVAILABILITY OF ADJUDICATIVE PROCEEDINGS -

6 APPLICATIONS - LICENSES - WAIVER OF RULE

7 Sec. 34. NEW SECTION. 17A.4101 ADJUDICATIVE
8 PROCEEDINGS - WHEN REQUIRED - EXCEPTIONS.

9 1. An agency shall conduct an adjudicative
10 proceeding as the process for formulating and issuing
11 an order. However, an agency need not conduct an
12 adjudicative proceeding if the order is a decision to
13 do any of the following:

14 a. To issue or not to issue, or to authorize or
15 not to authorize the issuance of, a complaint,
16 summons, or similar accusation.

17 b. To initiate or not to initiate, or to authorize
18 or not to authorize the initiation of, an
19 investigation, prosecution, or other proceeding before
20 the agency, another agency, or a court.

21 c. Under section 17A.4103, not to conduct an
22 adjudicative proceeding.

23 This subsection does not preclude an agency from
24 establishing, subject to sections 17A.5107 and
25 17A.5112, procedures that must be followed prior to
26 the commencement of an adjudicative proceeding, or
27 from issuing an order prior to conducting an
28 adjudicative proceeding if any of the following apply:

29 (1) The person subject to that order may, within a
30 time period specified by rule or in the order, file an
31 application for an adjudicative proceeding, that
32 application will automatically dissolve the order from
33 the time of its issuance, and the substantial rights
34 of the person subject to that order are not prejudiced
35 by the order in the interim period prior to its
36 automatic dissolution resulting from the filing of an
37 application for an adjudicative proceeding.

38 (2) The order was properly issued in accordance
39 with section 17A.4501.

40 (3) The agency was expressly authorized by statute
41 to issue that order prior to conducting an
42 adjudicative proceeding, in which case, the agency
43 must proceed as quickly as feasible after its issuance
44 to complete any proceeding that would be required if
45 the statute had not authorized such action in advance
46 of any adjudicative proceeding.

47 2. This article applies to rulemaking proceedings
48 only to the extent that another statute expressly so
49 requires.

50 Sec. 35. NEW SECTION. 17A.4102 ADJUDICATIVE

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1 PROCEEDINGS - COMMENCEMENT.

2 1. Subject to the requirements of other provisions
3 of law, an agency may commence an adjudicative
4 proceeding at any time with respect to a matter within
5 the agency's jurisdiction.

6 2. An agency shall commence an adjudicative
7 proceeding upon the application of any person, unless
8 any of the following apply:

9 a. The agency lacks jurisdiction of the subject
10 matter.

11 b. Resolution of the matter requires the agency to
12 exercise discretion within the scope of section
13 17A.4101, subsection 1.

14 c. A statute vests the agency with discretion to
15 conduct or not to conduct an adjudicative proceeding
16 before issuing an order to resolve the matter and, in
17 the exercise of that discretion, the agency has
18 determined not to conduct an adjudicative proceeding.

19 d. Resolution of the matter does not require the
20 agency to issue an order that determines the
21 applicant's legal rights, duties, privileges,
22 immunities, or other legal interests.

23 e. The matter was not timely submitted to the
24 agency according to any applicable provision of law
25 and there is no dispute of fact as to the time of its
26 submission.

27 f. The matter was not submitted in a form
28 substantially complying with any applicable provision
29 of law.

30 3. Subject to other provisions of law, each agency
31 may, by rule, establish specified time limits for
32 commencing various classes of adjudicative proceedings
33 that are within the agency's jurisdiction.

34 4. An application for an agency to issue an order
35 includes an application for the agency to conduct
36 appropriate adjudicative proceedings, whether or not
37 the applicant expressly requests those proceedings.

38 5. An adjudicative proceeding commences when the
39 agency or a presiding officer does any of the
40 following:

41 a. Notifies a party that a prehearing conference,
42 hearing, or other stage of an adjudicative proceeding
43 will be conducted.

44 b. Begins to take action on a matter that
45 appropriately may be determined by an adjudicative
46 proceeding, unless this action is one of the
47 following:

48 (1) An investigation for the purpose of
49 determining whether an adjudicative proceeding should
50 be conducted.

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1 (2) A decision which, under section 17A.4101,
2 subsection 1, the agency may make without conducting
3 an adjudicative proceeding.

4 Sec. 36. NEW SECTION. 17A.4103 DECISION NOT TO 5 CONDUCT ADJUDICATIVE PROCEEDING.

6 An agency that decides, pursuant to section
7 17A.4102, subsection 2, not to conduct an adjudicative
8 proceeding in response to an application, shall
9 furnish the applicant a copy of its decision in
10 writing, with a brief statement of the agency's
11 reasons and of any administrative review available to
12 the applicant.

13 Sec. 37. NEW SECTION. 17A.4104 AGENCY ACTION ON 14 APPLICATIONS.

15 1. Except to the extent that the time limits in
16 this subsection are inconsistent with limits
17 established by another statute for any stage of the
18 proceedings, an agency shall process an application
19 for an order, other than a declaratory order, as
20 follows:

21 a. Within thirty days after receipt of the
22 application, the agency shall examine the application,

23 notify the applicant of any apparent errors or
24 omissions, request any additional information the
25 agency wishes to obtain and is permitted by law to
26 require, and notify the applicant of the name,
27 official title, mailing address, and telephone number
28 of any agency member or employee who may be contacted
29 regarding the application.

30 b. Except in situations governed by paragraph "c",
31 within ninety days after receipt of the application or
32 of the response to a timely request made by the agency
33 pursuant to paragraph "a", the agency shall do one of
34 the following:

35 (1) Approve or deny the application, in whole or
36 in part, on the basis of emergency or summary
37 adjudicative proceedings, if those proceedings are
38 available under this chapter for disposition of the
39 matter.

40 (2) Commence a formal adjudicative hearing or a
41 conference adjudicative hearing in accordance with
42 this chapter.

43 (3) Dispose of the application in accordance with
44 section 17A.4103.

45 c. If the application pertains to subject matter
46 that is not available when the application is filed
47 but may be available in the future, including an
48 application for housing or employment at a time no
49 vacancy exists, the agency may proceed to make a
50 determination of eligibility within the time provided

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1 in paragraph "b". If the agency determines that the
2 applicant is eligible, the agency shall maintain the
3 application on the agency's list of eligible
4 applicants as provided by law and, upon request, shall
5 notify the applicant of the status of the application.

6 2. If a timely application has been made for
7 renewal of a license with reference to any activity of
8 a continuing nature, the existing license does not
9 expire until the agency has taken final action upon
10 the application for renewal or, if the agency's action
11 is unfavorable, until the last day for seeking
12 judicial review of the agency's action or a later date
13 fixed by the reviewing court or agency.

14 Sec. 38. NEW SECTION. 17A.4105 AGENCY ACTION
15 AGAINST LICENSEES.

16 An agency shall not revoke, suspend, modify, annul,
17 withdraw, or amend a license unless the agency first
18 gives notice and an opportunity for an appropriate
19 adjudicative proceeding in accordance with this
20 chapter or other statute. This section does not
21 preclude an agency from taking immediate action to
22 protect the public interest in accordance with section

23 17A.4501 or adopting rules, otherwise within the scope
24 of its authority, pertaining to a class of licensees,
25 including rules affecting the existing licenses of a
26 class of licensees.

27 Sec. 39. NEW SECTION. 17A.4106 PETITION FOR
28 WAIVER OF RULE.

29 1. A person may file a petition with an agency
30 requesting a waiver, in whole or in part, of a rule of
31 that agency on the ground that the application of the
32 rule to the particular circumstances of that person
33 would qualify for a waiver under subsection 5. A
34 petition filed under this provision must specify the
35 rule in question, the precise scope of the waiver
36 requested, the specific facts that would justify a
37 waiver for petitioner, and the reasons why the
38 particular application of the rule to petitioner for
39 which the waiver is requested would qualify for a
40 waiver under subsection 5.

41 2. Each agency shall issue rules consistent with
42 this section concerning all of the following:

43 a. Governing the form, contents, and filing of
44 petitions for the waivers of rules.

45 b. Specifying the procedural rights of persons in
46 relation to such petitions.

47 c. Providing for the disposition of those
48 petitions.

49 3. Within fifteen days after receipt of a petition
50 for waiver of a rule, the agency shall cause to be

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1 published in the administrative bulletin, notice of
2 the pendency of the petition, including a concise
3 summary of its contents, and shall give notice of the
4 petition to all persons to whom notice is required by
5 any provision of law. In addition, the agency may
6 give notice to any other persons. Persons who qualify
7 under section 17A.4209, subsection 1, paragraphs "b"
8 and "c", as an intervenor and file timely petitions
9 for intervention according to agency rules may
10 intervene in proceedings for waivers of a rule. Other
11 provisions of this article apply to agency proceedings
12 for waivers of a rule only to the extent an agency so
13 provides by rule or order.

14 4. An order granting or denying such a petition
15 shall be in writing and shall contain a statement of
16 the relevant facts and reasons supporting that action.
17 An agency shall grant or deny such a petition within
18 ninety days of its receipt. Failure of an agency to
19 grant or deny such a petition within ninety days of
20 its receipt shall be deemed a denial of that petition
21 by the agency.

22 5. Unless otherwise prohibited by statute, an

23 agency shall issue an order granting a petition for a
24 waiver of a rule, in whole or in part, if application
25 of the rule to the petitioner on the basis of the
26 particular facts specified in the petition would not
27 serve any of the purposes of the rule. Unless
28 otherwise prohibited by statute, an agency may issue
29 an order granting a petition for waiver of a rule, in
30 whole or in part, if application of the rule to the
31 petitioner would result in undue hardship, waiver of
32 the rule on the basis of the facts specified in the
33 petition would be consistent with the public interest,
34 and waiver of the rule as to petitioner would not
35 prejudice the substantial rights of any other person.
36 An order granting such a petition shall constitute a
37 defense in any subsequent proceeding where the
38 applicability of that rule to petitioner is at issue
39 if petitioner proves in that subsequent proceeding all
40 of the relevant facts pertaining to petitioner upon
41 which that waiver order was based and that the
42 particular application of the rule at issue was within
43 the scope of the waiver order in question.

44 6. In an agency proceeding to enforce a rule of
45 that agency, a person resisting the enforcement of the
46 rule may defend successfully upon a demonstration that
47 application of the rule to the person would not serve
48 any of the purposes of the rule.

49 7. An agency may, on its own motion, waive the
50 application of one or more of its rules, in whole or

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1 in part, to a specified person on the ground that the
2 relevant facts pertaining to that person would qualify
3 that person for a waiver under the provisions of
4 subsection 5, by issuing an order containing the facts
5 and reasons justifying that waiver. An order granting
6 such a waiver on an agency's own motion shall
7 constitute a defense in any subsequent proceeding
8 where the applicability of that rule is at issue if
9 the petitioner proves in that subsequent proceeding
10 all of the relevant facts pertaining to the petitioner
11 upon which that waiver order was based and that the
12 particular application of the rule at issue was within
13 the scope of the waiver order in question.

14 8. Any order issued under this section shall be
15 transmitted to petitioner or to the person as to whom
16 the waiver order pertains, to the administrative rules
17 review committee, and to the administrative rules
18 coordinator, within seven days of its issuance.

19 9. An agency shall maintain a file for each of its
20 rules for which a waiver order has been issued
21 containing all orders waiving the application to any
22 person of that rule.

23 10. This section does not apply to a rule that
 24 only defines the meaning of a statute or other
 25 provision of law or precedent if the agency does not
 26 possess delegated authority to bind the courts to any
 27 extent with its definition and does not authorize an
 28 agency to waive any requirement created or duty
 29 imposed by statute.

30 PART 2

31 FORMAL ADJUDICATIVE HEARING

32 Sec. 40: NEW SECTION. 17A.4201 APPLICABILITY.

33 An adjudicative proceeding is governed by this part
 34 when, prior to the issuance of an order, constitution
 35 or statute requires an opportunity for an evidentiary
 36 hearing that must be determined on the record of that
 37 proceeding, except as otherwise provided by any of the
 38 following:

- 39 1. A statute other than this chapter.
- 40 2. A rule that adopts the procedures for the
 41 conference adjudicative hearing or summary
 42 adjudicative proceeding in accordance with the
 43 standards provided in this chapter for those
 44 proceedings.
- 45 3. Section 17A.4501 pertaining to emergency
 46 adjudicative proceedings.
- 47 4. Section 17A.2103 pertaining to declaratory
 48 proceedings.
- 49 5. Section 17A.4106 pertaining to petitions for
 50 waiver of rules.

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1 Sec. 41. NEW SECTION. 17A.4202 PRESIDING
 2 OFFICER, DISQUALIFICATION, SUBSTITUTION.

- 3 1. a. If the agency or an officer of the agency
 4 under whose authority the adjudicative proceeding is
 5 to take place is a named party to that proceeding or a
 6 real party in interest to that proceeding, in the
 7 discretion of the agency head, the presiding officer
 8 may be either the agency head, one or more members of
 9 the agency head, or one or more administrative law
 10 judges assigned by the office of administrative
 11 hearings in accordance with the provisions of section
 12 17A.4301. However, the agency head shall designate as
 13 the presiding officer an administrative law judge
 14 assigned by the office of administrative hearings in
 15 accordance with the provisions of section 17A.4301 if
 16 any person to whom the agency action is specifically
 17 directed timely requests an administrative law judge
 18 to preside at the proceeding.
- 19 b. If the agency or an officer of the agency under
 20 whose authority the adjudicative proceeding is to take
 21 place is not a named party to that proceeding or a
 22 real party in interest to that proceeding, in the

23 discretion of the agency head, the presiding officer
24 may be either the agency head, one or more members of
25 the agency head, an administrative law judge assigned
26 by the office of administrative hearings in accordance
27 with the provisions of section 17A.4301, or any other
28 qualified person designated as a presiding officer by
29 the agency head. Any other person designated as a
30 presiding officer by the agency head may be employed
31 by and officed in the agency for which that person
32 acts as a presiding officer, but such a person shall
33 not perform duties inconsistent with that person's
34 duties and responsibilities as a presiding officer and
35 shall be governed by the merit system provisions of
36 chapter 19A.

37 2. Any person serving or designated to serve alone
38 or with others as a presiding officer is subject to
39 disqualification for bias, prejudice, interest, or any
40 other cause provided in this chapter or for which a
41 judge is or may be disqualified.

42 3. Any party may timely request the
43 disqualification of a person after receipt of notice
44 indicating that the person will preside or upon
45 discovering facts establishing grounds for
46 disqualification, whichever is later.

47 4. A person whose disqualification is requested
48 shall determine whether to grant the request, stating
49 facts and reasons for the determination.

50 5. If a substitute is required for a person who is

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1 disqualified or becomes unavailable for any other
2 reason, the substitute must be appointed by either of
3 the following:

4 a. The governor, if the disqualified or
5 unavailable person is an elected official.

6 b. The appointing authority, if the disqualified
7 or unavailable person is an appointed official.

8 6. Any action taken by a duly-appointed substitute
9 for a disqualified or unavailable person is as
10 effective as if taken by the latter.

11 Sec. 42. NEW SECTION. 17A.4203 REPRESENTATION.

12 1. Any party may participate in the hearing in
13 person or, if the party is a corporation or other
14 artificial person, by a duly authorized
15 representative.

16 2. Whether or not participating in person, any
17 party may be advised and represented at the party's
18 own expense by counsel or, if permitted by any
19 provision of law, other representative.

20 3. Any party may designate in writing with an
21 agency an authorized representative to act on behalf
22 of that party in a particular proceeding. An attorney

23 licensed to practice in this state who files an
24 appearance or a pleading with an agency on behalf of a
25 party shall be deemed to be the designated authorized
26 representative of the party in that proceeding. If an
27 authorized representative has been designated, notice
28 to a party required under this article must be
29 satisfied by providing the notice to that
30 representative.

31 Sec. 43. NEW SECTION. 17A.4204 PREHEARING
32 CONFERENCE - AVAILABILITY - NOTICE.

33 The presiding officer designated to conduct the
34 hearing may determine, subject to the agency's rules,
35 whether a pre-hearing conference will be conducted.
36 If the conference is conducted the following apply:

37 1. The presiding officer shall promptly notify the
38 agency of the determination that a prehearing
39 conference will be conducted. If the presiding
40 officer decides that another presiding officer should
41 conduct that conference, the agency shall assign or
42 request the office of administrative hearings to
43 assign a presiding officer for the prehearing
44 conference, exercising the same discretion as is
45 provided by section 17A.4202 concerning the selection
46 of a presiding officer for a hearing.

47 2. The presiding officer for the prehearing
48 conference shall set the time and place of the
49 conference and give reasonable and timely written
50 notice to all parties and to all persons who have

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1 filed written petitions to intervene in the matter.

2 The agency shall also give such notice to other
3 persons entitled to notice under any provision of law.

4 3. The notice must include all of the following:

5 a. The names of all parties, and the mailing
6 addresses of all parties or the names and mailing
7 addresses of their designated representatives, and the
8 names and mailing addresses of all other persons to
9 whom notice is being given by the presiding officer.

10 b. The name, official title, mailing address, and
11 telephone number of any counsel or employee who has
12 been designated to appear for the agency.

13 c. The official file or other reference number,
14 the name of the proceeding, and a general description
15 of the subject matter.

16 d. A statement of the time, place, and nature of
17 the prehearing conference.

18 e. A statement of the legal authority and
19 jurisdiction under which the prehearing conference and
20 the hearing are to be held.

21 f. The name, official title, mailing address and
22 telephone number of the presiding officer for the

23 prehearing conference.

24 g. A statement that at the prehearing conference
25 the proceeding, without further notice, may be
26 converted into a conference adjudicative hearing or a
27 summary adjudicative proceeding for disposition of the
28 matter as provided by this chapter.

29 h. A statement that a party who fails to attend or
30 participate in a prehearing conference, hearing, or
31 other stage of an adjudicative proceeding may be held
32 in default under this chapter.

33 4. The notice may include a statement that each
34 party must bring to the prehearing conference
35 specified listed materials or information, as
36 determined by the presiding officer, and that a
37 failure to do so, without good cause, will preclude
38 that party from subsequently introducing those
39 materials or that information in the proceeding. The
40 notice may also include any other matters that the
41 presiding officer considers desirable to expedite the
42 proceedings.

43 Sec. 44. NEW SECTION. 17A.4205 PREHEARING
44 CONFERENCE – PROCEDURE AND PREHEARING ORDER.

45 1. The presiding officer may conduct all or part
46 of the prehearing conference by telephone,
47 videoconference, or other electronic means if each
48 participant in the conference has an opportunity to
49 participate in, to hear, and, if technically feasible,
50 to see the entire proceeding while it is taking place.

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1 2. The presiding officer shall conduct the
2 prehearing conference, as may be appropriate, to deal
3 with such matters as conversion of the proceeding to
4 another type of proceeding, exploration of settlement
5 possibilities, waivers of any rights conferred upon a
6 party by this chapter that are relevant to the
7 proceeding, preparation of stipulations on any
8 relevant matter, clarification of issues, rulings on
9 identity and limitation of the number of witnesses,
10 objections to proffers of evidence, determination of
11 the extent to which evidence will be presented in
12 written form, and the extent to which telephone,
13 videoconference, or other electronic means will be
14 used as a substitute for proceedings in person, order
15 of presentation of evidence and cross-examination,
16 rulings regarding issuance of subpoenas, discovery
17 orders and protective orders, and such other matters
18 as will promote the orderly and prompt conduct of the
19 hearing. The presiding officer shall issue a
20 prehearing order incorporating the matters determined
21 at the prehearing conference and may deviate from that
22 order at the hearing only with the consent of all

23 parties or for good cause.

24 3. If a prehearing conference is not held, the
25 presiding officer for the hearing may issue a
26 prehearing order, based on the pleadings, to regulate
27 the conduct of the proceedings.

28 Sec. 45. NEW SECTION. 17A.4206 NOTICE OF
29 HEARING.

30 1. The presiding officer for the hearing, or
31 another person authorized to do so by rule of the
32 agency, shall set the time and place of the hearing
33 and give reasonable and timely written notice to all
34 parties and to all persons who have filed written
35 petitions to intervene in the matter.

36 2. The notice must include a copy of any
37 prehearing order issued in the matter unless the
38 parties and persons who have filed written petitions
39 to intervene have already been furnished with a copy
40 of such an order.

41 3. To the extent not included in a prehearing
42 order accompanying it, the notice must include all of
43 the following:

44 a. The names of all parties, and the mailing
45 addresses of all parties or the names and mailing
46 addresses of their designated representatives, and the
47 names and mailing addresses of all other persons to
48 whom notice is being given.

49 b. The name, official title, mailing address and
50 telephone number of any counsel or employee who has

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1 been designated to appear for the agency.

2 c. The official file or other reference number,
3 the name of the proceeding, and a general description
4 of the subject matter.

5 d. A statement of the time, place, and nature of
6 the hearing.

7 e. A statement of the legal authority and
8 jurisdiction under which the hearing is to be held.

9 f. The name, official title, mailing address, and
10 telephone number of the presiding officer.

11 g. To the extent known to the person giving
12 notice, a short and plain statement of the issues
13 involved and of the matters asserted by the parties.

14 h. A statement that a party who fails to attend or
15 participate in a prehearing conference, hearing, or
16 other stage of an adjudicative proceeding may be held
17 in default under this chapter.

18 4. The notice may include any other matters the
19 presiding officer considers desirable to expedite the
20 proceedings.

21 5. The agency shall give notice to persons
22 entitled to notice under any provision of law who have

23 not been given notice by the presiding officer.
24 Notice under this subsection may include all types of
25 information provided in subsections 1 through 4 or may
26 consist of a brief statement indicating the subject
27 matter, parties, time, place, and nature of the
28 hearing, manner in which copies of the notice to the
29 parties may be inspected and copied, and name and
30 telephone number of the presiding officer.

31 Sec. 46. NEW SECTION. 17A.4207 PLEADINGS,
32 BRIEFS, MOTIONS, SERVICE.

33 1. The presiding officer, at appropriate stages of
34 the proceedings, shall give all parties full
35 opportunity to file pleadings, motions, and
36 objections.

37 2. The presiding officer, at appropriate stages of
38 the proceedings, may give all parties full opportunity
39 to file briefs, proposed findings of fact and
40 conclusions of law, and proposed initial or final
41 orders.

42 3. A party shall serve copies of any filed item on
43 all parties, by mail or any other means prescribed by
44 agency rule.

45 Sec. 47. NEW SECTION. 17A.4208 DEFAULT.

46 1. If a party fails to attend or participate in a
47 prehearing conference, hearing, or other stage of an
48 adjudicative proceeding, the presiding officer shall
49 serve all parties by certified mail written notice of
50 a proposed default order, including a statement of the

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1 grounds.

2 2. Within fifteen days or such longer period
3 specified by rule after the mailing by certified mail
4 of a proposed default order, the party against whom it
5 was issued may file a written motion requesting that
6 the proposed default order be vacated and stating the
7 grounds relied upon. A proposed default order may be
8 vacated for any reason specified in the rules of civil
9 procedure or for any other reason specified by agency
10 rule. During the time within which a party may file a
11 written motion under this subsection, the presiding
12 officer may adjourn the proceedings or conduct them
13 without the participation of the party against whom a
14 proposed default order was issued, having due regard
15 for the interests of justice and the orderly and
16 prompt conduct of the proceedings.

17 3. The presiding officer shall either issue or
18 vacate the default order promptly after expiration of
19 the time within which the party may file a written
20 motion under subsection 2.

21 4. After issuing a default order, the presiding
22 officer shall conduct any further proceedings

23 necessary to complete the adjudication without the
24 participation of the party in default and shall
25 determine all issues in the adjudication, including
26 those affecting the defaulting party.

27 Sec. 48. NEW SECTION. 17A.4209 INTERVENTION.

28 1. The presiding officer shall grant a petition
29 for intervention if all of the following apply:

30 a. The petition is submitted in writing to the
31 presiding officer, with copies mailed to all parties
32 named in the presiding officer's notice of the
33 hearing, at least twenty days before the hearing.

34 b. The petition states facts demonstrating that
35 the petitioner's legal rights, duties, privileges,
36 immunities, or other legal interests may be
37 substantially affected by the proceeding or that the
38 petitioner qualifies as an intervenor under any
39 provision of law.

40 c. The presiding officer determines that the
41 interests of justice and the orderly and prompt
42 conduct of the proceedings will not be impaired by
43 allowing the intervention.

44 2. The presiding officer may grant a petition for
45 intervention at any time, upon determining that the
46 intervention sought is in the interests of justice and
47 will not impair the orderly and prompt conduct of the
48 proceedings.

49 3. If a petitioner qualifies for intervention, the
50 presiding officer may impose conditions upon the

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1 intervenor's participation in the proceedings, either
2 at the time that intervention is granted or at any
3 subsequent time. Conditions may include any or all of
4 the following:

5 a. Limiting the intervenor's participation to
6 designated issues in which the intervenor has a
7 particular interest demonstrated by the petition.

8 b. Limiting the intervenor's use of discovery,
9 cross-examination, and other procedures so as to
10 promote the orderly and prompt conduct of the
11 proceedings.

12 c. Requiring two or more intervenors to combine
13 their presentations of evidence and argument, cross-
14 examination, discovery, and other participation in the
15 proceedings.

16 4. The presiding officer shall issue an order
17 granting or denying each pending petition for
18 intervention, specifying any conditions, and briefly
19 stating the reasons for the order. The presiding
20 officer may modify the order at any time, stating the
21 reasons for the modification. The presiding officer
22 shall promptly give notice of an order granting,

23 denying, or modifying intervention to the petitioner
24 for intervention and to all parties.

25 Sec. 49. NEW SECTION. 17A.4210 SUBPOENAS,
26 DISCOVERY, AND PROTECTIVE ORDERS.

27 1. Discovery procedures applicable to civil
28 actions are available to all parties in accordance
29 with the rules of civil procedure. Upon notice to all
30 parties, the presiding officer at the request of any
31 party shall, and upon the presiding officer's own
32 motion may, administer oaths and issue subpoenas,
33 discovery orders, and protective orders, in accordance
34 with the rules of civil procedure.

35 2. Any party or person to whom the subpoena or
36 similar process is directed may object to the issuance
37 of the subpoena or process. The presiding officer and
38 any reviewing district court shall sustain the
39 subpoena or similar process only to the extent that it
40 is found to be in accordance with the law applicable
41 to the issuance of subpoenas or discovery in civil
42 actions.

43 3. Subpoenas and orders issued under this section
44 may be enforced pursuant to article 5, part 2, of this
45 chapter on civil enforcement of agency action.

46 4. An agency party that relies on a witness in an
47 adjudicative proceeding, whether or not an agency
48 employee, who has made prior statements or reports to
49 the agency with respect to the subject matter of the
50 witness' testimony, shall, on request, make such

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1 statements or reports available prior to hearing to
2 parties for use on cross-examination, unless those
3 statements or reports are otherwise expressly exempt
4 from disclosure by constitution or statute.

5 Identifiable agency records that are relevant to
6 disputed material facts involved in an adjudicative
7 proceeding, shall, upon request, promptly be made
8 available to a party unless the requested records are
9 expressly exempt from disclosure by constitution or
10 statute.

11 5. Unless provided otherwise by any applicable
12 provision of law, an agency authorized to issue an
13 investigatory subpoena for the purpose of determining
14 whether to commence an adjudicative proceeding may do
15 so only after giving notice of the proposed issuance
16 of the subpoena and an opportunity to contest its
17 issuance to the persons who are the subject of the
18 agency investigation. However, an agency may omit
19 such notice and opportunity if it obtains an order
20 from a district court approving that omission because
21 of any of the following:

22 a. The whereabouts of the persons who are the

23 subject of the agency investigation are unknown and
24 could not be ascertained with reasonable efforts.

25 b. Such notice to the persons who are the subject
26 of the agency investigation would seriously interfere
27 with the agency's ability to obtain the evidence
28 necessary to perform its law enforcement
29 responsibilities.

30 c. Such notice would result in imminent peril to
31 the health, safety, or welfare of any person or
32 persons.

33 Sec. 50. NEW SECTION. 17A.4211 PROCEDURE AT
34 HEARING.

35 At a hearing, all of the following apply:

36 1. The presiding officer shall regulate the course
37 of the proceedings in conformity with any prehearing
38 order.

39 2. To the extent necessary for full disclosure of
40 all relevant facts and issues, the presiding officer
41 shall afford to all parties the opportunity to
42 respond, present evidence and argument, conduct cross-
43 examination, and submit rebuttal evidence, except as
44 restricted by a limited grant of intervention or by
45 the prehearing order.

46 3. The presiding officer may conduct all or part
47 of the hearing by telephone, videoconference, or other
48 electronic means, if each participant in the hearing
49 has an opportunity to participate in, to hear, and, if
50 technically feasible, to see the entire proceeding

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1 while it is taking place.

2 4. The presiding officer shall cause the hearing
3 to be recorded at the agency's expense. The agency is
4 not required, at its expense, to prepare a transcript,
5 unless required to do so by a provision of law. Any
6 party, at the party's expense, may cause a reporter
7 approved by the agency to prepare a transcript from
8 the agency's record, or cause additional recordings to
9 be made during the hearing if the making of the
10 additional recordings does not cause distraction or
11 disruption. The recording or stenographic notes of
12 oral proceedings or the transcription thereof shall be
13 filed with and maintained by the agency for at least
14 three years from the later of the date of the final
15 agency order in that case, or the date any proceedings
16 for judicial review of that case become final.

17 5. The hearing is open to public observation,
18 except for the parts that the presiding officer states
19 to be closed pursuant to a provision of law expressly
20 authorizing closure. To the extent that a hearing is
21 conducted by telephone, videoconference, or other
22 electronic means, and is not closed, the availability

23 of public observation is satisfied by giving members
24 of the public an opportunity to observe and hear that
25 communication at the location of any one of the
26 participants, as designated by the presiding officer,
27 or if that is not feasible, at reasonable times, to
28 hear or inspect the agency's record, and to inspect
29 any transcript obtained by the agency.

30 Sec. 51. NEW SECTION. 17A.4212 EVIDENCE -
31 OFFICIAL NOTICE.

32 1. Upon proper objection, the presiding officer
33 shall exclude evidence that is irrelevant, immaterial,
34 unduly repetitious, or excludable on constitutional or
35 statutory grounds or on the basis of evidentiary
36 privilege recognized in the courts of this state. In
37 the absence of proper objection, the presiding officer
38 may exclude objectionable evidence after notifying the
39 parties of an intention to do so and providing the
40 parties with an opportunity to object to that
41 exclusion. Evidence shall not be excluded solely
42 because it is hearsay.

43 2. All testimony of parties and witnesses must be
44 made under oath or affirmation.

45 3. Any part of the evidence may be received in
46 written form if doing so will expedite the hearing
47 without substantial prejudice to the interests of any
48 party.

49 4. Documentary evidence may be received in the
50 form of a copy or excerpt. Upon request, parties must

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1 be given an opportunity to compare the copy with the
2 original if available.

3 5. Official notice may be taken of any fact that
4 could be judicially noticed in the courts of this
5 state, the record of other proceedings before the
6 agency, technical or scientific matters within the
7 agency's specialized knowledge, and codes or standards
8 that have been adopted by an agency of the United
9 States, of this state, or of another state, or by a
10 nationally recognized organization or association.
11 Parties must be notified before or during the hearing,
12 or before the issuance of any initial or final order
13 that is based in whole or in part on facts or material
14 noticed, of the specific facts or material noticed and
15 the source thereof, including any staff memoranda and
16 data, and be afforded an opportunity to contest and
17 rebut the facts or material so noticed. However, if
18 the required notification of the parties is infeasible
19 or impracticable prior to the issuance of such an
20 initial or final order, the notification may first
21 occur in that order itself, as long as the parties are
22 afforded, through the granting of a motion for

23 reconsideration timely filed with the presiding
24 officer, an opportunity, after the order is issued, to
25 contest and rebut the facts or material so noticed
26 before that order becomes final.

27 Sec. 52. NEW SECTION. 17A.4213 EX PARTE
28 COMMUNICATIONS.

29 1. Except as provided in subsection 2, or unless
30 required for the disposition of ex parte matters
31 specifically authorized by statute, a presiding
32 officer serving in an adjudicative proceeding shall
33 not communicate, directly or indirectly, regarding any
34 issue in the proceeding other than inquiries about
35 scheduling, while the proceeding is pending, with any
36 party, with any person who has a direct or indirect
37 interest in the outcome of the proceeding, or with any
38 person who presided at a previous stage of the
39 proceeding, without notice and opportunity for all
40 parties to participate in the communication.

41 2. A member of a multi-member panel of presiding
42 officers may communicate with other members of the
43 panel regarding a matter pending before the panel, and
44 any presiding officer may receive aid from staff
45 assistants if the assistants do not receive ex parte
46 communications of a type that the presiding officer
47 would be prohibited from receiving or that furnish,
48 augment, diminish, or modify the evidence in the
49 record.

50 3. Unless required for the disposition of ex parte

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1 matters specifically authorized by statute, a party to
2 an adjudicative proceeding, and a person who has a
3 direct or indirect interest in the outcome of the
4 proceeding or who presided at a previous stage of the
5 proceeding, shall not communicate, directly or
6 indirectly, in connection with any issue in that
7 proceeding other than inquiries about scheduling,
8 while the proceeding is pending, with any person
9 serving as presiding officer, without notice and
10 opportunity for all parties to participate in the
11 communication.

12 4. If, before serving as presiding officer in an
13 adjudicative proceeding, a person receives an ex parte
14 communication of a type that could not properly be
15 received while serving, the person, promptly after
16 starting to serve, shall disclose the communication in
17 the manner prescribed in subsection 5.

18 5. A presiding officer who receives an ex parte
19 communication in violation of this section shall place
20 on the record of the pending matter all written
21 communications received, all written responses to the
22 communications, and a memorandum stating the substance

23 of all oral and other communications received, all
24 responses made, and the identity of each person from
25 whom the presiding officer received an ex parte
26 communication, and shall advise all parties that these
27 matters have been placed on the record. Any party
28 desiring to rebut the ex parte communication must be
29 allowed to do so, upon requesting the opportunity for
30 rebuttal within ten days after notice of the
31 communication.

32 6. When necessary to eliminate the effect of an ex
33 parte communication received in violation of this
34 section, a presiding officer who receives the
35 communication shall be disqualified and the portions
36 of the record pertaining to the communication shall be
37 sealed by protective order.

38 7. The agency and any party may report any
39 violation of this section to appropriate authorities
40 for any disciplinary proceedings provided by law. In
41 addition, each agency by rule may provide for
42 appropriate sanctions, including default, suspending
43 or revoking a privilege to practice before the agency,
44 and for censuring, suspending, or dismissing agency
45 personnel, for any violations of this section.

46 8. In a proceeding for judicial review, the burden
47 shall be on the party seeking to uphold the validity
48 of an order to demonstrate that any violation of
49 subsections 1 through 5 relating to the issuance of
50 that order did not prejudice the substantial rights of

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1 the party seeking its invalidation.

2 Sec. 53. NEW SECTION. 17A.4214 SEPARATION OF
3 FUNCTIONS.

4 1. A person who has served personally as an
5 investigator, prosecutor, or advocate in an
6 adjudicative proceeding or in its pre-adjudicative
7 stage shall not serve as presiding officer or assist
8 or advise a presiding officer in the same proceeding.

9 2. A person who is subject to the authority,
10 direction, or discretion of one who has served
11 personally as an investigator, prosecutor, or advocate
12 in an adjudicative proceeding or in its pre-
13 adjudicative stage shall not serve as presiding
14 officer or assist or advise a presiding officer in the
15 same proceeding.

16 3. A person who has participated in a
17 determination of probable cause or other equivalent
18 preliminary determination as to the sufficiency of the
19 evidence to support the facts alleged by any party in
20 an adjudicative proceeding shall not serve as
21 presiding officer or assist or advise a presiding
22 officer in the same proceeding.

23 4. A person may serve as presiding officer at
24 successive stages of the same adjudicative proceeding,
25 unless a party demonstrates grounds for
26 disqualification in accordance with this section or
27 section 17A.4202.

28 5. In a proceeding for judicial review, the burden
29 shall be on the party seeking to uphold the validity
30 of an order to demonstrate that any violation of this
31 section relating to the issuance of that order did not
32 prejudice the substantial rights of the party seeking
33 its invalidation.

34 Sec. 54. NEW SECTION. 17A.4215 FINAL ORDER –
35 INITIAL ORDER.

36 1. If the presiding officer is the agency head,
37 the presiding officer shall issue a final order.

38 2. If the presiding officer is not the agency
39 head, the presiding officer shall issue an initial
40 order, which becomes a final order unless reviewed in
41 accordance with section 17A.4216.

42 3. A final order and an initial order must include
43 the date of its issuance and, separately stated,
44 findings of fact, conclusions of law, and policy
45 reasons for the decision if it is an exercise of the
46 agency's discretion, for all aspects of the order,
47 including the remedy prescribed and, if applicable,
48 the action taken on a petition for stay of
49 effectiveness. The order must include an explanation
50 of why the evidence in the record supports each

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1 finding of fact and why the evidence in the record
2 that is contrary to a finding does not preclude it.
3 Findings of fact, if set forth in language that is no
4 more than mere repetition or paraphrase of the
5 relevant provision of law, must also be accompanied by
6 a concise and explicit statement of each of the
7 underlying facts in the record that support those
8 findings. Each conclusion of law must be supported by
9 cited authority or by a reasoned explanation. If a
10 party has submitted proposed findings of fact,
11 conclusions of law, or policy reasons, the order must
12 include a ruling on the proposed findings. The order
13 must also include a statement of the available
14 procedures and time limits for seeking reconsideration
15 or other administrative relief from that final or
16 initial order. An initial order must include a
17 statement of any circumstances under which the initial
18 order, without further notice, may become a final
19 order.

20 4. Findings of fact must be based exclusively upon
21 the evidence of record in the adjudicative proceeding
22 and on matters officially noticed in that proceeding.

23 Findings must be based upon the kind of evidence on
24 which reasonably prudent persons are accustomed to
25 rely in the conduct of their serious affairs and may
26 be based upon such evidence even if it would be
27 inadmissible in a civil trial. The presiding
28 officer's experience, technical competence, and
29 specialized knowledge may be utilized in evaluating
30 evidence, but only in accordance with section
31 17A.4212, subsection 5. Unless provided otherwise by
32 another provision of law, findings of fact shall be
33 based upon a preponderance of the evidence and the
34 burden of proof shall be on the proponent of the
35 agency action requested.

36 5. If a person serving or designated to serve as
37 presiding officer becomes unavailable, for any reason,
38 before issuance of the final order or initial order, a
39 substitute presiding officer must be appointed as
40 provided in section 17A.4202. The substitute
41 presiding officer shall use any existing record and
42 may conduct any further proceedings appropriate in the
43 interests of justice; but if demeanor of witnesses is
44 a substantial factor and the original presiding
45 officer is unavailable the portions of the hearing
46 involving demeanor heard by the original presiding
47 officer shall be heard again by the new presiding
48 officer.

49 6. The presiding officer may allow the parties a
50 designated amount of time after conclusion of the

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1 hearing for the submission of proposed findings.
2 7. A final order or initial order must be issued
3 in writing within ninety days after the later of the
4 conclusion of the hearing or after submission of
5 proposed findings in accordance with subsection 6, or
6 the timely submission of any post-hearing briefs,
7 unless this period is waived, extended with the
8 written consent of all parties, or extended for good
9 cause shown. Violation of this subsection may not be
10 relied on as a basis for the invalidation of an order
11 in any circumstances where that result would prejudice
12 any party other than the agency.

13 8. The presiding officer shall cause copies of the
14 final order or initial order to be mailed or otherwise
15 delivered to each party within two working days from
16 the time the order is issued.

17 Sec. 55. NEW SECTION. 17A.4216 REVIEW OF INITIAL
18 ORDER - EXCEPTIONS TO REVIEWABILITY.

19 1. The agency head, upon its own motion may, and
20 upon appeal by any party shall, review an initial
21 order, except to the extent that any of the following
22 apply:

- 23 a. A provision of law precludes or limits agency
24 review of the initial order.
- 25 b. The agency head, in the exercise of discretion
26 conferred by a provision of law, does any of the
27 following:
- 28 (1) Determines to review some but not all issues,
29 or not to exercise any review.
- 30 (2) Delegates its authority to review the initial
31 order to one or more persons.
- 32 (3) Authorizes one or more persons to review the
33 initial order, subject to further review by the agency
34 head.
- 35 2. Unless provided otherwise by statute, a
36 petition for appeal from an initial order must be
37 filed with the agency head, or with any person
38 designated for this purpose by rule of the agency,
39 within twenty days after issuance of the initial order
40 or within such lesser time period that exceeds ten
41 days, as established by rule of the agency. If the
42 agency head on its own motion decides to review an
43 initial order, the agency head shall give written
44 notice of its intention to review the initial order
45 within a time period established by rule of the agency
46 that is no longer than twenty days after its issuance.
47 The time period for a party to file a petition for
48 appeal or for the agency head to give notice of its
49 intention to review an initial order on the agency
50 head's own motion is tolled by the submission of a

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- 1 timely petition for reconsideration of the initial
2 order pursuant to section 17A.4218, and a new time
3 period starts to run upon disposition of the petition
4 for reconsideration. If an initial order is subject
5 both to a timely petition for reconsideration and to a
6 petition for appeal or to review by the agency head on
7 its own motion, the petition for reconsideration must
8 be disposed of first, unless the agency head
9 determines that action on the petition for
10 reconsideration has been unreasonably delayed.
- 11 3. The petition for appeal must state its basis.
12 If the agency head on its own motion gives notice of
13 its intent to review an initial order, the agency head
14 shall identify the issues that it intends to review.
- 15 4. The presiding officer for the review of an
16 initial order shall exercise all the decision-making
17 power that the presiding officer would have had to
18 issue a final order had the presiding officer presided
19 over the hearing, except to the extent that the issues
20 subject to review are limited by a provision of law or
21 by the presiding officer upon notice to all parties.
- 22 5. The presiding officer shall afford each party

23 an opportunity to present briefs and may afford each
24 party an opportunity to present oral argument.

25 6. Before issuing a final order, the presiding
26 officer may cause a transcript to be prepared, at the
27 agency's expense, of such portions of the proceeding
28 under review as the presiding officer considers
29 necessary.

30 7. The presiding officer may issue a final order
31 disposing of the proceeding or may remand the matter
32 for further proceedings with instructions to the
33 person who issued the initial order. Upon remanding a
34 matter, the presiding officer may order such temporary
35 relief as is authorized and appropriate.

36 8. A final order or an order remanding the matter
37 for further proceedings must be issued in writing
38 within sixty days after receipt of briefs and oral
39 argument unless that period is waived, extended with
40 the written consent of all parties, extended for good
41 cause shown, or extended by rule for that class of
42 cases for an additional period of not longer than
43 thirty days.

44 9. A final order or an order remanding the matter
45 for further proceedings under this section must
46 identify any difference between this order and the
47 initial order and must include, or incorporate by
48 express reference to the initial order, all the
49 matters required by section 17A.4215, subsection 3.

50 10. The presiding officer shall cause copies of

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1 the final order or order remanding the matter for
2 further proceedings to be mailed or otherwise
3 delivered to each party within two working days from
4 the time the order is issued.

5 Sec. 56. NEW SECTION. 17A.4217 STAY.

6 A party may submit to the presiding officer a
7 petition for stay of effectiveness of an initial or
8 final order within twenty days after its issuance
9 unless otherwise provided by statute or stated in the
10 initial or final order. The presiding officer may
11 take action on the petition for stay, either before or
12 after the effective date of the initial or final
13 order. A petition for a stay is deemed to have been
14 denied if the presiding officer does not dispose of it
15 within ten days after the filing of the petition.

16 Sec. 57. NEW SECTION. 17A.4218 RECONSIDERATION.

17 Unless otherwise provided by statute or rule the
18 following apply:

19 1. Any party, within twenty days after issuance of
20 an initial or final order, may file a petition for
21 reconsideration of that order, stating the specific
22 grounds upon which relief is requested. The filing of

23 the petition is not a prerequisite for seeking
 24 administrative or judicial review. A copy of the
 25 application for reconsideration shall be timely mailed
 26 by the presiding officer to all parties of record not
 27 joining in the application.

28 2. The petition must be disposed of by the same
 29 person or persons who issued the initial or final
 30 order, if available.

31 3. The presiding officer shall issue a written
 32 order denying the petition, or granting the petition
 33 and dissolving or modifying the initial or final
 34 order, or setting the matter for further proceedings.
 35 The petition may be granted, in whole or in part, only
 36 if the presiding officer states, in the written order,
 37 findings of fact, conclusions of law, and policy
 38 reasons for the decision if it is an exercise of the
 39 agency's discretion, to justify the order. The
 40 petition is deemed to have been denied if the
 41 presiding officer does not dispose of it within twenty
 42 days after the filing of the petition.

43 Sec. 58. NEW SECTION. 17A.4219 REVIEW BY
 44 SUPERIOR AGENCY.

45 If, pursuant to statute, an agency may review the
 46 final order of another agency, the review is deemed to
 47 be a continuous proceeding as if before a single
 48 agency. Except to the extent another statute provides
 49 otherwise, the final order of the first agency is
 50 treated as an initial order and the second agency

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1 functions as though it were reviewing an initial order
 2 in accordance with section 17A.4216.

3 Sec. 59. NEW SECTION. 17A.4220 EFFECTIVENESS OF
 4 ORDERS.

5 1. Unless a later date is stated in a final order
 6 or a stay is granted, a final order is effective
 7 twenty days after issuance, except for any of the
 8 following:

9 a. A party shall not be required to comply with a
 10 final order unless the party has been served with or
 11 has actual knowledge of the final order.

12 b. A final order shall not be invoked for any
 13 purpose against any person unless the agency has made
 14 the final order available for public inspection and
 15 copying or the person has actual knowledge of the
 16 final order.

17 c. A final order may become effective on a
 18 specified date stated in the order that is earlier
 19 than twenty days after its issuance if any of the
 20 following exist:

21 (1) Another statute authorizes the agency to set
 22 an earlier effective date for that order.

23 (2) The order only confers a benefit or relieves a
24 restriction on the parties other than the agency
25 issuing the order.

26 (3) The earlier effective date is necessary to
27 avoid an immediate danger to the public health,
28 safety, or welfare.

29 2. Unless a later date is stated in an initial
30 order or a stay is granted, the time when an initial
31 order becomes a final order in accordance with section
32 17A.4215 is determined as follows:

33 a. When the initial order is issued, if
34 administrative review is unavailable.

35 b. When the agency head issues an order stating,
36 after a petition for appeal has been filed, that
37 review will not be exercised, if discretion is
38 available to make a determination to this effect.

39 c. Twenty days after issuance of the initial
40 order, if within that period, no party has filed a
41 petition for appeal and the agency head has not given
42 written notice of its intention to exercise review.

43 3. Unless a later date is stated in an initial
44 order or a stay is granted, an initial order that
45 becomes a final order in accordance with subsection 2
46 and section 17A.4215 is effective twenty days after
47 becoming a final order, except for any of the
48 following:

49 a. A party shall not be required to comply with
50 the final order unless the party has been served with

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1 or has actual knowledge of the initial order or of an
2 order stating that review will not be exercised.

3 b. An initial order shall not be invoked for any
4 purpose against any person unless the agency has made
5 the initial order available for public inspection and
6 copying or the person has actual knowledge of the
7 initial order or of an order stating that review will
8 not be exercised.

9 c. An initial order that becomes a final order may
10 become effective on a specified date stated in the
11 order that is earlier than twenty days after it
12 becomes a final order if it satisfies the requirements
13 of subsection 1, paragraph "a", "b", or "c".

14 4. This section does not preclude an agency from
15 taking immediate action to protect the public interest
16 in accordance with section 17A.4501.

17 Sec. 60. NEW SECTION. 17A.4221 AGENCY RECORD.

18 1. An agency shall maintain an official record of
19 each adjudicative proceeding under this part for a
20 period of at least three years from the later of the
21 date of the final agency decision in that case or the
22 date any proceedings for judicial review of that case

- 23 became final.
- 24 2. The agency record consists only of all of the
25 following:
- 26 a. Notices of all proceedings.
- 27 b. Any prehearing order.
- 28 c. Any motions, pleadings, briefs, petitions,
29 requests, and intermediate rulings.
- 30 d. Evidence received or considered.
- 31 e. A statement of matters officially noticed.
- 32 f. Proffers of proof and objections and rulings
33 thereon.
- 34 g. Proposed findings, requested orders, and
35 exceptions.
- 36 h. The record prepared for the presiding officer
37 at the hearing, together with any transcript of all or
38 part of the hearing considered before final
39 disposition of the proceeding.
- 40 i. Any final order, initial order, or order on
41 reconsideration.
- 42 j. Staff memoranda or data submitted to the
43 presiding officer, unless prepared and submitted by
44 personal assistants and not inconsistent with section
45 17A.4213, subsection 2.
- 46 k. Matters placed on the record after an ex parte
47 communication.
- 48 3. Except to the extent that this chapter or
49 another statute provides otherwise, the agency record
50 constitutes the exclusive basis for agency action in

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1 adjudicative proceedings under this part and for
2 judicial review thereof.

3 PART 3

4 OFFICE OF ADMINISTRATIVE HEARINGS

5 Sec. 61. NEW SECTION. 17A.4301 OFFICE OF
6 ADMINISTRATIVE HEARINGS - CREATION, POWERS, DUTIES.

- 7 1. An independent office of administrative
8 hearings is created to be headed by a director
9 appointed by the governor and confirmed by the senate.
10 The director serves at the pleasure of the governor.
- 11 2. The office shall employ administrative law
12 judges as necessary to conduct proceedings required by
13 this chapter or any other provision of law.
- 14 Administrative law judges employed by the office shall
15 not perform duties inconsistent with their duties and
16 responsibilities as administrative law judges and
17 shall not be located in offices within the agencies
18 for which they act as presiding officers.
- 19 Administrative law judges shall be covered by the
20 merit system provisions of chapter 19A. Subject to
21 the approval of the department of personnel, the
22 office shall, insofar as practicable, provide for

23 different classes of administrative law judges with
24 different salary scales. The office shall also
25 facilitate, insofar as practicable, specialization by
26 its administrative law judges so that particular
27 judges may become expert in presiding over cases in
28 particular agencies.

29 3. If the office cannot furnish one of its
30 administrative law judges in response to an agency
31 request, the director shall designate in writing a
32 full-time employee of an agency other than the
33 requesting agency to serve as administrative law judge
34 for the proceeding, but only with the consent of the
35 employing agency. The designee must possess the same
36 qualifications required of administrative law judges
37 employed by the office.

38 4. The director may furnish administrative law
39 judges on a contract basis to any governmental entity
40 to conduct any proceeding not subject to this chapter.

41 5. After the effective date of this Act, a person
42 shall not be newly employed by the office as an
43 administrative law judge to preside over formal
44 adjudicative hearings unless that person has a license
45 to practice law in this state.

46 6. The office shall adopt rules pursuant to this
47 chapter to do all of the following:

48 a. To establish qualifications for administrative
49 law judges employed by the office, and, subject to the
50 approval of the department of personnel, procedures by

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1 which candidates for a position as an administrative
2 law judge in the office will be considered for
3 employment and the manner in which public notice of
4 vacancies for positions as administrative laws judges
5 in the office will be given.

6 b. To establish procedures for agencies to request
7 and for the director to assign administrative law
8 judges employed by the office; however, an agency
9 shall not select or reject any individual
10 administrative law judge for any proceeding except in
11 accordance with this chapter.

12 c. To establish procedures and adopt forms,
13 consistent with this chapter and other provisions of
14 law, to govern administrative law judges employed by
15 the office, but any rules adopted under this paragraph
16 shall be applicable to a particular adjudicative
17 proceeding only to the extent that they are not
18 inconsistent with the rules of the agency under whose
19 authority that proceeding is conducted.

20 d. To establish standards and procedures for the
21 evaluation, training, promotion, and discipline by the
22 office of administrative law judges employed by the

23 office.

24 e. To establish, consistent with the provisions of
25 this chapter, a code of administrative judicial
26 conduct that is similar in function and substantially
27 equivalent to the Iowa code of judicial conduct, to
28 govern the actions of all persons who act as presiding
29 officers under the authority of section 17A.4202,
30 subsection 1.

31 f. To facilitate the performance of the
32 responsibilities conferred upon the office by this
33 chapter.

34 7. The director may do all of the following:

35 a. Maintain a staff of reporters and other
36 personnel.

37 b. Administer the provisions of this section and
38 rules adopted under its authority.

39 8. The office may charge agencies for services
40 rendered and the payment received shall be considered
41 repayment receipts as defined in section 8.2.

42 PART 4

43 CONFERENCE ADJUDICATIVE HEARING

44 Sec. 62. NEW SECTION. 17A.4401 CONFERENCE
45 ADJUDICATIVE HEARING - APPLICABILITY.

46 A conference adjudicative hearing may be used if
47 its use in the circumstances does not violate any
48 provision of law and the matter is entirely within one
49 or more categories for which the agency by rule has
50 adopted this part. However, those categories may

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1 include only the following:

2 1. A matter in which there is no disputed issue of
3 material fact.

4 2. A matter in which there is a disputed issue of
5 material fact, if the matter involves one or more of
6 the following:

7 a. A monetary amount of not more than one thousand
8 dollars. In determining whether a matter involves
9 only a monetary amount of one thousand dollars or
10 less, a presumption arises that, if a claimant
11 prevails on the merits, the claimant will subsequently
12 be qualified for and entitled to the amount of any
13 periodic payments claimed for the maximum period
14 allowed by law and that claimant may aggregate the
15 amount of those subsequent payments for purposes of
16 determining the monetary amount involved in the matter
17 at issue.

18 b. A disciplinary sanction against a student which
19 does not involve expulsion or suspension for more than
20 ten days from an educational institution.

21 c. A disciplinary sanction against a public
22 employee which does not involve discharge or

23 suspension for more than ten days from employment.
 24 d. A disciplinary sanction against a licensee
 25 which does not involve revocation, suspension,
 26 annulment, withdrawal, or amendment of a license, or a
 27 reprimand or warning against an occupational or
 28 professional licensee which may reasonably be deemed
 29 to affect the economic or professional status or
 30 reputation of that licensee. .

31 e. A matter as to which there is no constitutional
 32 or statutory right, prior to the issuance of an order,
 33 to an opportunity for an evidentiary hearing that is
 34 required to be determined on the record of that
 35 proceeding.

36 Sec. 63. NEW SECTION. 17A.4402 CONFERENCE
 37 ADJUDICATIVE HEARING – PROCEDURES.

38 The procedures of this chapter pertaining to formal
 39 adjudicative hearings apply to a conference
 40 adjudicative hearing, except to the following extent:

- 41 1. If a matter is initiated as a conference
- 42 adjudicative hearing, a prehearing conference shall
- 43 not be held.
- 44 2. The provisions of section 17A.4210 do not apply
- 45 to conference adjudicative hearings insofar as those
- 46 provisions authorize the issuance and enforcement of
- 47 subpoenas and discovery orders, but do apply to
- 48 conference adjudicative hearings insofar as those
- 49 provisions authorize the presiding officer to issue
- 50 protective orders at the request of any party or upon

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- 1 the presiding officer's motion.
- 2 3. Section 17A.4211, subsections 1 and 2, do not
- 3 apply except for the following:
- 4 a. The presiding officer shall regulate the course
- 5 of the proceedings.
- 6 b. Only the parties may testify and present
- 7 written exhibits.
- 8 c. The parties may offer comments on the issues
- 9 and cross examine each other with respect to any
- 10 factual disputes.
- 11 4. The provisions of section 17A.4215, subsection
- 12 4, requiring findings of fact to be based exclusively
- 13 on the evidence of record and on matters officially
- 14 noticed, and section 17A.4221 do not apply; instead,
- 15 the provisions of section 17A.4601 apply.

16 Sec. 64. NEW SECTION. 17A.4403 CONFERENCE
 17 ADJUDICATIVE HEARING – PROPOSED PROOF.

- 18 1. If the presiding officer has reason to believe
- 19 that material facts are in dispute, the presiding
- 20 officer may require any party to state the identity of
- 21 the witnesses or other sources through whom the party
- 22 would propose to present proof if the proceeding were

23 converted to a formal adjudicative hearing, but if
 24 disclosure of any fact, allegation, or source is
 25 privileged or expressly prohibited by any provision of
 26 law, the presiding officer may require the party to
 27 indicate that confidential facts, allegations, or
 28 sources are involved, but not to disclose the
 29 confidential facts, allegations, or sources.

30 2. If a party has reason to believe that essential
 31 facts must be obtained in order to permit an adequate
 32 presentation of the case, the party may inform the
 33 presiding officer regarding the general nature of the
 34 facts and the sources from which the party would
 35 propose to obtain those facts if the proceeding were
 36 converted to a formal adjudicative hearing.

37 PART 5

38 EMERGENCY AND SUMMARY ADJUDICATIVE PROCEEDINGS

39 Sec. 65. NEW SECTION. 17A.4501 EMERGENCY 40 ADJUDICATIVE PROCEEDINGS.

41 1. An agency may use emergency adjudicative
 42 proceedings in a situation involving an immediate
 43 danger to the public health, safety, or welfare
 44 requiring immediate agency action.

45 2. The agency may take only such action as is
 46 necessary to prevent or avoid the immediate danger to
 47 the public health, safety, or welfare that justifies
 48 use of emergency adjudication.

49 3. The agency shall issue an order, including a
 50 brief statement of findings of fact, conclusions of

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1 law, and policy reasons for the decision if it is an
 2 exercise of the agency's discretion, to justify the
 3 determination of an immediate danger and the agency's
 4 decision to take the specific action.

5 4. The agency shall give such notice as is
 6 practicable to persons who are required to comply with
 7 the order. The order is effective when issued.

8 5. After issuing an order pursuant to this
 9 section, the agency shall proceed as quickly as
 10 feasible to complete any proceedings that would be
 11 required if the matter did not involve an immediate
 12 danger.

13 6. The agency record consists of any documents
 14 regarding the matter that were considered or prepared
 15 by the agency. The agency shall maintain these
 16 documents as its official record.

17 7. Unless otherwise required by a provision of
 18 law, the agency record need not constitute the
 19 exclusive basis for agency action in emergency
 20 adjudicative proceedings or for judicial review
 21 thereof.

22 Sec. 66. NEW SECTION. 17A.4502 SUMMARY

23 ADJUDICATIVE PROCEEDINGS – APPLICABILITY.

24 An agency may use summary adjudicative proceedings
25 if all of the following apply:

26 1. The use of those proceedings in the
27 circumstances does not violate any provision of law.

28 2. The protection of the public interest does not
29 require the agency to give notice and an opportunity
30 to participate to persons other than the parties.

31 3. The matter is entirely within one or more
32 categories for which the agency by rule has adopted,
33 this section and sections 17A.4503 to 17A.4505;
34 however, those categories may include only the
35 following:

36 a. A monetary amount of not more than one hundred
37 dollars.

38 b. A disciplinary sanction against a student which
39 does not involve expulsion or suspension for more than
40 ten days from an educational institution, or a
41 reprimand, warning, disciplinary report, or other
42 similar sanction without continuing impact against a
43 public employee.

44 c. The denial of an application after the
45 applicant has abandoned the application.

46 d. The denial of an application for admission to
47 an educational institution or for employment by an
48 agency.

49 e. The denial, in whole or in part, of an
50 application if the applicant has an opportunity for

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1 administrative review in accordance with section
2 17A.4504.

3 f. A matter that is resolved on the sole basis of
4 inspections, examinations, or tests.

5 g. The acquisition, leasing, or disposal of
6 property or the procurement of goods or services by
7 contract.

8 h. A matter as to which there is no disputed issue
9 of material fact and as to which, even if there were
10 such a disputed issue of fact, there would be no
11 constitutional or statutory right, prior to the
12 issuance of an order, to an opportunity for an
13 evidentiary hearing required to be determined on the
14 record of that proceeding.

15 i. A matter that does not qualify for treatment as
16 a conference adjudicative hearing under section
17 17A.4401, subsection 2, paragraphs "a" through "e",
18 and as to which there is no constitutional or
19 statutory right, prior to the issuance of an order, to
20 an opportunity for an evidentiary hearing that is
21 required to be determined on the record of that
22 proceeding.

23 Sec. 67. NEW SECTION. 17A.4503 SUMMARY
24 ADJUDICATIVE PROCEEDINGS – PROCEDURES.

25 1. The agency head, one or more members of the
26 agency head, one or more administrative law judges
27 assigned by the office of administrative hearings in
28 accordance with section 17A.4301, or, unless
29 prohibited by law, one or more other persons
30 designated by the agency head in the discretion of the
31 agency head, may be the presiding officer. Unless
32 prohibited by law, a person exercising authority over
33 the matter is the presiding officer.

34 2. If the proceeding involves a monetary matter or
35 a suspension, reprimand, warning, disciplinary report,
36 or other similar sanction, against a student or public
37 employee all of the following apply:

38 a. The presiding officer, before taking action,
39 shall give each party an opportunity to be informed of
40 the agency's view of the matter and to explain the
41 party's view of the matter.

42 b. The presiding officer, at the time any
43 unfavorable action is taken, shall give each party a
44 brief statement of the reasons for the action.

45 3. An order issued in a proceeding that involves a
46 monetary matter must be in writing. An order in any
47 other summary adjudicative proceeding may be oral or
48 written.

49 4. The agency, by reasonable means, shall furnish
50 to each party notification of the order in a summary

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1 adjudicative proceeding. Notification must at least
2 include a statement of the agency's action.

3 Sec. 68. NEW SECTION. 17A.4504 ADMINISTRATIVE
4 REVIEW OF SUMMARY ADJUDICATIVE PROCEEDINGS –
5 APPLICABILITY.

6 Except to the extent prohibited by any provision of
7 law, an agency, on its own motion, may conduct an
8 administrative review of an order resulting from
9 summary adjudicative proceedings, and shall conduct
10 this review upon the written or oral request of a
11 party if the agency receives the request within ten
12 days after furnishing notification under section
13 17A.4503, subsection 4.

14 Sec. 69. NEW SECTION. 17A.4505 ADMINISTRATIVE
15 REVIEW OF SUMMARY ADJUDICATIVE PROCEEDINGS –
16 PROCEDURES.

17 Unless otherwise provided by statute:

18 1. An agency need not furnish notification of the
19 pendency of administrative review to any person who
20 did not request the review, but the agency shall not
21 take any action on review less favorable to any party
22 than the original order without giving that party

23 notice and an opportunity to explain that party's view
24 of the matter.

25 2. The reviewing officer, in the discretion of the
26 agency head, may be any person who could have presided
27 at the summary adjudicative proceeding, but the
28 reviewing officer must be one who is authorized to
29 grant appropriate relief upon review.

30 3. The reviewing officer shall give each party an
31 opportunity to explain the party's view of the matter
32 unless the party's view is apparent from the written
33 materials in the file submitted to the reviewing
34 officer. The reviewing officer shall make any
35 inquiries necessary to ascertain whether the
36 proceeding must be converted to a conference
37 adjudicative hearing or a formal adjudicative hearing.

38 4. The reviewing officer may issue an order
39 disposing of the proceeding in any manner that was
40 available to the presiding officer at the summary
41 adjudicative proceeding or the reviewing officer may
42 remand the matter for further proceedings, with or
43 without conversion to a conference adjudicative
44 hearing or a formal adjudicative hearing.

45 5. If the order under review is or should have
46 been in writing, the order on review must be in
47 writing, including a brief statement of findings of
48 fact, conclusions of law, and policy reasons for the
49 decision if it is an exercise of the agency's
50 discretion, to justify the order, and a notice of any

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1 further available administrative review.
2 6. A request for administrative review is deemed
3 to have been denied if the reviewing officer does not
4 dispose of the matter or remand it for further
5 proceedings within twenty days after the request is
6 submitted.

7 PART 6

8 CONFERENCE AND SUMMARY ADJUDICATIVE PROCEEDING RECORDS

9 Sec. 70. NEW SECTION. 17A.4601 AGENCY RECORD OF
10 CONFERENCE AND SUMMARY ADJUDICATIVE PROCEEDINGS AND
11 ADMINISTRATIVE REVIEW.

12 1. The agency record consists of any documents
13 regarding the matter that were submitted by a party
14 to, or were considered or prepared by the presiding
15 officer for, that conference or summary adjudicative
16 proceeding or by the presiding or reviewing officer
17 for any subsequent agency review. The agency shall
18 maintain these documents as its official record.

19 2. Unless otherwise required by a provision of
20 law, the agency record need not constitute the
21 exclusive basis for agency action in conference or
22 summary adjudicative proceedings or for judicial

23 review thereof.

24 ARTICLE 5

25 JUDICIAL REVIEW AND CIVIL ENFORCEMENT

26 PART 1

27 JUDICIAL REVIEW

28 Sec. 71. NEW SECTION. 17A.5101 EXCLUSIVITY OF
 29 JUDICIAL REVIEW PROVISIONS – RELATIONSHIP BETWEEN
 30 JUDICIAL REVIEW PROVISIONS OF THIS CHAPTER AND
 31 ANCILLARY PROCEDURAL REQUIREMENTS OF OTHER LAW AND
 32 SUPERIOR JUDICIAL REMEDIES.

33 Except as expressly provided otherwise by another
 34 statute referring to this chapter by name or number,
 35 this chapter establishes the exclusive means of
 36 judicial review of agency action, except for any of
 37 the following:

38 1. The provisions of this chapter for judicial
 39 review do not apply to litigation in which the sole
 40 issue is a claim for money damages or compensation and
 41 the agency whose action is at issue does not have
 42 statutory authority to determine the claim.

43 2. Ancillary procedural matters, including
 44 intervention, class actions, consolidation, joinder,
 45 severance, transfer, protective orders, and other
 46 relief from disclosure of privileged or confidential
 47 material, are governed, to the extent not inconsistent
 48 with this chapter, by other applicable law.

49 3. If the relief available under other sections of
 50 this chapter is not equal or substantially equivalent

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1 to the relief otherwise available under law, the
 2 relief otherwise available and the related procedures
 3 supersede and supplement this chapter to the extent
 4 necessary for their effectuation. The applicable
 5 provisions of this chapter and other law must be
 6 combined to govern a single proceeding or, if the
 7 court orders, two or more separate proceedings, with
 8 or without transfer to other courts, but no type of
 9 relief may be sought in a combined proceeding after
 10 expiration of the time limit for doing so.

11 Sec. 72. NEW SECTION. 17A.5102 FINAL AGENCY
 12 ACTION REVIEWABLE.

13 1. A person who qualifies under this chapter
 14 regarding standing in section 17A.5106, exhaustion of
 15 administrative remedies in section 17A.5107, and time
 16 for filing the petition for review in section
 17 17A.5108, and other applicable provisions of law
 18 regarding bond, compliance, and other preconditions is
 19 entitled to judicial review of final agency action,
 20 whether or not the person has sought judicial review
 21 of any related nonfinal agency action.

22 2. For purposes of this section and section

23 17A.5103:

24 a. "Final agency action" means the whole or a part
25 of any agency action other than nonfinal agency
26 action.

27 b. "Nonfinal agency action" means the whole or a
28 part of an agency determination, investigation,
29 proceeding, hearing, conference, or other process that
30 the agency intends or is reasonably believed to intend
31 to be preliminary, preparatory, procedural, or
32 intermediate with regard to subsequent agency action
33 of that agency or another agency.

34 Sec. 73. NEW SECTION. 17A.5103 NONFINAL AGENCY
35 ACTION REVIEWABLE.

36 A person is entitled to judicial review of nonfinal
37 agency action only if all of the following apply:

38 1. It appears likely that the person will qualify
39 under section 17A.5102 for judicial review of the
40 related final agency action.

41 2. Postponement of judicial review would result in
42 an inadequate remedy or irreparable harm
43 disproportionate to the public benefit derived from
44 postponement.

45 Sec. 74. NEW SECTION. 17A.5104 JURISDICTION -
46 VENUE.

47 1. The district court shall conduct judicial
48 review.

49 2. Venue shall be in the Polk county district
50 court or the district court for the county in which

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1 the petitioner resides or has its principal place of
2 business. When a proceeding for judicial review has
3 been commenced, a court may, in the interest of
4 justice, transfer the proceeding to the district court
5 for another county.

6 Sec. 75. NEW SECTION. 17A.5105 FORM OF ACTION -
7 SERVICE - CONTENTS OF PETITION.

8 Judicial review is initiated by filing a petition
9 for review in the appropriate district court. A
10 petition may seek any type of relief available under
11 section 17A.5101, subsection 3, and section 17A.5117.

12 Sec. 76. NEW SECTION. 17A.5106 STANDING.

13 1. The following persons have standing to obtain
14 judicial review of final or nonfinal agency action:

15 a. A person to whom the agency action is
16 specifically directed.

17 b. A person who was a party to the agency
18 proceedings that led to the agency action.

19 c. If the challenged agency action is a rule, a
20 person subject to that rule or an association whose
21 members are subject to that rule.

22 d. A person eligible for standing under another

23 provision of law.

24 e. A person otherwise aggrieved or adversely
25 affected by the agency action. For purposes of this
26 paragraph, a person does not have standing as one
27 otherwise aggrieved or adversely affected unless all
28 of the following apply:

29 (1) The agency action has prejudiced or is likely
30 to prejudice that person.

31 (2) That person's asserted interests are arguably
32 among those that the agency was required by law to
33 consider when it engaged in the agency action
34 challenged.

35 (3) A judgment in favor of that person would
36 substantially eliminate or redress the prejudice to
37 that person caused or likely to be caused by the
38 agency action.

39 2. The administrative rules review committee of
40 the general assembly, which is required to exercise
41 general and continuing oversight over administrative
42 rules, may petition for judicial review of any rule.

43 Sec. 77. NEW SECTION. 17A.5107 EXHAUSTION OF
44 ADMINISTRATIVE REMEDIES.

45 A person may file a petition for judicial review
46 under this chapter only after exhausting all
47 administrative remedies available within the agency
48 whose action is being challenged and within any other
49 agency authorized to exercise administrative review,
50 except for any of the following:

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1 1. A petitioner for judicial review of a rule need
2 not have participated in the rulemaking proceeding
3 upon which that rule is based, or have petitioned for
4 its amendment or repeal.

5 2. A petitioner for judicial review need not
6 exhaust administrative remedies to the extent that
7 this chapter or any other statute states that
8 exhaustion is not required.

9 3. The court may relieve a petitioner of the
10 requirement to exhaust any or all administrative
11 remedies, to the extent that the administrative
12 remedies are inadequate, or requiring their exhaustion
13 would result in irreparable harm disproportionate to
14 the public benefit derived from requiring exhaustion.

15 Sec. 78. NEW SECTION. 17A.5108 TIME FOR FILING
16 PETITION FOR REVIEW.

17 Subject to other requirements of this chapter or of
18 another statute:

19 1. A petition for judicial review of a rule may be
20 filed at any time, except as limited by section
21 17A.3113, subsection 2.

22 2. A petition for judicial review of an order is

23 not timely unless filed within thirty days after
24 issuance of the order, but the time is extended during
25 the pendency of the petitioner's timely attempts to
26 exhaust administrative remedies, if the attempts are
27 not clearly frivolous or repetitious.

28 3. A petition for judicial review of agency action
29 other than a rule or order is not timely unless filed
30 within thirty days after the agency action, but the
31 time is extended if any of the following apply:

32 a. During the pendency of the petitioner's timely
33 attempts to exhaust administrative remedies, if the
34 attempts are not clearly frivolous or repetitious.

35 b. During any period that the petitioner did not
36 know and was under no duty to discover, or did not
37 know and was under a duty to discover but could not
38 reasonably have discovered, that the agency had taken
39 the action or that the agency action had a sufficient
40 effect to confer standing upon the petitioner to
41 obtain judicial review under this chapter.

42 Sec. 79. NEW SECTION. 17A.5109 PETITION FOR
43 REVIEW - FILING AND CONTENTS.

44 1. A petition for review must be filed with the
45 clerk of the district court and must name the agency
46 as respondent.

47 2. A petition for review must set forth all of the
48 following:

49 a. The name and mailing address of the petitioner.

50 b. The name and mailing address of the agency

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1 whose action is at issue.

2 c. Identification of the specific agency action at
3 issue, together with a duplicate copy, summary, or
4 brief description of the agency action.

5 d. Identification of persons who were parties in
6 any adjudicative proceedings that led to the agency
7 action.

8 e. Facts to demonstrate that the petitioner is
9 entitled to obtain judicial review.

10 f. Facts on which venue is based.

11 g. The specific grounds on which relief is sought
12 and the petitioner's reasons for believing that relief
13 should be granted.

14 h. A request for relief, specifying the type and
15 extent of relief requested.

16 A petition for review that is in substantial
17 compliance with the requirements of this subsection
18 shall not be dismissed solely for failure to satisfy
19 its requirements.

20 Sec. 80. NEW SECTION. 17A.5110 PETITION FOR
21 REVIEW - SERVICE AND NOTIFICATION - NOTICE OF
22 INTERVENTION.

23 1. Within ten days after the filing of a petition
24 for judicial review of agency action, the petitioner
25 shall serve a file stamped copy of the petition upon
26 the agency in the manner provided by the rules of
27 civil procedure for the personal service of an
28 original notice or shall mail a file stamped copy of
29 the petition to the agency by restricted certified
30 mail.

31 2. Within ten days after the filing of a petition
32 for judicial review of agency action in an
33 adjudicative proceeding, the petitioner shall also
34 give notice of the petition for review to each other
35 party of record in that adjudicative proceeding either
36 by serving a file stamped copy of the petition upon
37 that party in the manner provided by the rules of
38 civil procedure for the personal service of an
39 original notice or by restricted certified mail.

40 3. The personal service or mailing required by
41 this section shall be jurisdictional and may be made
42 on the party or the party's attorney of record in the
43 proceeding before the agency. A mailing shall be
44 addressed to the parties or their attorneys of record
45 at their last known mailing address. Proof of mailing
46 shall be by the return receipt from the restricted
47 certified mail.

48 4. Any party of record in an adjudicative
49 proceeding before an agency who wishes to intervene
50 and participate in the judicial review proceeding must

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1 file an appearance in the court indicating that
2 intention within forty-five days from the date the
3 petition is filed.

4 Sec. 81. NEW SECTION. 17A.5111 STAY AND OTHER
5 TEMPORARY REMEDIES PENDING FINAL DISPOSITION.

6 1. Unless precluded by law, the agency may grant a
7 stay on appropriate terms or other temporary remedies
8 during the pendency of judicial review.

9 2. A party may file a motion in the reviewing
10 court, during the pendency of judicial review, seeking
11 interlocutory review of the agency's action on an
12 application for stay or other temporary remedies.

13 3. If the agency has found that its action on an
14 application for stay or other temporary remedies is
15 justified to protect against a substantial threat to
16 the public health, safety, or welfare, the court may
17 grant relief only upon a finding that all of the
18 following apply:

19 a. The applicant is likely to prevail when the
20 court finally disposes of the matter.

21 b. Without relief the applicant will suffer
22 irreparable injury.

23 c. The grant of relief to the applicant will not
24 substantially harm other parties to the proceedings.

25 d. The type of threat to the public health,
26 safety, or welfare relied on by the agency is not
27 sufficiently serious to justify the agency's action in
28 the circumstances.

29 4. If subsection 3 does not apply, the court shall
30 grant relief if it finds that the agency's action on
31 the application for stay or other temporary remedies
32 was unreasonable in the circumstances.

33 5. If the court determines that relief should be
34 granted from the agency's action on an application for
35 stay or other temporary remedies, the court may remand
36 the matter to the agency with directions to deny a
37 stay, to grant a stay on appropriate terms, or to
38 grant other temporary remedies, or the court may issue
39 an order denying a stay, granting a stay on
40 appropriate terms, or granting other temporary
41 remedies.

42 Sec. 82. NEW SECTION. 17A.5112 LIMITATION ON NEW
43 ISSUES.

44 A person may obtain judicial review of an issue
45 that was not raised before the agency, only to the
46 extent of any of the following:

47 1. The agency did not have authority to grant an
48 adequate remedy based on a determination of the issue
49 involved because the issue or remedy was not within
50 the jurisdiction of the agency.

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1 2. The person did not know and was under no duty
2 to discover, or did not know and was under a duty to
3 discover but could not reasonably have discovered,
4 facts giving rise to the issue.

5 3. The agency action subject to judicial review is
6 a rule and the person is challenging only the validity
7 of that rule and has not been a party in adjudicative
8 proceedings which provided an adequate opportunity to
9 raise the issue.

10 4. The agency action subject to judicial review is
11 an order and the person was not notified of the
12 adjudicative proceeding in compliance with any
13 provision of law or was notified but was not permitted
14 to participate in that adjudicative proceeding.

15 5. The interests of justice would be served by
16 judicial resolution of an issue arising from any of
17 the following:

18 a. A change in controlling law occurring after the
19 agency action.

20 b. Agency action occurring after the person
21 exhausted the last feasible opportunity for seeking
22 relief from the agency.

23 Sec. 83. NEW SECTION. 17A.5113 JUDICIAL REVIEW
 24 OF FACTS CONFINED TO RECORD FOR JUDICIAL REVIEW AND
 25 ADDITIONAL EVIDENCE TAKEN PURSUANT TO THIS CHAPTER.

26 Judicial review of disputed issues of fact must be
 27 confined to the agency record for judicial review as
 28 defined in this chapter, supplemented by additional
 29 evidence taken pursuant to this chapter.

30 Sec. 84. NEW SECTION. 17A.5114 NEW EVIDENCE
 31 TAKEN BY COURT OR AGENCY BEFORE FINAL DISPOSITION.

32 1. The court may receive evidence, in addition to
 33 that contained in the agency record for judicial
 34 review, only if it relates to the validity of the
 35 agency action at the time it was taken and is needed
 36 to decide disputed issues regarding any of the
 37 following:

38 a. Improper constitution as a decision-making
 39 body, or improper motive or grounds for
 40 disqualification, of those taking the agency action.
 41 b. Unlawfulness of procedure or of decision-making
 42 process.
 43 c. Any material fact that was not required by
 44 provision of law to be determined exclusively on an
 45 agency record of a type reasonably suitable for
 46 judicial review.

47 2. The court may remand a matter to the agency,
 48 before final disposition of a petition for review,
 49 with directions that the agency conduct fact-finding
 50 and other proceedings the court considers necessary

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1 and that the agency take such further action on the
 2 basis thereof as the court directs, if any of the
 3 following apply:

4 a. The agency was required by this chapter or any
 5 other provision of law to base its action exclusively
 6 on a record of a type reasonably suitable for judicial
 7 review, but the agency failed to prepare or preserve
 8 an adequate record.

9 b. The court finds that all of the following
 10 apply:

11 (1) New evidence has become available that relates
 12 to the validity of the agency action at the time it
 13 was taken, that one or more of the parties did not
 14 know and was under no duty to discover, or did not
 15 know and was under a duty to discover but could not
 16 reasonably have discovered, until after the agency
 17 action.

18 (2) The interests of justice would be served by
 19 remand to the agency.

20 c. The agency improperly excluded or omitted
 21 evidence from the record.

22 d. A relevant provision of law changed after the

23 agency action and the court determines that the new
24 provision may control the outcome.
25 Sec. 85. NEW SECTION. 17A.5115 AGENCY RECORD FOR
26 JUDICIAL REVIEW – CONTENTS, PREPARATION, TRANSMITTAL,
27 COST.

28 1. Within thirty days after service of the
29 petition, or within further time allowed by the court
30 or by other provision of law, the agency shall
31 transmit to the court the original or a certified copy
32 of the agency record for judicial review of the agency
33 action, consisting of any agency documents expressing
34 the agency action, other documents identified by the
35 agency as having been considered by it before its
36 action and used as a basis for its action, and any
37 other material described in this chapter as the agency
38 record for the type of agency action at issue, subject
39 to the provisions of this section.

40 2. If part of the record has been preserved
41 without a transcript, the agency shall prepare a
42 transcript for inclusion in the record transmitted to
43 the court, except for portions that the parties
44 stipulate to omit in accordance with subsection 4.

45 3. The agency may charge the petitioner with the
46 reasonable cost of preparing any necessary copies and
47 transcripts for transmittal to the court. A failure
48 by the petitioner to pay any of this cost to the
49 agency does not relieve the agency from the
50 responsibility for timely preparation of the record

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1 and transmittal to the court.

2 4. By stipulation of all parties to the review
3 proceedings, the record may be shortened, summarized,
4 or organized.

5 5. The court may tax the cost of preparing
6 transcripts and copies for the record in accordance
7 with any of the following:

8 a. Against a party who unreasonably refuses to
9 stipulate to shorten, summarize, or organize the
10 record.

11 b. As provided by section 17A.5117.

12 c. In accordance with any other provision of law.

13 6. Additions to the record pursuant to section
14 17A.5114 must be made as ordered by the court.

15 7. The court may require or permit subsequent
16 corrections or additions to the record.

17 Sec. 86. NEW SECTION. 17A.5116 SCOPE OF REVIEW
18 – GROUNDS FOR INVALIDITY.

19 1. Except to the extent that this chapter provides
20 otherwise, in suits for judicial review of agency
21 action all of the following apply:

22 a. The burden of demonstrating the required

23 prejudice and the invalidity of agency action is on
24 the party asserting invalidity.

25 b. The validity of agency action must be
26 determined in accordance with the standards of review
27 provided in this section, as applied to the agency
28 action at the time that action was taken.

29 2. The court shall make a separate and distinct
30 ruling on each material issue on which the court's
31 decision is based.

32 3. The court shall grant relief from agency action
33 if it determines that substantial rights of the person
34 seeking judicial relief have been prejudiced because
35 the agency action is any of the following:

36 a. Unconstitutional on its face or as applied or
37 is based upon a provision of law that is
38 unconstitutional on its face or as applied.

39 b. Beyond the authority delegated to the agency by
40 any provision of law or in violation of any provision
41 of law.

42 c. Based upon an erroneous interpretation of a
43 provision of law whose interpretation has not clearly
44 been vested by a provision of law in the discretion of
45 the agency.

46 d. Based upon a procedure or decision-making
47 process prohibited by law or was taken without
48 following the prescribed procedure or decision-making
49 process.

50 e. The product of decision making undertaken by

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1 persons who were improperly constituted as a decision-
2 making body, were motivated by an improper purpose, or
3 were subject to disqualification.

4 f. Based upon a determination of fact clearly
5 vested by a provision of law in the discretion of the
6 agency that is not supported by substantial evidence
7 in the record before the court when that record is
8 viewed as a whole. For purposes of this paragraph the
9 following terms have the following meanings:

10 (1) "Substantial evidence" means the quantity and
11 quality of evidence that would be deemed sufficient by
12 a neutral, detached, and reasonable person, to
13 establish the fact at issue when the consequences
14 resulting from the establishment of that fact are
15 understood to be serious and of great importance.

16 (2) "Record before the court" means the agency
17 record for judicial review, as defined by this
18 chapter, supplemented by any additional evidence
19 received by the court under the provisions of this
20 chapter.

21 (3) "When that record is viewed as a whole" means
22 that the adequacy of the evidence in the record before

23 the court to support a particular finding of fact must
24 be judged in light of all the relevant evidence in the
25 record that detracts from that finding as well as all
26 of the relevant evidence that supports it, including
27 any determinations of veracity by the presiding
28 officer who personally observed the demeanor of the
29 witnesses and the agency's explanation of why the
30 evidence in the record supports its finding of fact
31 and why the evidence in the record that is contrary to
32 its finding does not preclude that finding.

33 g. Action other than a rule that is inconsistent
34 with a rule of the agency.

35 h. Action other than a rule that is inconsistent
36 with the agency's prior practice or precedents, unless
37 the agency has justified that inconsistency by stating
38 credible reasons sufficient to indicate a fair and
39 rational basis for the inconsistency.

40 i. The product of reasoning that is so illogical
41 as to render it wholly irrational.

42 j. The product of a decision-making process in
43 which the agency did not consider a relevant and
44 important matter relating to the propriety or
45 desirability of the action in question that a rational
46 decision maker in similar circumstances would have
47 considered prior to taking that action.

48 k. Not required by law and its negative impact on
49 the private rights affected is so grossly
50 disproportionate to the benefits accruing to the

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1 public interest from that action that it must
2 necessarily be deemed to lack any foundation in
3 rational agency policy.

4 l. Based upon an irrational, illogical, or wholly
5 unjustifiable interpretation of a provision of law
6 whose interpretation has clearly been vested by a
7 provision of law in the discretion of the agency.

8 m. Based upon an irrational, illogical, or wholly
9 unjustifiable application of law to fact that has
10 clearly been vested by a provision of law in the
11 discretion of the agency.

12 n. Otherwise unreasonable, arbitrary, capricious,
13 or an abuse of discretion.

14 In making the determinations required by paragraphs
15 "a" through "n" of this subsection, the court:

16 (1) Shall not give any deference to the view of
17 the agency with respect to whether particular matters
18 have been vested by a provision of law in the
19 discretion of the agency.

20 (2) Should not give any deference to the view of
21 the agency with respect to particular matters that
22 have not been vested by a provision of law in the

23 discretion of the agency.

24 (3) Shall give appropriate deference to the view
25 of the agency with respect to particular matters that
26 have been vested by a provision of law in the
27 discretion of the agency.

28 Sec. 87. NEW SECTION. 17A.5117 TYPE OF RELIEF.

29 1. The court may award damages or compensation
30 only to the extent expressly authorized by another
31 provision of law.

32 2. The court may grant other appropriate relief,
33 whether mandatory, injunctive, or declaratory;
34 preliminary or final; temporary or permanent;
35 equitable or legal. In granting relief, the court may
36 order agency action required by law, order agency
37 exercise of discretion required by law, set aside or
38 modify agency action, enjoin or stay the effectiveness
39 of agency action, remand the matter for further
40 proceedings, render a declaratory judgment, or take
41 any other action that is authorized and appropriate.

42 3. The court may also grant necessary ancillary
43 relief to redress the effects of agency action
44 wrongfully taken or withheld, including the taxation
45 of costs, but the court may award attorney's fees or
46 witness fees only to the extent expressly authorized
47 by other law.

48 4. If the court sets aside or modifies agency
49 action or remands the matter to the agency for further
50 proceedings, the court may make any interlocutory

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1 order it finds necessary to preserve the interests of
2 the parties and the public pending further proceedings
3 or agency action.

4 Sec. 88. NEW SECTION. 17A.5118 REVIEW BY HIGHER
5 COURT.

6 Final decisions of the district court on petitions
7 for review of agency action are reviewable by appeal
8 to the supreme court as in other civil cases although
9 the appeal may be taken regardless of the amount
10 involved. On appeal, the supreme court, or court of
11 appeals if the case is referred by the supreme court
12 to the court of appeals, shall reverse, modify, or
13 vacate the decision of the district court only if the
14 reviewing court determines that the district court
15 applied an incorrect legal standard or unreasonably
16 applied a correct legal standard.

PART 2

CIVIL ENFORCEMENT

19 Sec. 89. NEW SECTION. 17A.5201 PETITION BY
20 AGENCY FOR CIVIL ENFORCEMENT OF RULE OR ORDER.

21 1. In addition to other remedies provided by law,
22 an agency may seek enforcement of its rule or order by

23 filing, under this Part, a petition for civil
24 enforcement in the district court.

25 2. The petition must name, as defendants, each
26 alleged violator against whom the agency seeks to
27 obtain civil enforcement.

28 3. Venue shall be in the district court for the
29 county in which defendant resides or has its principal
30 place of business, or with the consent of the
31 defendant, in the Polk County district court. When a
32 proceeding for enforcement has been commenced, the
33 court may, in the interest of justice, transfer the
34 proceeding to a district court for another county.

35 4. A petition for civil enforcement filed by an
36 agency may request, and the court may grant,
37 declaratory relief, temporary or permanent injunctive
38 relief, any other civil remedy provided by law, or any
39 combination of the foregoing.

40 Sec. 90. NEW SECTION. 17A.5202 PETITION BY
41 QUALIFIED PERSON FOR CIVIL ENFORCEMENT OF AGENCY'S
42 ORDER.

43 1. Any person authorized by constitution or
44 statute to seek judicial enforcement of an order of a
45 specified agency, and any person who would qualify
46 under this chapter as having standing to obtain
47 judicial review of an agency's failure to enforce its
48 order may file a petition for civil enforcement of
49 that order, but the action shall not be commenced
50 until or under any of the following circumstances:

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1 a. Until at least sixty days after the petitioner
2 has given notice of the alleged violation and of the
3 petitioner's intent to seek civil enforcement to the
4 agency head concerned, to the attorney general, and to
5 each alleged violator against whom the petitioner
6 seeks civil enforcement.

7 b. If the agency has filed and is diligently
8 prosecuting a petition for civil enforcement of the
9 same order against the same defendant.

10 c. If a petition for review of the same order has
11 been filed and is pending in court.

12 2. The petition must name, as defendants, the
13 agency whose order is sought to be enforced and each
14 alleged violator against whom the petitioner seeks
15 civil enforcement.

16 3. The agency whose order is sought to be enforced
17 may move to dismiss on the grounds that the petition
18 fails to qualify under this section or that
19 enforcement would be contrary to the policy of the
20 agency. The court shall grant the motion to dismiss
21 unless the petitioner demonstrates that the petition
22 qualifies under this section and the agency's failure

23 to enforce its order is based on an exercise of
 24 discretion that is improper on one or more of the
 25 grounds provided in section 17A.5116, subsection 3,
 26 paragraph "h".

27 4. Except to the extent expressly authorized by
 28 any provision of law, a petition for civil enforcement
 29 filed under this section shall not request, and the
 30 court shall not grant, any monetary payment apart from
 31 taxable costs.

32 Sec. 91. NEW SECTION. 17A.5203 DEFENSES –
 33 LIMITATION ON NEW ISSUES AND NEW EVIDENCE.

34 A defendant, who would be qualified under section
 35 17A.5106, subsection 1, section 17A.5107, and section
 36 17A.5108 to do so in a proceeding for judicial review,
 37 may assert, in a proceeding for civil enforcement any
 38 of the following:

39 1. That the rule or order sought to be enforced is
 40 invalid on any of the grounds stated in section
 41 17A.5116. If that defense is raised, the court may
 42 consider issues and receive evidence only within the
 43 limitations provided by sections 17A.5112, 17A.5113,
 44 and 17A.5114.

45 2. Any of the following defenses on which the
 46 court, to the extent necessary for the determination
 47 of the matter, may consider new issues or take new
 48 evidence:

- 49 a. The rule or order does not apply to the party.
 50 b. The party has not violated the rule or order.

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1 c. The party has violated the rule or order but
 2 has subsequently complied, but a party who establishes
 3 this defense is not necessarily relieved from any
 4 sanction provided by law for past violations.

5 d. Any other defense allowed by law.

6 Sec. 92. NEW SECTION. 17A.5204 INCORPORATION OF
 7 CERTAIN PROVISIONS ON JUDICIAL REVIEW.

8 Proceedings for civil enforcement are governed by
 9 section 17A.5101, subsection 2, and section 17A.5115
 10 concerning judicial review, as modified where
 11 necessary to adapt them to those proceedings.

12 Sec. 93. NEW SECTION. 17A.5205 REVIEW BY HIGHER
 13 COURT.

14 Final decisions of the district court on petitions
 15 for civil enforcement of agency action are reviewable
 16 by appeal to the supreme court as in other civil
 17 cases, although the appeal may be taken regardless of
 18 the amount involved. On appeal, the supreme court, or
 19 court of appeals if the case is referred by the
 20 supreme court to the court of appeals, shall reverse,
 21 modify, or vacate the decision of the district court
 22 only if the reviewing court determines that the

23 district court applied an incorrect legal standard or
24 unreasonably applied a correct legal standard.

25 Sec. 94. Section 2B.17, subsection 4, Code 1997,
26 is amended to read as follows:

27 4. The Iowa administrative code and the Iowa
28 administrative bulletin shall be cited as provided in
29 section ~~17A.6~~ 17A.2101.

30 Sec. 95. Section 2C.9, subsection 1, Code 1997, is
31 amended to read as follows:

32 1. Investigate, on complaint or on the citizens'
33 aide's own motion, any administrative action of any
34 agency, without regard to the finality of the
35 administrative action, except that the citizens' aide
36 shall not investigate the complaint of an employee of
37 an agency in regard to that employee's employment
38 relationship with the agency. A communication or
39 receipt of information made pursuant to the powers
40 prescribed in this chapter shall not be considered an
41 ex parte communication as described in the provisions
42 of section ~~17A.17~~ 17A.4213.

43 Sec. 96. Section 10A.101, subsection 1, Code 1997,
44 is amended to read as follows:

45 1. "Administrator" means the ~~chief administrative~~
46 ~~law judge~~, chief inspector, chief investigator, chief
47 auditor, or the person administering a division of the
48 department.

49 Sec. 97. Section 10A.104, subsection 5, Code 1997,
50 is amended to read as follows:

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1 5. Adopt rules deemed necessary for the
2 implementation and administration of this chapter in
3 accordance with chapter 17A, ~~including rules governing~~
4 ~~hearing and appeal proceedings.~~

5 Sec. 98. Section 10A.106, Code 1997, is amended to
6 read as follows:

7 10A.106 DIVISIONS OF THE DEPARTMENT.

8 The department is comprised of the following
9 divisions:

10 ~~1. Appeals and fair hearings division.~~

11 ~~2. 1.~~ Audits division.

12 ~~3. 2.~~ Investigations division.

13 ~~4. 3.~~ Inspections division.

14 The allocation of departmental duties to the
15 divisions of the department in sections ~~10A.202,~~
16 10A.302, 10A.402, and 10A.502 does not prohibit the
17 director from reallocating departmental duties within
18 the department.

19 Sec. 99. Section 10A.601, subsection 7, Code 1997,
20 is amended to read as follows:

21 7. An application for ~~rehearing~~ reconsideration
22 before the appeal board shall be filed pursuant to

23 section ~~17A.16~~ 17A.4218, unless otherwise provided in
 24 chapter 19A, 80, 88, 89A, 91C, 96, or 97B. A petition
 25 for judicial review of a decision of the appeal board
 26 shall be filed pursuant to ~~section 17A.19~~ the
 27 provisions for judicial review in chapter 17A, article
 28 5. The appeal board may be represented in any such
 29 judicial review by an attorney who is a regular
 30 salaried employee of the appeal board or who has been
 31 designated by the appeal board for that purpose, or at
 32 the appeal board's request, by the attorney general.
 33 Notwithstanding the petitioner's residency requirement
 34 in section ~~17A.19, subsection 2~~ 17A.5104, a petition
 35 for judicial review may be filed in the district court
 36 of the county in which the petitioner was last
 37 employed or resides, provided that if the petitioner
 38 does not reside in this state, the action shall be
 39 brought in the district court of Polk county, Iowa,
 40 and any other party to the proceeding before the
 41 appeal board shall be named in the petition.
 42 Notwithstanding the thirty-day requirement in section
 43 ~~17A.19, subsection 6~~ 17A.5115, the appeal board shall,
 44 within sixty days after filing of the petition for
 45 judicial review or within a longer period of time
 46 allowed by the court, transmit to the reviewing court
 47 the original or a certified copy of the entire records
 48 of a contested case. The appeal board may also
 49 certify to the court, questions of law involved in any
 50 decision by the appeal board. Petitions for judicial

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1 review and the questions so certified shall be given
 2 precedence over all other civil cases except cases
 3 arising under the workers' compensation law of this
 4 state. No bond shall be required for entering an
 5 appeal from any final order, judgment, or decree of
 6 the district court to the supreme court.
 7 Sec. 100. Section 21.6, subsection 1, Code 1997,
 8 is amended to read as follows:
 9 1. The remedies provided by this section against
 10 state governmental bodies shall be in addition to
 11 those provided by section ~~17A.19~~ 17A.5117. Any
 12 aggrieved person, taxpayer to, or citizen of, the
 13 state of Iowa, or the attorney general or county
 14 attorney, may seek judicial enforcement of the
 15 requirements of this chapter. Suits to enforce this
 16 chapter shall be brought in the district court for the
 17 county in which the governmental body has its
 18 principal place of business.
 19 Sec. 101. Section 22.7, subsection 15, Code 1997,
 20 is amended to read as follows:
 21 15. Information concerning the procedures to be
 22 used to control disturbances at adult correctional

23 institutions. Such information shall also be exempt
 24 from public inspection under ~~section 17A.3~~ sections
 25 17A.2101 and 17A.2102. As used in this subsection
 26 disturbance means a riot or a condition that can
 27 reasonably be expected to cause a riot.

28 Sec. 102. Section 22.8, subsection 4, paragraph f,
 29 Code 1997, is amended to read as follows:

30 f. The rights and remedies provided by this
 31 section are in addition to any rights and remedies
 32 provided by ~~section 17A.19~~ chapter 17A, article 5.

33 Sec. 103. Section 22.9, unnumbered paragraph 2,
 34 Code 1997, is amended to read as follows:

35 An agency within the meaning of section ~~17A.2,~~
 36 ~~subsection 1~~ 17A.1102 shall adopt as a rule, in each
 37 situation where this section is believed applicable,
 38 its determination identifying those particular
 39 provisions of this chapter that must be waived in the
 40 circumstances to prevent the denial of federal funds,
 41 services, or information.

42 Sec. 104. Section 22.10, subsection 1, Code 1997,
 43 is amended to read as follows:

44 1. The rights and remedies provided by this
 45 section are in addition to any rights and remedies
 46 provided by ~~section 17A.19~~ chapter 17A, article 5.
 47 Any aggrieved person, any taxpayer to or citizen of
 48 the state of Iowa, or the attorney general or any
 49 county attorney, may seek judicial enforcement of the
 50 requirements of this chapter in an action brought

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1 against the lawful custodian and any other persons who
 2 would be appropriate defendants under the
 3 circumstances. Suits to enforce this chapter shall be
 4 brought in the district court for the county in which
 5 the lawful custodian has its principal place of
 6 business.

7 Sec. 105. Section 68B.2, subsection 13, paragraph
 8 b, subparagraph (8), Code 1997, is amended to read as
 9 follows:

10 (8) Persons whose activities are limited to
 11 submitting data, views, or arguments in writing, or
 12 requesting an opportunity to make an oral presentation
 13 under section ~~17A.4,~~ ~~subsection 1~~ 17A.3104.

14 Sec. 106. Section 68B.31, subsection 8, Code 1997,
 15 is amended to read as follows:

16 8. If a hearing on the complaint is ordered the
 17 ethics committee shall receive all admissible
 18 evidence, determine any factual or legal issues
 19 presented during the hearing, and make findings of
 20 fact based upon evidence received. Hearings shall be
 21 conducted in the manner prescribed for adjudicative
 22 proceedings in ~~section 17A.12~~ chapter 17A, article 4.

23 The rules of evidence applicable under section ~~17A-14~~
24 17A.4212 shall also apply in hearings before the
25 ethics committee. Clear and convincing evidence shall
26 be required to support a finding that the member of
27 the general assembly or lobbyist before the general
28 assembly has committed a violation of this chapter.
29 Parties to a complaint may, subject to the approval of
30 the ethics committee, negotiate for settlement of
31 disputes that are before the ethics committee. Terms
32 of any negotiated settlements shall be publicly
33 recorded. If a complaint is filed or initiated less
34 than ninety days before the election for a state
35 office, for which the person named in the complaint is
36 the incumbent officeholder, the ethics committee
37 shall, if possible, set the hearing at the earliest
38 available date so as to allow the issue to be resolved
39 before the election. An extension of time for a
40 hearing may be granted when both parties mutually
41 agree on an alternate date for the hearing. The
42 ethics committee shall make every effort to hear all
43 ethics complaints within three months of the date that
44 the complaints are filed. However, after three months
45 from the date of the filing of the complaint,
46 extensions of time for purposes of preparing for
47 hearing may only be granted by the ethics committee
48 when the party charged in the complaint with the
49 ethics violation consents to an extension. If the
50 party charged does not consent to an extension, the

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1 ethics committee shall not grant any extensions of
2 time for preparation prior to hearing. All complaints
3 alleging a violation of this chapter or the code of
4 ethics shall be heard within nine months of the filing
5 of the complaint. Final dispositions of violations,
6 which the ethics committee has found to have been
7 established by clear and convincing evidence, shall be
8 made within thirty days of the conclusion of the
9 hearing on the complaint.

10 Sec. 107. Section 68B.34, Code 1997, is amended to
11 read as follows:

12 68B.34 INVESTIGATION BY INDEPENDENT SPECIAL
13 COUNSEL — PROBABLE CAUSE.

14 The purpose of an investigation by the independent
15 special counsel is to determine whether there is
16 probable cause to proceed with an adjudicatory hearing
17 on the matter. In conducting investigations and
18 holding hearings, the independent special counsel may
19 require by subpoena the attendance and testimony of
20 witnesses and may subpoena books, papers, records, and
21 any other real evidence relating to the matter before
22 the independent special counsel. The independent

23 special counsel shall have the additional authority
24 provided in section ~~17A.13~~ 17A.4210. If the
25 independent special counsel determines at any stage in
26 the proceedings that take place prior to hearing that
27 the complaint is without merit, the independent
28 special counsel shall report that determination to the
29 appropriate ethics committee and the complaint shall
30 be dismissed and the complainant and the party charged
31 shall be notified. If, after investigation, the
32 independent special counsel determines evidence exists
33 which, if proven, would support a finding of a
34 violation of this chapter, a finding of probable cause
35 shall be made and reported to the ethics committee,
36 and a hearing shall be ordered by the ethics committee
37 as provided in section 68B.31. Independent special
38 counsel investigations are not meetings of a
39 governmental body within the meaning of chapter 21,
40 and records and information obtained by independent
41 special counsel during investigations are confidential,
42 until disclosed to a legislative ethics committee
43 under section 68B.31.

44 Sec. 108. Section 80A.17, subsection 1, unnumbered
45 paragraphs 2 and 3, Code 1997, are amended to read as
46 follows:

47 Pursuant to section ~~17A.19, subsection 6~~ 17A.5115,
48 the department, upon an appeal by the licensee of the
49 decision by the department shall transmit the entire
50 record of the contested case to the reviewing court.

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1 Notwithstanding section ~~17A.19, subsection 6~~
2 17A.5115, if a waiver of privilege has been
3 involuntary and evidence has been received at a
4 disciplinary hearing, the court shall order withheld
5 the identity of the individual whose privilege was
6 waived.

7 Sec. 109. Section 86.17, subsection 1, Code 1997,
8 is amended to read as follows:

9 1. A deputy industrial commissioner may preside
10 over any ~~contested case~~ adjudicative proceeding
11 brought under this chapter, or chapter 85 or 85A in
12 the manner provided by chapter 17A. The deputy
13 commissioner or the commissioner may make such
14 inquiries and investigation in ~~contested case~~
15 adjudicative proceedings as shall be deemed necessary,
16 consistent with the provisions of section ~~17A.17~~
17 17A.4213.

18 Sec. 110. Section 86.19, subsection 2, Code 1997,
19 is amended to read as follows:

20 2. Notwithstanding the requirements of section
21 ~~17A.12~~ 17A.4211, subsection ~~7~~ 4, a certified shorthand
22 reporter, appointed by the presiding officer in a

23 ~~contested case~~ an adjudicative proceeding or by the
 24 industrial commissioner in an appeal proceeding, may
 25 maintain and thus have the responsibility for the
 26 recording or stenographic notes for the period
 27 required by section ~~17A.12~~ 17A.4211, subsection 7 4.

28 Sec. 111. Section 86.24, subsections 2 and 3, Code
 29 1997, are amended to read as follows:

30 2. In addition to the provisions of section ~~17A.15~~
 31 sections 17A.4215 and 17A.4216, the industrial
 32 commissioner may affirm, modify, or reverse the
 33 decision of a deputy commissioner or the commissioner
 34 may remand the decision to the deputy commissioner for
 35 further proceedings.

36 3. In addition to the provisions of section ~~17A.15~~
 37 sections 17A.4215 and 17A.4216, the industrial
 38 commissioner, on appeal, may limit the presentation of
 39 evidence as provided by rule.

40 Sec. 112. Section 86.42, Code 1997, is amended to
 41 read as follows:

42 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

43 Any party in interest may present a certified copy
 44 of an order or decision of the commissioner, from
 45 which a timely petition for judicial review has not
 46 been filed or if judicial review has been filed, which
 47 has not had execution or enforcement stayed as
 48 provided in section ~~17A.10, subsection 5~~ 17A.5111, or
 49 an order or decision of a deputy commissioner from
 50 which a timely appeal has not been taken within the

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1 agency and which has become final by the passage of
 2 time as provided by rule and section ~~17A.15~~ 17A.4220,
 3 or an agreement for settlement approved by the
 4 commissioner, and all papers in connection therewith,
 5 to the district court where judicial review of the
 6 agency action may be commenced. The court shall
 7 render a decree or judgment and cause the clerk to
 8 notify the parties. The decree or judgment, in the
 9 absence of a petition for judicial review or if
 10 judicial review has been commenced, in the absence of
 11 a stay of execution or enforcement of the decision or
 12 order of the industrial commissioner, or in the
 13 absence of an act of any party which prevents a
 14 decision of a deputy industrial commissioner from
 15 becoming final, has the same effect and in all
 16 proceedings in relation thereto is the same as though
 17 rendered in a suit duly heard and determined by the
 18 court.

19 Sec. 113. Section 89.5, subsection 4, Code 1997,
 20 is amended by striking the subsection.

21 Sec. 114. Section 99A.6, unnumbered paragraph 2,
 22 Code 1997, is amended to read as follows:

23 Judicial review of actions of the issuing
 24 authorities may be sought in accordance with the terms
 25 of the Iowa administrative procedure Act.
 26 Municipalities acting as issuing authorities shall be
 27 deemed state agencies solely for the purposes of
 28 bringing their actions under this chapter within the
 29 terms of ~~section 17A.19~~ for judicial review in chapter
 30 17A, article 5. If the licensee has not filed a
 31 petition for judicial review in district court,
 32 revocation shall date from the thirty-first day
 33 following the date of the order of the issuing
 34 authority. If the licensee has filed a petition for
 35 judicial review, revocation shall date from the
 36 thirty-first day following entry of the order of the
 37 district court, if action by the district court is
 38 adverse to the licensee.

39 Sec. 115. Section 123.37, unnumbered paragraph 2,
 40 Code 1997, is amended to read as follows:

41 The administrator may compromise and settle
 42 doubtful and disputed claims for taxes imposed under
 43 this chapter or for taxes of doubtful collectibility,
 44 notwithstanding section 7D.9. The administrator may
 45 enter into informal settlements as permitted pursuant
 46 to ~~section 17A.10~~ 17A.1106, to compromise and settle
 47 doubtful and disputed claims for taxes imposed under
 48 this chapter. The administrator may make a claim
 49 under a licensee's or permittee's penal bond for taxes
 50 of doubtful collectibility. Whenever a compromise or

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1 settlement is made, the administrator shall make a
 2 complete record of the case showing the tax assessed,
 3 reports and audits, if any, the licensee's or
 4 permittee's grounds for dispute or contest, together
 5 with all evidence of the dispute or contest, and the
 6 amounts, conditions, and settlement or compromise of
 7 the dispute or contest.

8 Sec. 116. Section 135.70, Code 1997, is amended to
 9 read as follows:

10 135.70 APPEAL OF CERTIFICATE OF NEED DECISIONS.

11 The council's decision on an application for
 12 certificate of need, when announced pursuant to
 13 section 135.69, is a final decision. Any dissatisfied
 14 party who is an affected person with respect to the
 15 application, and who participated or sought
 16 unsuccessfully to participate in the formal review
 17 procedure prescribed by section 135.66, may request a
 18 rehearing reconsideration in accordance with ~~chapter~~
 19 17A section 17A.4218 and rules of the department. If
 20 a rehearing reconsideration is not requested or an
 21 affected party remains dissatisfied after the request
 22 for rehearing reconsideration, an appeal may be taken

23 in the manner provided by chapter 17A.
 24 Notwithstanding the Iowa administrative procedure Act,
 25 chapter 17A, a request for rehearing reconsideration
 26 is not required, prior to appeal under section 17A.19
 27 the filing of a petition for judicial review as
 28 provided in chapter 17A, article 5.

29 Sec. 117. Section 135C.2, subsection 3, paragraph
 30 d, Code 1997, is amended to read as follows:

31 d. Notwithstanding the limitations set out in this
 32 subsection regarding rules for intermediate care
 33 facilities for persons with mental retardation, the
 34 department shall consider the federal interpretive
 35 guidelines issued by the federal health care financing
 36 administration when interpreting the department's
 37 rules for intermediate care facilities for persons
 38 with mental retardation. This use of the guidelines
 39 is not subject to the rulemaking provisions of
 40 sections 17A.4 and 17A.5 chapter 17A, article 3, but
 41 the guidelines shall be published in the Iowa
 42 administrative bulletin and the Iowa administrative
 43 code.

44 Sec. 118. Section 139C.2, subsection 3, Code 1997,
 45 is amended to read as follows:

46 3. The department shall establish an expert review
 47 panel to determine on a case-by-case basis under what
 48 circumstances, if any, a health care provider
 49 determined to be infected with HIV or HBV practicing
 50 outside the hospital setting or referred to the panel

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1 by a hospital, may perform exposure-prone procedures.
 2 If a health care provider determined to be infected
 3 with HIV or HBV does not comply with the determination
 4 of the expert review panel, the panel shall report the
 5 noncompliance to the examining board with jurisdiction
 6 over the health care provider. A determination of an
 7 expert review panel pursuant to this section is a
 8 final agency action appealable subject to judicial
 9 review pursuant to section 17A.19 chapter 17A, article
 10 5.

11 Sec. 119. Section 147A.5, subsection 3, Code 1997,
 12 is amended to read as follows:

13 3. The department may deny an application for
 14 authorization, or may place on probation, suspend, or
 15 revoke existing authorization if the department finds
 16 reason to believe the program has not been or will not
 17 be operated in compliance with this subchapter and the
 18 rules adopted pursuant to this subchapter, or that
 19 there is insufficient assurance of adequate protection
 20 for the public. The denial or period of probation,
 21 suspension, or revocation shall be effected and
 22 judicial review may be appealed sought as provided by

23 ~~section 17A.12~~ for adjudicative proceedings under
24 chapter 17A, article 5.

25 Sec. 120. Section 147A.7, subsection 2, Code 1997,
26 is amended to read as follows:

27 2. If clinical issues are involved, the matter
28 shall be referred to the board for completion of the
29 investigation and the conduct of any disciplinary
30 proceeding pursuant to chapter 17A. The findings of
31 the board shall be the final decision for purposes of
32 ~~section 17A.15~~ 17A.4215 and shall be enforced by the
33 department.

34 Sec. 121. Section 148C.6A, Code 1997, is amended
35 to read as follows:

36 148C.6A APPEAL TO BOARD OF MEDICAL EXAMINERS IN
37 CONTESTED CASES INVOLVING DISCIPLINE.

38 Pursuant to ~~section 17A.15~~ 17A.4219, a decision of
39 the board in a ~~contested case~~ an adjudicative
40 proceeding involving discipline of a person licensed
41 as a physician assistant may be appealed to the board
42 of medical examiners.

43 Sec. 122. Section 161A.4, subsection 1, unnumbered
44 paragraph 1, Code 1997, is amended to read as follows:

45 1. The soil conservation division is established
46 within the department to perform the functions
47 conferred upon it in chapters 161A through 161C, 161E,
48 161F, 207, and 208. The division shall be
49 administered in accordance with the policies of the
50 state soil conservation committee, which shall advise

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1 the division and which shall approve administrative
2 rules proposed by the division for the administration
3 of chapters 161A through 161C, 161E, 161F, 207, and
4 208 before the rules are adopted pursuant to section
5 ~~17A.5~~ 17A.3115. If a difference exists between the
6 committee and secretary regarding the content of a
7 proposed rule, the secretary shall notify the
8 chairperson of the committee of the difference within
9 thirty days from the committee's action on the rule.
10 The secretary and the committee shall meet to resolve
11 the difference within thirty days after the secretary
12 provides the committee with notice of the difference.

13 Sec. 123. Section 163.30, subsection 3, unnumbered
14 paragraph 3, Code 1997, is amended to read as follows:

15 A permittee shall not represent more than one
16 dealer. Failure of a licensee or permittee to comply
17 with this chapter or a rule made pursuant to this
18 chapter is cause for revocation by the secretary of
19 the permit or license after notice to the alleged
20 offender and the holding of a hearing by the
21 secretary. Rules shall be made in accordance with
22 chapter 17A. A rule, the violation of which is made

23 the basis for revocation, except temporary emergency
 24 rules, shall first have been approved after public
 25 hearing as provided in section ~~17A.4~~ 17A.3104 after
 26 giving twenty days' notice of the hearing as follows:
 27 Sec. 124. Section 169.5, subsection 9, paragraph
 28 e, Code 1997, is amended to read as follows:
 29 e. Hold hearings on all matters properly brought
 30 before the board and administer oaths, receive
 31 evidence; make the necessary determinations, and enter
 32 orders consistent with the findings. The board may
 33 require by subpoena the attendance and testimony of
 34 witnesses and the production of papers, records, or
 35 other documentary evidence and commission depositions.
 36 An administrative law judge may be appointed pursuant
 37 to ~~section 17A.11, subsection 3~~ chapter 17A, article
 38 4, to perform those functions which properly repose in
 39 an administrative law judge.
 40 Sec. 125. Section 169.5, subsection 9, paragraph
 41 i, Code 1997, is amended to read as follows:
 42 i. Adopt, amend, or repeal rules relating to the
 43 standards of conduct for, testing of, and revocation
 44 or suspension of certificates issued to veterinary
 45 assistants. However, a certificate shall not be
 46 suspended or revoked by less than a two-thirds vote of
 47 the entire board in a proceeding conducted in
 48 compliance with ~~section 17A.12~~ chapter 17A, article 4.
 49 Sec. 126. Section 169.15, Code 1997, is amended to
 50 read as follows:

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1 169.15 APPEAL.
 2 Any party aggrieved by a decision of the board may
 3 ~~appeal the matter to the district court~~ petition for
 4 judicial review as provided in ~~section 17A.19~~ chapter
 5 17A, article 5.
 6 Sec. 127. Section 172D.1, subsection 14, Code
 7 1997, is amended to read as follows:
 8 14. "Rule of the department" means a rule as
 9 defined in section ~~17A.2~~ 17A.1102 which materially
 10 affects the operation of a feedlot and which has been
 11 adopted by the department. The term includes a rule
 12 which was in effect prior to July 1, 1975. Except as
 13 specifically provided in section 172D.3, subsection 2,
 14 paragraph "b", subparagraph (5), and paragraph "c",
 15 subparagraph (5), nothing in this chapter shall be
 16 deemed to empower the department to make any rule.
 17 Sec. 128. Section 200.3, subsection 20, Code 1997,
 18 is amended to read as follows:
 19 20. "Rule" means a rule as defined in section
 20 ~~17A.2~~ 17A.1102 which materially affects the operation
 21 of an anhydrous ammonia plant. The term includes a
 22 rule which was in effect prior to July 1, 1984.

23 Sec. 129. Section 203C.10, unnumbered paragraph 2,
24 Code 1997, is amended to read as follows:

25 If upon the filing of the information or complaint
26 the department finds that the licensee has failed to
27 meet the warehouse operator's obligation or otherwise
28 has violated or failed to comply with the provisions
29 of this chapter or any rule promulgated ~~promulgated~~ adopted under
30 this chapter, and if the department finds that the
31 public health, safety or welfare imperatively requires
32 emergency action, then the department without hearing
33 may order a summary suspension of the license in the
34 manner provided in section ~~17A.18~~ 17A.4105. When so
35 ordered, a copy of the order of suspension shall be
36 served upon the licensee at the time the information
37 or complaint is served as provided in this section.

38 Sec. 130. Section 207.14, subsection 2, unnumbered
39 paragraph 2, Code 1997, is amended to read as follows:

40 If upon expiration of the time as fixed the
41 administrator finds in writing that the violation has
42 not been abated, the administrator, notwithstanding
43 ~~section 17A.18~~ sections 17A.4105 and 17A.4501, shall
44 immediately order a cessation of coal mining and
45 reclamation operations relating to the violation until
46 the order is modified, vacated, or terminated by the
47 administrator pursuant to procedures outlined in this
48 section. In the order of cessation issued by the
49 administrator under this subsection, the administrator
50 shall include the steps necessary to abate the

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1 violation in the most expeditious manner possible.

2 Sec. 131. Section 207.15, subsection 5, unnumbered
3 paragraph 2, Code 1997, is amended to read as follows:

4 Notwithstanding section ~~17A.20~~ 17A.5118, an appeal
5 bond shall be required for an appeal of a judgment
6 assessing a civil penalty.

7 Sec. 132. Section 216.15, subsection 3, paragraph
8 b, Code 1997, is amended to read as follows:

9 b. For purposes of this chapter, an administrative
10 law judge issuing a determination of probable cause or
11 no probable cause under this section is exempt from
12 ~~section 17A.17~~ sections 17A.4213 and 17A.4214.

13 Sec. 133. Section 216.17, subsection 1, unnumbered
14 paragraphs 2 and 3, Code 1997, are amended to read as
15 follows:

16 For purposes of the time limit for filing a
17 petition for judicial review under the Iowa
18 administrative procedure Act, specified by section
19 ~~17A.19~~ 17A.5108, the issuance of a final decision of
20 the commission under this chapter occurs on the date
21 notice of the decision is mailed by certified mail, to
22 the parties.

23 Notwithstanding the time limit provided in section
 24 ~~17A.19, subsection 3~~ 17A.5108, a petition for judicial
 25 review of no-probable-cause decisions and other final
 26 agency actions which are not of general applicability
 27 must be filed within thirty days of the issuance of
 28 the final agency action.

29 Sec. 134. Section 216.17, subsection 6, Code 1997,
 30 is amended to read as follows:

31 6. In the enforcement proceeding the court shall
 32 determine its order on the same basis as it would in a
 33 proceeding reviewing commission action under section
 34 ~~17A.19, subsection 8~~ 17A.5117.

35 Sec. 135. Section 217.30, subsection 8, Code 1997,
 36 is amended to read as follows:

37 8. The provisions of this section shall take
 38 precedence over section ~~17A.12~~ 17A.4211, subsection 7
 39 4.

40 Sec. 136. Section 225C.29, Code 1997, is amended
 41 to read as follows:

42 225C.29 COMPLIANCE.

43 Except for a violation of section 225C.28B,
 44 subsection 2, the sole remedy for violation of a rule
 45 adopted by the commission to implement sections
 46 225C.25 through 225C.28B shall be by a proceeding for
 47 compliance initiated by request to the division
 48 pursuant to chapter 17A. Any decision of the division
 49 shall be in accordance with due process of law and is
 50 subject to ~~appeal to the Iowa district court~~ judicial

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1 ~~review pursuant to sections 17A.19 and 17A.20~~ chapter
 2 17A, article 5, and appeal pursuant to section
 3 17A.5118 by any aggrieved party. Either the division
 4 or a party in interest may apply to the Iowa district
 5 court for an order to enforce the decision of the
 6 division. Any rules adopted by the commission to
 7 implement sections 225C.25 through 225C.28B do not
 8 create any right, entitlement, property or liberty
 9 right or interest, or private cause of action for
 10 damages against the state or a political subdivision
 11 of the state or for which the state or a political
 12 subdivision of the state would be responsible. Any
 13 violation of section 225C.28B, subsection 2, shall
 14 solely be subject to the enforcement by the
 15 commissioner of insurance and penalties granted by
 16 chapter 507B for a violation of section 507B.4,
 17 subsection 7.

18 Sec. 137. Section 229.23, subsection 3, Code 1997,
 19 is amended to read as follows:

20 3. In addition to protection of the person's
 21 constitutional rights, enjoyment of other legal,
 22 medical, religious, social, political, personal and

23 working rights and privileges which the person would
24 enjoy if the person were not so hospitalized or
25 detained, so far as is possible consistent with
26 effective treatment of that person and of the other
27 patients of the hospital. If the patient's rights are
28 restricted, the physician's direction to that effect
29 shall be noted on the patient's record. The
30 department of human services shall, in accordance with
31 chapter 17A establish rules setting forth the specific
32 rights and privileges to which persons so hospitalized
33 or detained are entitled under this section, ~~and the~~
34 ~~exceptions provided by section 17A.2, subsection 10,~~
35 ~~paragraphs "a" and "k", shall not be applicable to the~~
36 ~~rules so established.~~ The patient or the patient's
37 next of kin or friend shall be advised of these rules
38 and be provided a written copy upon the patient's
39 admission to or arrival at the hospital.

40 Sec. 138. Section 249A.3, subsection 11, paragraph
41 b, Code 1997, is amended to read as follows:

42 b. The department shall exercise the option
43 provided in 42 U.S.C. § 1396p(c) to provide a period
44 of ineligibility for medical assistance due to a
45 transfer of assets by a noninstitutionalized
46 individual or the spouse of a noninstitutionalized
47 individual. For noninstitutionalized individuals, the
48 number of months of ineligibility shall be equal to
49 the total, cumulative uncompensated value of all
50 assets transferred by the individual or the

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1 individual's spouse on or after the look-back date
2 specified in 42 U.S.C. § 1396p(c)(1)(B)(i), divided by
3 the average monthly cost to a private patient for
4 nursing facility services in Iowa at the time of
5 application. The services for which
6 noninstitutionalized individuals shall be made
7 ineligible shall include any long-term care services
8 for which medical assistance is otherwise available.
9 ~~Notwithstanding section 17A.4 sections 17A.3103~~
10 ~~through 17A.3107,~~ the department may adopt rules
11 providing a period of ineligibility for medical
12 assistance due to a transfer of assets by a
13 noninstitutionalized individual or the spouse of a
14 noninstitutionalized individual without notice of
15 opportunity for public comment, to be effective
16 immediately upon filing under section ~~17A.5~~ 17A.3115,
17 subsection 2, paragraph "b", subparagraph (1).

18 Sec. 139. Section 252.27, unnumbered paragraph 2,
19 Code 1997, is amended to read as follows:

20 The board shall record its proceedings relating to
21 the provision of assistance to specific persons under
22 this chapter. A person who is aggrieved by a decision

23 of the board may appeal seek judicial review of the
 24 decision as if it were a contested case an
 25 adjudicative proceeding before an agency and as if the
 26 person had exhausted administrative remedies in
 27 accordance with the procedures and standards in
 28 section 17A.10, subsections 2 to 8 except paragraphs
 29 "b" and "c" of subsection 8, and section 17A.20 for
 30 judicial review in chapter 17A, article 5, except for
 31 section 17A.5116, subsection 3, paragraphs "b" and
 32 "g", and for appeal in section 17A.5118.

33 Sec. 140. Section 252J.8, subsection 4, paragraph
 34 d, Code 1997, is amended to read as follows:
 35 d. If the licensing authority's rules and
 36 procedures conflict with the additional requirements
 37 of this section, the requirements of this section
 38 shall apply. Notwithstanding section ~~17A.18~~ 17A.4105,
 39 the obligor does not have a right to a hearing before
 40 the licensing authority to contest the authority's
 41 actions under this chapter but may request a court
 42 hearing pursuant to section 252J.9 within thirty days
 43 of the provision of notice under this section.

44 Sec. 141. Section 256B.6, unnumbered paragraph 3,
 45 Code 1997, is amended to read as follows:

46 Notwithstanding ~~section 17A.11~~ chapter 17A, article
 47 4, the state board of education shall adopt rules for
 48 the appointment of an impartial administrative law
 49 judge for special education appeals. The rules shall
 50 comply with federal statutes and regulations.

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1 Sec. 142. Section 261B.3, subsection 2, Code 1997,
 2 is amended to read as follows:

3 2. The secretary may request additional
 4 information as necessary to enable the secretary to
 5 determine the accuracy and completeness of the
 6 information contained in the registration application.
 7 If the secretary believes that false, misleading, or
 8 incomplete information has been submitted in
 9 connection with an application for registration, the
 10 secretary may deny registration. The secretary shall
 11 conduct a hearing on the denial if a hearing is
 12 requested by a school. The secretary may withhold an
 13 acknowledgment of document filed pending the outcome
 14 of the hearing. Upon a finding after the hearing that
 15 information contained in the registration application
 16 is false, misleading, or incomplete, the secretary
 17 shall deny an acknowledgment of document filed to the
 18 school. The secretary shall make the final decision
 19 on each registration. However, the decision of the
 20 secretary is subject to judicial review in accordance
 21 with ~~section 17A.19~~ chapter 17A, article 5.

22 Sec. 143. Section 262.69, unnumbered paragraph 3,

23 Code 1997, is amended to read as follows:

24 Notwithstanding the provisions of chapter 17A, a
25 proceeding conducted by the state board of regents or
26 an institution governed by the state board of regents
27 to determine the validity of an assessment of a
28 violation of traffic control and parking rules is not
29 ~~a contested case~~ an adjudicative proceeding as defined
30 in section ~~17A.2, subsection 5~~ 17A.1102.

31 Sec. 144. Section 267.6, Code 1997, is amended to
32 read as follows:

33 267.6 IOWA ADMINISTRATIVE PROCEDURE ACT.

34 The provisions of chapter 17A shall not apply to
35 the council or any actions taken by it, except that
36 any recommendations adopted by the council pursuant to
37 section 267.5, subsection 3, and any rules adopted by
38 the council shall be adopted, amended, or repealed
39 only after compliance with the provisions of sections

40 ~~17A.4, 17A.5, and 17A.6~~ chapter 17A, article 3.

41 Sec. 145. Section 272C.6, subsection 4, unnumbered
42 paragraphs 2 and 3, Code 1997, are amended to read as
43 follows:

44 Pursuant to the provisions of section ~~17A.10,~~
45 ~~subsection 6~~ 17A.5115, a licensing board upon an
46 ~~appeal~~ seeking of judicial review by the licensee of
47 the decision by the licensing board, shall transmit
48 the entire record of the ~~contested case~~ adjudicative
49 proceeding to the reviewing court.

50 Notwithstanding the provisions of section ~~17A.10,~~

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1 ~~subsection 6~~ 17A.5115, if a waiver of privilege has
2 been involuntary and evidence has been received at a
3 disciplinary hearing, the court shall order withheld
4 the identity of the individual whose privilege was
5 waived.

6 Sec. 146. Section 316.9, subsection 4, Code 1997,
7 is amended to read as follows:

8 4. A person aggrieved by a determination as to
9 eligibility for assistance or a payment authorized by
10 this chapter, or the amount of a payment, upon
11 application may have the matter reviewed. Rules
12 governing reviews shall provide for a prompt one-step
13 uncomplicated fact-finding process. Such a review is
14 an appeal of an agency action as defined in section
15 ~~17A.2, subsection 2~~ 17A.1102, and is not a ~~contested~~
16 ~~case~~ an adjudicative proceeding. The decision
17 rendered shall be the displacing agency's final agency
18 action.

19 Sec. 147. Section 321.52, subsection 3, unnumbered
20 paragraph 2, Code 1997, is amended to read as follows:

21 However, upon application the department upon a
22 showing of good cause may issue a certificate of title

23 after the fourteen-day period for a junked vehicle for
 24 which a junking certificate has been issued. For
 25 purposes of this subsection, "good cause" means that
 26 the junking certificate was obtained by mistake or
 27 inadvertence. If a person's application to the
 28 department is denied, the person may make application
 29 for a certificate of title under the bonding procedure
 30 as provided in section 321.24, if the vehicle
 31 qualifies as an antique vehicle under section 321.115,
 32 subsection 1, or the person may seek judicial review
 33 as provided under sections 17A.19 and 17A.20 chapter
 34 17A, article 5, and appellate review under section
 35 17A.5118.

36 Sec. 148. Section 321.253A, subsection 1, Code
 37 1997, is amended to read as follows:

38 1. The department shall place and maintain
 39 directional signs upon primary highways which provide
 40 information about historic sites which are located on
 41 land owned or managed by an agency as defined in
 42 section ~~17A.2~~ 17A.1102. The signs shall conform to
 43 the manual of uniform traffic devices. However, the
 44 directional signs are not subject to requirements
 45 applicable to tourist-oriented directional signs.

46 Sec. 149. Section 321.556, subsections 1 and 2,
 47 Code 1997, are amended to read as follows:

48 1. If, upon review of the record of convictions of
 49 any person, the department determines that the person
 50 appears to be a habitual offender, the department

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1 shall immediately notify the person in writing and
 2 afford the licensee an opportunity for a hearing. The
 3 notice shall direct the person named in the notice to
 4 appear for hearing and show cause why the person
 5 should not be barred from operating a motor vehicle on
 6 the highways of this state. The notice shall meet the
 7 requirements of section ~~17A.12~~ 17A.4206 and shall be
 8 served in the manner provided in that section.
 9 Service of notice on any nonresident of this state may
 10 be made in the same manner as provided in sections
 11 321.498 through 321.506. A peace officer stopping a
 12 person for whom a notice to appear for hearing has
 13 been issued under the provisions of this section may
 14 personally serve the notice upon forms approved by the
 15 department to satisfy the notice requirements of this
 16 section. A peace officer may confiscate the motor
 17 vehicle license of a person if the license has been
 18 revoked or has been suspended subsequent to a hearing
 19 and the person has not forwarded the motor vehicle
 20 license to the department as required.
 21 2. The hearing shall be conducted as provided in
 22 section ~~17A.12~~ for an adjudicative proceeding in

23 chapter 17A, article 4, before the department in the
24 county where the alleged events occurred, unless the
25 director and the person agree that the hearing may be
26 held in some other county, or the hearing may be held
27 by telephone conference at the discretion of the
28 agency conducting the hearing. The hearing shall be
29 recorded and its scope shall be limited to the issue
30 of whether the person notified is a habitual offender.

31 Sec. 150. Section 321.560, Code 1997, is amended
32 to read as follows:

33 321.560 PERIOD OF REVOCATION.

34 A license to operate a motor vehicle in this state
35 shall not be issued to any person declared to be a
36 habitual offender under section 321.555, subsection 1,
37 for a period of not less than two years nor more than
38 six years from the date of the final decision of the
39 department under section ~~17A.19~~ 17A.4215 or the date
40 on which the district court upholds the final decision
41 of the department, whichever occurs later. However, a
42 temporary restricted permit may be issued to a person
43 declared to be a habitual offender under section
44 321.555, subsection 1, paragraph "c", pursuant to
45 section 321.215, subsection 2. A license to operate a
46 motor vehicle in this state shall not be issued to any
47 person declared to be a habitual offender under
48 section 321.555, subsection 2, for a period of one
49 year from the date of the final decision of the
50 department under section ~~17A.19~~ 17A.4215 or the date

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1 on which the district court upholds the final decision
2 of the department, whichever occurs later. The
3 department shall adopt rules under chapter 17A which
4 establish a point system which shall be used to
5 determine the period for which a person who is
6 declared to be a habitual offender under section
7 321.555, subsection 1, shall not be issued a license.

8 Sec. 151. Section 368.22, unnumbered paragraph 4,
9 and subsections 1, 2, and 3, Code 1997, are amended to
10 read as follows:

11 The judicial review provisions of this section and
12 chapter 17A, article 5, shall be the exclusive means
13 by which a person or party who is aggrieved or
14 adversely affected by agency action may seek judicial
15 review of that agency action. The court's review on
16 appeal of a decision is limited to questions relating
17 to jurisdiction, regularity of proceedings, and
18 whether the decision appealed from is arbitrary,
19 unreasonable, or without substantial supporting
20 evidence. The court may reverse and remand a decision
21 of the board or a committee, with appropriate
22 directions. The following ~~portions of section 17A.19~~

23 provisions of chapter 17A are not applicable to this
24 chapter:

25 1. ~~The part of subsection 2 which relates to where~~
26 ~~proceedings for judicial review shall be instituted.~~

27 Section 17A.5104, subsection 2.

28 2. ~~Subsection 5.~~ Section 17A.5111.

29 3. ~~Subsection 8.~~ Section 17A.5116.

30 4. Section 17A.5117.

31 Sec. 152. Section 421.17, subsection 20,
32 unnumbered paragraph 2, Code 1997, is amended to read
33 as follows:

34 The provisions of ~~sections 17A.10 to 17A.18~~ chapter
35 17A, article 4, relating to ~~contested cases~~

36 adjudicative proceedings shall not apply to any
37 matters involving the equalization of valuations of
38 classes of property as authorized by this chapter and
39 chapter 441. This exemption shall not apply to a
40 hearing before the state board of tax review.

41 Sec. 153. Section 422.21, unnumbered paragraph 5,
42 Code 1997, is amended to read as follows:

43 The director shall determine for the 1989 and each
44 subsequent calendar year the annual and cumulative
45 inflation factors for each calendar year to be applied
46 to tax years beginning on or after January 1 of that
47 calendar year. The director shall compute the new
48 dollar amounts as specified to be adjusted in section
49 422.5 by the latest cumulative inflation factor and
50 round off the result to the nearest one dollar. The

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1 annual and cumulative inflation factors determined by
2 the director are not rules as defined in section
3 ~~17A.2, subsection 10~~ 17A.1102. The director shall
4 determine for the 1990 calendar year and each
5 subsequent calendar year the annual and cumulative
6 standard deduction factors to be applied to tax years
7 beginning on or after January 1 of that calendar year.
8 The director shall compute the new dollar amounts of
9 the standard deductions specified in section 422.9,
10 subsection 1, by the latest cumulative standard
11 deduction factor and round off the result to the
12 nearest ten dollars. The annual and cumulative
13 standard deduction factors determined by the director
14 are not rules as defined in section ~~17A.2, subsection~~
15 ~~10~~ 17A.1102.

16 Sec. 154. Section 422.53, subsection 5, Code 1997,
17 is amended to read as follows:

18 5. If the holder of a permit fails to comply with
19 any of the provisions of this division or any order or
20 rule of the department adopted under this division or
21 is substantially delinquent in the payment of a tax
22 administered by the department or the interest or

23 penalty on the tax, or if the person is a corporation
24 and if any officer having a substantial legal or
25 equitable interest in the ownership of the corporation
26 owes any delinquent tax of the permit-holding
27 corporation, or interest or penalty on the tax,
28 administered by the department, the director may
29 revoke the permit. The director shall send notice by
30 mail to a permit holder informing that person of the
31 director's intent to revoke the permit and of the
32 permit holder's right to a hearing on the matter. If
33 the permit holder petitions the director for a hearing
34 on the proposed revocation, after giving ten days'
35 notice of the time and place of the hearing in
36 accordance with section ~~17A-18, subsection 3~~ 17A.4105,
37 the matter may be heard and a decision rendered. The
38 director may restore permits after revocation. The
39 director shall adopt rules setting forth the period of
40 time a retailer must wait before a permit may be
41 restored or a new permit may be issued. The waiting
42 period shall not exceed ninety days from the date of
43 the revocation of the permit.

44 Sec. 155. Section 424.5, subsection 6, Code 1997,
45 is amended to read as follows:

46 6. To revoke a permit the director shall serve
47 notice as required by section ~~17A-18~~ 17A.4105 to the
48 permit holder informing that person of the director's
49 intent to revoke the permit and of the permit holder's
50 right to a hearing on the matter. If the permit

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1 holder petitions the director for a hearing on the
2 proposed revocation, after giving ten days' notice of
3 the time and place of the hearing in accordance with
4 section ~~17A-18, subsection 3~~ 17A.4105, the matter may
5 be heard and a decision rendered. The director may
6 restore permits after revocation. The director shall
7 adopt rules setting forth the period of time a
8 depositor must wait before a permit may be restored or
9 a new permit may be issued. The waiting period shall
10 not exceed ninety days from the date of the revocation
11 of the permit.

12 Sec. 156. Section 441.21, subsection 11, Code
13 1997, is amended to read as follows:

14 11. The percentage of actual value computed by the
15 director for agricultural property, residential
16 property, commercial property, industrial property and
17 property valued by the department of revenue and
18 finance pursuant to chapters 428, 433, 434, 436, 437,
19 and 438 and used to determine assessed values of those
20 classes of property does not constitute a rule as
21 defined in section ~~17A-2, subsection 10~~ 17A.1102.

22 Sec. 157. Section 441.49, unnumbered paragraph 7,

23 Code 1997, is amended to read as follows:

24 Tentative and final equalization orders issued by
25 the director of revenue and finance are not rules as
26 defined in section ~~17A.2, subsection 7~~ 17A.1102.

27 Sec. 158. Section 455B.105, subsection 9, Code
28 1997, is amended to read as follows:

29 9. Upon request of at least four members of the
30 commission before adopting or modifying a rule, the
31 director shall prepare and publish with the notice
32 required under section ~~17A.4~~ 17A.3103, subsection 1,
33 paragraph "a", a comprehensive estimate of the
34 economic impact of the proposed rule or modification.

35 Sec. 159. Section 455B.446, subsection 4, Code
36 1997, is amended to read as follows:

37 4. Notice of the hearing in the form provided in
38 section ~~17A.12, subsection 2,~~ 17A.4206 shall be
39 published in a newspaper of general circulation in
40 each city and county in which the proposed site is
41 located once a week for two consecutive weeks with the
42 second publication being at least twenty days prior to
43 the date of the hearing.

44 Sec. 160. Section 455G.4, subsection 3, paragraph
45 b, Code 1997, is amended by striking the paragraph.

46 Sec. 161. Section 476.6, subsection 19, paragraph
47 c, Code 1997, is amended to read as follows:

48 c. The board shall conduct ~~contested case~~
49 adjudicative proceedings for review of energy
50 efficiency plans and budgets filed by gas and electric

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1 utilities required to be rate-regulated under this
2 chapter. The board may approve, reject, or modify the
3 plans and budgets. Notwithstanding the provisions of
4 section 17A.19, subsection 5, in an application for
5 judicial review of the board's decision concerning a
6 utility's energy efficiency plan or budget, the
7 reviewing court shall not order a stay. Whenever a
8 request to modify an approved plan or budget is filed
9 subsequently by the office of consumer advocate or a
10 gas or electric utility required to be rate-regulated
11 under this chapter, the board shall promptly initiate
12 a formal proceeding if the board determines that any
13 reasonable ground exists for investigating the
14 request. The formal proceeding may be initiated at
15 any time by the board on its own motion.

16 Implementation of board-approved plans or budgets
17 shall be considered continuous in nature and shall be
18 subject to investigation at any time by the board or
19 the office of the consumer advocate.

20 Sec. 162. Section 476A.1, subsection 1, Code 1997,
21 is amended to read as follows:

22 1. "Agency" means an agency as defined in section

23 ~~17A.2, subsection 1~~ 17A.1102.

24 Sec. 163. Section 476A.4, subsection 3, Code 1997,
25 is amended to read as follows:

26 3. Notice of the proceeding in the form provided
27 in section ~~17A.12, subsection 2,~~ 17A.4206 shall be
28 published in a newspaper of general circulation in
29 each county in which the proposed site is located once
30 a week for two consecutive weeks with the second
31 publication being at least twenty days prior to the
32 date of the hearing. The board shall be responsible
33 for publication and delivery of notices required by
34 this section.

35 Sec. 164. Section 479.29, subsection 1, Code 1997,
36 is amended to read as follows:

37 1. The board shall, pursuant to chapter 17A, adopt
38 rules establishing standards for the protection of
39 underground improvements during the construction of
40 pipelines, to protect soil conservation and drainage
41 structures from being permanently damaged by pipeline
42 construction and for the restoration of agricultural
43 lands after pipeline construction. To ensure that all
44 interested persons are informed of this rulemaking
45 procedure and are afforded a right to participate, the
46 board shall schedule an opportunity for oral
47 presentations on the proposed rulemaking, and, in
48 addition to the requirements of ~~section 17A.4 sections~~
49 17A.3103 and 17A.3104, shall distribute copies of the
50 notice of intended action and opportunity for oral

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1 presentations to each county board of supervisors.
2 Any county board of supervisors may, under the
3 provisions of chapter 17A, and subsequent to the
4 rulemaking proceedings, petition under those
5 provisions for additional rulemaking to establish
6 standards to protect soil conservation practices,
7 structures and drainage structures within that county.
8 Upon the request of the petitioning county the board
9 shall schedule a hearing to consider the merits of the
10 petition. Rules adopted under this section shall not
11 apply within the boundaries of a city, unless the land
12 is used for agricultural purposes.

13 Sec. 165. Section 479A.14, subsection 1, Code
14 1997, is amended to read as follows:

15 1. The board shall adopt rules establishing
16 standards to protect underground improvements during
17 the construction of pipelines, to protect soil
18 conservation and drainage structures from being
19 permanently damaged by pipeline construction, and for
20 the restoration of agricultural lands after pipeline
21 construction. To ensure that all interested persons
22 are informed of this rulemaking procedure and are

23 afforded a right to participate, the board shall
 24 schedule an opportunity for oral presentations on the
 25 proposed rulemaking and, in addition to the
 26 requirements of ~~section 17A.4~~ sections 17A.3103 and
 27 17A.3104, shall distribute copies of the notice of
 28 intended action and opportunity for oral presentations
 29 to each county board of supervisors. A county board
 30 of supervisors may, under chapter 17A and subsequent
 31 to the rulemaking proceedings, petition for additional
 32 rulemaking to establish standards to protect soil
 33 conservation practices, structures, and drainage
 34 structures within that county. Upon the request of
 35 the petitioning county, the board shall schedule a
 36 hearing to consider the merits of the petition. Rules
 37 adopted under this section do not apply within the
 38 boundaries of a city, unless the land is used for
 39 agricultural purposes.

40 Sec. 166. Section 479B.20, subsection 1, Code
 41 1997, is amended to read as follows:

42 1. The board, pursuant to chapter 17A, shall adopt
 43 rules establishing standards for the protection of
 44 underground improvements during the construction of
 45 pipelines or underground storage facilities, to
 46 protect soil conservation and drainage structures from
 47 being permanently damaged by construction of the
 48 pipeline or underground storage facility, and for the
 49 restoration of agricultural lands after pipeline or
 50 underground storage facility construction. To ensure

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1 that all interested persons are informed of this
 2 rulemaking procedure and are afforded a right to
 3 participate, the board shall schedule an opportunity
 4 for oral presentations on the proposed rulemaking,
 5 and, in addition to the requirements of ~~section 17A.4~~
 6 sections 17A.3103 and 17A.3104, shall distribute
 7 copies of the notice of intended action and
 8 opportunity for oral presentations to each county
 9 board of supervisors. Any county board of supervisors
 10 may, under the provisions of chapter 17A, and
 11 subsequent to the rulemaking proceedings, petition
 12 under those provisions for additional rulemaking to
 13 establish standards to protect soil conservation
 14 practices, structures, and drainage structures within
 15 that county. Upon the request of the petitioning
 16 county, the board shall schedule a hearing to consider
 17 the merits of the petition. Rules adopted under this
 18 section shall not apply within the boundaries of a
 19 city unless the land is used for agricultural
 20 purposes.

21 Sec. 167. Section 514B.4A, subsection 2, Code
 22 1997, is amended to read as follows:

23 2. Rules proposed by the commissioner for adoption
 24 for the direct provision of health care services by a
 25 health maintenance organization, shall be forwarded by
 26 the commissioner to the director of public health for
 27 review, comment, and recommendation, prior to
 28 submission to the administrative rules coordinator
 29 pursuant to section ~~17A.4~~ 17A.3103.

30 Sec. 168. Section 519A.4, subsection 1, unnumbered
 31 paragraph 1, Code 1997, is amended to read as follows:

32 The association shall submit a plan of operation to
 33 the commissioner, together with any amendments
 34 necessary or suitable to assure the fair, reasonable,
 35 and equitable administration of the association
 36 consistent with sections 519A.2 to 519A.13. The plan
 37 of operation and any amendments thereto shall become
 38 effective only after ~~promulgation~~ adoption of the plan
 39 or amendment by the commissioner as a rule pursuant to
 40 ~~section 17A.4 chapter 17A, article 3~~: Provided that
 41 the initial plan may in the discretion of the
 42 commissioner become effective immediately upon filing
 43 with the secretary of state pursuant to section ~~17A.5~~
 44 17A.3115, subsection 2, paragraph "b", subparagraph
 45 (1).

46 Sec. 169. Section 524.228, subsection 4, Code
 47 1997, is amended to read as follows:

48 4. A hearing provided for in this section shall be
 49 presided over by an administrative law judge appointed
 50 in accordance with ~~section 17A.11 chapter 17A, article~~

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1 4. The hearing shall be private, unless the
 2 superintendent determines after full consideration of
 3 the views of the party afforded the hearing, that a
 4 public hearing is necessary to protect the public
 5 interest. After the hearing, and within thirty days
 6 after the case has been submitted for decision, the
 7 superintendent shall review the proposed order of the
 8 administrative law judge and render a final decision,
 9 including findings of fact upon which the decision is
 10 predicated, and issue and serve upon each party to the
 11 proceeding an order consistent with this section.

12 Sec. 170. Section 533.6A, subsection 4, Code 1997,
 13 is amended to read as follows:

14 4. A hearing provided for in this section shall be
 15 presided over by an administrative law judge appointed
 16 in accordance with ~~section 17A.11 chapter 17A, article~~

17 4. The hearing shall be private, unless the
 18 superintendent determines after full consideration of
 19 the views of the party afforded the hearing, that a
 20 public hearing is necessary to protect the public
 21 interest. After the hearing, and within thirty days
 22 after the case has been submitted for decision, the

23 superintendent shall review the proposed order of the
 24 administrative law judge and render a final decision,
 25 including findings of fact upon which the decision is
 26 predicated, and issue and serve upon each party to the
 27 proceeding an order consistent with this section.

28 Sec. 171. Section 534.405, unnumbered paragraph 7,
 29 Code 1997, is amended to read as follows:

30 Actions taken by the superintendent under this
 31 section are not subject to section ~~17A.18, subsection~~
 32 ~~3 17A.4105.~~

33 Sec. 172. Section 535B.7, subsection 2, unnumbered
 34 paragraph 1, Code 1997, is amended to read as follows:

35 The administrator may order an emergency suspension
 36 of a licensee's license pursuant to section ~~17A.18,~~
 37 ~~subsection 3 17A.4501.~~ A written order containing the
 38 facts or conduct which warrants the emergency action
 39 shall be timely sent to the licensee by restricted
 40 certified mail. Upon issuance of the suspension
 41 order, the licensee must also be notified of the right
 42 to an evidentiary hearing. A suspension proceeding
 43 shall be promptly instituted and determined.

44 Sec. 173. Section 542B.27, subsection 6, Code
 45 1997, is amended to read as follows:

46 6. A person aggrieved by the imposition of a civil
 47 penalty under this section may seek judicial review in
 48 accordance with ~~section 17A.19~~ chapter 17A, article 5.

49 Sec. 174. Section 544A.15, subsection 3, paragraph
 50 f, Code 1997, is amended to read as follows

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1 f. A person aggrieved by the imposition of a civil
 2 penalty under this subsection may seek judicial review
 3 in accordance with ~~section 17A.19~~ chapter 17A, article
 4 5.

5 Sec. 175. Section 904.602, subsection 9,
 6 unnumbered paragraph 2, Code 1997, is amended to read
 7 as follows:

8 These records are exempt from the public inspection
 9 requirements in ~~section 17A.3~~ sections 17A.2101,
 10 17A.2102, and ~~section 22.2.~~

11 Sec. 176. Section 906.3, Code 1997, is amended to
 12 read as follows:

13 906.3 DUTIES OF PAROLE BOARD.

14 The board of parole shall adopt rules regarding a
 15 system of paroles from correctional institutions, and
 16 shall direct, control, and supervise the
 17 administration of the system of paroles. The board of
 18 parole shall consult with the director of the
 19 department of corrections on rules regarding a system
 20 of work release and shall assist in the direction,
 21 control, and supervision of the work release system.
 22 The board shall determine which of those persons who

23 have been committed to the custody of the director of
24 the Iowa department of corrections, by reason of their
25 conviction of a public offense, shall be released on
26 parole or work release. The grant or denial of parole
27 or work release is not a ~~contested case~~ an
28 adjudicative proceeding as defined in section 17A.2
29 17A.1102.
30 Sec. 171.
31 1. Sections 17A.1 through 17A.33, Code 1997, are
32 repealed.
33 2. Sections 10A.201 and 10A.202, Code 1997, are
34 repealed.
35 Sec. 177. EFFECTIVE DATE. This Act takes effect
36 July 1, 1998."

MILLAGE of Scott

H-1684

1 Amend the Senate amendment, H-1647, to House File
2 335 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 25, by striking the words "or
5 cremation".

KREIMAN of Davis

H-1686

1 Amend Senate File 177, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 19, by inserting after the words
4 "the person" the following: "intentionally".

WEIDMAN of Cass
RAYHONS of Hancock

H-1696

1 Amend House File 716 as follows:
2 1. Page 9, line 28, by striking the words and
3 figures "section 285.3, subsection 2" and inserting
4 the following: "this section and section 285.6".
5 2. Page 10, line 32, by striking the words "when
6 calculated" and inserting the following: "as
7 calculated for an individual student".

BRUNKHORST of Bremer
LORD of Dallas

H-1698

1 Amend Senate File 473, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 5 the
 4 following:
 5 "Sec. ____ Section 204.1, is amended by adding the
 6 following new subsection:
 7 NEW SUBSECTION. 2A. "Bond" means a bond issued by
 8 a surety company or an irrevocable letter of credit
 9 issued by a financial institution as defined in
 10 section 12.61.

11 Sec. ____ Section 204.1, subsection 8, Code 1997,
 12 is amended to read as follows:

13 8. "Manure storage structure" means a structure
 14 used to store manure as part of a confinement feeding
 15 operation ~~subject to a construction permit issued by~~
 16 ~~the department of natural resources pursuant to~~
 17 ~~section 455B.173.~~ A manure storage structure
 18 includes, but is not limited to, an anaerobic lagoon,
 19 formed manure storage structure, or earthen manure
 20 storage basin, as defined in section 455B.161.

21 Sec. ____ Section 204.4, subsections 1 and 3, Code
 22 1997, are amended to read as follows:

23 1. A county that has acquired real estate
 24 containing a manure storage structure following
 25 nonpayment of taxes pursuant to section 446.19, may
 26 make a claim against the fund to pay the costs of
 27 cleaning up ~~the a contaminated site of the confinement~~
 28 ~~feeding operation, including the costs of removing and~~
 29 ~~disposing of the manure from a manure storage~~
 30 ~~structure as provided in section 204.5.~~ Each claim
 31 shall include a bid by a qualified person, other than
 32 a governmental entity, to remove and dispose of the
 33 manure for a fixed amount specified in the bid.

34 3. Upon a determination that the claim is eligible
 35 for payment, the department shall provide for payment
 36 of one hundred percent of the claim, as provided in
 37 this section. However, the amount of the claim shall
 38 be reduced by any amount received by the county from a
 39 bond or cash deposit required to be paid to the county
 40 as provided in section 204.4A. If at any time the
 41 department determines that there are insufficient
 42 moneys to make payment of all claims, the department
 43 shall pay claims according to the date that the claims
 44 are received by the department. To the extent that a
 45 claim cannot be fully satisfied, the department shall
 46 order that the unpaid portion of the payment be
 47 deferred until the claim can be satisfied. However,
 48 the department shall not satisfy claims from moneys
 49 dedicated for the administration of the fund.

50 Sec. ____ NEW SECTION. 204.4A SECURITY EVIDENCE

3 1. A county board of supervisors may adopt an
4 ordinance pursuant to section 331.302 requiring a
5 person to submit security evidence of financial
6 responsibility with the county prior to constructing a
7 manure storage structure in the county. The security
8 evidence of financial responsibility may be in the
9 form of a bond, cash deposit, or statement of net
10 worth as required by the board. The security evidence
11 of financial responsibility shall be used for the
12 exclusive purpose of ensuring the clean up of a
13 contaminated site as provided in section 204.5. The
14 board may require security evidence of financial
15 responsibility regardless of whether a manure storage
16 structure is constructed pursuant to a permit approved
17 by the department of natural resources under section
18 455B.173.

19 2. The security evidence of financial
20 responsibility shall be for an amount determined
21 reasonable by the board of supervisors. The ordinance
22 may provide a bond or cash deposit be reduced or
23 eliminated if a confinement feeding operation has a
24 net worth in an amount required by the board. The
25 ordinance may require that the confinement feeding
26 operation submit a financial statement that is
27 accompanied by an unqualified opinion based upon an
28 audit performed by a certified public accountant
29 licensed in this state, as required by the ordinance.
30 The amount of the security evidence of financial
31 responsibility shall be based on factors relating to
32 the cost of cleaning up a contaminated site, which may
33 include, but is not limited to, the size of the
34 confinement feeding operation, the type of manure
35 storage structure used, or the history of compliance
36 with requirements of chapter 455B by the confinement
37 feeding operation or a person who holds an interest in
38 the confinement feeding operation.

39 3. The county shall forward proof of the security
40 evidence of financial responsibility to the department
41 and the department of natural resources as required by
42 the departments. The board must certify to the
43 department of natural resources that an applicant for
44 a construction permit under section 455B.173 has
45 provided the county with any required security
46 evidence of financial responsibility as provided in
47 this section.

48 4. The terms and conditions of security evidence
49 of financial responsibility shall comply with
50 requirements of the county ordinance, which shall

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1 provide for notifying the department of agriculture
2 and land stewardship and the department of natural

3 resources of the termination of a person's security
 4 evidence of financial responsibility and any
 5 replacement form of security evidence of financial
 6 responsibility approved by the board.

7 5. If the department of natural resources receives
 8 notice from the county that the security evidence of
 9 financial responsibility has been terminated and has
 10 not been replaced, the department of natural resources
 11 shall immediately inspect the confinement feeding
 12 operation, and the confinement feeding operation shall
 13 depopulate animals maintained in the confinement
 14 feeding operation as provided in section 455B.202.

15 6. This section shall not apply if on August 31
 16 following the close of a fiscal year, moneys in the
 17 fund which are not obligated or encumbered on June 30
 18 of the past fiscal year, less the department's
 19 estimate of the cost to the fund for pending or
 20 unsettled claims, equal or exceed one million dollars.
 21 After the fiscal year in which this section does not
 22 apply, this section shall apply again if on August 31
 23 following the close of a fiscal year, moneys in the
 24 fund which are not obligated or encumbered on June 30
 25 of the past fiscal year, less the department's
 26 estimate of the cost to the fund for pending or
 27 unsettled claims, is less than seven hundred fifty
 28 thousand dollars.

29 Sec. ____ Section 204.5, unnumbered paragraph 1,
 30 Code 1997, is amended to read as follows:

31 A county which has acquired real estate containing
 32 a ~~confinement feeding operation~~ manure storage
 33 ~~structure, as defined in section 455B.161,~~ following
 34 the nonpayment of taxes pursuant to section 446.19,
 35 may clean up ~~the a site~~ contaminated by manure
 36 originating from the confinement feeding operation,
 37 including by removing and disposing of manure at any
 38 time, and restoring the quality of surface or
 39 subsurface water contaminated by manure. The county
 40 may seek reimbursement including by bringing an action
 41 for the costs of the removal and disposal from the
 42 person abandoning the real estate.

43 Sec. ____ Section 455B.171, Code 1997, is amended
 44 by adding the following new subsection:

45 NEW SUBSECTION. 2A. "Animal feeding operation
 46 structure" means the same as defined in section
 47 455B.161.

48 Sec. ____ Section 455B.173, subsection 13, Code
 49 1997, is amended to read as follows:

50 13. a. Adopt, modify, or repeal rules relating to

3 The rules shall include, but are not limited to,
4 minimum manure control requirements, requirements for
5 obtaining permits, and departmental evaluations of
6 animal feeding operations. The department shall not
7 require that a person obtain a permit for the
8 construction of an animal feeding operation structure,
9 if the structure is part of a small animal feeding
10 operation.

11 b. The department shall collect an indemnity fee
12 as provided in section 204.3 prior to the issuance
13 approval of a construction permit. The department
14 shall deposit moneys collected in indemnity fees in
15 the manure storage indemnity fund created in section
16 204.2. In addition, a permit for the construction of
17 an animal feeding operation structure which is part of
18 a confinement feeding operation shall not be approved,
19 unless the applicant submits a form certified by the
20 county board of supervisors stating that the applicant
21 satisfies the security evidence of financial
22 responsibility requirements of section 204.4A.

23 c. The department shall not approve a permit for,
24 the construction of three or more animal feeding
25 operation structures unless the applicant files a
26 statement approved by a professional engineer
27 registered pursuant to chapter 542B certifying that
28 the construction of the animal feeding operation
29 structure will not impede the drainage through
30 established drainage tile lines which cross property
31 boundary lines unless measures are taken to
32 reestablish the drainage prior to completion of
33 construction. The department shall deposit moneys
34 collected in indemnity fees in the manure storage
35 indemnity fund created in section 204.2.

36 d. The department shall issue a permit for an
37 animal feeding operation, if an application is
38 submitted according to procedures required by the
39 department, and the application meets standards
40 established by the department, regardless of whether
41 the animal feeding operation is required to obtain
42 such a permit.

43 e. An applicant for a construction permit shall
44 not begin construction at the location of a site
45 planned for the construction of an animal feeding
46 operation structure, until the person has been granted
47 a permit for the construction of the structure by the
48 department. The department shall make a determination
49 regarding the approval or denial of a permit within
50 sixty days from the date that the department receives

3 application, if the applicant is not required to
 4 obtain a permit in order to construct an animal
 5 feeding operation structure or to operate an animal
 6 feeding operation.

7 f. The department shall deliver a copy or require
 8 the applicant to deliver a copy of the application for
 9 a construction permit to the county board of
 10 supervisors in the county where the confinement
 11 feeding operation or confinement feeding operation
 12 structure subject to the permit is to be located. The
 13 department shall not approve the application or issue
 14 a construction permit until thirty days following
 15 delivery of the application to the county board of
 16 supervisors. The department shall consider comments
 17 from the county board of supervisors, regarding
 18 compliance by the applicant with the legal
 19 requirements for the construction of the confinement
 20 feeding operation structure as provided in this
 21 chapter, and rules adopted by the department pursuant
 22 to this chapter, if the comments are delivered to the
 23 department within fourteen days after receipt of the
 24 application by the county board of supervisors.

25 g. Prior to granting a permit to a person for the
 26 construction of an animal feeding operation, the
 27 department may require the installation and operation
 28 of a hydrological monitoring system for an exclusively
 29 earthen manure storage structure, if, after an on-site
 30 inspection, the department determines that the site
 31 presents an extraordinary potential for groundwater
 32 pollution.

33 h. A person shall not obtain a permit for the
 34 construction of a confinement feeding operation,
 35 unless the person develops a manure management plan as
 36 provided in section 455B.203.

37 i. The department shall not issue a permit to a
 38 person under this subsection if an enforcement action
 39 by the department, relating to a violation of this
 40 chapter concerning a confinement feeding operation in
 41 which the person has an interest, is pending. The
 42 department shall not issue a permit to a person under
 43 this subsection for five years after the date of the
 44 last violation committed by a person or confinement
 45 feeding operation in which the person holds a
 46 controlling interest during which the person or
 47 operation was classified as a habitual violator under
 48 section 455B.191. The department shall conduct an
 49 annual review of each confinement feeding operation
 50 which is a habitual violator and each confinement

Page 6

1 feeding operation in which a habitual violator holds a
 2 controlling interest. The department shall notify
 3 persons classified as habitual violators of their

4 classification, additional restrictions imposed upon
 5 the persons pursuant to the classification, and
 6 special civil penalties that may be imposed upon the
 7 persons. The notice shall be sent to the persons by
 8 certified mail.

9 Sec. ____ NEW SECTION. 455B.202 SECURITY
 10 EVIDENCE OF FINANCIAL RESPONSIBILITY.

11 If the department receives notice that security
 12 evidence of financial responsibility has been
 13 terminated and has not been replaced as provided in
 14 section 204.4A, the department shall immediately
 15 inspect the confinement feeding operation required to
 16 maintain the security evidence of financial
 17 responsibility. The confinement feeding operation
 18 shall depopulate animals maintained in the confinement
 19 feeding operation within thirty days from the date of
 20 the termination, unless the security evidence of
 21 financial responsibility has been replaced as provided
 22 in section 204.4A. The confinement feeding operation
 23 may be repopulated after the security evidence of
 24 financial responsibility is replaced."

25 2. Title page, line 1, by inserting after the
 26 word "Act" the following: "relating to agriculture,
 27 by providing for animal feeding operations,".

FREVERT of Palo Alto

H-1699

1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 6, line 9, by striking the figure
 4 "1,926,518" and inserting the following: "2,201,518".

5 2. Page 6, line 10, by striking the figure
 6 "52.60" and inserting the following: "57.60".

7 3. Page 19, line 27, by striking the figure
 8 "656,440" and inserting the following: "381,440".

9 4. Page 19, line 28, by striking the figure
 10 "10.00" and inserting the following: "5.00".

11 5. By striking page 19, line 29, through page 20,
 12 line 4.

SCHRADER of Marion

H-1707

1 Amend the amendment, H-1568, to Senate File 241, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 10 through 14.

5 2. Page 1, by striking line 18.

6 3. By renumbering as necessary.

LAMBERTI of Polk

H-1708

- 1 Amend Senate File 515, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, by striking lines 8 and 9 and
 4 inserting the following: "shall provide for the
 5 reporting of the possession of alcoholic liquor, wine,
 6 or".
 7 2. Page 19, line 11, by striking the words "use
 8 or".

KREIMAN of Davis

H-1712

- 1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 33 the
 4 following:
 5 "4. DEMOCRATIC LEADERSHIP COUNCIL
 6 For support of the membership assessment:
 7 \$ 5,625".
 8 2. Page 19, line 27, by striking the figure
 9 "656,440" and inserting the following: "650,815".

WISE of Lee

H-1713

- 1 Amend Senate File 532, as passed by the Senate, as
 2 follows:
 3 1. Page 3, line 21, by inserting after the words
 4 "policy." the following: "The fee waiver policy
 5 adopted by the board shall provide for the full waiver
 6 of the fees permitted under this section for a child
 7 receiving child foster care services or who is
 8 eligible for free lunches under the federal National
 9 School Lunch Act and the federal Child Nutrition Act
 10 of 1966, 42 U.S.C. § 1751-1785. The fee waiver policy
 11 adopted by the board shall also provide for a partial
 12 waiver of fees permitted under this section for a
 13 child who is eligible for reduced price lunches under
 14 the federal National School Lunch Act and the federal
 15 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, by
 16 a percentage equivalent to the percentage by which the
 17 child's lunch price is reduced."

RICHARDSON of Warren

H-1714

- 1 Amend Senate File 515, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 7, line 25, by striking the words "public
 4 offense" and inserting the following: "serious
 5 misdemeanor".
 6 2. Page 8, by striking lines 14 and 15, and
 7 inserting the following: "would be an a serious or
 8 aggravated misdemeanor or a felony shall be is a
 9 public record and shall not be".

KREIMAN of Davis

H-1720

- 1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 33 the
 4 following:
 5 " CENTER FOR AMERICAN WOMEN IN POLITICS
 6 For support of the membership assessment:
 7 \$ 5,325
 8 " CENTER FOR POLICY ALTERNATIVES
 9 For support of the membership assessment:
 10 \$ 5,325
 11 " ORGANIZATION FOR WOMEN LEGISLATORS
 12 For support of the membership assessment:
 13 \$ 5,325"

DODERER of Johnson
 WISE of Lee

H-1721

- 1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 33 the
 4 following:
 5 " WOMEN LEGISLATORS' LOBBY
 6 For support of the membership assessment:
 7 \$ 5,325"

MASCHER of Johnson

H-1723

- 1 Amend Senate File 515, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 13, by striking line 13 and inserting the
 4 following:
 5 "a. The child is at least 12 years of age but is
 6 no older than 15 years of age."

KREIMAN of Davis

H-1728

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by striking line 13 and inserting the
- 4 following:
- 5 "a. The child is at least 12 years of age but is
- 6 no older than 17 years of age."

DODERER of Johnson

H-1731

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 12.
- 4 2. Page 1, by striking lines 14 and 15 and
- 5 inserting the following:
- 6 "_. The region of the department of human
- 7 services in which the patient resides."
- 8 3. Page 1, by striking line 19.
- 9 4. Page 1, by striking lines 25 through 28.
- 10 5. By relettering as necessary.

GRUNDBERG of Polk
 METCALF of Polk
 BRAND of Tama
 DODERER of Johnson
 MARTIN of Scott
 FORD of Polk

BURNETT of Story
 MASCHER of Johnson
 JACOBS of Polk
 NELSON of Marshall
 JOCHUM of Dubuque

H-1742

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by striking line 13 and inserting the
- 4 following:
- 5 "a. The child is at least fourteen years of age
- 6 but is no older than fifteen years of age."

KREIMAN of Davis

H-1744

- 1 Amend House File 723 as follows:
- 2 1. Page 4, line 19, by inserting after the word
- 3 "years." the following: "A city or county that has
- 4 designated an area under section 404.1, subsection 5,
- 5 and in which residential property will be eligible to
- 6 receive a property tax exemption shall notify by mail
- 7 the school district or districts in which the
- 8 residential property is located. However, residential
- 9 property shall not be exempt from the property taxes

10 certified by a school district in which the property
11 is located if the board of directors of the school
12 district passes, within sixty days of receipt of the
13 notification, a resolution specifying that the
14 residential property is not exempt from school
15 property taxes."

RICHARDSON of Warren

H-1746

1 Amend House File 724 as follows:
2 1. Page 1, lines 13 and 14, by striking the words
3 "with a population of twenty-five thousand or more".
4 2. Page 1, line 19, by striking the words "with a
5 population of twenty-five thousand or more".
6 3. Page 1, by striking lines 23 through 25 and
7 inserting the following: "one enterprise zone."

WEIGEL of Chickasaw

H-1747

1 Amend House File 724 as follows:
2 1. Page 2, line 16, by inserting after the word
3 "hour." the following: "However, in a county with a
4 population in excess of two hundred fifty thousand,
5 the business shall pay an average wage that is at or
6 greater than one hundred percent of the average county
7 wage."

CHIODO of Polk

H-1750

1 Amend Senate File 40, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by striking the words "TO
4 COMMIT A PUBLIC OFFENSE" and inserting the following:
5 "BY PRIVATE PERSON TO STOP MOTOR VEHICLE".
6 2. Page 1, by striking lines 3 through 7 and
7 inserting the following:
8 "1. A private person who does not meet the
9 requirements of section 804.9 for making an arrest
10 commits an aggravated misdemeanor if the person uses
11 an official law enforcement warning device or signal,
12 or a device or signal that looks or sounds like an
13 official law enforcement warning device or signal, for
14 purposes of causing the operator of a motor vehicle to
15 stop that motor vehicle."

16 3. Title page, lines 2 and 3, by striking the
17 words "in the attempt or commission of a public
18 offense" and inserting the following: "by private
19 persons to unlawfully stop a motor vehicle".

HOLVECK of Polk

H-1751

1 Amend Senate File 40, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by striking the words "TO
4 COMMIT A PUBLIC OFFENSE" and inserting the following:
5 "BY PRIVATE PERSON TO STOP MOTOR VEHICLE".
6 2. Page 1, by striking lines 3 through 7 and
7 inserting the following:
8 "1. A private person who does not meet the
9 requirements of section 804.9 for making an arrest
10 commits a serious misdemeanor if the person uses an
11 official law enforcement warning device or signal, or
12 a device or signal that looks or sounds like an
13 official law enforcement warning device or signal, for
14 purposes of causing the operator of a motor vehicle to
15 stop that motor vehicle."
16 3. Title page, lines 2 and 3, by striking the
17 words "in the attempt or commission of a public
18 offense" and inserting the following: "by private
19 persons to unlawfully stop a motor vehicle".

HOLVECK of Polk

H-1754

1 Amend Senate File 241, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 614.14, subsection 4,
6 paragraph b, Code 1997, is amended to read as follows:
7 b. That, ~~to the knowledge of the trustee,~~ the
8 person creating the trust was under no disability or
9 infirmity at the time the trust was created.
10 Sec. 2. Section 627.6, subsection 8, Code 1997, is
11 amended by adding the following new paragraph:
12 NEW PARAGRAPH. f. All contributions to and assets
13 in the following list of plans or contracts and the
14 accumulated earnings, and market increases in value,
15 therefrom: simplified employee pension plans, self-
16 employed pension plans, Keogh plans, individual
17 retirement accounts, and similar plans for retirement
18 investments in the future authorized under federal
19 law. However, contributions to a plan shall not be
20 exempt to the extent that the contributions for the

21 twenty-four month period prior to the date the
22 exemption is claimed or execution is issued exceed ten
23 thousand dollars in the aggregate over and above the
24 average contributions that had been made to the plan
25 or plans by the debtor or the debtor's employer or
26 both in the five tax years ending prior to the twenty-
27 four-month period before the date the exemption is
28 claimed or the execution is issued. The exception to
29 the exemption in this paragraph for contributions
30 within the twenty-four-month period prior to the date
31 the exemption is claimed or execution is issued shall
32 not include the interest and any accumulation on that
33 interest in any new plans or contracts that are used
34 to replace prior plans, contracts, or policies that
35 would have been excludable from a bankruptcy estate or
36 that the debtor could have claimed exempt from
37 execution at the time of the transfer. For purposes
38 of this paragraph, market increases in value shall
39 include, but not be limited to, dividends, stock
40 splits, interest, and appreciation.

41 **Sec. 3. NEW SECTION. 627.6A EXEMPTION FROM**
42 **EXECUTION FOR CHILD SUPPORT.**

43 Notwithstanding the provisions of section 627.6, a
44 creditor to whom child support is owed may bring an
45 action pursuant to this section for satisfaction of a
46 child support order against assets which are otherwise
47 exempt. Such an action shall be commenced by filing a
48 petition for application of exempt assets in the same
49 manner as provided in chapter 598 for the filing of a
50 petition for modification. Upon notice as required

Page 2

1 for the commencement of an original action and after a
2 hearing, the court may order that the exempt assets
3 provided for in section 627.6, in whole or in part,
4 are not exempt from the collection of the child
5 support obligation. Notwithstanding an action of the
6 state court under this section, a bankruptcy court may
7 make the determination that the otherwise exempt
8 assets provided for in section 627.6 are not exempt
9 from the claims of a child support creditor if such
10 creditor objects to the exemptions claimed by the
11 debtor in conformity with 11 U.S.C. § 522(l) and
12 federal rule of bankruptcy procedure 4003.

13 **Sec. 4. Section 633.10, subsection 4, Code 1997,**
14 **is amended by adding the following new paragraph:**
15 **NEW PARAGRAPH. d. A trust that is administered**
16 **solely or jointly by an individual trustee or trustees**
17 **is not subject to the jurisdiction of the court unless**
18 **jurisdiction is invoked by a trustee or beneficiary,**
19 **or if otherwise provided by the governing instrument.**
20 **Upon application of all trustees administering a trust**

21 which is subject to the court's jurisdiction, and
 22 following notice to beneficiaries as provided in
 23 section 633.40, subsection 4, the court shall release
 24 the trust from further jurisdiction unless one or more
 25 beneficiaries object, on the condition that
 26 jurisdiction may thereafter be invoked by a trustee or
 27 beneficiary. The provisions of this paragraph shall
 28 be effective for applications filed on or after July
 29 1, 1997."

30 2. Page 1, by inserting after line 6 the
 31 following:

32 "Sec. ____ Section 633.31, Code 1997, is amended
 33 by adding the following new subsection:

34 NEW SUBSECTION. 3. The fee set forth in
 35 subsection 2, paragraph "k", shall not be charged on
 36 any property transferred to a testamentary trust from
 37 an estate that has been administered in this state and
 38 for which court costs have been assessed and paid.

39 Sec. ____ NEW SECTION. 633.357 CUSTODIAL
 40 INDIVIDUAL RETIREMENT ACCOUNTS.

41 1. As used in this section, unless the context
 42 otherwise requires:

43 a. "Custodial independent retirement account"
 44 means an individual retirement account in accordance
 45 with section 408(a) of the Internal Revenue Code, the
 46 assets of which are not held in trust.

47 b. "Designator" means a person entitled to
 48 designate the beneficiary or beneficiaries of a
 49 custodial independent retirement account.

50 2. The assets of a custodial independent

Page 3

1 retirement account shall pass on or after the death of
 2 the designator of the custodial independent retirement
 3 account to the beneficiary or beneficiaries specified
 4 in the custodial independent retirement account
 5 agreement signed by the designator or designated by
 6 the designator in writing pursuant to the custodial
 7 independent retirement account agreement. Assets that
 8 pass to a beneficiary pursuant to this section shall
 9 not be considered part of the designator's probate
 10 estate except to the extent that the designator's
 11 estate is a beneficiary. The designation of a
 12 beneficiary shall not be considered testamentary and
 13 does not have to be witnessed.

14 3. This section applies to a custodial independent
 15 retirement account established and a beneficiary
 16 designation made prior to, on, or after the effective
 17 date of this Act. This section shall be considered to
 18 be declarative of the law as the law existed
 19 immediately prior to the effective date of this Act.

20 4. This section shall not be construed to imply

21 that assets or benefits that are payable upon the
22 death of a person to a beneficiary or beneficiaries
23 designated in or pursuant to a written arrangement not
24 described in this section, other than a will, are part
25 of the person's probate estate or that the arrangement
26 is testamentary.

27 Sec. ____ Section 633.410, Code 1997, is amended
28 to read as follows:

29 633.410 LIMITATION ON FILING CLAIMS AGAINST
30 DECEDENT'S ESTATE.

31 All claims against a decedent's estate, other than
32 charges, whether due or to become due, absolute or
33 contingent, liquidated or unliquidated, founded on
34 contract or otherwise, are forever barred against the
35 estate, the personal representative, and the
36 distributees of the estate, unless filed with the
37 clerk within the later to occur of four months after
38 the date of the second publication of the notice to
39 creditors or, as to each claimant whose identity is
40 reasonably ascertainable, one month after service of
41 notice by ordinary mail to the claimant's last known
42 address.* However, notice is not required to be given
43 by mail to any creditor whose claim will be paid or
44 otherwise satisfied during administration and the
45 personal representative may waive the limitation on
46 filing provided under this section. This section does
47 not bar claims for which there is insurance coverage,
48 to the extent of the coverage, ~~claims for debts~~
49 ~~created under section 249A.5 relating to the recovery~~
50 ~~of medical assistance payments~~, or claimants entitled

Page 4

1 to equitable relief due to peculiar circumstances.
2 Sec. ____ Section 633.440, Code 1997, is amended
3 to read as follows:
4 633.440 CONTENTS OF NOTICE OF DISALLOWANCE.

5 Such a notice of disallowance shall advise the
6 claimant that the claim has been disallowed and will
7 be forever barred unless the claimant shall within
8 twenty days after the date of mailing the notice, file
9 a request for hearing on the claim with the clerk, and
10 mail a copy of such request for hearing to the
11 personal representative and the attorney of record, if
12 any, by certified mail.

13 Sec. ____ Section 633.681, Code 1997, is amended
14 to read as follows:

15 633.681 ASSETS OF MINOR WARD EXHAUSTED.

16 When the assets of a minor ward's conservatorship
17 are exhausted or consist of personal property only of
18 an aggregate value not in excess of ~~four~~ ten thousand
19 dollars, the court, upon application or upon its own
20 motion, may terminate the conservatorship ~~and~~. The

21 ~~order for termination shall direct the conservator to~~
 22 ~~deliver the any property remaining after the payment~~
 23 ~~of allowed claims and expenses of administration to~~
 24 ~~the parent or other person entitled to the custody of~~
 25 ~~the minor ward, for the use of the ward, after payment~~
 26 ~~of allowed claims and expenses of administration a~~
 27 ~~custodian under any uniform transfers to minors Act.~~
 28 Such delivery shall have the same force and effect as
 29 if delivery had been made to the ward after attaining
 30 majority.

31 Sec. ____ Section 633.704, subsection 3, paragraph
 32 a, Code 1997, is amended to read as follows:

33 a. **PASSAGE OF DISCLAIMED INTEREST OR PROPERTY.**

34 Unless the transferor has otherwise provided, the
 35 property, interest, or right disclaimed, and any
 36 future interest which is to take effect in possession
 37 or enjoyment at or after the termination of the
 38 interest or right disclaimed, descends or shall be
 39 distributed as if the disclaimant has died prior to
 40 the date of the transfer, or if the disclaimant is one
 41 designated to take pursuant to a power of appointment
 42 exercised by testamentary instrument, then as if the
 43 disclaimant has predeceased the donee of the power
 44 unless the donee of the power has otherwise provided.
 45 In every case, the disclaimer relates back for all
 46 purposes to the date of the transfer. ~~In the case of~~
 47 ~~a disclaiming beneficiary under a will, other than a~~
 48 ~~spouse, the property, interest, or right disclaimed~~
 49 ~~passes to the heirs of the disclaimant unless from the~~
 50 ~~terms of the transferor's will the intent is clear and~~

Page 5

1 ~~explicit to the contrary, in which event the property,~~
 2 ~~interest, or right disclaimed passes pursuant to the~~
 3 ~~will. In the case of a disclaimer under a will by a~~
 4 ~~spouse the property, interest, or right disclaimed~~
 5 ~~lapses unless from the terms of the transferor's will~~
 6 ~~the intent is clear and explicit to the contrary."~~

7 3. Title page, line 1, by inserting after the
 8 word "Act" the following: "relating to estates and
 9 probate, and".

10 4. By renumbering as necessary.

LAMBERTI of Polk

H-1755

1 Amend Senate File 128, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 10 through 28 and
 4 inserting the following:

- 5 "a. The region of the department of human services
- 6 in which the patient resides.
- 7 b. The race of the patient."

FORD of Polk

H-1757

- 1 Amend the amendment, H-1751, to Senate File 40, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "arrest" the following: "or is not attempting to warn
- 6 against a current or impending dangerous condition,
- 7 use, structure, or activity".

HOLVECK of Polk

H-1758

- 1 Amend Senate File 128, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 14 and 15 and
- 4 inserting the following:
- 5 "d. The region of the department of human services
- 6 in which the patient resides."

FORD of Polk

H-1759

- 1 Amend House File 266 as follows:
- 2 1. Page 8, by inserting after line 16 the
- 3 following:
- 4 "Sec. ____ Section 427B.17, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 7. For purposes of this section,
- 7 electronic and digital equipment and fiber optic cable
- 8 of a competitive long distance telephone company
- 9 assessed as provided in section 476.1D, subsection 10,
- 10 and first assessed for taxation in this state on or
- 11 after January 1, 1997, shall be included in the
- 12 definition of "computer" as defined in section 427A.1,
- 13 subsection 1, paragraph "j", subparagraph (1)."

LARSON of Linn
 BARRY of Harrison
 BRADLEY of Clinton
 DRAKE of Pottawattamie
 JENKINS of Black Hawk
 RANTS of Woodbury
 VAN FOSSEN of Scott
 WELTER of Jones
 HANSEN of Pottawattamie

CHAPMAN of Linn
 BLODGETT of Cerro Gordo
 CARROLL of Poweshiek
 HOLMES of Scott
 LAMBERTI of Polk
 THOMSON of Linn
 TYRRELL of Iowa
 MERTZ of Kossuth
 FOEGE of Linn

H-1763

1 Amend Senate File 429, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "Sec. ____ NEW SECTION. 462A.9A WATERCRAFT
6 SAFETY COURSES - CERTIFICATION REQUIRED.

7 1. The department shall establish a personal
8 watercraft safety course approved by the commission
9 not later than January 15, 1998. The personal
10 watercraft safety course shall be administered by the
11 department and shall be taught in at least twelve
12 counties commencing January 15, 1998. Each person who
13 successfully completes an approved personal watercraft
14 safety course shall be issued a personal watercraft
15 safety certificate.

16 2. Not later than January 15, 2000, the department
17 shall establish a watercraft safety course approved by
18 the commission. The watercraft safety course shall
19 include all watercraft including personal watercraft
20 in its curriculum and shall be taught in at least one-
21 half of the counties of this state. Each person who
22 successfully completes an approved personal watercraft
23 safety course shall be issued a watercraft safety
24 certificate."

25 2. Page 1, line 30, by striking the word
26 "eighteen" and inserting the following: "sixteen".

27 3. Page 2, by striking lines 6 through 17 and
28 inserting the following:

29 "Sec. ____ Section 462A.12, subsection 6, Code
30 1997, is amended by striking the subsection and
31 inserting in lieu thereof the following:

32 6. a. An owner or operator of any vessel
33 propelled by a motor of more than six horsepower shall
34 not permit any person under twelve years of age to
35 operate the vessel unless accompanied by a responsible
36 person of at least eighteen years of age. However,
37 commencing May 18, 2000, a person who is twelve years
38 of age or older but less than sixteen years of age
39 shall not operate any vessel propelled by a motor of
40 more than six horsepower unless accompanied by a
41 responsible person of at least eighteen years of age
42 or unless the person under sixteen years of age has
43 successfully completed an approved watercraft safety
44 course.

45 b. After May 18, 1998, an owner or operator of a
46 personal watercraft shall not permit any person who is
47 under sixteen years of age to operate a personal
48 watercraft unless accompanied by a responsible person
49 of at least eighteen years of age or unless the person
50 under sixteen years of age has successfully completed

Page 2

- 1 an approved personal watercraft safety course."
- 2 4. Page 2, line 26, by striking the word "eight"
- 3 and inserting the following: "seven".
- 4 5. Page 3, by striking lines 18 through 23 and
- 5 inserting the following: "subparagraph (2), Code
- 6 1997, is amended by striking the subparagraph and
- 7 inserting in lieu thereof the following:
- 8 (2) Motorboats or personal watercraft shall
- 9 maintain a minimum passing or meeting distance of
- 10 fifty feet when both vessels are traveling at speeds
- 11 greater than five miles per hour in rivers or streams
- 12 of this state except the Mississippi and Missouri
- 13 rivers. The minimum passing or meeting distance of
- 14 one hundred feet shall be maintained by vessels
- 15 traveling at speeds over five miles per hour on the
- 16 Mississippi or Missouri rivers and other waters of the
- 17 state."

DOLECHECK of Ringgold
 RAYHONS of Hancock
 BRUNKHORST of Bremer
 MAY of Worth

BLODGETT of Cerro Gordo
 BELL of Jasper
 SUKUP of Franklin

H-1767

- 1 Amend House File 724 as follows:
- 2 1. Page 2, line 12, by striking the word "ninety"
- 3 and inserting the following: "one hundred".

JOCHUM of Dubuque
 OSTERHAUS of Jackson

H-1798

- 1 Amend House File 724 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "business" the following: "or a livestock confinement
- 4 operation".

WEIGEL of Chickasaw

H-1799

- 1 Amend Senate File 246, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 11 and
- 4 inserting the following:
- 5 "1. Certificates of title for snowmobiles and all-
- 6 terrain vehicles shall be obtained from the county
- 7 recorder of the county in which the owner resides."
- 8 2. Page 1, line 16, by striking the words "The

9 application" and inserting the following: "However, a
 10 snowmobile or all-terrain vehicle owned on December
 11 31, 1997, and any snowmobile or all-terrain vehicle
 12 used exclusively as a farm implement are not required
 13 to be titled until transferred to a new owner or for
 14 use as other than a farm implement. A snowmobile or
 15 all-terrain vehicle owned on December 31, 1997, or
 16 used exclusively as a farm implement may voluntarily
 17 be titled.

18 The application".

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

21 "Two-wheeled off-road motorcycles shall be
 22 considered all-terrain vehicles only for the purpose
 23 of titling and registration and not for purposes of
 24 regulation."

BLODGETT of Cerro Gordo

H-1806

1 Amend House File 726 as follows:

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

4 "Sec. ____ Section 9H.1, Code 1997, is amended by
 5 adding the following new subsection:
 6 **NEW SUBSECTION. 2A.** "Authorized entity" means an
 7 authorized farm corporation; authorized trust;
 8 authorized limited liability company; or limited
 9 partnership, other than a family farm limited
 10 partnership, which owns or leases agricultural land.

11 Sec. ____ Section 9H.5, subsection 2, Code 1997,
 12 is amended by striking the subsection and inserting in
 13 lieu thereof the following:

14 2. a. A person who holds an interest in an
 15 authorized entity shall not hold an interest in
 16 another authorized entity, if all authorized entities
 17 in which the person would hold an interest own or
 18 lease a combined total of more than one thousand five
 19 hundred acres of agricultural land. If a person holds
 20 an interest in more than one authorized entity, all
 21 authorized entities in which the person holds an
 22 interest shall not own or lease a combined total of
 23 more than one thousand five hundred acres of
 24 agricultural land.

25 b. As used in this section, an interest in an
 26 authorized entity means holding an interest as any of
 27 the following:

- 28 (1) A stockholder of an authorized farm
- 29 corporation.
- 30 (2) A beneficiary of an authorized trust.
- 31 (3) A limited partner in a limited partnership
- 32 which owns or leases agricultural land, other than a

33 family farm limited partnership.
 34 (4) A member of an authorized limited liability
 35 company.
 36 c. This subsection shall not apply to the extent
 37 that an interest in an authorized entity was held on
 38 or before July 1, 1988.
 39 Sec. ____ Section 9H.5, subsection 3, paragraph a,
 40 Code 1997, is amended to read as follows:
 41 a. An authorized farm corporation, authorized
 42 trust, authorized limited liability company, or
 43 limited partnership violating this section shall be
 44 assessed a civil penalty of not more than twenty-five
 45 thousand dollars and shall divest itself of any land
 46 held in violation of this section within one year
 47 after judgment. A civil penalty of not more than one
 48 thousand dollars may be imposed on a person who
 49 becomes holds an interest in an authorized entity by
 50 being a stockholder of an authorized farm corporation,

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1 beneficiary of an authorized trust, member of an
 2 authorized limited liability company, or limited
 3 partner in a limited partnership in violation of this
 4 section. The person shall divest the interest held by
 5 the person in the corporation, trust, limited
 6 liability company, or limited partnership to comply
 7 with this section. The court may determine the method
 8 of divesting an interest held by a person found to be
 9 in violation of this chapter. A financial gain
 10 realized by a person who disposes of an interest held
 11 in violation of this chapter shall be forfeited to the
 12 state's general fund. All court costs and fees shall
 13 be paid by the person holding the interest in
 14 violation of this chapter."
 15 2. By renumbering as necessary.

MEYER of Sac

H-1820

1 Amend House File 720 as follows:
 2 1. Page 10, line 33, by striking the letter "h"
 3 and inserting the following: "f".

JOCHUM of Dubuque

H-1829

1 Amend House File 730 as follows:
 2 1. Page 2, by striking lines 8 through 21.
 3 2. By renumbering as necessary.

FALCK of Fayette

H-1831

1 Amend House File 682 as follows:

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

4 "Section 1. From July 1, 1997, until December 31,
5 1997, both of the following shall occur:

6 1. Under section 455B.310, subsection 2,
7 unnumbered paragraph 1, Code 1997, one dollar and five
8 cents of the tonnage fee imposed shall be retained by
9 a city, county, or public or private agency, instead
10 of the ninety-five cents currently retained. The
11 additional ten cents retained pursuant to this section
12 shall be used in accordance with section 455B.310,
13 subsection 2, paragraph "b". The reduction in tonnage
14 fees pursuant to this section shall be taken from that
15 portion of the tonnage fees which would have been
16 allocated for funding alternatives to landfills
17 pursuant to section 455E.11, subsection 2, paragraph
18 "a", subparagraph (1).

19 2. Under section 455D.3, subsection 3, paragraph
20 "a", unnumbered paragraph 2, Code 1997, if the
21 department determines that a planning area has met or
22 exceeded the twenty-five percent goal, a planning area
23 shall retain twenty-five cents of the tonnage fee
24 imposed pursuant to section 455B.310, subsection 2, in
25 addition to the current fifty cents subtracted. Moneys
26 subtracted under section 455D.3, subsection 3,
27 paragraph "a", unnumbered paragraph 2, Code 1997, and
28 retained pursuant to this subsection, shall be used
29 for implementing waste reduction and recycling
30 requirements of comprehensive plans filed under
31 section 455B.306. The reduction in tonnage fees
32 pursuant to this section shall be taken from that
33 portion of the tonnage fees which would have been
34 allocated for funding alternatives to landfills
35 pursuant to section 455E.11, subsection 2, paragraph
36 "a", subparagraph (1).

37 Sec. 2. The legislative council is requested to
38 establish an interim committee to meet three times to
39 conduct a comprehensive review of the goals,
40 regulation, reporting, and status of statewide efforts
41 to reduce and recycle solid waste. The review shall
42 include, but not be limited to, an evaluation of the
43 effectiveness of statewide goals for waste stream
44 reduction, incentives, and penalties used to encourage
45 planning areas to meet the waste stream reduction
46 goals, recycling programs, tonnage fees, and programs
47 funded by tonnage fees. The committee shall submit a
48 report of its findings and recommendations to the
49 general assembly by December 15, 1997."

H-1832

- 1 Amend House File 730 as follows:
- 2 1. Page 8, line 22, by inserting after the word
- 3 "shall" the following: "submit a request to the
- 4 attorney general or".

KREIMAN of Davis

H-1840

- 1 Amend House File 504 as follows:
- 2 1. Page 12, by inserting after line 14 the
- 3 following:
- 4 "Any fee provided in this section which represents
- 5 an increase over the fee levels in existence prior to
- 6 the effective date of this Act shall be subject to a
- 7 two-year phase-in procedure. For the year beginning
- 8 on the effective date of this Act, the fees shall be
- 9 increased by fifty percent of the total amount of the
- 10 fee increase. For the year beginning one year from
- 11 the effective date of this Act, the fees shall be
- 12 increased by the remaining fifty percent of the fee
- 13 increase."
- 14 2. Page 12, by striking lines 17 through 25 and
- 15 inserting the following: "corporation shall be
- 16 subject to an administrative fee of not more than ten
- 17 percent of the total license fees collected in a
- 18 fiscal year, as provided by rule of the department
- 19 adopted pursuant to chapter 17A. The administrative
- 20 fee for a fiscal year shall be forwarded to the
- 21 department for credit to the general fund of the state
- 22 no later than June 10 of that fiscal year. Amounts
- 23 collected in excess of the administrative fee shall
- 24 not be retained or expended by a municipal corporation
- 25 without a corresponding decrease in the amount levied
- 26 for property taxes by the municipal corporation for
- 27 the following fiscal year."

RANTS of Woodbury

H-1841

- 1 Amend House File 731 as follows:
- 2 1. Page 21, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ Section 441.37, subsection 1, Code
- 5 1997, is amended by adding the following new
- 6 paragraph:
- 7 **NEW PARAGRAPH.** f. That an animal feeding
- 8 operation, other than a small animal feeding

9 operation, as defined in section 455B.161, is
10 established within one mile from the assessed
11 property.”

WEIGEL of Chickasaw

H-1844

- 1 Amend House File 670 as follows:
- 2 1. Page 2, line 4, by striking the words
3 “PSYCHOLOGICALLY IMPACTED” and inserting the
4 following: “STIGMATIZED”.
- 5 2. Page 2, line 5, by striking the words “-
6 DISCLOSURE NOT MANDATED”.
- 7 3. Page 2, line 8, by striking the words
8 “psychologically impacted” and inserting the
9 following: “stigmatized”.
- 10 4. Page 2, line 9, by striking the words
11 “psychologically impacted” and inserting the
12 following: “stigmatized”.
- 13 5. Page 2, by striking lines 10 and 11 and
14 inserting the following: “material adverse fact, but
15 is information required to be disclosed under section
16 558A.4, if the event which stigmatized the real estate
17 occurred during the period of ownership of the current
18 owner.”
- 19 6. Page 2, line 12, by striking the word
20 “psychologically”.
- 21 7. Page 2, line 13, by striking the word
22 “impacted” and inserting the following:
23 “stigmatized”:
- 24 8. Page 2, line 20, by striking the words
25 “Psychologically impacted” and inserting the
26 following: “Stigmatized”.
- 27 9. Page 2, line 21, by striking the word
28 “allegedly”.
- 29 10. Page 2, line 22, by striking the words “A
30 cause” and inserting the following:
31 “Except when the broker or salesperson is working
32 solely as a buyer’s agent and has knowledge about the
33 stigma, a cause”.
- 34 11. Page 2, line 25, by striking the words
35 “psychologically impacted” and inserting the
36 following: “stigmatized”.
- 37 12. Page 2, by inserting after line 29 the
38 following:
39 “Sec. ____ EFFECTIVE DATE. Section 2 of this Act
40 takes effect January 1, 1998.”
- 41 13. Title page, line 2, by striking the words
42 “psychologically impacted” and inserting the
43 following: “stigmatized”.

44 14. Title page, line 4, by inserting after the
45 word "transfer" the following: "and providing an
46 effective date".

VAN FOSSEN of Scott

H-1849

1 Amend House File 731 as follows:
2 1. By striking page 19, line 2, through page 20,
3 line 12.

WEIGEL of Chickasaw

H-1871

1 Amend the amendment, H-1690B, to House Concurrent
2 Resolution 22, as follows:
3 1. Page 1, by striking lines 12 and 13 and
4 inserting the following: "consist of ten members
5 selected as".
6 2. Page 1, line 15, by striking the word "a." and
7 inserting the following: "1."
8 3. Page 1, line 18, by striking the word "b." and
9 inserting the following: "2."
10 4. Page 1, by striking lines 22 through 33.

CONNORS of Polk

H-1872

1 Amend House Concurrent Resolution 22 as follows:
2 1. By striking page 2, line 15, through page 3,
3 line 19, and inserting the following:
4 "*Be It Further Resolved*, That the task force shall
5 consist of ten members selected as follows:
6 1. Five members who are members of the senate,
7 three appointed by the majority leader of the senate
8 and two appointed by the minority leader of the
9 senate.
10 2. Five members who are members of the house of
11 representatives, three appointed by the speaker of the
12 house and two appointed by the minority leader of the
13 house."

CONNORS of Polk

H-1873

1 Amend House Concurrent Resolution 22 as follows:
2 1. Page 3, by inserting after line 22 the
3 following:
4 "*Be It Further Resolved*, That a member of the task

5 force selected from an association of Iowa farmers and
 6 other agricultural interests, from business interests,
 7 from an association of Iowa utilities, from an
 8 organization of Iowa taxpayers, or from a labor
 9 organization and the association or organization from
 10 which the member was selected, shall not contribute
 11 to, act as an agent or intermediary for contributions
 12 to, or arrange for the making of monetary or in-kind
 13 contributions to the campaign of a member of the
 14 general assembly or candidate for the general assembly
 15 while serving as a member of the task force.”

DODERER of Johnson

H-1882

1 Amend the amendment, H-1839, to Senate File 79, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting before line 18 the
 5 following:

6 “Sec. ____ Section 99E.9, subsection 3, paragraph
 7 i, Code 1997, is amended to read as follows:

8 i. The locations at which tickets or shares may be
 9 sold. The board may authorize the sale of tickets or
 10 shares on the premises of establishments which sell or
 11 serve alcoholic beverages, wine, or beer as defined in
 12 section 123.3. The board shall prohibit the sale of
 13 tickets or shares on any premises where a satellite
 14 terminal, as defined in section 527.2, is located.”

15 2. Title page, line 2, by inserting after the
 16 word “games” the following: “and to the sale of
 17 lottery tickets on certain premises”.

DRAKE of Pottawattamie

H-1885

1 Amend Senate File 549, as amended, passed, and
 2 reprinted by the Senate, as follows:

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

5 “__ NATIONAL HISTORIC REGISTRY GRANT

6 For providing a grant for purposes of procuring the
 7 property on which Fort Des Moines, which is listed on
 8 the national historic registry, is located:

9 \$ 500,000

10 Allocation of moneys pursuant to this section shall
 11 be contingent upon at least a dollar-for-dollar local
 12 match of state grant moneys.”

FORD of Polk

H-1886

1 Amend the amendment, H-1866, to Senate File 549, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, line 27, by striking the figure
5 "256A.3." and inserting the following: "256A.3.
6 Sec. ____ Section 255.1, Code 1997, is amended by
7 adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. It is the policy of this
9 state to provide medical and surgical treatment and
10 hospital care to medically indigent individuals in
11 this state, at the appropriate and necessary level, at
12 a licensed hospital or health care facility closest
13 and most available to the residence of the indigent
14 individual. In accordance with this policy, there is
15 created a statewide medical and surgical indigent
16 patient treatment and care program, which shall be
17 administered by the Iowa department of public health.
18 The department shall adopt administrative rules to
19 implement the program pursuant to chapter 17A.
20 Administrative costs of the department shall not
21 exceed three percent of the annual funds appropriated
22 for the program.

23 Sec. ____ Section 255.8, Code 1997, is amended to
24 read as follows:

25 255.8 HEARING - ORDER - EMERGENCY CASES -
26 CANCELLATION OF COMMITMENTS.

27 The county attorney and the general assistance
28 director, or other agent of the board of supervisors
29 of the county, shall appear at the hearing. The
30 complainant, the county attorney, the general
31 assistance director or other agent of the board of
32 supervisors, and the patient, or any person
33 representing the patient, may introduce evidence and
34 be heard. If the court finds that the patient is a
35 legal resident of Iowa and is pregnant or is suffering
36 from a malady or deformity which can probably be
37 improved or cured or advantageously treated by medical
38 or surgical treatment or hospital care, and that
39 neither the patient nor any person legally chargeable
40 with the patient's support is able to pay the
41 expenses, then the clerk of court, ~~except in~~
42 ~~obstetrical cases and orthopedic cases,~~ shall
43 ~~immediately ascertain from the admitting physician at~~
44 ~~the university hospital whether the person can be~~
45 ~~received as a patient within a period of thirty days,~~
46 ~~and if the patient can be received, the court, or in~~
47 ~~the event of no actual contest, the clerk of the~~
48 ~~court, shall enter an order directing that the patient~~
49 ~~be sent to the university hospital for proper medical~~
50 ~~and surgical treatment and hospital care. If the~~

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1 court ascertain, except in obstetrical cases and
2 orthopedic cases, that a person of the age or sex of
3 the patient, or afflicted by the complaint, disease,
4 or deformity with which the person is afflicted,
5 cannot be received as a patient at the university
6 hospital within the period of thirty days, then the
7 court or the clerk shall enter an order directing the
8 board of supervisors of the county to provide adequate
9 treatment at county expense for the patient at home or
10 in a the nearest hospital capable of providing
11 appropriate treatment. ~~Obstetrical cases and~~
12 ~~orthopedic cases may be committed to the university~~
13 ~~hospital without regard to the limiting period of~~
14 ~~thirty days.~~

15 In any case of emergency the court or the clerk
16 without previous inquiry may at its discretion order
17 the patient to be immediately taken to and accepted by
18 the ~~university hospital~~ nearest hospital capable of
19 providing appropriate treatment for the necessary care
20 as provided in section 255.11, ~~but if such a patient~~
21 ~~cannot be immediately accepted at the university~~
22 ~~hospital as ascertained by telephone if necessary, the~~
23 ~~court or the clerk may enter an order as in certain~~
24 ~~cases above set forth directing the board of~~
25 ~~supervisors to provide adequate treatment at county~~
26 ~~expense for the said patient at home or in a hospital.~~

27 Sec. ____ Section 255.13, Code 1997, is amended to
28 read as follows:

29 255.13 ATTENDANT - PHYSICIAN - COMPENSATION.

30 If the physician appointed to examine the patient
31 ~~shall certify~~ certifies that an attendant to accompany
32 the patient to the ~~said~~ hospital is necessary, and the
33 ~~university a~~ hospital attendant and ambulance service
34 is not available, ~~then~~ the court or judge or clerk of
35 the court may appoint an attendant who shall receive
36 not exceeding more than two dollars per day for the
37 time ~~thus~~ necessarily employed and actual necessary
38 traveling expenses by the most feasible route to ~~said~~
39 the hospital whether by ambulance, train or
40 automobile; but if ~~such~~ the appointee is a relative of
41 the patient or a member of the patient's immediate
42 family, or receives a salary or other compensation
43 from the public for the appointee's services, no ~~such~~
44 per diem compensation shall be paid for attendant
45 services. The physician appointed by the court or
46 clerk to make the examination and report shall receive,
47 ~~therefor~~ three dollars for each examination and report
48 ~~so~~ made and the physician's actual necessary expenses
49 incurred in making such examination, but if ~~said~~ the
50 physician receives a salary or other compensation from

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1 the public for the physician's full-time services,
2 then no such examination fee shall be paid. The
3 actual, necessary expenses of transporting and caring
4 for the patient shall be paid as hereinafter provided
5 in this chapter.

6 Sec. ____ Section 255.14, Code 1997, is amended to
7 read as follows:

8 255.14 EXPENSES – HOW PAID.

9 An itemized, verified statement of all charges
10 provided for in sections 255.8 and 255.13, in cases
11 where the patient is admitted or accepted for
12 treatment at the university a hospital shall be filed
13 with the superintendent director or administrator of
14 the university hospital, and upon the superintendent's
15 director's or administrator's recommendation when
16 approved by the judge or clerk of the court under
17 whose order the same were incurred who issued the
18 order for medical or surgical treatment or hospital
19 care, they shall be charged on the regular bill for
20 the maintenance, transportation and treatment of the
21 patient, and be audited and paid in the manner as
22 hereinafter provided in this chapter.

23 Sec. ____ Section 255.15, Code 1997, is amended to
24 read as follows:

25 255.15 DUTY OF ADMITTING PHYSICIAN AT HOSPITAL.

26 ~~The authorities in control of the medical college~~
27 ~~shall designate some physician to pass upon the~~
28 ~~admission of the patient, and it shall be the~~
29 ~~physician's duty to receive the patient into the~~
30 ~~hospital and to provide for the patient, if available,~~
31 ~~a cot, bed, or room in the hospital, and to assign the~~
32 ~~patient to the appropriate clinic and for treatment by~~
33 ~~the proper physician, unless, in the physician's~~
34 ~~judgment, the presence of the patient in the hospital~~
35 ~~would be dangerous to other patients, or there is no~~
36 ~~reasonable probability that the patient may be~~
37 ~~benefited by the proposed treatment or hospital care.~~
38 If the an admitting physician denies admission to the
39 hospital to which the patient has been assigned by a
40 county for medical or surgical treatment or hospital
41 care in accordance with this chapter, or if a clinic
42 physician or surgeon declines to treat the patient,
43 the physician or surgeon shall make a report of the
44 reasons for the denial of admission or treatment. The
45 director or administrator shall submit the report to
46 the Iowa department of public health within ten days
47 of the denial. The hospital shall also preserve a
48 copy in the records of the hospital.

49 Sec. ____ Section 255.16, Code 1997, is amended to
50 read as follows:

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1 255.16 COUNTY QUOTAS.

2 Subject to subsequent qualifications in this
3 section, there shall be treated ~~at the university~~
4 ~~hospital~~ during each fiscal year a number of committed
5 indigent patients from each county which bears the
6 same relation to the total number of committed
7 indigent patients admitted during the year as the
8 population of the county bears to the total population
9 of the state according to the last preceding official
10 census. This standard applies to indigent patients,
11 the expenses of whose commitment, transportation,
12 care, and treatment are borne by appropriated funds,
13 and does not govern the admission of obstetrical
14 patients under chapter 255A or obstetrical or
15 orthopedic patients under this chapter in accordance
16 with eligibility standards pursuant to section 255A.5.
17 If the number of patients admitted to the hospital
18 from any county in accordance with this chapter
19 exceeds by more than ten percent the county quota as
20 fixed under the first sentence of this section, the
21 charges and expenses of the care and treatment of the
22 patients in excess of ten percent of the quota shall
23 be paid from the funds of the county at actual cost;
24 but if the number of excess patients from any county
25 does not exceed ten percent, all costs, expenses, and
26 charges incurred in their behalf shall be paid from
27 the appropriation to the county for the support of the
28 county public hospital or merged area hospital that
29 serves the county. Notwithstanding the quota
30 established for a county under this section, the
31 governor, upon a finding of necessity due to a
32 regional or statewide economic emergency, may increase
33 a county's quota of the number of committed indigent
34 patients admitted to ~~the university~~ a hospital as
35 provided in this chapter.

36 Sec. ____ Section 255.19, Code 1997, is amended to
37 read as follows:

38 255.19 TREATMENT OF OTHER PATIENTS - USE OF
39 EARNINGS FOR NEW FACILITIES.

40 ~~The university hospital~~ Hospital authorities may at
41 their discretion receive into the hospital for
42 medical, obstetrical or surgical treatment or hospital
43 care, patients not committed ~~thereto~~ under the
44 provisions of this chapter; but the treatment or care
45 of such patients shall not in any way interfere with
46 the proper medical or surgical treatment or hospital
47 care of committed patients. ~~The university hospital~~
48 Hospital ambulances and ambulance personnel may be
49 used for the transportation of ~~such~~ the patients at a
50 reasonable charge if specialized equipment is required

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1 and is not otherwise available and if such use does
2 not interfere with the ambulance transportation of
3 patients committed to the hospital.

4 All of the provisions of this chapter except as to
5 commitment of patients shall apply to such patients.
6 ~~The university hospital~~ Hospital authorities shall
7 collect from the person or persons liable for the
8 support of such the patients reasonable charges for
9 hospital care and service and deposit the same with
10 the treasurer of the university hospital for the use
11 and benefit of the university hospital except as
12 specified for obstetrical patients pursuant to section
13 255A.9. ~~Earnings of the hospital whether from private~~
14 ~~patients, cost patients, or indigents shall be~~
15 ~~administered so as to increase as much as possible,~~
16 ~~the service available for indigents, including the~~
17 ~~acquisition, construction, reconstruction, completion,~~
18 ~~equipment, improvement, repair, and remodeling of~~
19 ~~medical buildings and facilities and additions thereto~~
20 ~~and the payment of principal and interest on bonds~~
21 ~~issued to finance the cost thereof as authorized by~~
22 ~~the provisions of chapter 263A.~~ The physicians and
23 surgeons on the hospital staff who care for patients
24 provided for in this section may charge the home
25 county of the patient for their medical services under
26 such rules, regulations and plan therefor as approved
27 by the state board of regents.

28 Sec. ____ Section 255.21, Code 1997, is amended to
29 read as follows:

30 255.21 TREATMENT OUTSIDE HOSPITAL - ATTENDANT.

31 If, in the judgment of the physician or surgeon to
32 whom the patient has been assigned for treatment,
33 continuous residence of the patient in the hospital is
34 unnecessary, such patient may, by the hospital
35 authorities, be sent to the patient's home or other
36 appropriate place, and be required to return to the
37 hospital when and for such length of time as may be
38 for the patient's benefit. The hospital authorities
39 may, if necessary, appoint an attendant to accompany
40 such patient and discharged patients, and the
41 compensation of such attendant shall be fixed by the
42 ~~state board of regents~~ Iowa department of public
43 health and charged by the hospital as part of the
44 costs of transporting patients. The compensation paid
45 to and the expenses of the attendant shall be audited
46 and paid in the same manner as is provided by law for
47 the compensation of an attendant appointed by the
48 court.

49 Sec. ____ Section 255.24, Code 1997, is amended to
50 read as follows:

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1 255.24 RECORD AND REPORT OF EXPENSES - PURCHASES.

2 The ~~superintendent~~ director or administrator of
3 ~~said the~~ hospital shall keep a correct account of all
4 medicine, care, and maintenance furnished to said
5 patients that receive treatment as provided under this
6 chapter, and shall make and file with the director of
7 revenue and finance an itemized, sworn statement of
8 all expenses ~~thereof~~ incurred in said the hospital as
9 provided in this chapter. ~~But the superintendent~~ The
10 director or administrator shall render separate bills
11 showing the actual cost of all appliances,
12 instruments, X-ray and other special services used in
13 connection with such treatment, commitments, and
14 transportation to and from the ~~said university~~
15 hospital, including the expenses of attendants and
16 escorts.

17 All purchases of materials, appliances, instruments
18 and supplies by the ~~university~~ hospital, in cases
19 where more than one hundred dollars is to be expended,
20 and where the prices of the commodity or commodities
21 to be purchased are subject to competition, shall be
22 upon open competitive quotations, and all contracts
23 ~~therefor~~ shall be subject to the provisions of chapter
24 72. However, purchases may be made through a hospital
25 group purchasing organization provided that ~~university~~
26 hospitals the hospital is a member of the organization
27 and the group purchasing organization selects the
28 items to be offered to members through a competitive
29 bidding process.

30 Sec. ____ Section 255.24A, Code 1997, is amended
31 to read as follows:

32 255.24A INDIGENT PATIENT PROGRAM REPORT.

33 Funds shall not be allocated to ~~the university a~~
34 ~~hospital fund~~ until the superintendent director or
35 administrator of the ~~university of Iowa hospitals and~~
36 ~~clinics has filed~~ hospital files with the Iowa
37 ~~department of revenue and finance~~ public health and
38 the legislative fiscal bureau a quarterly report
39 containing the account required in section 255.24.
40 The report shall include information required in
41 section 255.24 for patients by the type of service
42 provided.

43 Sec. ____ Section 255.25, Code 1997, is amended to
44 read as follows:

45 255.25 AUDIT OF ACCOUNTS OF HOSPITAL.

46 To arrive at a proper basis for the payment of ~~said~~
47 bills for treatment, care, and maintenance provided in
48 accordance with this chapter, ~~the state board of~~
49 ~~regents shall Iowa department of public health may~~
50 cause to be made annually an audit of the accounts of

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1 ~~the university a hospital that has submitted to the~~
2 ~~department bills for treatment, care, and maintenance~~
3 ~~provided in accordance with this chapter, and shall~~
4 determine the average cost per day for the care and
5 maintenance of each patient therein, ~~exclusive of the~~
6 ~~salaries of the members of the faculty of said~~
7 ~~university college of medicine that receives~~
8 ~~treatment, care, and maintenance under the provisions~~
9 ~~of this chapter, and said the bills shall be allowed~~
10 at such the average cost as determined by the
11 department. All accounts shall be so adjusted and
12 paid as to reimburse the ~~funds of the hospital used~~
13 for the purposes of this chapter.

14 Sec. ____ Section 255.26, Code 1997, is amended to
15 read as follows:

16 255.26 EXPENSES - HOW PAID - ACTION TO REIMBURSE
17 COUNTY.

18 Warrants issued under section 255.25 shall be
19 promptly drawn on the treasurer of state and forwarded
20 by the director of ~~revenue and finance~~ public health
21 to the ~~treasurer of the state university, and the same~~
22 ~~shall be by the treasurer of the state university~~
23 ~~placed to the credit of the funds which are set aside~~
24 ~~for the support of said hospital. However, warrants~~
25 ~~shall not be paid unless the UB-82 claim required~~
26 ~~pursuant to section 255A.13 has been filed with the~~
27 ~~Iowa health data commission. The superintendent~~
28 ~~director or administrator of the said university~~
29 hospital shall certify to the auditor of state on the
30 first day of January, April, July, and October of each
31 year, the amount as ~~herein~~ provided in this section
32 not previously certified by the superintendent
33 director or administrator of the hospital due the
34 state from the several counties having patients
35 chargeable ~~thereto~~, and the auditor of state shall
36 ~~thereupon~~ charge the same to the county so owing. A
37 duplicate certificate shall also be mailed to the
38 auditor of each county having patients chargeable
39 ~~thereto~~. Expenses for obstetrical patients served
40 under section 255A.9 shall be reimbursed as specified
41 in section 255A.9.

42 The county auditor, upon receipt of the
43 certificate, shall enter it to the credit of the state
44 in the ledger of state accounts, and at once issue a
45 notice to the county treasurer authorizing the county
46 treasurer to transfer the amount to the general state
47 revenue, which notice shall be filed by the treasurer
48 as authority for making the transfer. The county
49 treasurer shall include the amount transferred in the
50 next remittance of state taxes to the treasurer of

Page 8

1 state, to accrue to the credit of the university
2 hospital fund.

3 The state auditor shall certify the total cost of
4 commitment and caring for each indigent patient under
5 the terms of this statute to the county auditor of
6 ~~such the~~ patient's legal residence, and ~~such the~~
7 certificate shall be preserved by the county auditor
8 and shall be a debt due from the patient or the
9 persons legally responsible for the patient's care,
10 maintenance, or support; and whenever in the judgment
11 of the board of supervisors the same or any part
12 thereof shall be collectible, the ~~said~~ board may in
13 its own name collect the same and is hereby authorized
14 to institute suits for such purpose; and after
15 deducting the county's share of ~~such the~~ cost shall
16 cause the balance to be paid into the state treasury
17 ~~to reimburse the university hospital fund.~~

18 Transportation shall be provided at no charge to a
19 patient who is certified for medical assistance under
20 chapter 249A, and shall be reimbursed ~~from the~~
21 ~~university hospital fund~~ by the Iowa department of
22 public health.

23 Should any county fail to pay these bills within
24 sixty days from the date of certificate from the
25 ~~superintendent~~ director or administrator of the
26 hospital, the director of ~~revenue and finance~~ public
27 health shall charge the delinquent county the penalty
28 of one percent per month on and after sixty days from
29 date of certificate until paid. Such penalties shall
30 be credited to the general fund of the state.

31 Sec. ____ Section 255.28, Code 1997, is amended to
32 read as follows:

33 255.28 TRANSFER OF PATIENTS FROM STATE
34 INSTITUTIONS.

35 The director of the department of human services,
36 in respect to institutions under the director's
37 control, the administrator of any of the divisions of
38 the department, in respect to the institutions under
39 the administrator's control, the director of the Iowa
40 department of corrections, in respect to the
41 institutions under the department's control, and the
42 state board of regents in respect to the Iowa braille
43 and sight saving school and the Iowa school for the
44 deaf, may send any inmate, student, or patient of an
45 institution, or any person committed or applying for
46 admission to an institution, to ~~the any~~ hospital of
47 the medical college of the state university located
48 within the state which is willing and able, for
49 treatment and care as provided in this chapter,
50 without securing the order of court required in other

Page 9

1 cases. The department of human services, the Iowa
2 department of corrections and the state board of
3 regents, shall respectively pay the traveling expenses
4 of a patient thus committed, and when necessary the
5 traveling expenses of an attendant for the patient,
6 out of funds appropriated for the use of the
7 institution from which the patient is sent.

8 Sec. ____ Section 255.29, Code 1997, is amended to
9 read as follows:

10 255.29 MEDICAL CARE FOR PAROLEES AND PERSONS ON
11 WORK RELEASE.

12 The director of the Iowa department of corrections
13 may send former inmates of the institutions provided
14 for in section 904.102, while on parole or work
15 release, to the nearest hospital of the college of
16 medicine of the state University of Iowa willing and
17 able to provide appropriate service for treatment and
18 care as provided in this chapter, without securing the
19 order of the court required in other cases. The
20 director may pay the traveling expenses of any patient
21 thus committed, and when necessary the traveling
22 expenses of an attendant of the patient out of funds
23 appropriated for the use of the department.

24 Sec. ____ Section 255.30, Code 1997, is amended to
25 read as follows:

26 255.30 COLLECTING AND SETTLING CLAIMS FOR CARE.

27 Whenever a patient or person legally liable for the
28 patient's care at the hospital has insurance, an
29 estate, rights of action against others, or other
30 assets, any of which can be subjected thereto, the
31 ~~university hospital, by its superintendent or the~~
32 ~~superintendent's assistants through the facilities of~~
33 ~~the attorney general's office, is hereby shall be~~
34 authorized to file claims, institute or defend suits
35 in courts, and use such other legal means as may be
36 available to collect accounts incurred for the care of
37 indigent or private patients, ~~and may compromise,~~
38 ~~settle and release the same, all under such rules and~~
39 ~~procedures therefor as may be prescribed by the~~
40 ~~president of the university and the attorney general.~~
41 If a county has paid any part of such the patient's
42 care, a pro rata part of the amount collected, after
43 deduction for cost of collection, shall be remitted to
44 said the county and ~~the balance shall go into the~~
45 ~~hospital fund.~~

46 Sec. ____ Section 255A.2, Code 1997, is amended to
47 read as follows:

48 255A.2 OBSTETRICAL AND NEWBORN INDIGENT PATIENT
49 CARE PROGRAM.

50 A statewide obstetrical and newborn indigent

Page 10

1 patient care program is established for the purpose of
 2 providing obstetrical and newborn care to medically
 3 indigent residents of this state. Appropriations by
 4 the general assembly for this chapter shall be
 5 allocated for the obstetrical and newborn patient care
 6 fund within the Iowa department of public health and
 7 shall be utilized for the obstetrical and newborn
 8 indigent patient care program as specified in this
 9 chapter. ~~Indigent patients in need of such care~~
 10 ~~residing in the counties of Cedar, Clinton, Iowa,~~
 11 ~~Johnson, Keokuk, Louisa, Muscatine, Scott, and~~
 12 ~~Washington shall be provided the care at the~~
 13 ~~university hospitals under the nonquota obstetrical~~
 14 ~~program under chapter 255.~~

15 Sec. ____ Section 255A.4, unnumbered paragraph 2,
 16 Code 1997, is amended to read as follows:

17 A woman who resides in a county which exceeds the
 18 patient quota allocated for the county, and who has
 19 been deemed eligible under section 255A.5, shall be
 20 served ~~at the University of Iowa hospitals and clinics~~
 21 pursuant to section 255.16.

22 Sec. ____ Section 255A.8, Code 1997, is amended to
 23 read as follows:

24 255A.8 REIMBURSABLE COSTS OF CARE.

25 The obstetrical and newborn care costs of a person
 26 certified for such care under this chapter at a
 27 licensed hospital or health care facility or from
 28 licensed physicians shall be paid by the Iowa
 29 department of public health from the obstetrical and
 30 newborn patient care fund. However, a physician who
 31 is in the employ of the university of Iowa hospitals
 32 and clinics and who provides obstetrical or newborn
 33 care at the ~~University~~ university of Iowa hospitals
 34 and clinics to a person certified for care under this
 35 chapter is not entitled to receive any compensation
 36 for the provision of such care ~~in accordance with~~
 37 ~~section 255.23."~~

38 2. Page 8, line 8, by striking the word
 39 "repealed." and inserting the following: "repealed.

40 Sec. ____ Sections 255.17, 255.18, 255.23, 255.27,
 41 and 255A.13, Code 1997, are repealed."

42 3. By renumbering as necessary.

LARSON of Linn

H-1896

1 Amend the amendment, H-1866, to Senate File 549, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 7, line 23, by striking the word "'Sec."

5 and inserting the following:

6 "Sec. ____ Section 282.18, subsection 10, Code

7 1997, is amended to read as follows:

8 10. Notwithstanding section 285.1 relating to
9 transportation of nonresident pupils, the parent or
10 guardian is responsible for transporting the pupil
11 without reimbursement to and from a point on a regular
12 school bus route of the receiving district. However,
13 a receiving district may send school vehicles into the
14 district of residence of the pupil using the open
15 enrollment option under this section, for the purpose
16 of transporting the pupil to and from school in the
17 receiving district, ~~if the boards of both the sending
18 and receiving districts agree to this arrangement.~~ If
19 the pupil meets the economic eligibility requirements
20 established by the department and state board of
21 education, the sending district is responsible for
22 providing transportation or paying the pro rata cost
23 of the transportation to a parent or guardian for
24 transporting the pupil to and from a point on a
25 regular school bus route of a contiguous receiving
26 district unless the cost of providing transportation
27 or the pro rata cost of the transportation to a parent
28 or guardian exceeds the average transportation cost
29 per pupil transported for the previous school year in
30 the district. If the cost exceeds the average
31 transportation cost per pupil transported for the
32 previous school year, the sending district shall only
33 be responsible for that average per pupil amount. A
34 sending district which provides transportation for a
35 pupil to a contiguous receiving district under this
36 subsection may withhold from the district cost per
37 pupil amount, that is to be paid to the receiving
38 district, an amount which represents the average or
39 pro rata cost per pupil for transportation, whichever
40 is less.

41 Sec."

42 2. By renumbering as necessary.

VEENSTRA of Sioux

H-1908

1 Amend House File 330, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 16 and 17 and
4 inserting the following: "The funds generated from
5 the checkoff are appropriated to the department of
6 justice and shall be used by the crime victim
7 assistance division for the".

8 2. Title page, line 2, by inserting after the
9 word "services" the following: ", making an
10 appropriation,".

Senate Amendment

H-1912

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by striking line 29.

BARRY of Harrison
 MASCHER of Johnson
 CARROLL of Poweshiek
 BRADLEY of Clinton
 HEATON of Henry
 LAMBERTI of Polk

NELSON of Marshall
 BRAND of Tama
 THOMAS of Clayton
 MORELAND of Wapello
 FREVERT of Palo Alto
 GREINER of Washington

H-1915

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 1, line 6, through page 3,
- 5 line 28, and inserting the following:
- 6 " Page 2, by inserting after line 11 the
- 7 following:
- 8 " CHIROPRACTIC GRADUATE STUDENT FORGIVABLE
- 9 LOAN PROGRAM
- 10 For purposes of providing forgivable loans under
- 11 the program established in section 261.71:
- 12 \$ 105,000"
- 13 " Page 3, line 17, by striking the figure
- 14 "1,132,167" and inserting the following: "1,212,167".
- 15 " Page 4, by inserting after line 1 the
- 16 following:
- 17 "The department of cultural affairs shall
- 18 collaborate with the tourism division of the
- 19 department of economic development to promote
- 20 attendance at the state historical building and at
- 21 this state's historic sites."
- 22 " Page 5, by inserting after line 2 the
- 23 following:
- 24 "The department of education shall require the
- 25 board of directors of a school district to submit by
- 26 September 1, 1997, on forms provided by the
- 27 department, a list of all school fees charged and
- 28 collected by the district during fiscal year 1996-1997
- 29 and a list of the school fees the district intends to
- 30 charge during fiscal year 1997-1998. The department
- 31 shall compile and evaluate the information submitted
- 32 by the districts and submit a report to the general
- 33 assembly by October 1, 1997."
- 34 " Page 5, line 19, by striking the figure
- 35 "4,379,622" and inserting the following: "4,349,622".
- 36 " Page 5, by inserting after line 30 the
- 37 following:
- 38 "Except where prohibited under federal law, the
- 39 division of vocational rehabilitation services of the

40 department of education shall accept client
 41 assessments, or assessments of potential clients,
 42 performed by other agencies in order to reduce
 43 duplication of effort."
 44 __. Page 6, line 21, by striking the figure
 45 "2,793,352" and inserting the following: "2,639,725".
 46 __. Page 6, line 22, by striking the figure
 47 "21.00" and inserting the following: "20.00".
 48 __. Page 6, by inserting after line 22 the
 49 following: "Reimbursement of the institutions of
 50 higher learning under the state board of regents for

Page 2

1 participation in the access plus program during the
 2 fiscal year beginning July 1, 1997, and ending June
 3 30, 1998, shall not exceed the total amount of
 4 reimbursement paid to the regents institutions of
 5 higher learning for participation in the access plus
 6 program during the fiscal year beginning July 1, 1996,
 7 and ending June 30, 1997."

8 __. Page 6, line 30, by striking the figure
 9 "7,226,694" and inserting the following: "7,276,694".

10 __. Page 7, line 32, by striking the figure
 11 "107,900" and inserting the following: "127,900".

12 __. Page 8, by striking lines 2 through 7.
 13 __. Page 8, by striking lines 12 and 13 and
 14 inserting the following:

15 "The department of education shall make the funds
 16 appropriated to the department for purposes of the
 17 reading recovery program as provided in this Act
 18 available to reimburse a school district for costs
 19 incurred by the district in incorporating the reading
 20 recovery program into the curriculum of the district,
 21 for training a teacher in reading recovery techniques,
 22 and other expenses related to the district's costs of
 23 implementing the reading recovery program. Funds
 24 appropriated to the department for purposes of the
 25 reading recovery program shall not be used for the
 26 administrative costs of the department.

27 Each area education agency shall employ at least
 28 one person knowledgeable in reading recovery
 29 techniques to assist school districts in incorporating
 30 the reading recovery program into school district
 31 curricula."

32 __. Page 8, by inserting before line 14 the
 33 following:

34 " __. REHABILITATING COMPUTERS FOR SCHOOLS AND
 35 LIBRARIES

36	\$	50,000
37 __. LOCAL ARTS COMPREHENSIVE EDUCATIONAL		
38 STRATEGIES PROGRAM (LACES)		
39	\$	50,000

40 Sec. __.

41 1. The department shall establish a steering

42 committee whose voting members shall include the
 43 director of the department of education, a
 44 representative from the Iowa association of community
 45 college trustees, a representative from the Iowa
 46 association of community college presidents, and two
 47 persons representing the general public appointed by
 48 the state board of education. Nonvoting, ex officio
 49 members of the steering committee shall include a
 50 representative from the legislative fiscal bureau and

Page 3

1 the legislative service bureau. The steering
 2 committee shall select a chairperson from among the
 3 members appointed by the state board of education.

4 2. The steering committee shall define the charge
 5 of the study. However, the study shall include, but
 6 is not limited to, all of the following:

7 a. A review of the existing community college
 8 governance structure including relationships between
 9 the community colleges, the Iowa association of
 10 community college trustees, the Iowa association of
 11 community college presidents, the state board of
 12 education, the department of education, local school
 13 districts, and other postsecondary institutions in
 14 this state.

15 b. An analysis of the strengths and weaknesses of
 16 the current governance structure.

17 c. Proposals for at least three governance
 18 structures, one of which shall include only minimal,
 19 but necessary, changes in the current governance
 20 structure. However, proposals shall be based upon the
 21 assumption that the board of directors for each
 22 community college shall remain unchanged due to
 23 property tax and local representation concerns. Each
 24 proposal shall include an analysis of the advantages
 25 and disadvantages of each alternative governance
 26 structure.

27 3. The steering committee shall contract with a
 28 person to conduct the study of the community college
 29 governance structure.

30 4. The steering committee shall submit its
 31 findings and recommendations to the general assembly
 32 by December 31, 1997."

33 2. By renumbering, relettering, and redesignating
 34 as necessary.

VAN FOSSEN of Scott
 MURPHY of Dubuque
 BODDICKER of Cedar
 HOLMES of Scott
 EDDIE of Buena Vista

BRADLEY of Clinton
 KINZER of Scott
 MARTIN of Scott
 NELSON of Marshall

H-1917

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking line 49 and inserting the
- 5 following:
- 6 "___ Page 9, by inserting after line 28".
- 7 2. Page 3, line 50, by striking the word
- 8 "inserting".
- 9 3. Page 7, by striking lines 35 through 39.

MASCHER of Johnson

H-1920

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, by striking lines 5 through 20 and
- 5 inserting the following:
- 6 "NEW SUBSECTION. 30. Calculate, every two years,
- 7 the average cost of an Iowa resident student's
- 8 education at an institution of higher learning under
- 9 the control of the board and shall also calculate the
- 10 average amount by which state moneys subsidize the
- 11 average state resident student's tuition costs. The
- 12 board shall cause to be prominently printed on all
- 13 statements of account for payment of tuition and fees
- 14 issued by each institution of higher learning under
- 15 the control of the board the portion of the average
- 16 cost of a resident student's education at a state
- 17 university that is paid by appropriations from the
- 18 general fund of the state. The information, rounded
- 19 to the nearest one-tenth of one percent and the
- 20 nearest whole dollar, shall be included in the
- 21 following statement:
- 22 "Tuition pays for approximately ___% of the
- 23 average cost for a resident Iowa student at a state
- 24 university. The State of Iowa pays approximately
- 25 \$___ of the average cost for a full-time state
- 26 resident student at a state university.""
- 27 2. Page 8, line 14, by inserting after the word
- 28 "enactment" the following: "and apply to statements
- 29 of account issued after January 1, 1998".
- 30 3. By renumbering as necessary.

BRUNKHORST of Bremer

H-1921

- 1 Amend the amendment, H-1866, to Senate File 549, as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 5, by striking line 27 and inserting the
5 following: "256A.3.

6 Sec. ____ Section 257.6, subsection 5, Code 1997,
7 is amended to read as follows:

8 5. **WEIGHTED ENROLLMENT.** Weighted enrollment is
9 the budget enrollment plus the district's additional
10 enrollment because of special education calculated on
11 December 1 of the base year plus additional pupils
12 added due to the application of the supplementary
13 weighting plus the district's additional enrollment
14 for transportation costs based upon the sparsity
15 factor calculated under subsection 6.

16 Weighted enrollment for special education support
17 services costs is equal to the weighted enrollment
18 minus the additional pupils added due to the
19 application of the supplementary weighting.

20 Sec. ____ Section 257.6, Code 1997, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 6. **SPARSITY FACTOR.** For budget
23 years beginning on or after July 1, 1998, a school
24 district having fewer than three and five-tenths
25 resident public school pupils per square mile on
26 December 1 of the base year shall receive additional
27 enrollment for transportation costs because of the
28 sparsity factor. This additional enrollment is equal
29 to one-tenth of the school district's actual
30 enrollment for the base year." "

WEIGEL of Chickasaw

H-1924

1 Amend the amendment, H-1866, to Senate File 549, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by striking line 44 and inserting the
5 following: "1997.

6 Sec. 401. The board of directors of each merged
7 area shall certify to the department of management the
8 amount of revenues collected by the merged area under
9 the levies authorized in section 260C.22, subsections
10 3 and 4, Code 1997. The department of management
11 shall reduce the levy authorized in section 260C.17 by
12 the amount certified by the board in accordance with
13 this section. The board may transfer funds from the
14 cash reserve fund to the merged area's general fund." "

15 2. Page 6, line 29, by inserting after the figure
16 "35" the following: "and inserting the following:

17 Sec. ____ Section 260C.22, subsections 3 and 4,
18 Code 1997, are amended by striking the subsections." "

19 3. Page 8, by inserting after line 8 the
20 following:

21 "____. Page 27, by inserting after line 34 the
 22 following:
 23 "Section 401 of this Act, relating to the reduction
 24 of the cash reserve levy authorized in section
 25 260C.17, being deemed of immediate importance, takes
 26 effect upon enactment for purposes of calculating
 27 property taxes due in the fiscal year beginning July
 28 1, 1997, and ending June 30, 1998."
 29 4. By renumbering, relettering, and redesignating
 30 as necessary.

MILLAGE of Scott

H-1927

1 Amend Senate File 551, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking line 33 and inserting the
 4 following:

5	"(1) Judicial magistrate — bar admitted attorney		
6	.....	\$	29,000
7	(2) Judicial magistrate — nonattorney		
8	.....	\$	25,000"

GARMAN of Story

H-1928

1 Amend the amendment, H-1866, to Senate File 549, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by striking lines 31 through 48 and
 5 inserting the following:

6 " " \$ 131,207,051

7 The funds appropriated in this subsection shall be
 8 allocated as follows:

9	a. Merged Area I	\$	6,266,390
10	b. Merged Area II	\$	7,389,062
11	c. Merged Area III	\$	6,977,225
12	d. Merged Area IV	\$	3,399,257
13	e. Merged Area V	\$	7,110,133
14	f. Merged Area VI	\$	6,588,962
15	g. Merged Area VII	\$	9,398,984
16	h. Merged Area IX	\$	11,524,170
17	i. Merged Area X	\$	17,887,217
18	j. Merged Area XI	\$	19,109,768
19	k. Merged Area XII	\$	7,590,324
20	l. Merged Area XIII	\$	7,763,303
21	m. Merged Area XIV	\$	3,443,379
22	n. Merged Area XV	\$	10,740,522
23	o. Merged Area XVI	\$	6,018,355" "

SCHRADER of Marion

H-1931

- 1 Amend the amendment, H-1866, to Senate File 549, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
- 4 1. By striking page 1, line 6, through page 3,
 5 line 28, and inserting the following:
 6 "___ Page 2, by inserting after line 11 the
 7 following:
 8 "___ CHIROPRACTIC GRADUATE STUDENT FORGIVABLE
 9 LOAN PROGRAM
 10 For purposes of providing forgivable loans under
 11 the program established in section 261.71:
 12 \$ 70,000"
 13 ___ Page 3, line 17, by striking the figure
 14 "1,132,167" and inserting the following: "1,212,167".
 15 ___ Page 4, by inserting after line 1 the
 16 following:
 17 "The department of cultural affairs shall
 18 collaborate with the tourism division of the
 19 department of economic development to promote
 20 attendance at the state historical building and at
 21 this state's historic sites."
 22 ___ Page 5, by inserting after line 2 the
 23 following:
 24 "The department of education shall require the
 25 board of directors of a school district to submit by
 26 September 1, 1997, on forms provided by the
 27 department, a list of all school fees charged and
 28 collected by the district during fiscal year 1996-1997
 29 and a list of the school fees the district intends to
 30 charge during fiscal year 1997-1998. The department
 31 shall compile and evaluate the information submitted
 32 by the districts and submit a report to the general
 33 assembly by October 1, 1997."
 34 ___ Page 5, line 19, by striking the figure
 35 "4,379,622" and inserting the following: "4,349,622".
 36 ___ Page 5, by inserting after line 30 the
 37 following:
 38 "Except where prohibited under federal law, the
 39 division of vocational rehabilitation services of the
 40 department of education shall accept client
 41 assessments, or assessments of potential clients,
 42 performed by other agencies in order to reduce
 43 duplication of effort."
 44 ___ Page 6, by inserting after line 22 the
 45 following: "Reimbursement of the institutions of
 46 higher learning under the state board of regents for
 47 participation in the access plus program during the
 48 fiscal year beginning July 1, 1997, and ending June
 49 30, 1998, shall not exceed the total amount of
 50 reimbursement paid to the regents institutions of

Page 2

1 higher learning for participation in the access plus
 2 program during the fiscal year beginning July 1, 1996,
 3 and ending June 30, 1997."

4 __. Page 6, line 30, by striking the figure
 5 "7,226,694" and inserting the following: "7,276,694".

6 __. Page 7, line 32, by striking the figure
 7 "107,900" and inserting the following: "127,900".

8 __. Page 8, by striking lines 2 through 7.

9 __. Page 8, by striking lines 12 and 13 and
 10 inserting the following:

11 "The department of education shall make the funds
 12 appropriated to the department for purposes of the
 13 reading recovery program as provided in this Act
 14 available to reimburse a school district for costs
 15 incurred by the district in incorporating the reading
 16 recovery program into the curriculum of the district,
 17 for training a teacher in reading recovery techniques,
 18 and other expenses related to the district's costs of
 19 implementing the reading recovery program. Funds
 20 appropriated to the department for purposes of the
 21 reading recovery program shall not be used for the
 22 administrative costs of the department.

23 Each area education agency shall employ at least
 24 one person knowledgeable in reading recovery
 25 techniques to assist school districts in incorporating
 26 the reading recovery program into school district
 27 curricula."

28 __. Page 8, by inserting before line 14 the
 29 following:

30 " __. REHABILITATING COMPUTERS FOR SCHOOLS AND
 31 LIBRARIES

32 \$ 50,000

33 __. LOCAL ARTS COMPREHENSIVE EDUCATIONAL
 34 STRATEGIES PROGRAM (LACES)

35 \$ 50,000

36 Sec. __.

37 1. The department shall establish a steering
 38 committee whose voting members shall include the
 39 director of the department of education, a
 40 representative from the Iowa association of community
 41 college trustees, a representative from the Iowa
 42 association of community college presidents, and two
 43 persons representing the general public appointed by
 44 the state board of education. Nonvoting, ex officio
 45 members of the steering committee shall include a
 46 representative from the legislative fiscal bureau and
 47 the legislative service bureau. The steering
 48 committee shall select a chairperson from among the
 49 members appointed by the state board of education.

50 2. The steering committee shall define the charge

Page 3

1 of the study. However, the study shall include, but
2 is not limited to, all of the following:

3 a. A review of the existing community college
4 governance structure including relationships between
5 the community colleges, the Iowa association of
6 community college trustees, the Iowa association of
7 community college presidents; the state board of
8 education, the department of education, local school
9 districts, and other postsecondary institutions in
10 this state.

11 b. An analysis of the strengths and weaknesses of
12 the current governance structure.

13 c. Proposals for at least three governance
14 structures, one of which shall include only minimal,
15 but necessary, changes in the current governance
16 structure. However, proposals shall be based upon the
17 assumption that the board of directors for each
18 community college shall remain unchanged due to
19 property tax and local representation concerns. Each
20 proposal shall include an analysis of the advantages
21 and disadvantages of each alternative governance
22 structure.

23 3. The steering committee shall contract with a
24 person to conduct the study of the community college
25 governance structure.

26 4. The steering committee shall submit its
27 findings and recommendations to the general assembly
28 by December 31, 1997."

29 2. By renumbering, relettering, and redesignating
30 as necessary.

VAN FOSSEN of Scott
MURPHY of Dubuque
BODDICKER of Cedar
HOLMES of Scott
EDDIE of Buena Vista

BRADLEY of Clinton
KINZER of Scott
MARTIN of Scott
NELSON of Marshall

H-1935

1 Amend Senate File 549, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting after line 10 the
4 following:

5 "Sec. 401. The board of directors of each merged
6 area shall certify to the department of management the
7 amount of revenues collected by the merged area under
8 the levies authorized in section 260C.22, subsections
9 3 and 4, Code 1997. The department of management
10 shall reduce the levy authorized in section 260C.17 by
11 the amount certified by the board in accordance with
12 this section. The board may transfer funds from the

13 cash reserve fund to the merged area's general fund."

14 2. Page 21, by inserting after line 18 the
15 following:

16 "Sec. ____ Section 260C.22, subsections 3 and 4,
17 Code 1997, are amended by striking the subsections."

18 3. Page 27, by inserting after line 34 the
19 following:

20 "Section 401 of this Act, relating to the reduction
21 of the cash reserve levy authorized in section
22 260C.17, being deemed of immediate importance, takes
23 effect upon enactment for purposes of calculating
24 property taxes due in the fiscal year beginning July
25 1, 1997, and ending June 30, 1998."

26 4. By renumbering, relettering, and redesignating
27 as necessary.

MILLAGE of Scott

H-1943

1 Amend the amendment, H-1893, to Senate File 542, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, by striking lines 8 and 9.
- 5 2. By renumbering as necessary.

MURPHY of Dubuque

H-1948

1 Amend the Senate amendment, H-1945, to House File
2 724, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 1, line 4, by striking the word "twenty-
- 5 four" and inserting the following: "two".
- 6 2. Page 1, line 21, by striking the word "twenty-
- 7 four" and inserting the following: "two".
- 8 3. Page 1, lines 32 and 33, by striking the word
- 9 "twenty-four" and inserting the following: "two".

WEIGEL of Chickasaw

H-1975

1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. By striking page 1, line 1, through page 4,
4 line 27.
- 5 2. By striking page 4, line 29, through page 6,
6 line 26, and inserting the following:
7 "VALUE-ADDED PRODUCTION ASSISTANCE - LOTTERY TRANSFER
8 Sec. ____ NEW SECTION. 15.321 VALUE-ADDED
9 PRODUCTION ASSISTANCE.

10 There is created in the community economic
 11 betterment program account an ag-initiative 2000
 12 subaccount. The ag-initiative 2000 subaccount shall
 13 only be used to assist Iowa's agriculture producers in
 14 establishing an equity position or interest in value-
 15 adding production processes. Prior to providing this
 16 assistance, the department shall determine all of the
 17 following:

18 1. That the assistance would enhance economic
 19 growth on a regional or statewide basis.

20 2. That the assistance would create and retain in
 21 Iowa a greater percentage of the wealth being
 22 generated for Iowa's agricultural production.

23 3. That the agricultural producers lack sufficient
 24 capital to establish their own equity position or
 25 interest without state assistance.

26 4. That any other private or public, whether
 27 local, state, or federal, programs for which the
 28 requested assistance would be eligible, have been used
 29 to the fullest practical extent and need remains.

30 In addition to the above requirements, any assistance
 31 provided from the ag-initiative 2000 subaccount shall
 32 be in the form of repayable loans and must be fully
 33 secured by a loan guarantee, letter of credit,
 34 contractual commitment, or other security deemed
 35 acceptable by the department.

36 Sec. ____ NEW SECTION. 15.322 EXISTING PROGRAM
 37 ASSISTANCE.

38 Notwithstanding other provisions to the contrary,
 39 existing financial assistance programs available
 40 through the department are authorized to provide
 41 assistance which would enable Iowa's agricultural
 42 production and value-adding workers to establish an
 43 equity position or interest in the agricultural value-
 44 adding processes of the state.

45 Sec. ____ Section 15E.111, subsection 1, Code
 46 1997, is amended by adding the following new
 47 paragraph:

48 NEW PARAGRAPH. c. To undertake feasibility
 49 studies related to the development of value-adding
 50 processing facilities for commodity crops and

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1 livestock produced in Iowa, to assist in organization
 2 of innovative ownership, and management entities
 3 related to such facilities where such entities are to
 4 involve direct participation by producers or workers,
 5 and to provide financial assistance for development of
 6 such facilities in cases where the department finds
 7 potential for significant benefit to be conferred upon
 8 workers, producers, and rural regions of the state.

9 Sec. ____ LOTTERY TRANSFER. Notwithstanding the

10 requirement in section 99E.10, subsection 1, to
 11 transfer lottery revenue remaining after expenses are
 12 deducted, notwithstanding the requirement under
 13 section 99E.20, subsection 2, for the commissioner to
 14 certify and transfer a portion of the lottery fund to
 15 the CLEAN fund, and notwithstanding the appropriations
 16 and allocations in section 99E.34, all lottery
 17 revenues received during the fiscal year beginning
 18 July 1, 1997, and ending June 30, 1998; after
 19 deductions as provided in section 99E.10, subsection
 20 1, and as appropriated under any Act of the Seventy-
 21 seventh General Assembly, 1997 Session, shall not be
 22 transferred to and deposited into the CLEAN fund but
 23 the first \$25 million shall be transferred and
 24 credited to the ag-initiative 2000 subaccount created
 25 in section 15.321 and the remaining amount shall be
 26 transferred and credited to the general fund of the
 27 state."

28 3. Page 7, by striking lines 12 through 31.

29 4. By striking page 8, line 13, through page 13,
 30 line 14.

31 5. Page 14, by striking lines 11 and 12.

32 6. By striking page 15, line 22, through page 16,
 33 line 31.

34 7. Page 18, by striking lines 18 and 19.

35 8. Page 19, by striking lines 6 and 7, and
 36 inserting the following:

37 "Sec. ____ Section 310.36, Code 1997, is
 38 repealed."

39 9. Page 21, by inserting after line 6 the
 40 following:

41 "Sec. 100. FEDERAL WELFARE REFORM COMPLIANCE -
 42 CHILD SUPPORT ENFORCEMENT. For the fiscal year
 43 beginning July 1, 1996, and ending June 30, 1997,
 44 after \$36,370,000 of child support revenue has been
 45 collected by the department of human services and
 46 deposited in the family investment program account
 47 established in section 239B.11, notwithstanding
 48 section 8.33, not more than \$1,000,000 of the
 49 remaining child support revenue collected and
 50 deposited in the account which remains unobligated or

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1 unexpended at the close of the fiscal year ending June
 2 30, 1996, shall not revert to the general fund of the
 3 state, but shall remain available and is appropriated
 4 to the department for use in the succeeding fiscal
 5 year for the purpose of implementing child support
 6 enforcement changes necessitated by federal welfare
 7 reform legislation."

8 10. Page 21, by inserting after line 6 the
 9 following:

10 "Sec. ____ There is appropriated from the lottery
 11 funds transferred to the general fund of the state
 12 pursuant to section 6 of this Act to the department of
 13 natural resources for the fiscal year beginning July
 14 1, 1997, and ending June 30, 1998, the following
 15 amount, or so much thereof as is necessary, to be used
 16 for the purpose designated:

17 For the blufflands protection program:
 18 \$ 500,000

19 Sec. ____ NEW SECTION: 161A.80 BLUFFLANDS
 20 PROTECTION PROGRAM - REVOLVING FUND.

21 1. As used in this section, unless the context
 22 otherwise requires:
 23 a. "Bluffland" means a cliff, headland, or hill
 24 with a broad steep face along the channel or
 25 floodplain of a river and its tributaries.
 26 b. "Conservation organization" means a nonprofit
 27 corporation incorporated in Iowa or an entity
 28 organized and operated primarily to enhance and
 29 protect natural resources in this state.
 30 2. A blufflands protection revolving fund is
 31 created in the state treasury. The proceeds of the
 32 revolving fund are appropriated to make loans to
 33 conservation organizations which agree to purchase
 34 conservation easements on blufflands in this state or
 35 to purchase blufflands in this state for resale with
 36 restrictive covenants attached to the property. The
 37 administrative director of the division of soil
 38 conservation shall administer the revolving fund.
 39 Notwithstanding section 12C.7, interest or earnings on
 40 investments made pursuant to this section or as
 41 provided in section 12B.10 shall be credited to the
 42 blufflands protection revolving fund. Notwithstanding
 43 section 8.33, unobligated or unencumbered funds
 44 credited to the blufflands protection revolving fund
 45 shall not revert at the close of a fiscal year.
 46 However, the maximum balance in the blufflands
 47 protection fund shall not exceed two million five
 48 hundred thousand dollars. Any funds in excess of two
 49 million five hundred thousand dollars shall be
 50 credited to the general fund of the state.

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1 3. The administrative director of the division
 2 shall establish a blufflands protection program to
 3 demonstrate creative land protection techniques and
 4 encourage private landowners to protect the natural
 5 beauty of the blufflands in this state. The
 6 commissioners of each soil and water conservation
 7 district which includes blufflands shall cooperate
 8 with and assist the director in administering the
 9 blufflands protection program within their respective

10 districts. The director shall provide, by rule, for a
11 uniform application form, the content of the form,
12 provisions for a loan agreement model conservation
13 easement and restrictive covenant requirements for
14 blufflands, and minimum qualifications of conservation
15 organizations which are eligible to participate in the
16 blufflands protection program. The administrative
17 director shall specify the eligible purposes for which
18 a loan authorized under this section can be expended
19 including, but not limited to, the purchase of
20 blufflands, the acquisition of conservation easements
21 on blufflands, the establishment of landowner
22 associations, payment for loss of land value due to
23 restrictive covenants, and payment for legal costs.
24 The payment of administrative costs is not an eligible
25 purpose.

26 4. An applicant for a loan from the blufflands
27 protection revolving fund shall apply to the soil and
28 water conservation district of the county in which the
29 bluffland is located. The application shall be on
30 forms prepared by the division and shall include the
31 information required by rule of the division. Each
32 conservation organization which applies for a loan
33 under this section shall demonstrate its financial
34 capability to qualify for a loan to the commissioners
35 and its commitment to natural resource protection and
36 appropriate development. If there is a loss of value
37 of a blufflands protection project funded under this
38 section resulting from restrictive covenants, the
39 conservation organization shall be forgiven seventy-
40 five percent of the amount of the loss not exceeding
41 the amount of the loan. If a loan is used to purchase
42 a conservation easement on a blufflands protection
43 project, the conservation organization shall be
44 forgiven seventy-five percent of the loan. The
45 application shall be reviewed and feasibility of the
46 proposed project shall be investigated by the
47 commissioners of the district and its report and
48 recommendation shall be sent to the administrative
49 director and the committee for approval.

50 5. Except as otherwise provided in this

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1 subsection, each loan made under this section shall be
2 for a period not to exceed five years, shall bear no
3 interest for the first year, and shall be repayable to
4 the blufflands protection revolving fund. After the
5 first year and for each subsequent year that the
6 principal remains unpaid, interest shall be charged
7 against any unpaid balance of the loan. The interest
8 rate shall be set at the prevailing market rate for
9 similar real estate in the county as determined by the

10 director. All interest payments shall be credited to
 11 the blufflands protection revolving fund. Each loan
 12 shall be repaid as provided in the loan agreement.
 13 However, interest on the principal of a loan shall be
 14 due and payable thirty days after the conclusion of
 15 the second year and each subsequent year that the
 16 principal or a part of the principal remains unpaid.
 17 A loan may be extended annually beyond the original
 18 five years with the approval of the district
 19 commissioners and the administrative director.

20 6. The administrative director may:

21 a. Contract, sue and be sued, and adopt
 22 administrative rules pursuant to chapter 17A and
 23 approved by the committee, necessary to carry out this
 24 section, but the administrative director, the
 25 committee, or the district commissioners shall not
 26 directly or indirectly pledge the credit of the state
 27 of Iowa.

28 b. Authorize payment from the blufflands
 29 protection revolving fund from moneys appropriated to
 30 the fund and from any income received by investments
 31 of any money in the fund for costs, commissions,
 32 attorney fees, and other reasonable expenses related
 33 to and necessary for the making and protecting of
 34 direct loans under this section, and for recovery of
 35 moneys loaned or the management of property acquired
 36 in connection with the loans."

37 11. Page 21, by inserting after line 6 the
 38 following:

39 "Sec. ____ Notwithstanding section 546.2,
 40 subsection 2, the governor may reappoint the
 41 commissioner of insurance to be the director of the
 42 department of commerce for a second year beginning
 43 July 1, 1997."

44 12. Page 21, by striking lines 7 through 17 and
 45 inserting the following:

46 "Sec. ____ NEW SECTION. 12C.26 TOBACCO
 47 SETTLEMENT MONEYS.

48 After payment of litigation costs, the state
 49 portion of any moneys paid to the state by tobacco
 50 companies in settlement of the state's lawsuit for

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1 recovery of public expenditures associated with
 2 tobacco use shall be deposited in the general fund of
 3 the state. For purposes of this section, "litigation
 4 costs" are those costs itemized by the attorney
 5 general and submitted to and approved by the general
 6 assembly."

7 13. Page 21, by inserting after line 17, the
 8 following:

9 "Sec. ____ 1996 Iowa Acts, chapter 1218, section

10 10, unnumbered paragraph 3, is amended to read as
11 follows:

12 Of the appropriation in this section, \$50,000 shall
13 be used for costs associated with the renovation and
14 repair of the Allison monument located on the state
15 capitol complex. ~~An effort shall be made by the~~
16 ~~department of education to match this appropriation~~
17 ~~from the citizens and the school children of Iowa as~~
18 ~~occurred when the monument was initially built."~~

19 14. Page 21, by inserting before line 18 the
20 following:

21 "Sec. ____ EFFECTIVE DATE. Section 100 of this
22 division of this Act, relating to federal welfare
23 reform compliance, being deemed of immediate
24 importance, takes effect upon enactment."

25 15. Page 21, by striking lines 20 through 35.

26 16. Page 22, by inserting after line 17 the
27 following:

28 "Sec. ____ EFFECTIVE DATE. 1997 Iowa Acts, House
29 File 453, if enacted, being deemed of immediate
30 importance, takes effect upon enactment of this Act."

31 17. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

Senate Amendment

H-1977

1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 5, line 44, through page 6,
5 line 6, and inserting the following:

6 "____ Page 21, line 16, by inserting after the
7 word "appropriated" the following: "to the department
8 of human services".

9 ____ Page 21, line 17, by inserting after the
10 word "and" the following: "appropriated to the Iowa
11 department of public health".

RICHARDSON of Warren

H-1978

1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 44, by inserting after the word
5 "state" the following: "equal to at least fifteen
6 percent of the capital investment in the project".

OSTERHAUS of Jackson

H-1979

1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 35.the
5 following:
6 "If the assistance provided from the ag-initiative
7 2000 subaccount or any other fund for value-adding
8 production assistance is in the form of a repayable
9 loan, payments on the loan shall be deposited into the
10 general fund of the state. If such loans are not
11 repaid, in whole or in part, those payments shall be
12 paid from the strategic investment fund to the general
13 fund of the state."

CHIODO of Polk

H-1980

1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 44, by inserting after the word
5 "state." the following: "As a condition of assistance
6 being provided pursuant to this section, Iowa's
7 agricultural production and value-adding workers shall
8 have a seat on the board of directors of the entity in
9 which such workers establish and equity position or
10 interest."

OSTERHAUS of Jackson

H-1981

1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 5, through page 2,
5 line 27.

CHIODO of Polk

H-1982

1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 35 the
5 following:
6 "A member of the Seventy-seventh General Assembly
7 is prohibited from receiving a loan from the ag-

8 initiative 2000 subaccount. A member in violation of
9 this provision is guilty of an aggravated
10 misdemeanor."

CHIODO of Polk

H-1983

1 Amend Senate File 472, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. NEW SECTION. 7D.10A MANURE STORAGE
6 INDEMNITY FUND.

7 If moneys are not sufficient to support the manure
8 storage indemnity fund as provided in chapter 204, the
9 executive council may allocate from moneys in the
10 general fund of the state, which are not otherwise
11 obligated or encumbered, an amount to the manure
12 storage indemnity fund as required pursuant to section
13 204.2. However, not more than a total of one million
14 dollars shall be credited to the manure storage
15 indemnity fund at any time.

16 Sec. ____ Section 204.1, subsections 4, 8, and 9,
17 Code 1997, are amended to read as follows:

18 4. "Department" means the department of
19 ~~agriculture and land stewardship~~ natural resources.

20 8. "Manure storage structure" means a structure
21 used to store manure as part of a confinement feeding
22 operation ~~subject to a construction permit issued by~~
23 ~~the department of natural resources pursuant to~~
24 ~~section 455B.173.~~ A manure storage structure
25 includes, but is not limited to, an anaerobic lagoon,
26 aerobic structure, formed manure storage structure, or
27 earthen manure storage basin, all as defined in
28 section 455B.161.

29 9. "Permittee" means a person who, pursuant to
30 section 455B.173, obtains a permit for the
31 construction of a manure storage structure, or a
32 confinement feeding operation, if a manure storage
33 structure is connected to the confinement feeding
34 operation.

35 Sec. ____ Section 204.2, subsections 2, 3, and 5,
36 Code 1997, are amended to read as follows:

37 2. The fund consists of moneys from indemnity fees
38 remitted by permittees to the department of ~~natural~~
39 ~~resources and transferred to the department of~~
40 ~~agriculture and land stewardship~~ as provided in
41 section 204.3; moneys from indemnity fees remitted by
42 persons required to submit manure management plans to
43 the department pursuant to section 204.3A; sums
44 collected on behalf of the fund by the department
45 through legal action or settlement; moneys required to

46 be repaid to the department by a county pursuant to
 47 this chapter; civil penalties assessed and collected
 48 by the department of ~~natural resources or the attorney~~
 49 general pursuant to chapter 455B, against permittees
 50 animal feeding operations; moneys paid as a settlement

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1 involving an enforcement action for a civil penalty
 2 subject to assessment and collection against
 3 permittees by the department of ~~natural resources or~~
 4 the attorney general pursuant to chapter 455B;
 5 interest, property, and securities acquired through
 6 the use of moneys in the fund; or moneys contributed
 7 to the fund from other sources.

8 3. The moneys collected under this section and
 9 shall be deposited in the fund and shall be
 10 appropriated to the department for the exclusive
 11 purpose of ~~indemnifying a county for expenses related~~
 12 ~~to cleaning up the site of the confinement feeding~~
 13 ~~operation, including removing and disposing of manure~~
 14 ~~from a manure storage structure~~ providing cleanup as
 15 provided in section 204.4, and to pay the department
 16 for costs related to administering the provisions of
 17 this chapter. For each fiscal year, the department
 18 shall not use more than one percent of the total
 19 amount which is available in the fund or ten thousand
 20 dollars, whichever is less, to pay for the costs of
 21 administration. Moneys in the fund shall not be
 22 subject to appropriation or expenditure for any other
 23 purpose than provided in this section.

24 5. The following shall apply to moneys in the
 25 fund:

26 a. On August 31 following the close of each fiscal
 27 year, moneys in the fund which are not obligated or
 28 encumbered on June 30 of the past fiscal year, less
 29 not counting the department's estimate of the cost to
 30 the fund for pending or unsettled claims and any
 31 amount required to be credited to the general fund of
 32 the state under this subsection, and which are in
 33 excess of one three million dollars, shall be
 34 deposited in the organic nutrient management fund as
 35 created in section 161C.5 for purposes of supporting
 36 the organic nutrient management program.

37 b. The executive council may allocate moneys from
 38 the general fund of the state as provided in section
 39 7D.10A an amount necessary to support the fund,
 40 including payment of claims as provided in section
 41 204.4. However, such an allocation of moneys from the
 42 general fund of the state shall be made only if the
 43 amount of moneys in the fund, which are not obligated
 44 or encumbered, and not counting the department's
 45 estimate of the cost to the fund for pending or

46 unsettled claims and any amount required to be
47 credited to the general fund of the state under this
48 subsection, is less than one million dollars.
49 c. The department shall credit an amount to the
50 general fund of the state which is equal to the amount

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1 allocated to the fund by the executive council. The
2 department shall credit the moneys to the general fund
3 of the state, if the moneys in the fund which are not
4 obligated or encumbered, and not counting the
5 department's estimate of the cost to the fund for
6 pending or unsettled claims and any amount required to
7 be transferred to the general fund under this
8 paragraph, are in excess of two million five hundred
9 thousand dollars. The department is not required to
10 credit the total amount to the general fund of the
11 state during any one fiscal year.

12 Sec. ____ Section 204.3, subsection 2, paragraph
13 a, Code 1997, is amended to read as follows:

14 a. For all animals other than poultry, the amount
15 of the fee shall be ~~seven and one-half~~ ten cents per
16 animal unit of capacity for confinement feeding
17 operations.

18 Sec. ____ Section 204.3, subsection 3, paragraph
19 a, Code 1997, is amended to read as follows:

20 a. For all animals other than poultry, the amount
21 of the fee shall be ~~ten~~ fifteen cents per animal unit
22 of capacity for confinement feeding operations.

23 Sec. ____ Section 204.3, subsection 3, unnumbered
24 paragraph 2, Code 1997, is amended by striking the
25 paragraph.

26 Sec. ____ NEW SECTION. 204.3A MANURE MANAGEMENT
27 PLAN — INDEMNITY FEE REQUIRED.

28 An indemnity fee shall be assessed upon persons
29 required to submit a manure management plan as
30 provided in chapter 455B, but not required to obtain a
31 construction permit pursuant to section 455B.173. The
32 amount of the fees shall be five cents per animal unit
33 of capacity for confinement feeding operations.

34 Sec. ____ Section 204.4, subsection 1, Code 1997,
35 is amended to read as follows:

36 1. A county that has acquired real estate
37 containing a manure storage structure following
38 nonpayment of taxes pursuant to section 446.19, may
39 make a claim against the fund to pay ~~the costs of~~
40 ~~cleaning up the site of the confinement feeding~~
41 ~~operation, including the costs of removing and~~
42 ~~disposing of the manure from a manure storage~~
43 ~~structure~~ cleanup costs incurred by the county as
44 provided in section 204.5. Each claim shall include a
45 bid by a qualified person, other than a governmental

46 entity, to remove and dispose of the manure for a
 47 fixed amount specified in the bid.
 48 Sec. ____ NEW SECTION. 204.4A USE OF THE FUND BY
 49 THE DEPARTMENT TO PAY FOR EMERGENCY CLEANUP.
 50 If the department provides cleanup of a hazardous

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1 condition caused by a confinement feeding operation as
 2 provided in section 204.5, the department may use
 3 moneys in the fund for purposes of supporting the
 4 cleanup. The department shall reimburse the fund from
 5 moneys recovered by the department as reimbursement
 6 for the cleanup as provided in section 204.5.

7 Sec. ____ Section 204.5, Code 1997, is amended to
 8 read as follows:

9 204.5 SITE CLEANUP.

10 1. a. A county which that has acquired real
 11 estate containing on which there is located a
 12 confinement feeding operation structure, as defined in
 13 section 455B.161, following the nonpayment of taxes
 14 pursuant to section 446.19, may clean up the site
 15 provide for cleanup, including removing and disposing
 16 of manure at any time, remediating contamination which
 17 originates from the confinement feeding operation, or
 18 demolishing and disposing of structures relating to
 19 the confinement feeding operation. The county may
 20 seek reimbursement including by bringing an action for
 21 the costs of the removal and disposal cleanup from the
 22 person abandoning the real estate.

23 b. If a hazardous condition exists prior to a
 24 county acquiring real estate on which there is located
 25 a confinement feeding operation because of the
 26 confinement feeding operation, the department may
 27 clean up the confinement feeding operation and
 28 remediate contamination which originates from the
 29 confinement feeding operation, pursuant to sections
 30 455B.381 through 455B.399. The department may seek
 31 reimbursement, including by bringing an action for the
 32 costs of the cleanup, from a person liable for causing
 33 the hazardous condition.

34 2. A person cleaning up a site confinement f ng35 operation located on
 35 real estate acquired by a county
 36 may demolish or dispose of any building or equipment
 37 used in of the confinement feeding operation located
 38 on the land according to rules adopted by the
 39 department of natural resources pursuant to chapter
 40 17A, which apply to the disposal of farm buildings or
 41 equipment by an individual or business organization.

42 Sec. ____ NEW SECTION. 331.304A PRODUCTION,
 43 CARE, FEEDING, AND HOUSING OF ANIMALS.

44 1. As used in this section, the following shall
 45 apply:

- 46 a. "Aerobic structure", "animal", "animal feeding
 47 operation", "animal feeding operation structure", and
 48 "manure" mean the same as defined in section 455B.161.
 49 b. "County legislation" means a motion,
 50 resolution, amendment, or ordinance.

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1 2. A county shall not pass or enforce county
 2 legislation relating to a condition or activity
 3 occurring in connection with the production, care,
 4 feeding, or housing of animals, unless the regulation
 5 of the production, care, feeding, or housing of
 6 animals is expressly authorized by state law. If
 7 authorized by state law, the county shall pass or
 8 enforce the county legislation only to the extent
 9 authorized by state law. The production, care,
 10 feeding, or housing of animals includes but is not
 11 limited to the construction, operation, or management
 12 of an animal feeding operation, an animal feeding
 13 operation structure, or aerobic structure; and to the
 14 storage, handling, or application of manure, or egg
 15 washwater.

16 Sec. ____ Section 455B.161, Code 1997, is amended
 17 by adding the following new subsection:
 18 NEW SUBSECTION. 0A. "Aerobic structure" means an
 19 animal feeding operation structure other than an egg
 20 washwater storage structure which employs bacterial
 21 action which is maintained by the utilization of air
 22 or oxygen and which includes aeration equipment.

23 Sec. ____ Section 455B.161, subsection 3, Code
 24 1997, is amended to read as follows:

25 3. a. "Animal feeding operation" means a lot,
 26 yard, corral, building, or other area in which animals
 27 are confined and fed and maintained for forty-five
 28 days or more in any twelve-month period, and all
 29 structures used for the storage of manure from animals
 30 in the operation.

31 b. Two or more animal feeding operations under
 32 common ownership or management are deemed to be a
 33 single animal feeding operation if ~~they are adjacent~~
 34 or either of the following apply:

35 (1) The animal feeding operations utilize a common
 36 system for manure storage.

37 (2) The animal feeding operations are adjacent.
 38 As used in this subsection, "adjacent" means that the
 39 animal feeding operations are separated at their
 40 closest points by a distance of one thousand two
 41 hundred fifty feet or less. However, two or more
 42 confinement feeding operations are adjacent if all of
 43 the following apply:

44 (a) The confinement feeding operations are
 45 separated at their closest points by two thousand five

46 hundred feet or less.

47 (b) The confinement feeding operations have a
 48 combined animal weight capacity of six hundred twenty-
 49 five thousand pounds or more for animals other than
 50 bovine or one million six hundred thousand pounds or

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1 more for bovine.

2 c. An animal feeding operation does not include a
 3 livestock market.

4 Sec. ____ Section 455B.165, subsection 5, Code
 5 1997, is amended to read as follows:

6 5. An animal feeding operation structure which is
 7 located constructed or expanded within any distance
 8 from a residence, educational institution, commercial
 9 enterprise, bona fide religious institution, city, or
 10 public use area, if the residence, educational
 11 institution, commercial enterprise, or bona fide
 12 religious institution was constructed or expanded, or
 13 the boundaries of the city or public use area were
 14 expanded, after the date that the animal feeding
 15 operation was established. The date the animal
 16 feeding operation was established is the date on which
 17 the animal feeding operation commenced operating. A
 18 change in ownership or expansion of the animal feeding
 19 operation shall not change the established date of
 20 operation.

21 Sec. ____ Section 455B.171, subsection 2, Code
 22 1997, is amended to read as follows:

23 2. a. "Animal feeding operation" means a lot,
 24 yard, corral, building, or other area in which animals
 25 are confined and fed and maintained for forty-five
 26 days or more in any twelve-month period, and all
 27 structures used for the storage of manure from animals
 28 in the animal feeding operation.

29 b. Two or more animal feeding operations under
 30 common ownership or management are deemed to be a
 31 single animal feeding operation if ~~they are adjacent~~
 32 or either of the following apply:

33 (1) The animal feeding operations utilize a common
 34 area or system for manure disposal.

35 (2) The animal feeding operations are adjacent.
 36 As used in this subsection, "adjacent" means that the
 37 animal feeding operations are separated at their
 38 closest points by a distance of one thousand two
 39 hundred fifty feet or less. However, two or more
 40 confinement feeding operations are adjacent if all of
 41 the following apply:

42 (a) The confinement feeding operations are
 43 separated at their closest points by two thousand five
 44 hundred feet or less.

45 (b) The confinement feeding operations have a

46 combined animal weight capacity of six hundred twenty-
47 five thousand pounds or more for animals other than
48 bovine or one million six hundred thousand pounds or
49 more for bovine.
50 c. An animal feeding operation does not include a

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1 livestock market as defined in section 455B.161.
2 Sec. ____ Section 455B.171, Code 1997, is amended
3 by adding the following new subsections:
4 NEW SUBSECTION. 1A. "Aerobic structure" means the
5 same as defined in section 455B.161.
6 NEW SUBSECTION. 1B. "Anaerobic lagoon" means the
7 same as defined in section 455B.161.
8 NEW SUBSECTION. 2A. "Animal feeding operation
9 structure" means the same as defined in section
10 455B.161.
11 NEW SUBSECTION. 7A. "Earthen manure storage
12 basin" means the same as defined in section 455B.161.
13 Sec. ____ Section 455B.173, subsection 13, Code
14 1997, is amended to read as follows:
15 13. a. Adopt, modify, or repeal rules relating to
16 the construction, including expansion, or operation of
17 animal feeding operations, and related animal feeding
18 operation structures which for purposes of this
19 subsection shall include aerobic structures. The
20 rules shall include, but are not limited to, minimum
21 manure control requirements, requirements for
22 obtaining permits, and departmental evaluations of
23 animal feeding operations. The department shall not
24 require that a person obtain a permit for the
25 construction of an animal feeding operation structure,
26 if the structure is part of a small animal feeding
27 operation.
28 b. The department shall collect an indemnity fee
29 as provided in section 204.3 prior to the issuance of
30 a construction permit and as provided in section
31 204.3A prior to filing a manure management plan by
32 persons not required to obtain a construction permit.
33 The department shall deposit moneys collected in
34 indemnity fees in the manure storage indemnity fund
35 created in section 204.2.
36 c. The department shall not approve a permit for
37 the construction of three or more animal feeding
38 operation structures unless the applicant files a
39 statement approved by a professional engineer
40 registered pursuant to chapter 542B certifying that
41 the construction of the animal feeding operation
42 structure will not impede the drainage through
43 established drainage tile lines which cross property
44 boundary lines unless measures are taken to
45 reestablish the drainage prior to completion of

46 construction. ~~The department shall deposit moneys~~
47 ~~collected in indemnity fees in the manure storage~~
48 ~~indemnity fund created in section 204.2.~~

49 d. The department shall issue a permit for an
50 animal feeding operation, if an application is

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1 submitted according to procedures required by the
2 department, and the application meets standards
3 established by the department, regardless of whether
4 the animal feeding operation is required to obtain
5 such a permit.

6 e. An applicant for a construction permit shall
7 not begin construction at the location of a site
8 planned for the construction of an animal feeding
9 operation structure, until the person has been granted
10 a permit for the construction of the structure by the
11 department. The department shall make a determination
12 regarding the approval or denial of a permit within
13 sixty days from the date that the department receives
14 a completed application for a permit. However, the
15 sixty-day requirement shall not apply to an
16 application, if the applicant is not required to
17 obtain a permit in order to construct an animal
18 feeding operation structure or to operate an animal
19 feeding operation.

20 f. The department shall deliver a copy or require
21 the applicant to deliver a copy of the application for
22 a construction permit to the county board of
23 supervisors in the county where the confinement
24 feeding operation or ~~confinement~~ related animal
25 feeding operation structure subject to the permit is
26 to be located. The department shall not approve the
27 application or issue a construction permit until
28 thirty days following delivery of the application to
29 the county board of supervisors. The county board of
30 supervisors may hold a public hearing to receive
31 public comments regarding the application. When
32 approving a permit, the department shall consider
33 comments from the county board of supervisors and take
34 into account public comments, and respond to all
35 comments regarding compliance by the applicant with
36 the legal requirements for the construction of the
37 ~~confinement~~ animal feeding operation structure as
38 provided in this chapter, and rules adopted by the
39 department pursuant to this chapter, ~~if the.~~ All
40 ~~comments are~~ must be delivered to the department
41 within ~~fourteen~~ thirty days after receipt of the
42 application by the county board of supervisors. The
43 comments by the board and the public may include, but
44 are not limited to, references to the existence of a
45 structure or area not included in the permit

46 application which benefits from a separation distance
47 requirement as provided in section 455B.162 or
48 455B.204; the suitability of soils and the hydrology
49 of the site where construction is proposed; and the
50 availability of land for the application of manure

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1 originating from the confinement feeding operation.
2 g. Prior to granting a permit to a person for the
3 construction of an animal feeding operation structure,
4 the department may require the installation and
5 operation of a hydrological monitoring system for an
6 exclusively earthen manure storage structure, if,
7 after an on-site inspection, the department determines
8 that the site presents an extraordinary potential for
9 groundwater pollution.
10 h. A person shall not obtain a permit for the
11 construction of a confinement feeding operation,
12 unless the person develops a manure management plan as
13 provided in section 455B.203. The department shall,
14 or require the owner of the confinement feeding
15 operation to, deliver to the county where a
16 confinement feeding operation is located a copy of a
17 manure management plan required to be submitted to the
18 department by the confinement feeding operation,
19 regardless of whether the confinement feeding
20 operation is constructed pursuant to a permit approved
21 pursuant to this subsection.
22 i. The department shall not issue a permit to a
23 person under this subsection if an enforcement action
24 by the department, relating to a violation of this
25 chapter concerning a confinement feeding operation in
26 which the person has an interest, is pending. The
27 department shall not issue a permit to a person under
28 this subsection for five years after the date of the
29 last violation committed by a person or confinement
30 feeding operation in which the person holds a
31 controlling interest during which the person or
32 operation was classified as a habitual violator under
33 section 455B.191. The department shall conduct an
34 annual review of each confinement feeding operation
35 which is a habitual violator and each confinement
36 feeding operation in which a habitual violator holds a
37 controlling interest. The department shall notify
38 persons classified as habitual violators of their
39 classification, additional restrictions imposed upon
40 the persons pursuant to the classification, and
41 special civil penalties that may be imposed upon the
42 persons. The notice shall be sent to the persons by
43 certified mail.
44 Sec. ____ NEW SECTION. 455B.201A ANAEROBIC
45 LAGOONS AND EARTHEN MANURE STORAGE BASINS.

46 1. A person shall not construct or expand an
 47 earthen manure storage basin used in conjunction with
 48 a confinement feeding operation, if the earthen manure
 49 storage basin as constructed or expanded would have
 50 the capacity to store more than three million gallons

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1 of manure.

2 2. The department shall inspect each anaerobic
 3 lagoon or earthen manure storage basin which is part
 4 of a confinement feeding operation at least once each
 5 eighteen months. An inspection conducted pursuant to
 6 this subsection shall be limited to a visual
 7 inspection of the site where the anaerobic lagoon or
 8 earthen manure storage basin is located. The
 9 department shall inspect the site at a reasonable time
 10 after providing at least twenty-four hours' notice to
 11 the person owning or managing the confinement feeding
 12 operation. However, in order to inspect the premises
 13 the departmental inspector must comply with standard
 14 biosecurity requirements customarily required by the
 15 operation. The visual inspection shall include, but
 16 not be limited to, determining whether any of the
 17 following exists:

- 18 a. An adequate freeboard level.
- 19 b. The seepage of manure from the anaerobic lagoon
- 20 or earthen manure storage basin.
- 21 c. Erosion.
- 22 d. Inadequate vegetation cover.
- 23 e. The presence of an opening allowing manure to
- 24 drain from the anaerobic lagoon or earthen manure
- 25 storage basin."

26 2. Page 1, by inserting before line 26 the
 27 following:

28 "Sec. ____ Section 455B.203, Code 1997, is amended
 29 by adding the following new subsection:

30 NEW SUBSECTION. 5A. The department may require
 31 that a person other than a person required to obtain a
 32 construction permit submit a manure management plan as
 33 provided by the department by rule.

34 Sec. ____ Section 657.11, subsections 2 and 3,
 35 Code 1997, are amended to read as follows:

36 2. ~~If a person has received all permits required~~
 37 ~~pursuant to chapter 455B for an animal feeding~~
 38 ~~operation, as defined in section 455B.161, there shall~~
 39 ~~be a rebuttable presumption that an An animal feeding~~
 40 ~~operation is shall not be found to be a public or~~
 41 ~~private nuisance under this chapter or under~~
 42 ~~principles of common law, and that the animal feeding~~
 43 ~~operation does shall not be found to unreasonably and~~
 44 ~~continuously interfere with another person's~~
 45 ~~comfortable use and enjoyment of the person's life or~~

46 property under any other cause of action. The
47 rebuttable presumption also applies to persons who are
48 not required to obtain a permit pursuant to chapter
49 455B for an animal feeding operation as defined in
50 section 455B.161. The rebuttable presumption However,

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1 this section shall not apply if the to an injury to a
2 person or damage to property is proximately caused by
3 a any of the following:

4 a. The failure to comply with a federal statute or
5 regulation or a state statute or rule which applies to
6 the animal feeding operation.

7 3. The rebuttable presumption may be overcome by
8 clear and convincing evidence of both of the
9 following:

10 a. The animal feeding operation unreasonably and
11 continuously interferes with another person's
12 comfortable use and enjoyment of the person's life or
13 property.

14 b. The injury or damage is proximately caused by
15 the The negligent operation of the animal feeding
16 operation.

17 Sec. ____ Section 657.11, subsection 4, unnumbered
18 paragraph 1, Code 1997, is amended to read as follows:

19 ~~The rebuttable presumption~~ This section does not
20 apply to a person during any period that the person is
21 classified as a chronic violator under this subsection
22 as to any confinement feeding operation in which the
23 person holds a controlling interest, as defined by
24 rules adopted by the department of natural resources.
25 ~~The rebuttable presumption~~ This section shall apply to
26 the person on and after the date that the person is
27 removed from the classification of chronic violator.

28 For purposes of this subsection, "confinement feeding
29 operation" means ~~an animal feeding operation in which~~
30 ~~animals are confined to areas which are totally~~
31 ~~roofed, and which are regulated by the department of~~
32 ~~natural resources or the environmental protection~~
33 ~~commission~~ the same as defined in section 455B.161.

34 Sec. ____ Section 657.11, subsections 5 through 8.
35 Code 1997, are amended to read as follows:

36 ~~5. The rebuttable presumption created by this~~ This
37 section shall apply regardless of the established date
38 of operation or expansion of the animal feeding
39 operation. The rebuttable presumption A defense
40 against a cause of action for nuisance includes, but
41 is not limited to, a defense for actions arising out
42 of the care and feeding of animals; the handling or
43 transportation of animals; the treatment or disposal
44 of manure resulting from animals; the transportation,
45 and application of animal manure; and the creation of

46 noise, odor, dust, or fumes arising from an animal
47 feeding operation.
48 ~~6. An animal feeding operation that complies with~~
49 ~~the requirements in chapter 455B for animal feeding~~
50 ~~operations shall be deemed to meet any common law~~

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1 requirements regarding the standard of a normal person
2 living in the locality of the operation.

3 ~~7. 6. A person who brings a losing cause of action~~
4 ~~against a person for whom the rebuttable presumption~~
5 ~~created under this section is not rebutted, who may~~
6 ~~raise a nuisance defense under this section shall be~~
7 ~~liable to the person against whom the action was~~
8 ~~brought for all costs and expenses incurred in the~~
9 ~~defense of the action, if the court determines that a~~
10 ~~claim is frivolous.~~

11 ~~8. 7. The rebuttable presumption created in this~~
12 ~~This section does not apply to an injury to a person~~
13 ~~or damages to property caused by the animal feeding~~
14 ~~operation before May 31, 1995.~~

15 Sec. ____ APPLICABILITY. The amendments to
16 section 455B.161, subsection 3, and section 455B.171,
17 subsection 2, as enacted in this Act, shall not apply
18 to separation distance requirements applicable to
19 animal feeding operation structures as provided in
20 section 455B.162 or permit requirements for animal
21 feeding operation structures as provided in section
22 455B.173, if any of the following apply:

23 1. The animal feeding operation structure is
24 constructed or under construction on or before May 15,
25 1997.

26 2. The animal feeding operation may be constructed
27 pursuant to a valid permit which the department has
28 approved on or before May 15, 1997, or pursuant to an
29 application for a permit that has been filed with the
30 department by May 15, 1997.

31 Sec. ____ PRIOR PERMITTEES.

32 1. The department of natural resources shall
33 notify all persons required to pay an indemnity fee
34 for deposit in the manure storage indemnity fund as
35 provided in 1995 Iowa Acts, chapter 195, section 38,
36 who have not received notice as provided in that
37 section. The notice shall be provided not later than
38 June 1, 1997, as provided in that section.

39 2. A person required to pay an indemnity fee for
40 deposit in the manure storage indemnity fund as
41 provided in section 204.3, shall pay the fee at the
42 rate established pursuant to 1995 Iowa Acts, chapter
43 195, section 6, rather than the increased rate as
44 provided in this Act, if the person's application for
45 a construction permit is received by the department
46 prior to the effective date of this Act.

47 Sec. ____ STAFF FOR THE DEPARTMENT OF NATURAL
 48 RESOURCES. The additional full-time equivalent
 49 positions allocated to the department of natural
 50 resources for purposes of supporting the regulation of

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1 animal feeding operations pursuant to 1997 Iowa Acts,
 2 House File 708, shall be used exclusively for the
 3 regulation of animal feeding operations as defined in
 4 section 455B.161, including but not limited to the
 5 issuance of permits, the inspection of the operations,
 6 and the investigation of complaints.

7 Sec. ____ REQUIREMENT THAT THE DEPARTMENT OF
 8 NATURAL RESOURCES ENFORCE STATE LAWS. The department
 9 of natural resources and the environmental protection
 10 commission shall enforce state laws, including
 11 statutes and rules which relate to the storage,
 12 disposal, and application of manure originating from
 13 animal feeding operations, as defined in section
 14 455B.161. The department and environmental protection
 15 commission shall vigorously assess civil penalties and
 16 refer violators to the attorney general in a manner
 17 that ensures compliance with state law and deters
 18 potential violators. The department shall submit a
 19 report to the general assembly not later than January
 20 15, 1998, regarding its efforts to comply with this
 21 section.

22 Sec. ____ DEPARTMENTAL REVIEW OF RECOMMENDATIONS
 23 SUBMITTED BY THE ANIMAL AGRICULTURE CONSULTING
 24 ORGANIZATION. The department of natural resources
 25 shall immediately consider the adoption of rules based
 26 on recommendations last submitted prior to the
 27 effective date of this Act to the department by the
 28 animal agriculture consulting organization established
 29 pursuant to 1995 Iowa Acts, chapter 195, section 37.

30 Sec. ____ DIRECTIONS TO IOWA CODE EDITOR. The
 31 Iowa Code editor is directed to transfer chapter 204,
 32 as amended by this Act, to new chapter 456 or another
 33 chapter determined appropriate by the Iowa Code
 34 editor. The Iowa Code editor shall correct internal
 35 references as necessary.

36 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 37 of immediate importance, takes effect upon enactment."

38 3. Title page, by striking lines 1 through 3 and
 39 inserting the following: "An Act providing for the
 40 regulation of animal feeding operations, fees, the
 41 expenditure of moneys, making penalties applicable,
 42 and an effective date."

CARROLL of Poweshiek
 MEYER of Sac
 HUSEMAN of Cherokee
 VANDE HOEF of Osceola

EDDIE of Buena Vista
 GREIG of Emmet
 DIX of Butler

H-1984

1 Amend Senate File 472 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 26 the
4 following:

5 "Sec. ____ NEW SECTION. 455B.203A MANURE PLAN
6 MANAGEMENT CERTIFICATION - TRAINING PROGRAM.

7 1. The department shall establish and administer a
8 program to certify persons as manure plan managers, if
9 the persons are involved in the management or
10 application of manure originating from an animal
11 feeding operation structure constructed pursuant to a
12 permit approved under section 455B.173. A manure plan
13 manager shall be trained to carry out the terms and
14 conditions of a manure management plan as provided in
15 section 455B.204.

16 2. In order to be certified, a person must
17 complete not less than four hours of training in the
18 administration of the terms and conditions of the
19 manure management plans.

20 3. A certification shall expire five years
21 following the date that the person was last certified.
22 In order to be recertified, the person must complete
23 four additional hours of training as provided in this
24 section.

25 4. Iowa state university shall develop and
26 administer the training program in cooperation with
27 qualified persons approved by the department. The
28 training shall be conducted by Iowa state university
29 or a qualified person approved by the department. To
30 every extent possible, training courses shall be
31 offered in each county. The state is not required to
32 compensate persons selected to provide training. A
33 certification fee of ten dollars shall be paid to the
34 department. The department shall collect and use the
35 fees for purposes of supporting the training of manure
36 plan managers. Notwithstanding section 8.33, on
37 August 31 following the close of each fiscal year, all
38 unencumbered or unobligated moneys from fees shall be
39 deposited in the organic nutrient management fund as
40 created in section 161C.5."

THOMAS of Clayton

H-1985

1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 29 the
5 following:

6 " ____ . That prior to receipt of any assistance a

- 7 program shall be established to reduce the incidence
8 and severity of repetitive motion injuries.”
9 2. By renumbering as necessary.

CHIODO of Polk

H-1986

- 1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 29 the
5 following:
6 “— That the packing plant which is an indirect
7 recipient of assistance shall not operate an outdoor
8 livestock holding pen and shall not keep any live
9 animal in a holding pen for longer than twenty-four
10 consecutive hours.”

CHIODO of Polk

H-1987

- 1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 32, by inserting after the word
5 “loans” the following: “at an interest rate of not
6 less than three percent”.

FALLON of Polk

H-1988

- 1 Amend the Senate amendment, H-1975, to House File
2 731, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 27, by inserting after the word
5 “state.” the following: “During the fiscal year
6 beginning July 1, 1997, and ending June 30, 1998, the
7 following statement shall be printed on each lottery
8 ticket “A portion of the proceeds from the sale of
9 this ticket will be used to subsidize location of a
10 meat packing plant in Iowa.””

FALLON of Polk

H-1990

- 1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking lines 2 through 32, and
4 inserting the following:

5 "2. a. A contribution shall be deposited in the
 6 account maintained by the committee within thirty days
 7 of initial receipt of the contribution by the
 8 candidate or the committee. An individual who
 9 receives contributions for a committee without the
 10 prior authorization of the chairperson of the
 11 committee or the candidate shall be responsible for
 12 either for rendering the contributions to the
 13 treasurer within fifteen days of the date of receipt
 14 of the contributions, who shall deposit the
 15 contribution in the account maintained by the
 16 committee, or for depositing the contributions in the
 17 account maintained by the committee within seven days
 18 of the date of receipt of the contributions, but the
 19 contribution must be deposited within the thirty-day
 20 period.

21 b. A person who receives contributions for a
 22 committee shall, not later than fifteen days from the
 23 date of receipt of the contributions or on demand of
 24 the treasurer, render to the treasurer the
 25 contributions and an account of the total of all
 26 contributions, including the name and address of each
 27 person making a contribution in excess of ten dollars,
 28 the amount of the contributions, and the date on which
 29 the contributions were received. The treasurer shall
 30 deposit all contributions within seven days of receipt
 31 by the treasurer in an account maintained by the
 32 committee.

33 c. All funds of a committee shall be segregated
 34 from any other funds held by officers, members, or
 35 associates of the committee or the committee's
 36 candidate. However, if a candidate's committee
 37 receives contributions only from the candidate, or if
 38 a permanent organization temporarily engages in
 39 activity which qualifies it as a political committee
 40 and all expenditures of the organization are made from
 41 existing general operating funds and funds are not
 42 solicited or received for this purpose from sources
 43 other than operating funds, then that committee is not
 44 required to maintain a separate account in a financial
 45 institution.

46 d. The funds of a committee are not attachable for
 47 the personal debt of the committee's candidate or an
 48 officer, member, or associate of the committee."

49 2. Page 4, by striking lines 14 through 25 and
 50 inserting the following:

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1 "Sec. __. Section 56.6, subsection 3, paragraph
 2 b, unnumbered paragraph 1, Code 1997, is amended to
 3 read as follows:
 4 The name and mailing address of each person who has

5 made one or more contributions of money to the
 6 committee including the proceeds from any fund-raising
 7 events ~~except those reportable under paragraph "f" of~~
 8 ~~this subsection~~, when the aggregate amount in a
 9 calendar year exceeds the amount specified in the
 10 following schedule:

11 Sec. ____ Section 56.6, subsection 3, paragraph d,
 12 Code 1997, is amended to read as follows:

13 d. The name and mailing address of each person who
 14 has made one or more in-kind contributions to the
 15 committee when the aggregate market value of the in-
 16 kind contribution in a calendar year exceeds the
 17 amount specified in ~~subsection 3, paragraph "b", of~~
 18 ~~this section~~. In-kind contributions shall be
 19 designated on a separate schedule from schedules
 20 showing contributions of money and shall identify the
 21 nature of the contribution and provide its estimated
 22 fair market value. Items donated for sale at fund-
 23 raising events shall be reported separately from other
 24 in-kind contributions on the schedule reporting in-
 25 kind contributions, and shall include only the name
 26 and mailing address of the person donating the item, a
 27 description of the item, and the price for which the
 28 item is sold at the fund-raiser. The total price
 29 received for such items shall be reported as a
 30 contribution under paragraph "b", and shall not be
 31 included in the total estimated fair market value of
 32 other in-kind contributions under this paragraph.

33 Sec. ____ Section 56.6, subsection 3, paragraph f,
 34 Code 1997, is amended by striking the paragraph.

35 Sec. ____ Section 56.6, subsection 3, paragraph i,
 36 Code 1997, is amended to read as follows:

37 i. If a person listed under paragraph "b", "d", or
 38 ~~"e"~~ ~~or "f"~~ as making a contribution or loan to or
 39 purchase from a candidate's committee is related to
 40 the candidate within the third degree of consanguinity
 41 or affinity, the existence of that person's family
 42 relationship shall be indicated on the report."

43 3. Page 5, by striking lines 23 through 31, and
 44 inserting the following:

45 "1. A candidate and the candidate's committee
 46 shall use campaign funds only for campaign purposes,
 47 educational and other expenses associated with the
 48 duties of office, or constituency services, and shall
 49 not use campaign funds for personal expenses or
 50 personal benefit. ~~The purchase of subscriptions to~~

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1 newspapers from or which circulate within the area
 2 represented by the office which a candidate is seeking
 3 or holds is presumed to be an expense that is
 4 associated with the duties of the campaign for and

5 duties of office. The candidate and the candidate's
6 committee shall, in reports filed with the board,
7 explain each expenditure of funds, but need not
8 categorize each expenditure as for campaign purposes,
9 educational expense, an expense associated with the
10 duties of office, or for constituency services. Board
11 review of the explanations pursuant to section
12 68B.32A, subsection 3, shall be limited to confirming
13 that the explanation describes a permitted use of
14 campaign funds under this division."

15 4. Page 5, by striking lines 32 and 33.

16 5. Page 6, by inserting after line 19, the
17 following:

18 "Sec. ____ Section 56.42, subsection 2, Code 1997,
19 is amended to read as follows:

20 2. a. If an unexpended balance of campaign funds
21 remains in the committee's account when a candidate's
22 committee dissolves, the unexpended balance shall be
23 transferred pursuant to subsection 1.

24 b. If an unexpended balance of campaign funds
25 remains in the account of a candidate's committee for
26 at least seven years after the candidate's last day of
27 service in a public office, the unexpended balance
28 shall be transferred pursuant to subsection 1,
29 paragraph "b"."

30 6. Page 9, lines 22 and 23, by striking the words
31 "rules adopted by" and inserting the following:
32 "rules, policies, and procedures of".

33 7. Page 9, by inserting after line 23 the
34 following:

35 "Sec. ____ RETROACTIVE APPLICABILITY. The portion
36 of this Act that amends Code section 56.42, subsection
37 2, paragraph "b", is retroactively applicable to all
38 candidate's committees, and is applicable six months
39 after enactment. The ethics and campaign disclosure
40 board shall notify, prior to the effective date of
41 that provision, all candidate's committees to which
42 the provision would require the transfer of funds
43 because the candidate has been out of public office
44 for seven or more years."

45 8. By renumbering, relettering, or redesignating
46 and correcting internal references as necessary.

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-seventh General Assembly, 1997 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 4
2 By Siegrist, Greig, Eddied, Drake, Gipp,
3 Nelson, Bradley, Tyrrell, Sukup, Cormack,
4 Jenkins, Barry, Martin, Van Fossen, Dix,
5 Jacobs, Kremer, Veenstra, Vande Hoef, Blodgett,
6 Meyer, Hahn, Hansen, Weidman, Boggess, Huseman,
7 Rayhons, Dinkla, Grundberg, Houser, Metcalf,
8 O'Brien, Mertz, Van Maanen, Brauns, Arnold,
9 Thomson, Mundie, Corbett, Greiner, Witt, Cataldo,
10 Dolecheck, Churchill, and Klemme
11 A Concurrent Resolution requesting the Congress of the
12 United States to submit to the States for ratification
13 a balanced budget amendment to the United States
14 Constitution.
15 *Whereas*, with each passing year this nation becomes
16 deeper in debt as federal government expenditures
17 repeatedly exceed available revenues, so that the
18 federal public debt is now approximately \$4.9
19 trillion, or \$19,000 for every man, woman, and child;
20 and
21 *Whereas*, the annual federal budget has not been
22 balanced since 1969, demonstrating an unwillingness or
23 inability of both the legislative and executive
24 branches of the federal government to spend in
25 conformity with available revenues; and
26 *Whereas*, knowledgeable planning, fiscal prudence,
27 and plain good sense require that the federal budget
28 should not be manipulated to present the appearance of
29 being in balance while, in fact, federal indebtedness
30 continues to grow; and

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1 *Whereas*, believing that fiscal irresponsibility at
2 the federal level, which is resulting in a lower
3 standard of living and endangering economic
4 opportunity now and for the next generation, is the
5 greatest threat which faces our nation; and
6 *Whereas*, Thomas Jefferson recognized the importance
7 of a balanced budget when he wrote, "The question
8 whether one generation has the right to bind another
9 by the deficit it imposes is a question of such
10 consequence as to place it among the fundamental
11 principles of government. We should consider
12 ourselves unauthorized to saddle posterity with our
13 debts, and morally bound to pay them ourselves"; and
14 *Whereas*, the principal functions of the
15 Constitution of the United States include promoting

16 the broadest principles of a government of, by, and
 17 for the people; setting forth the most fundamental
 18 responsibilities of government; and enumerating and
 19 limiting the powers of the government to protect the
 20 basic rights of the people; and
 21 *Whereas*, the federal government's unlimited ability
 22 to borrow involves decisions of such magnitude, with
 23 such potentially profound consequences for the nation
 24 and its people, today and in the future, that it is
 25 appropriately a subject for limitation by the
 26 Constitution of the United States; and
 27 *Whereas*, the Constitution of the United States
 28 vests the ultimate responsibility to approve or
 29 disapprove of amendments to the Constitution of the
 30 United States with the people of the several States,

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1 as represented by their elected Legislatures; and
 2 *Whereas*, opposition by a small minority within
 3 Congress and, on occasion, by the President, has
 4 repeatedly thwarted the will of the people of the
 5 United States that a balanced budget amendment to the
 6 Constitution of the United States should be submitted
 7 to the States for ratification while large majorities
 8 of both Houses of Congress already have prepared,
 9 considered, and voted for such amendment; *Now*
 10 *Therefore*,
 11 *Be It Resolved By The House Of Representatives, The*
 12 *Senate Concurring*, That the General Assembly of the
 13 State of Iowa requests the members of the Congress of
 14 the United States to expeditiously pass, and to
 15 propose to the Legislatures of the several States for
 16 ratification, an amendment to the Constitution of the
 17 United States requiring in the absence of a national
 18 emergency that the total of all federal appropriations
 19 made by the Congress for any fiscal year not exceed
 20 the total of all estimated federal revenues for that
 21 fiscal year; and
 22 *Be It Further Resolved*, That the Legislatures of
 23 each of the several States comprising the United
 24 States be urged to apply to the Congress requesting
 25 the proposal for ratification of such an amendment to
 26 the Constitution of the United States; and
 27 *Be It Further Resolved*, That copies of this
 28 Resolution be transmitted to the President of the
 29 United States Senate, the Speaker of the United States
 30 House of Representatives, the members of Iowa's

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1 congressional delegation, and the presiding officers

2 of each house of the Legislatures of each of the other
3 States.

HCR 4 filed January 15, 1997; House adopted January 16, 1997;
Senate adopted January 16, 1997.

1 House Concurrent Resolution 6
2 By Millage, Martin, Bradley,
3 Van Fossen, and Holmes
4 A Concurrent Resolution requesting that the Iowa
5 State Fair Board establish a policy ensuring that
6 Iowa businesses, associations, and organizations
7 are provided with ample opportunities to showcase
8 Iowa products and services during the Iowa State Fair.
9 *Whereas*, the Iowa State Fair is one of the oldest
10 agricultural and industrial expositions in the nation
11 having been established in 1854; and
12 *Whereas*, each August hundreds of thousands of
13 people from throughout the nation and especially the
14 midwest attend the Iowa State Fair which represents
15 the state's great celebration of and salute to the
16 best in Iowa agriculture, industry, commerce,
17 entertainment, and achievement; and
18 *Whereas*, more than 600 vendors, including
19 exhibitors, offer quality products and services and
20 information about their products and services to
21 persons attending the Iowa State Fair; and
22 *Whereas*, the Iowa State Fair offers a unique and
23 critical opportunity for businesses, organizations,
24 and associations to showcase products and services to
25 persons attracted to exhibits in order to make
26 purchases or receive informational materials for later
27 purchases; and
28 *Whereas*, a fundamental interest of this state is
29 the promotion, development, and expansion of business
30 opportunities involving agricultural, commercial, and

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1 industrial products and services which originate in
2 Iowa; and
3 *Whereas*, Iowa businesses, organizations, and
4 associations offer products and services which are
5 unequalled in value and quality; *Now Therefore*,
6 *Be It Resolved By The House Of Representatives, The*
7 *Senate Concurring*, That the Iowa State Fair Board
8 establish a policy which provides the greatest
9 possible priority to Iowa businesses, associations,
10 and organizations in the process of selecting vendors
11 to exhibit their products and services at the Iowa
12 State Fair; and
13 *Be It Further Resolved*, That a copy of this
14 Concurrent Resolution be sent by the Chief Clerk of

15 the House of Representatives to the Secretary of the
 16 Fair Board for presentation to and comment from
 17 members of the Iowa State Fair board.

HCR 6 filed January 23, 1997; House adopted February 17, 1997.

1 House Concurrent Resolution 7
 2 By Nelson, Van Fossen, Churchill,
 3 Grundberg, Kremer, Metcalf, Dinkla,
 4 Blodgett, Brunkhorst, Hahn, Eddie, Teig,
 5 Arnold, Martin, Doderer, Barry, Scherrman,
 6 Ford, Wise, Bukta, Cohoon, May, Brand,
 7 Reynolds-Knight, Larkin, Koenigs,
 8 Osterhaus, Huser, Foegen, Chiodo, Frevert,
 9 Mertz, Burnett, Bernau, Mascher, Holveck,
 10 Taylor, Richardson, Whitead, Schrader,
 11 Myers, Heaton, Sukup, Jacobs, Klemme,
 12 Boddicker, Gipp, Dix, Siegrist, Jenkins,
 13 Hansen, and Brauns

14 A Concurrent Resolution recognizing the women who
 15 served Iowa as state legislators through Iowa's
 16 sesquicentennial year, 1996, and celebrating 100
 17 years of women elected to state legislatures.

18 *Whereas*, twenty-five years before American women
 19 had a constitutional right to vote, three women were
 20 elected to serve as Colorado state legislators; and

21 *Whereas*, the National Foundation for Women
 22 Legislators, Inc., the educational arm of the National
 23 Order of Women Legislators and the oldest professional
 24 association for women legislators in the country, is
 25 coordinating state, regional, and national
 26 celebrations to commemorate the 100th year of women
 27 serving in state legislatures; and

28 *Whereas*, this centennial is being celebrated
 29 throughout the United States to promote public
 30 knowledge and awareness of women in state history; and

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1 *Whereas*, the following women served through Iowa's
 2 sesquicentennial year as members of the following Iowa
 3 General Assemblies:

4 NAME	G.A.
5 Representative Carolyn Campbell Pendray	1929-1932
6 Senator Carolyn Campbell Pendray	1933-1936
7 Representative Ada Adair Garner	1933-1934
8 Representative Isabel M. Elliott	1937-1940
9 Representative Mae A. Lynch	1943-1946
10 Senator Kathlyn M. Kirketeg (Wick)	1947-1948
11 Representative Amy M. Bloom	1947-1948
12 Representative Edna C. Lawrence	1947-1950
13 Representative Helen M. Crabb	1949-1952
14 Representative Katheryn C. Metz	1949-1952

15	Representative Gladys Shand Nelson	1951-1956
16	Representative Lenabelle Bock	1961-1964
17	Representative Katherine M. Falvey (Zastrow)	
18		1959-1964
19	Representative Frances G. Hakes	1961-1964
20	Representative Percie E. Van Alstine	1961-1964
21	Senator Vera H. Shivvers (McKee)	1963-1964
22	Representative Minnette F. Doderer	1964-1968,
23		1981-1996
24	Senator Minnette F. Doderer	1969-1978
25	Representative Mattie B. Bogenrief	1965-1966
26	Representative Gertrude S. Cohen	1965-1966
27	Representative Willie S. Glanton	1965-1966
28	Representative Mary Pat Gregerson	1965-1966
29	Representative Olga D. Wolcott	1965-1966
30	Representative W. Charlene Conklin	1967-1968

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1	Representative June A. Franklin	1967-1972
2	Representative Joan M. Lipsky	1967-1978
3	Representative Elizabeth O. Shaw	1967-1972
4	Senator Charlene Conklin	1969-1972
5	Representative Elizabeth Ruby Miller	1969-1972
6	Senator Elizabeth Ruby Miller	1973-1980
7	Senator Elizabeth O. Shaw	1973-1978
8	Senator Joan Y. Orr	1970,
9		1973-1980
10	Representative Lucile Duitscher	1970
11	Representative Sonja C. Egenes	1971-1982
12	Representative Lillian M. McElroy	1971-1976
13	Representative Hallie L. Sargisson	1971-1972
14	Representative Mattie Harper	1973-1977
15	Representative E. Jean Kiser	1973-1974
16	Representative Mary T. O'Halloran	1973-1978
17	Representative Diane Brandt	1975-1982
18	Representative Julia B. Gentleman	1975-1978
19	Senator Julia B. Gentleman	1979-1990
20	Representative Joyce Lonergan	1975-1986
21	Representative Opal L. Miller	1975-1978
22	Representative Linda A. Svoboda	1975-1978
23	Representative Betty Jean Clark	1977-1990
24	Representative Betty A. Hoffmann (Hoffman-Bright)	
25		1977-1984
26	Representative Nancy J. Shimanek (Boyd)	
27		1977-1982
28	Representative Patricia L. Thompson	1977-1980
29	Senator Sue Yenger	1979-1982
30	Representative Sonja Larsen	1979-1980

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1	Representative Jean Lloyd-Jones	1979-1986
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2	Senator Jean Lloyd-Jones	1987-1994
3	Representative Sue Mullins	1979-1988
4	Representative Virginia Poffenberger	1979-1982
5	Representative Dorothy F. Carpenter	1981-1994
6	Representative Karen Mann	1981-1982
7	Representative Joan (Jo) Smith	1981-1982
8	Representative Jo Ann Trucano	1981-1982
9	Representative Marcia K. Walter	1981-1982
10	Representative Janet Carl	1981-1986
11	Representative Elaine Baxter	1982-1986
12	Representative Florence D. Buhr	1983-1990
13	Senator Florence D. Buhr	1991-1994
14	Representative Kay Chapman	1983-1992
15	Representative Josephine Gruhn	1983-1992
16	Representative Johnie Hammond	1983-1994
17	Senator Johnie Hammond	1995-1996
18	Representative Doris A. Peick	1983-1986
19	Representative Janis I. Torrence (Laughlin)	
20		1983-1986
21	Representative Jo Ann Zimmerman	1983-1986
22	Lieutenant Governor and Senate President	
23	Jo Ann Zimmerman	1987-1990
24	Senator Joy C. Corning	1985-1990
25	Senator Beverly A. Hannon	1985-1992
26	Representative Linda L. Beatty	1985-1994
27	Representative Joan L. Hester	1985-1994
28	Representative Janet S. Metcalf	1985-1996
29	Representative Jane Teaford	1985-1992
30	Representative Janet Adams	1987-1992

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1	Representative Teresa A. Garman	1987-1996
2	Representative Patricia Harper	1987-1990
3		1993-1996
4	Representative Mary A. Lundby	1987-1994
5	Senator Mary A. Lundby	1995-1996
6	Representative Mary Neuhauser	1987-1994
7	Senator Mary Neuhauser	1995-1996
8	Representative Jane Svoboda	1987-1992
9	Senator Elaine Szymoniak	1989-1996
10	Senator Maggie Tinsman	1989-1996
11	Representative Dolores M. Mertz	1989-1996
12	Representative Joyce Nielsen	1989-1992
13	Senator Mary E. Kramer	1991-1996
14	Senator Patty Judge	1993-1996
15	Representative Sandra H. Greiner	1993-1996
16	Representative Betty Grundberg	1993-1996
17	Representative Pam Jochum	1993-1996
18	Representative Mona Martin	1993-1996
19	Representative Linda Nelson	1993-1996
20	Senator Mary Lou Freeman	1994-1996
21	Senator Nancy Boettger	1995-1996

22	Senator Joann Douglas	1995-1996
23	Representative Effie Lee Boggess	1995-1996
24	Representative Cecelia Burnett	1995-1996
25	Representative Donna M. Hammitt Barry	1995-1996
26	Representative Libby Jacobs	1995-1996
27	Representative Mary Mascher	1995-1996
28	Representative Beverly J. Nelson	1995-1996
29	Representative Rosemary Thomson	1995-1996;
30	and	

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1 *Whereas*, the women of the General Assembly have
 2 represented their communities and the state with
 3 diligence and enthusiasm; and
 4 *Whereas*, the knowledge, expertise, and wise
 5 leadership of these women have provided guidance as
 6 Iowa prepares to enter the 21st century; and
 7 *Whereas*, these women deserve recognition for their
 8 outstanding contributions to Iowa and for their
 9 accomplishments as America's true "timeless pioneers";
 10 *Now Therefore*,
 11 *Be It Resolved By The House Of Representatives, The*
 12 *Senate Concurring*, That the General Assembly extends
 13 its sincerest appreciation to all of the women who
 14 have unselfishly served Iowa as state legislators
 15 during the state's first 150 years of statehood, and
 16 recognizes and joins in the 100th Year Celebration of
 17 Women in State Legislatures.
 18 *Be It Further Resolved*, That the Chief Clerk of the
 19 House of Representatives forward copies of this
 20 Resolution to the Commission on the Status of Women,
 21 which shall make every reasonable effort to forward
 22 copies of this Resolution to the legislators
 23 identified in this Resolution, or to the families of
 24 those legislators who are deceased, and to the
 25 National Foundation for Women Legislators, Inc.

HCR.7 filed January 31, 1997; House adopted February 18, 1997;
 Senate adopted March 4, 1997.

1 House Concurrent Resolution 15
 2 By Committee On Education
 3 (Successor To HSB 131)
 4 A Concurrent Resolution providing for the formation
 5 of a committee by the Legislative Council to
 6 conduct a comprehensive study of school finance
 7 and make recommendations for a revised school
 8 aid formula.
 9 *Whereas*, the school aid formula contained in Code
 10 chapter 257 is subject to a sunset provision repealing
 11 the chapter effective July 1, 2001; and
 12 *Whereas*, inequities between school districts under

13 the present school aid formula exist, based in part on
 14 escalating transportation costs, special needs
 15 resulting from declining or increasing enrollments,
 16 special education funding inequities, and the needs of
 17 students who require special assistance to
 18 successfully complete the requirements of a standard
 19 school curriculum; and

20 *Whereas*, there exists interest in and support for a
 21 new school foundation formula addressing existing
 22 inequities, easing the property tax burden, and
 23 simplifying the present formula; and

24 *Whereas*, the General Assembly believes that a
 25 comprehensive review of the current school aid formula
 26 and a study of proposed modifications or revisions
 27 prior to that date are necessary and in the best
 28 interests of the schoolchildren and citizens of the
 29 state of Iowa; *Now Therefore*,

30 *Be It Resolved By The House Of Representatives, The*

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1 *Senate Concurring*, That the Legislative Council shall
 2 appoint a working committee to conduct a comprehensive
 3 study of school finance and make recommendations for a
 4 school finance program for Iowa for the year 2000 and
 5 beyond. The study shall include a review of the
 6 present school finance formula, the property tax
 7 burden on taxpayers of the various school districts
 8 including their property assessment practices, and
 9 identification of potential alternative methods of
 10 school finance in anticipation of the repeal of the
 11 present state school foundation formula effective July
 12 1, 2001.

13 The working committee shall be composed of members
 14 of both political parties and both houses of the
 15 General Assembly who are members of the Committees on
 16 Education and the Committees on Ways and Means and
 17 members who represent the Department of Education,
 18 education interest groups, and other organizations and
 19 associations interested in school finance.

20 The committee shall be staffed by the Legislative
 21 Service Bureau and the Legislative Fiscal Bureau. The
 22 committee shall begin its deliberations following the
 23 adjournment of the 1997 Session of the General
 24 Assembly and shall issue its report of recommendations
 25 by December 1, 1998.

26 It is the intent of the General Assembly that the
 27 General Assembly meeting in 1999 shall enact a school
 28 aid formula to replace the formula contained in Code
 29 chapter 257. The new formula shall take effect for
 30 computations and procedures needed during the school

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1 year beginning July 1, 2000, in order to implement the

2 new formula for the school year beginning July 1,
3 2001.

HCR 15 filed February 28, 1997; House adopted March 20, 1997.

1 House Concurrent Resolution 18
2 By Mascher, Blodgett, Bradley, Chapman, Cohoon,
3 Doderer, Drake, Foege, Ford, Grundberg, Hansen,
4 Holveck, Jenkins, Kreiman, Larson, Martin, Millage,
5 Moreland, Myers, Nelson, Richardson, Weigel, and Wise
6 (Companion to LSB 2425SS by Dvorsky)
7 A Concurrent Resolution recognizing the 150th anniver-
8 sary of the founding of the University of Iowa.
9 *Whereas*, Article XI, section 8, of the Constitution
10 of the State of Iowa permanently establishes the State
11 University, at Iowa City, in the County of Johnson;
12 and
13 *Whereas*, the Old Capitol located at the University
14 of Iowa housed the fifth legislative Assembly of the
15 Territory of Iowa in 1842 and then became the first
16 capitol of the State of Iowa in 1846; and
17 *Whereas*, the University of Iowa was founded on
18 February 25, 1847, only 59 days after Iowa became a
19 state; and
20 *Whereas*, the University of Iowa has awarded over
21 250,000 degrees since the university awarded the first
22 degree to Dexter Smith in 1858; and
23 *Whereas*, in 1855, the University of Iowa offered
24 admission to men and women on an equal basis; and
25 *Whereas*, in 1868, the University of Iowa School of
26 Law was the first law school in the United States
27 located west of the Mississippi River; and
28 *Whereas*, in 1872, the University of Iowa created
29 the first permanent college-level department of
30 education in the United States; and

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1 *Whereas*, in 1873, a University of Iowa student,
2 Mary Hickey Wilkinson, received a law degree from the
3 University of Iowa School of Law, becoming the first
4 woman in the United States to earn a law degree; and
5 *Whereas*, in 1879, a University of Iowa student,
6 Alexander Clark, Jr., received a law degree from the
7 University of Iowa School of Law, becoming one of the
8 first African-Americans in the United States to earn a
9 law degree; and
10 *Whereas*, in 1882, the University of Iowa Dental
11 Department was the first dental department in the
12 United States located west of the Mississippi River;
13 and
14 *Whereas*, in 1901, students at the University of
15 Iowa began publishing the first daily campus newspaper

16 west of the Mississippi River; and
17 *Whereas*, since 1905, 17 students from the
18 University of Iowa have been named Rhodes Scholars;
19 and
20 *Whereas*, in 1919, the University of Iowa
21 established a separate department of neurology, which
22 is the oldest continuing program west of the
23 Mississippi River; and
24 *Whereas*, in 1927, the University of Iowa became the
25 first state university to establish a School of
26 Religion; and
27 *Whereas*, in 1934, artist Grant Wood joined the
28 faculty of the Department of Graphic and Plastic Arts,
29 four years after painting "American Gothic"; and
30 *Whereas*, in 1936, the Writers' Workshop was

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1 established as the first university-sponsored program
2 in creative writing in the United States, and boasts
3 such graduates as Flannery O'Connor, Gail Godwin, John
4 Irving, and Mona Van Duyn; and
5 *Whereas*, in 1938, the University of Iowa
6 established the first hospital pharmacy graduate
7 program in the United States; and
8 *Whereas*, in 1939, a University of Iowa student,
9 Nile C. Kinnick, was awarded the Heisman Trophy in
10 recognition of his achievements as a football player
11 for the University of Iowa football team; and
12 *Whereas*, since 1939, University of Iowa graduates
13 have earned 13 Pulitzer Prizes; and
14 *Whereas*, in 1948, the University of Iowa School of
15 Journalism awarded the first degree in mass
16 communication in the United States; and
17 *Whereas*, in 1955, the University of Iowa
18 established the first institute of agricultural
19 medicine and environmental health in the western
20 hemisphere; and
21 *Whereas*, in 1958, University of Iowa physics
22 professor James A. Van Allen discovered belts of
23 radiation surrounding the earth, a phenomenon that
24 eventually would be named the Van Allen Belts; and
25 *Whereas*, generations of students educated at the
26 University of Iowa have made tremendous contributions
27 to the betterment of the state, the country, and the
28 world; and
29 *Whereas*, the University of Iowa has distinguished
30 itself nationally and internationally in many academic

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1 fields and endeavors; and
2 *Whereas*, facing a new century, the University of

3 Iowa has made a renewed commitment to its core values
 4 of learning, community, responsibility, integrity, and
 5 quality; and

6 *Whereas*, the people of Iowa are invited to
 7 celebrate the University of Iowa's Sesquicentennial
 8 Year, marking 150 years of teaching, research, and
 9 service to the State of Iowa and to the nation; *Now*
 10 *Therefore*,

11 *Be It Resolved By The House Of Representatives, The*
 12 *Senate Concurring*, That the Iowa General Assembly
 13 recognizes and congratulates the University of Iowa
 14 for 150 continuous years of providing exemplary
 15 education for its students and providing positive
 16 contributions to the quality of life of all Iowans,
 17 and encourages the University of Iowa to continue to
 18 fulfill the threefold mission of teaching, research,
 19 and service.

HCR 18 filed March 13, 1997; House adopted April 16, 1997.

1 House Concurrent Resolution 19

2 By Bukta and Bradley

3 A Concurrent Resolution congratulating Clinton
 4 Community College for 50 years of service to the
 5 people of Clinton County.

6 *Whereas*, 50 years ago the people of Clinton
 7 enthusiastically voted to fund the construction of a
 8 new junior college for the community; and

9 *Whereas*, this academic year marks the 50th
 10 anniversary of the creation of Clinton Junior College;
 11 and

12 *Whereas*, Clinton Junior College was renamed Clinton
 13 Community College when it became part of the state's
 14 community college system in 1966; and

15 *Whereas*, more than 1,100 students currently attend
 16 Clinton Community College; and

17 *Whereas*, more than 10,000 students have attended
 18 Clinton Community College in its 50-year history; and

19 *Whereas*, the people of Clinton County and this
 20 state are grateful for the educational opportunities
 21 provided by Clinton Community College; *Now Therefore*,

22 *Be It Resolved By The House Of Representatives, The*
 23 *Senate Concurring*, That the General Assembly of the
 24 State of Iowa recognize the people of Clinton County
 25 whose foresight and community spirit created Clinton
 26 Junior College 50 years ago, and congratulate the
 27 faculty, staff, and administrators of Clinton
 28 Community College on this 50th anniversary of
 29 providing educational services and training to the
 30 citizens of Clinton County and this state.

HCR 19 filed March 19, 1997; House adopted April 21, 1997.

1 House Concurrent Resolution 20
2 By Kremer
3 (Companion to LSB 2746SS by Jensen)
4 A Concurrent Resolution proclaiming the creation
5 of the Iowa Veterans Foundation.
6 *Whereas*, the Iowa Commission of Veterans Affairs
7 recognizes the needs of Iowa veterans who have served
8 both the state of Iowa and the nation with a deep
9 sense of patriotism; and
10 *Whereas*, men and women who have served in the Armed
11 Forces of the United States now comprise over one-
12 third of the population of the state; and
13 *Whereas*, it is necessary for many of these
14 returning veterans to avail themselves of educational,
15 health care, housing, employment opportunity, and
16 other personal need services; and
17 *Whereas*, the Iowa Commission of Veterans Affairs
18 has created a charitable Iowa Veterans Foundation
19 dedicated to the betterment and well-being of Iowa's
20 veterans and their families; and
21 *Whereas*, the Foundation was established to assist
22 in funding medical research, purchasing life-saving
23 medical equipment, and providing health care services
24 and equipment for veterans wishing to pursue
25 independent living; and
26 *Whereas*, the Foundation will provide scholarships
27 to veterans and their families, will erect memorials
28 and cemeteries, and will provide perpetual care for
29 Iowa's infirm veterans; *Now Therefore*,
30 *Be It Resolved By The House Of Representatives, The*

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1 *Senate Concurring*, That the Iowa General Assembly
2 hereby proclaims April 9, 1997, a special day
3 signifying the importance of this newly established
4 foundation to Iowa veterans.

HCR 20 filed March 20, 1997; House adopted April 2, 1997; Senate
adopted April 7, 1997.

1 House Concurrent Resolution 21
2 By Fallon, Vande Hoef, Connors, Boddicker, Myers,
3 Welter, Witt, Carroll, Schrader, Grundberg,
4 Burnett, and Mascher
5 A Concurrent Resolution establishing a special commis-
6 sion to study and make recommendations concerning
7 urban planning, growth management of cities, and
8 protection of farmland.
9 *Whereas*, it is the intent of the General Assembly
10 to provide for the orderly use and development of land
11 in the state, to preserve private property rights, to
12 preserve the use of prime agricultural land for
13 agricultural production, to preserve natural,

14 cultural, and historical areas, and to provide for the
 15 coordination of comprehensive plans for land use; and
 16 *Whereas*, it is the intent of the General Assembly
 17 to control urban sprawl, and thereby provide for the
 18 protection and preservation of the private and public
 19 interest in the land, water, and related resources of
 20 this state for the public health, safety, and general
 21 welfare, and for the benefit of present and future
 22 generations; *Now Therefore*,

23 *Be It Resolved By The House Of Representatives, The*
 24 *Senate Concurring*, That a special commission shall be
 25 established to study urban planning, growth
 26 management, and farmland protection; and
 27 *Be It Further Resolved*, That the special commission
 28 shall consist of 21 voting members with diverse
 29 expertise in planning, development, design, zoning,
 30 annexation, agriculture, historic preservation, and

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- 1 conservation, including all of the following:
- 2 1. Four members of the general assembly with not
 3 more than one member from each chamber being from the
 4 same political party. The two senators shall be
 5 designated by the majority leader of the Senate after
 6 consultation with the minority leader of the Senate.
 7 The two representatives shall be designated by the
 8 Speaker of the House of Representatives after
 9 consultation with the majority and minority leaders of
 10 the House of Representatives. Of the members from
 11 each chamber, one member shall represent a district
 12 which is primarily urban, while the other member shall
 13 represent a district which is primarily rural.
 - 14 2. One member appointed by the Governor.
 - 15 3. The executive director of the Iowa Farm Bureau
 16 Federation or a designee of the executive director.
 - 17 4. The executive director of the Iowa Farmers'
 18 Union or a designee of the executive director.
 - 19 5. The executive director of the Iowa League of
 20 Cities or a designee of the executive director.
 - 21 6. The executive director of the Iowa State
 22 Association of Counties or a designee of the executive
 23 director.
 - 24 7. The chairperson of the Department of Community
 25 and Regional Planning in the College of Design at Iowa
 26 State University of Science and Technology.
 - 27 8. The president of the Iowa Chapter of the
 28 American Planning Association or a designee of the
 29 president.
 - 30 9. The executive director of the Associated

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- 1 Builders and Contractors of Iowa, Inc. or a designee of the

- 2 executive director.
- 3 10. The executive director of the Iowa Association
4 of Soil and Water Conservation District Commissioners
5 or a designee of the executive director.
- 6 11. The executive director of the Iowa Historic
7 Preservation Alliance or a designee of the executive
8 director.
- 9 12. The president of the Iowa Chapter of the
10 American Society of Landscape Architects or a designee
11 of the president.
- 12 13. The executive director of the Iowa Chapter of
13 the American Institute of Architects or a designee of
14 the executive director.
- 15 14. The executive director of the Iowa Natural
16 Heritage Foundation or a designee of the executive
17 director.
- 18 15. The executive director of the Iowa Public
19 Transit Association or a designee of the executive
20 director.
- 21 16. The executive director of the Iowa Sportsmen's
22 Federation or a designee of the executive director.
- 23 17. The president of the Iowa Audubon Council or a
24 designee of the president.
- 25 18. One member appointed jointly by the farm
26 commodity organizations of the state; and
- 27 *Be It Further Resolved*, That the co-chairpersons of
28 the special commission shall be the General Assembly
29 members of the majority party from each chamber; and
30 *Be It Further Resolved*, That the special commission

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- 1 shall do all of the following:
- 2 1. Review the county land-use inventories compiled
3 pursuant to chapter 352 and survey the status of Iowa
4 farmland and natural areas since the compilation of
5 the county land-use inventories to determine the
6 extent to which these areas have been converted to
7 residential, commercial, or industrial use. The
8 survey shall also report on the agricultural quality
9 of the farmland converted to residential, commercial,
10 or industrial use.
- 11 2. Survey the problems facing the state's cities
12 including, but not limited to, problems involving
13 crime, poverty, infrastructure, housing, and taxation.
- 14 3. Evaluate the effectiveness of current state,
15 regional, and local planning and zoning laws and
16 assess their impact on the farmland, natural areas,
17 and cities of the state.
- 18 4. Review model legislation and studies on
19 farmland protection and urban planning and collect
20 information on states that have undertaken reform
21 efforts and have effective programs.

22 5. During 1997, hold public hearings throughout
 23 the state to share the initial findings of the special
 24 commission and solicit public comment and input on
 25 steps that might be taken to address the charge of the
 26 special commission.
 27 6. Propose innovative and cooperative planning and
 28 land-use approaches that will protect farmland,
 29 accommodate and guide growth and development, ensure
 30 the planning and construction of adequate supporting

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1 services and infrastructure including utilities, storm
 2 water management systems, and transportation, provide
 3 opportunities for or eliminate barriers to affordable
 4 housing, protect the environment, minimize exposure to
 5 natural hazards, and generally address the concerns
 6 outlined in this resolution.

7 7. At the discretion of the special commission,
 8 hold a second series of public hearings in the fall of
 9 1998; and

10 *Be It Further Resolved*, That the special commission
 11 shall convene each month; and

12 *Be It Further Resolved*, That the special commission
 13 shall submit an interim report to the General Assembly
 14 no later than January 1, 1998, which shall include,
 15 but not be limited to, a status report of the
 16 commission's actions and an explanation of future
 17 plans; and

18 *Be It Further Resolved*, That the special commission
 19 shall submit a final report to the General Assembly no
 20 later than December 1, 1998, which shall include, but
 21 not be limited to, findings, analysis, and
 22 recommendations by the special commission; and

23 *Be It Further Resolved*, That the Legislative
 24 Council pursuant to its authority in section 2.43 may
 25 allocate funding from moneys available to it in
 26 section 2.12, to the special commission created in
 27 this resolution for studies, consultants, surveys, and
 28 reimbursement of any public or private department or
 29 agency that provides staffing services for the
 30 commission.

HCR 21 filed April 2, 1997; House adopted 16, 1997; Senate adopted
 April 28, 1997.

1 House Concurrent Resolution 22
 2 By Committee On Ways and Means
 3 (Successor To HSB 155.1)
 4 A Concurrent Resolution requesting the Legislative
 5 Council to establish a task force to study Iowa's
 6 system of state and local taxation and requiring
 7 reporting by certain dates.

8 *Whereas*, taxes are necessary to pay for the
9 important public services that citizens rely on state
10 and local governments to provide; and

11 *Whereas*, a periodic review of state and local taxes
12 is necessary to study the impact of the taxes and to
13 ensure continued fairness and equity in Iowa's tax
14 system; and

15 *Whereas*, it is in the best interests of the State
16 to maintain Iowa's competitive tax climate, while
17 ensuring that all individuals and businesses pay their
18 fair share of taxes; *Now Therefore*,

19 *Be It Resolved By The House Of Representatives, The*
20 *Senate Concurring*, That the Legislative Council is
21 requested to establish a task force to study and make
22 recommendations to the Governor and the General
23 Assembly regarding the state and local tax systems in
24 Iowa and to address the goals of tax simplification,
25 equity, and reduction.

26 1. The study shall include, but not be limited to,
27 the following:

28 a. The local property tax system, including the
29 assessment and collection process, the impact of
30 property tax credits and exemptions, and the effect of

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1 property tax abatement and tax increment financing
2 programs.

3 b. The state individual income tax system,
4 including income tax rates, income tax credits,
5 exemptions, and deductions from income.

6 c. The state income tax on C-corporations, the tax
7 on financial institutions, and taxation of the income
8 of other businesses, including partnerships, limited
9 liability companies, and S-corporations.

10 d. The sales, services, and use tax imposed by the
11 state and local option sales and services tax,
12 including the tax rates and exemptions from the tax
13 and the recordkeeping burdens on retailers caused by
14 collecting the tax.

15 e. All other state and local taxes determined to
16 be an appropriate area of study by the task force.

17 *Be It Further Resolved*, That the task force shall
18 consist of nineteen members.

19 1. Ten of the members shall be selected as
20 follows:

21 a. Five members who are members of the senate,
22 three of whom shall be appointed by the majority
23 leader of the senate and two of whom shall be
24 appointed by the minority leader of the senate.

25 b. Five members who are members of the house of
26 representatives, three of whom shall be appointed by
27 the speaker of the house and two of whom shall be

28 appointed by the minority leader of the house.
 29 2. Nine members, from the following associations
 30 and selected by the Legislative Council, may be

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- 1 selected as follows:
- 2 a. One member from an association of Iowa
 - 3 assessors.
 - 4 b. One member from an association of Iowa
 - 5 counties.
 - 6 c. One member from an association of Iowa cities.
 - 7 d. One member from an association of Iowa school
 - 8 boards.
 - 9 e. One member from an association of Iowa farmers
 - 10 and other agricultural interests.
 - 11 f. One member from Iowa businesses and business
 - 12 interests.
 - 13 g. One member from an association of Iowa
 - 14 utilities.
 - 15 h. One member from an organization of Iowa
 - 16 taxpayers.
 - 17 i. One member from a labor organization.
- 18 The temporary co-chairpersons of the task force
 19 shall be the chairpersons of the senate and house ways
 20 and means committees. The nonlegislative members
 21 appointed to the task force shall be nonvoting members
 22 of the task force in accordance with section 2.61.
 23 *Be It Further Resolved*, That the task force may
 24 contract with one or more tax consultants or experts
 25 familiar with the Iowa state and local tax systems.
 26 The Legislative Council may authorize the expenditure
 27 of funds from moneys available to the Legislative
 28 Council for the purpose of contracting with the
 29 consultant or expert recommended by the task force;
 30 and

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- 1 *Be It Further Resolved*, That the task force seek
 2 assistance from the department of revenue and finance
 3 and the department of management, and other public and
 4 nonpublic institutions and agencies deemed
 5 appropriate. Staff assistance to the task force shall
 6 be provided by the Legislative Service Bureau and the
 7 Legislative Fiscal Bureau; and
 8 *Be It Further Resolved*, That the task force shall
 9 present a progress report to the General Assembly
 10 meeting in 1998 upon its convening and shall present
 11 its final report along with any recommendations to the
 12 General Assembly meeting in 1999 upon its convening.
 13 *Be It Further Resolved*, That recommendations
 14 contained in the progress report prepared by the task

15 force or contained in the final report prepared by the
 16 task force shall be drafted as study bills by the
 17 legislative service bureau for consideration by the
 18 General Assembly.

HCR 22 filed April 8, 1997; House adopted April 23, 1997; Senate
 adopted April 28, 1997.

1 House Concurrent Resolution 23
 2 By Hahn, Siegrist, Schrader, Eddie, Meyer, Drees,
 3 Boggess, Frevert, Greig, Greiner, Heaton, Huseman,
 4 Houser, Klemme, Koenigs, Kreiman, May, Mertz, Mundie,
 5 Reynolds-Knight, Scherrman, Teig, Welter, O'Brien,
 6 Lord, Rayhons, Drake, Bradley, Dolecheck, Brand,
 7 Weigel, Foege, Thomas, Myers, Bukta, Cohoon, Dotzler,
 8 Falck, Kinzer, Whitead, Warnstadt, Osterhaus, Bernau,
 9 Huser, Bell, Connors, Chapman, Wise, Moreland,
 10 Mascher, Witt, Millage, Tyrrell, Van Fossen, Hansen,
 11 Nelson, Churchill, Rants, Brauns, Dix, Jacobs,
 12 Vande Hoef, Holmes, Weidman, Thomson, Van Maanen,
 13 Carroll, Metcalf, Blodgett, Veenstra, Arnold,
 14 Lamberti, Larson, Jenkins, Martin, Brunkhorst,
 15 Boddicker, Gipp, Gries, Corbett, and Grundberg
 16 (Companion to LSB 2748SS by Bartz)
 17 A Concurrent Resolution to request that the Congress of
 18 the United States maintain and renew its commitment
 19 to America's corn growers and this nation's ethanol
 20 industry by supporting a tax exemption and by taking
 21 other actions to increase this nation's commitment to
 22 the production and use of ethanol.
 23 *Whereas*, this nation is dependent upon the
 24 consumption of ever-diminishing domestic crude oil
 25 reserves with the United States annually importing
 26 foreign petroleum which accounts for 54 percent of the
 27 nation's petroleum consumption and contributes to the
 28 nation's serious trade deficit; and
 29 *Whereas*, a significant amount of this nation's air
 30 pollution is caused by vehicles, emitting a variety of

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1 petroleum-based pollutants, including benzene and
 2 other aromatics, nitrous oxides, particulate matter in
 3 the form of smoke and soot, carbon monoxide, and
 4 carbon dioxide; and
 5 *Whereas*, the state of Iowa ranks as a preeminent
 6 agricultural state, leading the nation in the
 7 production of corn; and
 8 *Whereas*, the processing of corn into ethanol adds
 9 value to this nation's abundant corn crop, increasing
 10 net farm income, creating employment opportunities,
 11 increasing state and federal tax receipts, reducing
 12 this nation's dependence upon foreign nations, and
 13 reducing the federal trade deficit; and

14 *Whereas*, in 1996 ethanol production contributed
15 \$1.9 billion to Iowa's economy, affected the
16 employment of 13,250 Iowans, and increased the value
17 of Iowa's corn crop by \$335 million; and
18 *Whereas*, ethanol provides competition in fuel
19 markets and expands consumers' choice of motor fuels
20 which has resulted in a 45 percent market share in the
21 state of Iowa; and
22 *Whereas*, motor fuel that includes only a 10 percent
23 blend of ethanol contains 3.5 percent oxygen, which
24 enhances octane levels and provides more oxygen for
25 fuel combustion resulting in reduced levels of
26 hazardous emissions such as carbon monoxide and which
27 provides Americans with healthier air to breathe; and
28 *Whereas*, the United States Congress in supporting
29 the need to reduce this nation's dependence upon
30 foreign petroleum, to provide additional markets for

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1 domestic corn, to protect the public health, and to
2 preserve the nation's environment, has traditionally
3 encouraged ethanol production and consumption; and
4 *Whereas*, long-standing bipartisan congressional
5 support for the ethanol industry is reflected by the
6 5.4-cent federal tax exemption applicable to gasoline
7 formulated using clean burning ethanol; and
8 *Whereas*, the federal tax exemption, currently
9 scheduled to expire on December 31, 2000, is subject
10 to attack by certain members of the current session of
11 the 105th Congress of the United States, as manifested
12 by H.R. 161 introduced by United States Representative
13 Phil English and H.R. 587 introduced by United States
14 Representative Ken Bentsen, both supported by United
15 States Representative Bill Archer serving as the
16 Chairman of the House Ways and Means Committee; *Now*
17 *Therefore*,
18 *Be It Resolved By The House Of Representatives, The*
19 *Senate Concurring*, That the general assembly encourage
20 the Congress of the United States to resist all
21 efforts to diminish its traditional support of corn
22 growers and the ethanol industry.
23 *Be It Further Resolved*, That the Congress of the
24 United States renew this nation's commitment to the
25 ethanol industry, including by continuing its support
26 of the federal ethanol tax exemption, increasing its
27 commitment to this environmentally benevolent
28 renewable fuel, and taking other actions to increase
29 this nation's commitment to the production and use of
30 ethanol.

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1 *Be It Further Resolved*, That copies of this

2 Resolution be sent by the Chief Clerk of the House of
3 Representatives to the President of the United States.

4 *Be It Further Resolved*, That copies of this

5 Resolution be sent by the Chief Clerk of the House of
6 Representatives to the President of the Senate of the
7 United States; the Speaker of the House of
8 Representatives of the United States; the majority and
9 minority leaders of the United States Senate; and the
10 majority and minority leaders of the United States
11 House of Representatives.

12 *Be It Further Resolved*, That copies of this

13 Resolution be sent by the Chief Clerk of the House of
14 Representatives to the chairmen and ranking members of
15 the United States Senate Committee on Agriculture,
16 Nutrition, and Forestry; the United States Senate
17 Committee on Commerce, Science, and Transportation;
18 the United States Senate Committee on Finance; the
19 United States Senate Committee on Energy and Natural
20 Resources; the United States House of Representatives
21 Committee on Agriculture; the United States House of
22 Representatives Committee on Ways and Means; the
23 United States House of Representatives Committee on
24 Transportation and Infrastructure; and the United
25 States House of Representatives Committee on
26 Resources.

27 *Be It Further Resolved*, That copies of this

28 Resolution be sent by the Chief Clerk of the House of
29 Representatives to Iowa's congressional delegation.

HCR 23 filed April 21, 1997; House adopted April 23, 1997; Senate
adopted April 29, 1997.

1 House Concurrent Resolution 25

2 By Blodgett

3 A Concurrent Resolution requesting an interim committee
4 on anatomical gift referral.

5 *Whereas*, currently 242 people in this state are
6 awaiting organ transplants including heart, lung,
7 liver, kidney, and kidney-pancreas transplants; and
8 *Whereas*, the number of organ donors in this state
9 was only 55 in 1996; and

10 *Whereas*, referrals from hospitals to organ
11 procurement organizations are a necessary and
12 important part of the anatomical gift process; and

13 *Whereas*, referrals from hospitals to organ
14 procurement organizations increased only slightly from
15 1995 to 1996; and

16 *Whereas*, the need for organ transplants continues
17 to increase at a faster rate than organ donations, *Now*
18 *Therefore*,

19 *Be It Resolved By The House Of Representatives, The*
20 *Senate Concurring*, That the Legislative Council is
21 requested to establish a legislative committee during

22 the 1997 interim of the General Assembly to review the
 23 compliance of hospitals in making referrals to organ
 24 procurement organizations and to submit a report of
 25 findings and recommendations to the General Assembly
 26 to increase referrals in the state.

HCR 25 filed April 28, 1997; House adopted April 29, 1997.

1 House Resolution 4
 2 By Committee On Administration and Rules
 3 A Resolution honoring Representative Roger A. Halvorson
 4 for his years of legislative service.
 5 *Whereas*, Representative Roger A. Halvorson
 6 completed 22 years of service to the State of Iowa as
 7 a member of the Seventy-sixth General Assembly, having
 8 served as Majority Floor Leader for the Sixty-eighth
 9 General Assembly and as Chairperson of the Committee
 10 on Small Business, Economic Development and Trade for
 11 the Seventy-fifth General Assembly, and as Chairperson
 12 of the Committee on Ways and Means for the Seventy-
 13 sixth General Assembly; and
 14 *Whereas*, Representative Halvorson has served
 15 honorably and has unselfishly given of his time and
 16 efforts to further the interests of the State of Iowa
 17 and to provide beneficial programs for the citizens of
 18 Iowa; and
 19 *Whereas*, it is proper that Representative Halvorson
 20 be honored for his many years of service to the State
 21 of Iowa; *Now Therefore*,
 22 *Be It Resolved By The House Of Representatives*,
 23 That the House of Representatives pay tribute to
 24 Representative Halvorson and express its gratitude for
 25 the service rendered by him; and
 26 *Be It Further Resolved*, That the House of
 27 Representatives present to Representative Halvorson
 28 his House chair in appreciation for his service.

HR 4 filed January 15, 1997; House adopted January 22, 1997.

1 House Resolution 5
 2 By Committee On Administration and Rules
 3 A Resolution honoring Representative Horace Daggett
 4 for his years of legislative service.
 5 *Whereas*, Representative Horace Daggett completed 24
 6 years of service to the State of Iowa as a member of
 7 the Seventy-sixth General Assembly, having served as
 8 Chairperson of the Committee on Administration for the
 9 Sixty-eighth General Assembly, as Chairperson of the
 10 Committee on Education for the Sixty-ninth General
 11 Assembly, and as Chairperson of the Committee on Human
 12 Resources for the Seventy-sixth General Assembly; and
 13 *Whereas*, Representative Daggett has served
 14 honorably and has unselfishly given of his time and

15 efforts to further the interests of the State of Iowa
 16 and to provide beneficial programs for the citizens of
 17 Iowa; and

18 *Whereas*, it is proper that Representative Daggett
 19 be honored for his many years of service to the State
 20 of Iowa; *Now Therefore*,

21 *Be It Resolved By The House Of Representatives*,
 22 That the House of Representatives pay tribute to
 23 Representative Daggett and express its gratitude for
 24 the service rendered by him; and

25 *Be It Further Resolved*, That the House of
 26 Representatives present to Representative Daggett his
 27 House chair in appreciation for his service.

HR 5 filed January 15, 1997; House adopted January 22, 1997.

1 House Resolution 12
 2 By Garman, Vande Hoef, Welter, Heaton, Larkin,
 3 Richardson, Myers, Cormack, and Bell
 4 A Resolution honoring Mr. Harry Cannon upon
 5 his retirement as the Deputy Director for Prison
 6 Industries of the Iowa Department of Corrections.
 7 *Whereas*, Prison Industries reported losses in four
 8 out of the five years preceding Mr. Cannon's
 9 employment as Deputy Director for Prison Industries in
 10 1985; and

11 *Whereas*, long before "customer-driven" became a
 12 part of this country's business lexicon, Mr. Cannon's
 13 infectious regard for the employees and customers of
 14 Prison Industries created enthusiastic employees who
 15 care deeply about quality and customers who are
 16 pleased with Prison Industries' products; and

17 *Whereas*, Prison Industries' performance level led
 18 to profits totaling \$6.7 million during 11 successive
 19 years while Mr. Cannon was Deputy Director; and
 20 *Whereas*, building construction and equipment
 21 purchases and installation during Mr. Cannon's tenure
 22 generated more than \$5 million for the state; and

23 *Whereas*, the productivity of Iowa's inmates for the
 24 past five years, as measured by dollars shipped per
 25 inmate employee, has been recognized by independent
 26 audit to be the highest in the nation; and

27 *Whereas*, Prison Industries, responding to a
 28 legislative mandate enacted in 1991, reduced
 29 supervisors from 22 to 11, decreased the layers of
 30 management from six to three, and created technical

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1 career paths through the establishment of technical
 2 positions equal to management in responsibility and
 3 salary; and

4 *Whereas*, during the last decade, Prison Industries

5 exceeded affirmative action and equal opportunity
 6 goals by increasing from one to 13 the number of
 7 protected class employees in managerial and technical
 8 positions; and
 9 *Whereas*, during Mr. Cannon's tenure four new
 10 service divisions, the Tourism Call Center, the
 11 Braille Production Shop, the Document Imaging Center,
 12 and the State Surplus Division, were created within
 13 Prison Industries; and
 14 *Whereas*, the Braille Production Shop has received
 15 national recognition for the quality of its raised
 16 line drawings and was one of 12 semifinalists selected
 17 from 1,800 entries for the Ford Foundation "Innovation
 18 in Government" award; and
 19 *Whereas*, the Braille Production Shop makes it
 20 possible for the Department for the Blind to meet its
 21 mandate to supply materials in Braille to all blind
 22 students; and
 23 *Whereas*, two of the fewer than 150 persons
 24 certified nationwide by the Library of Congress as
 25 Nemeth Code transcribers are inmate workers for Prison
 26 Industries; and
 27 *Whereas*, Prison Industries' sales have climbed from
 28 \$5.8 million in 1986 to \$13.1 million in 1996; *Now*
 29 *Therefore*,
 30 *Be It Resolved By The House Of Representatives*,

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1 That tribute be paid to Mr. Harry Cannon for his
 2 devoted service to Prison Industries, the employees of
 3 Prison Industries, and the citizens of this state and,
 4 upon his retirement, wished health and happiness in
 5 the years ahead; and
 6 *Be It Further Resolved*, That an official copy of
 7 this Resolution be prepared and presented to Mr. Harry
 8 Cannon.

HR 12 filed March 18, 1997; House adopted April 29, 1997.

1 House Resolution 13
 2 By Committee On Administration and Rules
 3 A Resolution relating to an annual budget for the
 4 daily operations of the House of Representatives.
 5 *Whereas*, the legislative authority of this state is
 6 vested in the General Assembly consisting of the House
 7 of Representatives and the Senate; and
 8 *Whereas*, the House of Representatives necessarily
 9 incurs substantial expenses for its daily operations;
 10 and
 11 *Whereas*, the House of Representatives is authorized
 12 to expend funds from the state treasury necessary to
 13 pay for its expenses and for expenses incurred jointly

14 by the House of Representatives and the Senate; and

15 *Whereas*, it is deemed advisable and proper for the
16 House of Representatives to make expenditures in
17 accordance with a budgetary plan; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*:

19 Section 1. Expenditures of the House of
20 Representatives payable pursuant to Iowa Code sections
21 2.10 through 2.14 for the regular legislative session
22 and the interim period during the fiscal year
23 beginning July 1, 1997, and ending June 30, 1998, are
24 budgeted to be as follows:

25 1. Session expenses, including members' annual
26 compensation and temporary staff compensation and
27 other current expenses in an amount not to exceed
28 \$5,308,800.

29 2. Interim expenses, including members' and staff
30 compensation and other current expenses in an amount

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1 not to exceed \$350,000.

2 3. Fixed expenses, including permanent employees'
3 compensation and equipment, in an amount not to exceed
4 \$2,100,000.

5 4. A special fund for renovation, restoration, and
6 equipment improvements in the House chamber and
7 adjacent areas to be used with the authorization of
8 the Committee on Administration and Rules, in an
9 amount not to exceed \$25,000.

10 5. A special fund for technology improvements and
11 equipment, in an amount not to exceed \$25,000.

12 Sec. 2. The Chief Clerk of the House of
13 Representatives shall immediately provide written
14 notice to the Speaker and Minority Leader of the House
15 of Representatives and to the Chair and Ranking Member
16 of the House Committee on Appropriations if actual
17 expenditures payable pursuant to Iowa Code sections
18 2.10 through 2.14 exceed the maximum amount allocated
19 to any category of the budget provided by section 1 of
20 this resolution. The written notice shall specify the
21 amount of and reasons for any excess expenditure.

22 Sec. 3. The expenditures referred to in section 2
23 of this resolution shall consist only of those sums
24 required for payment of the various expenses of the
25 General Assembly including items such as legislative
26 printing expenses, unpaid expenses incurred during the
27 interim between sessions of the General Assembly,
28 expenditures incurred pursuant to resolutions, and
29 expenses for purchases of legislative equipment and
30 supplies necessary to carry out the functions of the

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1 General Assembly. Joint expenditures or special

2 expenditures approved by the Committee on
3 Administration and Rules or the Legislative Council
4 are not included in the budget set forth in this
5 resolution.
6 Sec. 4. If a special session of the General
7 Assembly is held, the Committee on Administration and
8 Rules shall provide for consideration of a budget for
9 the special session.

HR 13 filed March 20, 1997; House adopted April 17, 1997.

1 House Resolution 15

2 By Connors and Holveck

3 A Resolution paying tribute to the memory of Mrs. Billie
4 Jean Walling and recognizing her many contributions to
5 the Iowa House of Representatives.

6 *Whereas*, Billie Jean Walling was born in Osceola,
7 Iowa, where she spent her early childhood before
8 moving with her family to Des Moines; and

9 *Whereas*, her career as a bookkeeper first took her
10 to the State of Iowa as a Senate Payroll Clerk in
11 1963, and then to the House of Representatives as
12 Clerk to the Chief Clerk and Payroll Clerk in 1967,
13 becoming House Finance Clerk in 1971; and

14 *Whereas*, Billie was well known during her many
15 years of service for her competence in administering
16 the House Finance Office, meeting and often surpassing
17 the expectations of legislative leaders and the Chief
18 Clerk, overseeing the modernization and
19 computerization of the Office's functions, and making
20 certain that she correctly accounted for every penny
21 of the House's money; and

22 *Whereas*, her role as payroll clerk brought her out
23 of her "lofty" finance area and put her in contact
24 with all 100 House members and their clerks and made
25 her well known for her warm smile and cheerful voice
26 in delivering the paychecks to the members' desks; and

27 *Whereas*, Billie was considered a model employee and
28 a pillar of the House for her devotion to hard work,
29 her extensive knowledge of government finances, her
30 loyalty and integrity, and her caring attitude toward

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1 her colleagues, for many of whom she served as a
2 mentor; and

3 *Whereas*, she performed her duties with great care
4 and attention to detail, with a positive attitude and
5 boundless dedication, and with a warm, wonderful, and
6 witty sense of humor; and

7 *Whereas*, Billie's personal life mirrored her
8 professional life in terms of devotion to her husband
9 Bill, her children, Will, Shari, and John, and her

10 grandchildren Andy and Carrie; and
 11 *Whereas*, her leadership, knowledge, sensitivity,
 12 and cooperative working style were invaluable to the
 13 General Assembly as major legislative projects were
 14 conceived, financed, and completed, and as the General
 15 Assembly functioned as a separate but equal branch of
 16 state government; and
 17 *Whereas*, her unswerving loyalty to and faith in the
 18 legislative branch over the many years of her service
 19 to the General Assembly have benefited all Iowans; *Now*
 20 *Therefore*,
 21 *Be It Resolved By The House Of Representatives*,
 22 That the House of Representatives pay tribute to the
 23 memory of Mrs. Billie Jean Walling, recognizing her
 24 deep commitment and many contributions to the Iowa
 25 House of Representatives, the Iowa General Assembly,
 26 and the people of the State of Iowa, and recognizing
 27 the many accomplishments in her life; and
 28 *Be It Further Resolved*, That the Chief Clerk of the
 29 House prepare official copies of this Resolution for
 30 presentation to Billie's surviving husband, Bill

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1 Walling, and to their family.

HR 15 filed March 27, 1997; House adopted April 24, 1997.

1 House Resolution 16
 2 By Metcalf, Connors, Blodgett, Boddicker, Brunkhorst,
 3 Burnett, Carroll, Cataldo, Chapman, Chiodo, Churchill,
 4 Corbett, Dotzler, Fallon, Ford, Gipp, Grundberg,
 5 Holveck, Huseman, Jacobs, Kinzer, Koenigs, Kreiman,
 6 Lamberti, Lord, Mertz, Murphy, Myers, O'Brien,
 7 Osterhaus, Reynolds-Knight, Richardson, Schrader,
 8 Siegrist, Taylor, Tyrrell, Vande Hoef, Van Maanen,
 9 Weidman, and Whitead
 10 A Resolution honoring Des Moines Mayor Arthur Davis for
 11 his many contributions to the city of Des Moines and
 12 the state of Iowa.
 13 *Whereas*, Mr. Arthur Davis, while growing up, in his
 14 own words, in "kind of a conservative Jewish home" in
 15 Sioux City, learned early from his mother that good
 16 deeds will be noticed, should not be bragged about,
 17 and will provide a barometer by which others may judge
 18 a person's accomplishments; and
 19 *Whereas*, Mr. Davis has since that time accrued an
 20 impressive list of accomplishments, including
 21 membership on the Des Moines Human Rights Commission
 22 from 1960 to 1963; membership on the Des Moines school
 23 board from 1963 to 1969, including serving as
 24 president of the board for two years; service as the
 25 president of Planned Parenthood of Iowa in 1976;

26 service as president of the Greater Des Moines Chamber
27 of Commerce Federation in 1979; fulfillment of an
28 appointment by President Jimmy Carter in 1980 to the
29 President's Holocaust Memorial Council; and service as
30 the chairman of the Iowa Democratic Party from 1985 to

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1 1987; and
2 *Whereas*, during these years, Mr. Davis was building
3 one of Des Moines' largest, most influential, and
4 prestigious law firms, now known as the firm of Davis,
5 Brown, Koehn, Shors & Roberts, P.C., but which has
6 most often been described through the years as "the
7 Davis firm"; and
8 *Whereas*, Mr. Davis' passion for community-building
9 was evidenced by his decision to run for mayor of Des
10 Moines in 1995; and
11 *Whereas*, Mr. Davis brought civility, elegance, and
12 a hearty, baritone voice to the office of mayor; and
13 *Whereas*, Mr. Davis' fellow mayors in the Golden
14 Circle of Des Moines have expressed their respect for
15 him; applauded his concern for and efforts to
16 strengthen the relationship between Des Moines and the
17 suburban communities; praised his negotiating skills,
18 gentlemanly manner, integrity, and vision; and noted
19 the improvements and tough decisions Mr. Davis made in
20 his brief tenure in the mayor's office; and
21 *Whereas*, after learning of the recurrence of a
22 life-threatening illness in the summer of 1996, Mr.
23 Davis planned to serve out his term, but with much
24 regret announced on March 30, 1997, that the illness
25 forced him to make his decision to resign as mayor;
26 and
27 *Whereas*, although his time as mayor has been
28 limited in duration, Mr. Davis will be remembered for
29 his vigorous efforts to improve education, to
30 implement a helpful police presence in the community,

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1 and to establish responsible budgetary practices; *Now*
2 *Therefore*,
3 *Be It Resolved By The House Of Representatives*,
4 That Mr. Arthur Davis be honored for his many
5 accomplishments, his deep commitment to community
6 service, and for the benefits he brought to the city
7 of Des Moines and all the citizens of Iowa; and
8 *Be It Further Resolved*, That the House of
9 Representatives wishes Mayor Davis strength, courage,
10 and its hope that the comfort and attention offered by
11 his family and many friends will support and sustain
12 him; and

13 *Be It Further Resolved*, That the Chief Clerk of the
 14 House of Representatives send copies of this
 15 Resolution to Mayor Arthur Davis and his family and to
 16 the Des Moines City Council.

HR 16 filed April 9, 1997; House adopted April 9, 1997.

1 House Resolution 17
 2 By Doderer, Corbett, Siegrist, Schrader, Burnett,
 3 and Bernau
 4 (Companion to LSB 2765SS by Hammond)
 5 A Resolution honoring Mr. Michael Gartner for
 6 winning the Pulitzer Prize for editorial writing.
 7 *Whereas*, Mr. Gartner's maternal grandfather, Dr.
 8 John Charles Gay, edited the Waterloo Morning Tribune
 9 and Mr. Gartner's father, Mr. Carl Gartner, was an
 10 editor for the Des Moines Register for more than 40
 11 years, ensuring that the pundit's genetic code spelled
 12 out "newspaperman"; and
 13 *Whereas*, whenever Mr. Gartner's education and
 14 career paths led him from Iowa, his self-professed
 15 love for this state eventually enticed him to return;
 16 and
 17 *Whereas*, Mr. Gartner's educational path took him to
 18 Carleton College in Northfield, Minnesota, and New
 19 York University where he received his juris doctorate
 20 degree; and
 21 *Whereas*, 14 years with the Wall Street Journal as a
 22 reporter and editor, including five years as a page
 23 one editor, prepared him for further career successes
 24 as executive editor, and subsequently editor and
 25 company president of the Des Moines Register and
 26 Tribune; general news executive and subsequently
 27 editor of the Gannett Company's Louisville Courier-
 28 Journal and Times; president of NBC News; and for his
 29 current full-time duties as editor and part-owner of
 30 The Daily Tribune of Ames; and

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1 *Whereas*, as a columnist for USA Today and the Wall
 2 Street Journal, commentator for Iowa public radio and
 3 the Voice of America, and as a fellow at the Institute
 4 of Politics at the Kennedy School of Government at
 5 Harvard University, Mr. Gartner has ably represented
 6 this state to the rest of the country; and
 7 *Whereas*, Mr. Gartner has been praised for
 8 transforming The Daily Tribune into a lively, well-
 9 received community newspaper by emphasizing local news
 10 and writing expressively about the problems of the
 11 community of Ames and this state; and
 12 *Whereas*, in an address to the joint convention of
 13 the General Assembly on Pioneer Lawmakers' Day, March

14 28, 1995, the inveterate logophile described Iowa as
 15 open, clean, and honest and observed that Iowans
 16 believe in education, hard work, equality, and
 17 selflessness; attributes which could also describe Mr.
 18 Gartner; and
 19 *Whereas*, journalism awards and service to
 20 journalism are nothing new to Mr. Gartner, who served
 21 as president of the American Society of Newspaper
 22 Editors (ASNE); was a member of the Pulitzer Prize
 23 Board for 10 years, serving as chairman in his final
 24 year on the board; received the ASNE Distinguished
 25 Writing Award for Editorial Writing and was runner-up
 26 for that award for the following three years; and won
 27 the Walker Stone Award for Editorial Writing; and
 28 *Whereas*, the Pulitzer Prize is journalism's most
 29 prestigious award; and
 30 *Whereas*, it was announced on April 7, 1997, that

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1 Michael Gartner of The Daily Tribune of Ames, Iowa, is
 2 the recipient of the 1997 Pulitzer Prize for editorial
 3 writing, based on nine editorials he wrote during 1996
 4 for The Daily Tribune; *Now Therefore*,
 5 *Be It Resolved By The House Of Representatives*,
 6 That the House recognize and honor Mr. Michael Gartner
 7 for his lifetime of work and achievements, especially
 8 his outstanding accomplishment in winning the 1997
 9 Pulitzer Prize for editorial writing, and mark its
 10 appreciation for his steadfast love and enthusiasm for
 11 the people and the state of Iowa.
 12 *Be It Further Resolved*, That an official copy of
 13 this Resolution be prepared for presentation to Mr.
 14 Gartner.

HR 17 filed April 9, 1997; House adopted April 10, 1997.

1 House Resolution 18
 2 By Myers, Siegrist, Gipp, Doderer, and Mascher
 3 A Resolution congratulating Coach Dan Gable and the
 4 University of Iowa Hawkeye Wrestling Team for winning
 5 the 1997 National Collegiate Athletic Association's team
 6 championship.
 7 *Whereas*, Coach Gable's Hawkeye wrestling team
 8 recently won the 1997 NCAA championship, Coach Gable's
 9 15th NCAA championship as head coach at the University
 10 of Iowa and the 16th national title in the
 11 university's history; and
 12 *Whereas*, of the 10 division titles, five were won
 13 by the following Iowa wrestlers: Jessie Whitmer of
 14 Eagle Grove, wrestling at 118 pounds; Mark Ironside of
 15 Cedar Rapids, wrestling at 134 pounds; Lincoln
 16 McIlravy of Philip, South Dakota, wrestling at 150

17 pounds; Joe Williams of Harvey, Illinois, wrestling at
18 158 pounds; and Lee Fullhart of Decorah; wrestling at
19 190 pounds; and
20 *Whereas*, eight out of the 10 weight division All-
21 American titles went to University of Iowa Wrestling
22 Team members; and
23 *Whereas*, the University of Iowa Wrestling Team
24 scored 170 points for a new national record that
25 eclipsed the previous record, which was held by the
26 1986 University of Iowa Wrestling Team; and
27 *Whereas*, the University of Iowa maintains the
28 premier wrestling program in the United States, proven
29 by this latest triumph, the third consecutive national
30 championship won by a University of Iowa team, and the

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1 sixth of the decade; and
2 *Whereas*, Coach Gable and his University of Iowa
3 Wrestling Team have won the previous 21 Big Ten
4 Conference Championships; and
5 *Whereas*, all Iowans are proud of the extraordinary
6 success of Coach Gable and the University of Iowa
7 Wrestling Team; and
8 *Whereas*, Coach Gable has brought international fame
9 to Iowa, beginning with his own outstanding career as
10 a wrestler, which culminated in his winning a gold
11 medal at the 1972 Summer Olympics; and
12 *Whereas*, Coach Gable has earned international
13 acclaim by coaching numerous national and Olympic
14 wrestling teams; and
15 *Whereas*, Coach Gable has, throughout his career,
16 projected a positive image for Iowa, its citizens, and
17 his student athletes; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*,
19 That the House of Representatives, congratulates and
20 thanks Coach Dan Gable and the University of Iowa
21 Hawkeye Wrestling Team on their 1997 NCAA
22 Championship, and thanks them for the international
23 honor and respect they have brought to the State of
24 Iowa.

HR 18 filed April 14, 1997; House adopted April 15, 1997.

SUPPLEMENT TO HOUSE JOURNAL

BILLS APPROVED, VETOED OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills passed by the 1997 Regular Session of the Seventy-seventh General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 81 – Relating to the qualifications for the successful completion of an approved hunter safety and ethics education course. Approved 5-1-97.
- H.F. 92 – Relating to eligibility for receipt of moneys under the school improvement technology program. Approved 5-19-97.
- H.F. 114 – To legalize certain city and county deeds and conveyances. Approved 5-19-97.
- H.F. 121 – Relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and applicable penalties and providing for a repeal. Approved 5-21-97.
- H.F. 126 – Relating to the state sales and use tax exemption on certain computers, machinery, equipment, and fuel. Approved 4-30-97.
- H.F. 133 – Relating to the offering of point of service plan options in certain health benefit plans. Approved 4-30-97.
- H.F. 142 – Relating to the hunting of deer with a pistol or revolver and providing a penalty. Approved 5-14-97.
- H.F. 218 – Relating to service of notices of appraisal of property for state inheritance tax purposes. Approved 5-19-97.
- H.F. 226 – Relating to computation of time by which criminal sentences may be reduced for good behavior and providing for limited retroactive applicability. Approved 5-7-97.
- H.F. 236 – Relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm. Approved 5-7-97.
- H.F. 265 – Relating to the affirmation and reenactment of certain provisions affecting the criminal and juvenile laws, and providing an effective date. Approved 5-6-97.
- H.F. 266 – Relating to the administration of state individual income, corporate, franchise, motor fuel, and other taxes; collection of taxes and use of collection receipts; property taxes; property tax credits and replacement claims; sales, services, and use taxes and the imposition thereof on sales of prepaid telephone calling cards and prepaid authorization numbers;

tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and including effective and retroactive applicability date provisions. Approved 5-19-97.

- H.F. 306 – 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. Approved 5-2-97.
- H.F. 307 – Relating to the definition of an owner of a mercantile establishment for purposes of recovery of merchandise or damages. Approved 5-1-97.
- H.F. 308 – Relating to notification requirements for communications between a debt collector and a debtor. Approved 5-6-97.
- H.F. 335 – Relating to public health issues under the purview of the Iowa department of public health, including vital statistics, chemical substance abuse, 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. Approved 5-19-97.
- H.F. 336 – Providing for the assessment of lands owned by the department of natural resources within levee and drainage districts. Approved 5-29-97.
- H.F. 355 – 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. Approved 5-7-97.
- H.F. 367 – 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. Approved 5-1-97.
- H.F. 371 – Relating to the issuing of temporary orders for support, custody, or visitation of a child born outside of marriage. Approved 5-19-97.
- H.F. 376 – Relating to child welfare provisions involving juvenile justice dispositional orders, hearings, and placements and providing an effective date. Approved 5-1-97.
- H.F. 405 – 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. Approved 5-26-97.
- H.F. 410 – Relating to programs administered by the college student aid commission and establishing an osteopathic physician recruitment program. Approved 5-7-97.

- H.F. 416 – Relating to regulation of trucks and certain other large motor vehicles, including maximum vehicle weights, defining terms, providing effective dates, and making penalties applicable. Approved 5-1-97.
- H.F. 439 – 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. Approved 5-1-97.
- H.F. 453 – Relating to the grounds for termination of parental rights of a putative father. Approved 5-19-97.
- H.F. 456 – Relating to city civil service and providing an effective date. Approved 5-19-97.
- H.F. 485 – Relating to drainage districts by eliminating notice by petitioning land-owners regarding the establishment of subdistricts. Approved 5-19-97.
- H.F. 492 – Relating to supplemental needs trusts for persons with disabilities. Approved 5-2-97.
- H.F. 514 – Relating to 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. Approved 5-9-97.
- H.F. 515 – Relating to the determination of annual salaries for deputy sheriffs. Approved 5-14-97.
- H.F. 540 – Relating to personnel procedures and investment policy requirements for state government employees. Approved 5-26-97.
- H.F. 544 – Relating to placements for adoption and foster care by providing for a family rights and responsibilities plan and agreement. Approved 5-19-97.
- H.F. 552 – Eliminating notice requirements relating to the location of certain electric transmission lines, wires, or cables. Approved 5-2-97.
- H.F. 553 – 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. Approved 5-2-97.
- H.F. 557 – 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. Approved 5-26-97.
- H.F. 579 – Relating to the membership of the medical assistance advisory council. Approved 5-19-97.
- H.F. 597 – Relating to school attendance by applying school attendance requirements under the family investment program, and providing a civil penalty for truancy, applicability provisions, and an effective date. Approved 5-21-97.

- H.F. 611 – Relating to permissible charges which may be contracted for and received with respect to open-end credit. Approved 5-26-97.
- H.F. 612 – Relating to child support recovery, providing penalties, and providing effective dates. Approved 5-21-97.
- H.F. 613 – Relating to linked deposit investment programs. Approved 5-29-97.
- H.F. 615 – Relating to abandoned coal mines expenditures, including reclamation of land and drainage abatement. Approved 5-2-97.
- H.F. 616 – Relating to instruments filed or recorded with the county recorder. Approved 5-2-97.
- H.F. 628 – 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. Approved 5-2-97.
- H.F. 635 – Relating to weapons and munitions by considering the use of less lethal munitions by peace officers not a use of deadly force and relating to the possession of curio or relic firearms by members of certain organizations. Approved 5-19-97.
- H.F. 636 – 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. Approved 5-19-97.
- H.F. 637 – 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. Approved 5-19-97.
- H.F. 642 – Relating to the organization and operation of certain legal entities, including 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 including limited liability companies and the conversion of other entities to limited liability companies, and the rights, duties, obligations, and interests of members and managers with respect to such companies, and establishing fees and penalties. Approved 5-26-97.
- H.F. 643 – Providing for grandparent and great-grandparent visitation rights. Approved 5-2-97.
- H.F. 645 – 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. Approved 5-6-97.

- H.F. 647 – 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. Approved 5-19-97.
- H.F. 658 – Relating to city ordinances and other official actions of a city council and mayor. Approved 5-19-97.
- H.F. 661 – 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. Approved 5-26-97.
- H.F. 662 – 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. Vetoed 5-29-97. See Governor's Veto Message.
- H.F. 666 – To increase the penalties for the manufacture, delivery, or possession with intent to manufacture or deliver amphetamine or any substance containing amphetamine. Approved 5-6-97.
- H.F. 674 – Providing a cause of action against the state for wrongful imprisonment. Approved 5-29-97.
- H.F. 680 – Relating to election of mayors in certain cities and providing an immediate effective date. Approved 5-1-97.
- H.F. 692 – Relating to the criteria for issuance of handicapped special plates and making a civil penalty applicable. Approved 5-6-97.
- H.F. 693 – 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, joint and several liability, and providing effective dates. Approved 5-29-97.
- H.F. 694 – 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. Approved 5-6-97.
- H.F. 698 – 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. Approved 5-21-97.

- H.F. 701 – Relating to the requirements for portability and continuity of health care coverage for individuals among certain types of health care coverage, and related matters. Approved 5-1-97.
- H.F. 702 – 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, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation and including an effective date and an applicability provision. Approved 5-19-97.
- H.F. 704 – 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. Approved 5-1-97.
- H.F. 707 – 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 certain bail restrictions and penalties. Approved 5-21-97.
- H.F. 708 – Relating to agriculture and natural resources by providing for appropriations, related statutory changes, and providing an effective date. Approved 5-27-97 with the exception of Section 19. See Governor's Item Veto Message.
- H.F. 710 – 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. Approved 5-2-97.
- H.F. 715 – 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. Approved 5-19-97 with the exception of Section 1, subsection 1; Section 12, subsection 2, paragraph d, subparagraph 2; Section 29, subsection 2. See Governor's Item Veto Message.
- H.F. 717 – 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. Approved 5-1-97.

- H.F. 722 – 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. Approved 5-14-97.
- H.F. 724 – 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. Approved 5-14-97.
- H.F. 726 – Relating to 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. Approved 5-15-97 with the exception of Section 23, and the designated portion of Section 24. See Governor's Item Veto Message.
- H.F. 729 – 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. Approved 5-15-97.
- H.F. 730 – Relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates. Approved 5-23-97 with the exception of Section 10, subsection 2, unnumbered and unlettered paragraph 2; Section 10, subsection 3. See Governor's Item Veto Message.
- H.F. 732 – Relating to housing development and making an appropriation. Approved 5-29-97 with the exception of Sections 7 and 8. See Governor's Item Veto Message.
- H.F. 733 – Making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations. Approved 5-29-97 with the exception of Section 2, subsection 4; the designated portion of Section 3; Section 4, subsection 6; the designated portion of Section 18; Section 4, subsection 5; Section 6; Section 7, subsection 1, paragraphs b and d; Section 7, subsection 2, paragraph a; Section 29; Section 30; the designated portion of Section 37, subsection 2; Section 9; Section 19, subsection 2; the designated portion of Section 21; Section 31. See Governor's Item Veto Message.

- H.F. 734 – Relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license suspensions, revocations, or bars, for the deposit and distribution of penalties and fees collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry. Approved 5-26-97.
- S.F. 21 – Eliminating the requirement that a nonperpetual care cemetery post a sign indicating the cemetery is a nonperpetual care cemetery. Approved 5-1-97.
- S.F. 83 – Relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained. Approved 5-19-97.
- S.F. 109 – Relating to workers' compensation coverage for injuries that occur and claims made outside of the state. Approved 5-2-97.
- S.F. 116 – Relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices. Approved 5-2-97.
- S.F. 123 – 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. Approved 5-1-97.
- S.F. 128 – Relating to the statistical reporting of terminations of pregnancy and establishing a penalty. Approved 5-21-97.
- S.F. 129 – Updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date. Approved 5-9-97.
- S.F. 132 – 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. Approved 5-2-97.
- S.F. 161 – Modifying the holding temperature required for the storage of eggs sold at retail. Approved 5-27-97.
- S.F. 163 – Relating to the sale of cigarettes and tobacco products through vending machines. Approved 5-9-97.
- S.F. 174 – Relating to the operation of motorboats on artificial lakes and providing an effective date. Approved 5-1-97.
- S.F. 176 – Relating to child sexual abuse reporting. Approved 4-30-97.

- S.F. 177 – Relating to motor vehicle operator prohibitions and restrictions including careless driving, littering, blood alcohol test certificates, and by establishing or making existing penalties applicable. Approved 5-19-97.
- S.F. 184 – 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, and providing for an effective date. Approved 5-14-97.
- S.F. 214 – Relating to the regulation of the use and disposal of sewage sludge and providing a penalty. Approved 5-9-97.
- S.F. 229 – Relating to the issuance of motor vehicle licenses for certain law enforcement officers and providing penalties, and providing an effective date. Approved 5-1-97.
- S.F. 236 – Relating to the certificate of need program. Approved 5-1-97.
- S.F. 240 – 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. Approved 5-1-97.
- S.F. 241 – Relating to the probate code including guardianships and conservatorships and adopting the uniform transfer on death security registration Act. Approved 5-26-97.
- S.F. 246 – 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. Approved 5-19-97.
- S.F. 280 – 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. Approved 5-26-97.
- S.F. 281 – Relating to judicial administration. Approved 5-7-97.
- S.F. 285 – Relating to household hazardous materials and retail labeling requirements. Approved 5-26-97.
- S.F. 358 – Relating to the adoption of the interstate emergency management assistance compact. Approved 5-7-97.
- S.F. 362 – 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. Approved 5-26-97.

- S.F. 379 – Providing for maintenance and repair of out-of-state commercial motor vehicles. Approved 5-2-97.
- S.F. 391 – 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 effective dates. Approved 5-19-97 with the exception of Sections 5 and 10. See Governor's Item Veto Message.
- S.F. 410 – 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. Approved 5-26-97.
- S.F. 432 – Relating to the disposition of private property condemned under eminent domain or condemned or purchased as highway right-of-way property and providing an applicability date. Approved 5-19-97.
- S.F. 433 – Relating to regulation and location of a land-leased community or a modular or manufactured home and providing an effective date. Approved 4-30-97.
- S.F. 442 – Relating to the designation of certain correctional facilities. Approved 5-7-97.
- S.F. 451 – Relating to milk and milk products, providing for the issuance of licenses and permits, fees, and providing penalties. Approved 5-1-97.
- S.F. 460 – Relating to membership on the workforce development board and providing an effective date. Approved 5-2-97.
- S.F. 472 – Prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure, and providing an effective date. Approved 5-19-97.
- S.F. 473 – 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. Approved 5-29-97.

- S.F. 497 – Prohibiting the possession or distribution of gammahydroxybutyric acid under certain circumstances, and providing a penalty. Approved 5-1-97.
- S.F. 503 – 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, authorizing probation supervision and revocation by administrative parole and probation judges in the sixth judicial district, providing restitution for death of a victim of a crime, and providing penalties and an effective date. Approved 5-7-97.
- S.F. 515 – 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 statewide 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, and providing for a legislative study. Approved 5-7-97.
- S.F. 526 – Providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health. Approved 5-9-97.
- S.F. 528 – 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. Approved 5-7-97.
- S.F. 529 – Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters. Approved 5-27-97 with the exception of Section 14, subsection 2, unnumbered and unlettered paragraph 2; Section 14, subsection 4, unnumbered and unlettered paragraph 2; Section 23, unnumbered and unlettered paragraph 2; Section 28. See Governor's Item Veto Message.

- S.F. 531 – Relating to the increase in the physical plant and equipment levy. Approved 5-26-97.
- S.F. 533 – Relating to and making appropriations to the justice system and providing effective dates. Approved 5-9-97 with the exception of Section 8; Section 31, subsection 3. See Governor's Item Veto Message.
- S.F. 541 – Relating to child day care provisions involving group day care homes and establishing a child care home pilot project. Approved 5-19-97.
- S.F. 542 – Relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1996, and subsequent fiscal years, reestablishing a domestic abuse services income tax checkoff, including retroactive applicability provisions, and providing effective dates. Approved 5-23-97.
- S.F. 544 – Relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones. Approved 5-19-97.
- S.F. 545 – Relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness owed to or being collected by the state in pilot project counties, and providing an effective date. Approved 5-19-97.
- S.F. 549 – Relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions. Approved 5-27-97 with the exception of Section 1, subsection 1, unnumbered and unlettered paragraph 2; Sections 22 and 36; Sections 23, 29 and 37. See Governor's Item Veto Message.
- S.F. 551 – Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations. Approved 5-9-97.
- S.F. 553 – Relating to the tax treatment of financial institutions and their shareholders which have made an election under Subchapter S of the Internal Revenue Code and including a retroactive applicability date provision. Approved 5-19-97.
- S.F. 555 – Relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date. Approved 5-26-97.

GOVERNOR'S VETO MESSAGE

May 29, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

House File 662, 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, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Fiscal year 1997 is an extraordinary year for the indigent defense budget. For the first time in recent history neither a supplemental nor an appropriation transfer is necessary to fund the costs of indigent defense. After several years of nearly 20% increases in the funding needed to support the program, the reforms implemented in the past few years appear to be bringing the costs under control.

House File 662 contains several provisions I support, like those requiring greater scrutiny of a person's ability to hire his or her own attorney and those that would enhance the state's efforts to collect from defendants when legal counsel is provided. These measures would improve upon the recent reforms and would further our efforts to bring indigent defense costs under control. The bill contains other provisions I oppose, for example, the elimination of jail time as a penalty for driving under suspension. Not only would this change be inconsistent with action taken this year to crack down on persons who drive without licenses, it could also severely limit the ability of the Department of Transportation to sanction those who habitually violate the state's motor vehicle laws.

I am also opposed to provisions in the bill that would increase payments to noncontract attorneys at a considerable cost to Iowa taxpayers. The net effect of House File 662, including the increased payments to attorneys, would cost Iowa taxpayers an additional \$1.7 million to \$3.2 million a year. The additional funding this bill would require is not included in any appropriation passed by the legislature this year. I can not approve House File 662 knowing it will almost certainly result in overspending the dollars appropriated. To do so would be a reversion back to the bad spending practices of the past.

House File 662 would increase the hourly rates of payment for noncontract attorneys from \$55 to \$60 an hour for class A felonies, from \$50 an hour for class B felonies, and from \$45 to \$55 an hour for other lesser offenses. These rate increases would apply to time spent on a case both in and out of court. The proposed increases according to the Fiscal Bureau's estimates will result in an additional cost

of at least \$1.3 million a year. The cost is likely to be more as the lower estimate assumes the increase will be paid only to attorneys who are currently noncontract attorneys. The estimate does not take into account the fact that many contract attorneys will terminate their contracts in order to become eligible for the higher rates of payment. And as a matter of fairness, contract and noncontract attorneys should be paid at the same rate. If all attorneys providing indigent defense are paid at the higher rates, the Fiscal Bureau estimates the additional cost will be \$2.2 million to \$3.7 million a year.

Proponents of the House File 662 suggest that the cost of raising the hourly rate will be offset by lower costs associated with fewer criminal case filings, fewer defendants receiving court appointed counsel and new revenues from the proposed assessment fee. The argument that there will be fewer criminal case filings and therefore lower costs is not supported by recent experience or credible projections about future filings. Criminal case filings in the past three years have increased from 12% to 15% each year. The Criminal Juvenile Justice Planning Commission is projecting double-digit increases in criminal filings for this calendar year and the next. The proposed changes in the indigency standards will reduce the number of defendants eligible to receive appointed counsel only if the courts are aggressive in screening out defendants who have the ability to pay. The potential revenue from an assessment fee is so unpredictable that the Fiscal Bureau is reluctant to attach any dollar amount to it.

It is also argued that the current rates paid to court-appointed counsel are inadequate and do not fairly compensate attorneys for the time and effort spent on indigent defense cases. However, in reviewing the rates paid to attorneys in other states, Iowa attorneys fare quite well in comparison. A recent survey conducted by the Spangenberg Group ranks Iowa fourteenth among the fifty states in compensation to court appointed attorneys. The proposed rate increases would move Iowa to fourth. Additionally nearly all other states provide a differential in the rate of payment depending on whether the hours claimed are for tasks performed in court versus out of court. Iowa currently does not differentiate between in court and out of court time.

Past reforms in the indigent defense system have been based on two simple, underlying principles. First, only defendants who are truly indigent should receive court-appointed legal counsel. Second, in all cases where an attorney is provided, regardless of the defendant's present inability to pay, the costs of representation become an obligation that follows the defendant and must be repaid by the defendant at some future date. As past reforms are applied more aggressively and new reforms are adopted based on these principles, savings in the system will be realized. Funding that becomes available as a result of these savings could be used to increase the payments to all attorneys appointed to represent indigent defendants. I am committed to working with representatives of the Iowa Bar Association and the judicial and legislative branches over the interim to develop changes toward that end.

For the above reasons, I hereby respectfully disapprove House File 662.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 27, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 708, an act relating to agriculture and natural resources by providing for appropriations, related statutory changes, and providing an effective date.

House File 708 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as section 19, in its entirety. This item states the legislature's intent regarding funds to be appropriated in fiscal year 1999 and beyond. Language directing or restricting the use of certain funds is more appropriately provided in the year the funds are appropriated.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 708 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 19, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 715, 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.

House File 715 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of section 1, subsection 1. This item would limit the Department of Human Services in selecting only existing

community collaboratives to provide support services to participants in the Family Investment Program. The criteria proposed in the bill would be useful in making decisions relating to existing collaboratives, however, it should not be used to preclude the selection of a new collaborative.

I am unable to approve the item designated as section 12, subsection 2, paragraph d, subparagraph 2, in its entirety. This item may prohibit the inclusion of psychiatric medical institutions for children (PMICs) in the managed mental health care contract. I have been assured that the department will not amend the existing managed mental health contract to include PMICs. Future decisions to include PMICs in the mental health contract should not be prohibited but should be considered in the context of what will provide the best quality of care for children covered by the Medicaid program, in a manner that is cost effective for Iowa taxpayers. The department will be working with the provider community, including PMIC providers, in the development of the new request for proposals (RFP) for the managed mental health contract to be implemented in July of 1998.

I am unable to approve the designated portion of section 29, subsection 2. This item would prohibit a state institution with excess capacity from entering into a contract to provide services to a county under an approved county management plan. The opportunity to contract with a state institution should remain as an option available to counties operating as their own managed care providers.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 715 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 15, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 726, an act relating to 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.

House File 726 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as section 23, in its entirety, and the designated portion of section 24. These items would delay the implementation

of comprehensive property tax statements to property owners until the year 2001. With the tax limitation expiring, it is important to provide comprehensive information to the taxpayers relating to changes in their property taxes. The taxpayers should not have to wait four years to get this basic and important information on their annual property tax statements. By vetoing these items, taxpayers will receive the comprehensive information in 1998 for the fiscal years beginning on or after July 1, 1998.

For the above reason, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 726 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 23, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 730, an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

House File 730 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as section 10, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This item would require the Department of General Services to retain outside legal counsel to review agency agreements relating to Year 2000 compliance. Executive branch agencies enter into hundreds of technology agreements every year. Many of these agreements include programs that have a component related to Year 2000 compliance. Retaining outside legal counsel to review these agency agreements is unnecessary and would add significantly to the cost of technology products and services.

I am unable to approve the item designated as section 10, subsection 3, in its entirety. This item would require state agencies to use at least fifty percent of their resources committed to information technology to implement Year 2000 programming. All executive branch agencies are encouraged to maximize their resources to make the modifications required by the Year 2000. I am committed to assuring that state agencies report on the progress made towards meeting Year 2000 compliance and the resources used to achieve this purpose.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 730 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 29, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 732, an act relating to housing development and making an appropriation.

House File 732 is an important bill that will provide additional assistance to provide affordable housing in communities with critical needs. The bill is estimated to provide in excess of \$21 million for housing improvement projects over the next five years. The bill will also expand the housing that qualifies for urban revitalization tax exemptions.

House File 732 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Sections 7 and 8, in their entirety. These items would reduce the applicability of the state thermal efficiency energy conservation standards to construction of residential housing. Energy efficiency makes economic sense during the new construction of a home, and compliance with such standards is now required for the housing programs under the Federal Housing Administration, the Department of Agriculture, and the Department of Veteran's Affairs. The current standards provide important safeguards to home buyers and contribute to the state's effort to conserve energy.

For the above reason, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 732 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 29, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 733, an act making appropriations from the

rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations.

House File 733 is the only bill that appropriates funds on a biennial basis, a positive step in the direction of a biennial budget. Although spending in the bill is \$21 million above the level I recommended, House File 733 does not contain the large number of special interest items included in infrastructure bills in the past.

There are several serious shortcomings in House File 733. Major maintenance is one of the key areas needing a steady stream of funding, and yet no funds are provided for this purpose in the second year. Also, numerous projects are included in the bill that are seriously underfunded. For both of these reasons – to make major maintenance funds available in the second year and to ensure all projects are fully funded – I have aggressively identified places where spending can be cut. As a result of the following vetoes, nearly \$20 million will be available to appropriate for these purposes in fiscal year 1999.

House File 733 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as section 2, subsection 4, in its entirety; the designated portion of section 3; section 4, subsection 6, in its entirety; and the designated portion of section 18. These items would appropriate and allocate funds to support the relocation of the courts to the Old Historical Building. The courts will be reviewing their overall space needs during the legislative interim. It is premature to assume that the courts will be relocating to the Old Historical Building, when other options will likely be considered. Further, the total costs associated with such a move have not yet been determined. The effect of the item veto in section 3 is to make the entire \$4.1 million available for renovation of the Old Historical Building in fiscal year 1998.

I am unable to approve the item designated as section 4, subsection 5, in its entirety. This item would appropriate \$1.5 million in fiscal year 1999 for repair of parking lots on the Capitol complex. I recognize the need for parking lot repairs and, elsewhere in this bill, I am approving \$730,750 in fiscal year 1998 for this purpose. However, funding for parking lot repair work in future years should be determined based on a prioritization of all major maintenance needs. By vetoing this item, funding will be available for overall major maintenance needs in fiscal year 1999.

I am unable to approve the item designated as section 6, in its entirety. This item would require the Department of General Services to consult with the legislature prior to contracting for an infrastructure needs assessment. Contracting for such purposes is more appropriately an executive branch responsibility.

I am unable to approve the items designated as section 7, subsection 1, paragraphs b and d, in their entirety; section 7, subsection 2, paragraph a, in its entirety;

section 29, in its entirety; section 30, in its entirety; and the designated portion of section 37, subsection 2. These items would appropriate \$500,000 in fiscal year 1998 and \$2.5 million in fiscal year 1999 for a historic site preservation grant program, \$200,000 for a main street investment loan program, and \$1 million per year to local parks. While great strides have been made in the past few years to take care of state infrastructure needs, a large backlog still exists. Although these local projects may have merit, they should not be funded from the Rebuild Iowa Infrastructure Fund.

I am unable to approve the item designated as section 9, in its entirety. This item would reduce the fiscal year 1998 appropriation to the Physical Infrastructure Assistance Program from \$6.1 million to \$4.13 million. This program is an important economic development tool and, given the April 1997 upward adjustment in the estimate of funds available to the Rebuild Iowa Infrastructure Fund, the \$6.1 million appropriation should be maintained.

I am unable to approve the item designated as section 19, subsection 2, in its entirety. This item would appropriate \$2.75 million in fiscal year 1999 to the Iowa Veterans Home (IVH). I support making improvements to the IVH and I am approving the fiscal year 1998 appropriation in this bill for the dining room project. I will also be recommending an additional \$900,000 in each of the fiscal years 1999 and 2000 to complete this project. Other parts of the IVH five-year capital plan should be considered along with the major maintenance needs of all the other state institutions.

I am unable to approve the designated portion of section 21. This item would appropriate \$5.46 million to the Iowa State Fair Foundation for fiscal year 1999, the majority of which would be used to enclose the Varied Industries Building. I strongly support the State Fair renovation and development project. I was involved in establishing the Iowa State Fair Foundation and have personally assisted in the Foundation's fund-raising. In fiscal years 1995, 1996, and 1997, I approved \$14.5 million in appropriations for renovation projects. In fiscal year 1998, I am approving \$4.4 million for the State Fair in this bill. Before approving additional funds in fiscal year 1999, I would encourage the Foundation to explore opportunities with the private sector for a joint venture on this project.

I am unable to approve the item designated as section 31, in its entirety. This item would require the Department of General Services to establish a system for comparative evaluation and rating of all state vertical infrastructure needs, including the Board of Regents institutions. I am disappointed the legislature chose not to establish a citizen board as recommended by the Fisher Commission nor to provide adequate staff to allow the state to become more systematic in its approach to prioritizing infrastructure needs. I believe the Board and the additional staffing are necessary prerequisites to developing a comparative evaluation methodology.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 733 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 19, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 391, 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 effective dates.

Senate File 391 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as section 5 and section 10, in their entirety. These items would eliminate the revenue source used to pay for the costs of investigating and prosecuting odometer fraud cases. In 1988, a 25 cent fee on vehicle titles was established to pay for the additional expenses incurred by the Attorney General's office to handle odometer fraud cases. The revenues from the fee should continue to be deposited in the general fund and appropriated to the Attorney General to be used for that purpose.

For the above reason, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 391 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 27, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 529, 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.

Senate File 529 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as section 14, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This item states the legislature's intent relating to funds to be appropriated in fiscal year 1999 and thereafter. Language directing or restricting the use of certain funds is more appropriately provided in the year the funds are appropriated.

I am unable to approve the item designated as section 14, subsection 4, unnumbered and unlettered paragraph 2, in its entirety. This item would require the Council on Human Investment to inform the legislature on the progress made toward the adoption of state agency budget performance measures. Requiring the Council on Human Investment to provide this information is not appropriate as neither the selection nor adoption of performance measures falls within the responsibilities of the Council.

I am unable to approve the item designated as section 23, unnumbered and unlettered paragraph 2, in its entirety. This item would limit lottery marketing and public information expenses to three percent of lottery revenues. Commissioner Ed Stanek has done an outstanding job of managing an honest, efficient, and well run lottery. If the state is to maintain a lottery, adequate flexibility must continue to be provided to ensure a well run program. This provision would unduly restrict the commissioner's ability to effectively operate the state lottery.

I am unable to approve the item designated as section 28, in its entirety. This item would require state agencies to conform to certain staffing and office supply expense standards in preparing their budgets for fiscal year 1999. Strict compliance with such standards is impractical given the different staffing and supply needs of the various agencies.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 529 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 9, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 533, an act relating to and making appropriations to the justice system and providing effective dates.

Senate File 533 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve section 8 and section 31, subsection 3, in their entirety. These items would utilize a bad budgeting practice to fund additional staff in the Department of Corrections. I am approving direct funding for fifty new corrections officers in the bill, which is the proper way to budget for such ongoing expenses.

For the above reason, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 533 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 27, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 549, an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

Senate File 549 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as section 1, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This item would require any new fiscal year 1998 State Student Incentive Grant (SSIG) funds to be used only for Vocational Technical Tuition Grants. The College Student Aid Commission should retain the flexibility to allocate SSIG funds as needed.

I am unable to approve the items designated as section 22 and 36, in their entirety. These items would impact the way funding is received and spent by the First in the Nation in Education (FINE) Foundation and the International Center for Gifted and Talented Education. These items were not adequately discussed by the legislature and do not accomplish the legislative intent. I have been assured that a recommendation to limit administrative expenses will be included in the Department of Education study of the FINE Foundation to be completed this fall.

I am unable to approve the items designated as sections 23, 29 and 37, in their entirety. These items would require information on student billing statements issued by the Regents institutions and community colleges to show the percentage of a student's education paid by tuition and the approximate dollar amount paid for with state appropriations. I support the addition of this information on student billing statements, however, the specific provisions of this bill are unworkable. The Regents institutions and the community colleges have agreed to develop a workable process for providing this information by the fall of 1998.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 549 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 1997 Regular Session of the Seventy-seventh General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

- EDWARD E. BUSING August 3, 1929–June 12, 1995
- JERRY CORNELIUS March 28, 1935–December 14, 1995
- FRANK CRABB May 23, 1903–November 28, 1995
- FRED “LEE” GALLUP August 25, 1896–October 7, 1995
- WARREN JOHNSON June 11, 1922–May 16, 1996
- LUVERN W. KEHE December 2, 1909–July 28, 1995
- RUHL MAULSBY October 18, 1923–February 24, 1996
- WENDELL C. PELLETT March 15, 1917–January 9, 1996
- J. NEAL PIERCE June 18, 1914–June 21, 1995
- WILLIAM SALTON May 4, 1935–February 2, 1997
- CLARENCE F. SCHMARJE July 30, 1911–September 1, 1995
- HUGO A. SCHNEKLOTH April 24, 1923–June 21, 1996
- THOMAS M. DOUGHERTY
February 2, 1910–September 5, 1996

EDWARD E. BUSING

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late honorable Edward E. Busing, begs leave to submit the following Memorial:

Edward E. Busing, born in 1929, was married to Rachel Van Langen Busing formerly of Kamrar. Additional survivors are son, Edward E. Busing, Jr. of Stanhope; three daughters, Delayne Johnson, Jody Busing, and Janis Lavorato of West Des Moines. He is also survived by five grandchildren.

Mr. Busing lived most of his life in Stanhope, where he was the owner of Traffic Marking Service for 31 years. He served two terms on the Hamilton County Board of Supervisors. Mr. Busing was an Army veteran of the Korean War attaining the rank of sergeant. He was a past president of the Stanhope Lions Club and a member of Our Savior's Lutheran Church of Stanhope.

Mr. Busing was affiliated with the Democratic Party and served in the Iowa House of Representatives from 1964 to 1966 representing Hamilton County.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Edward E. Busing, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

NORMAN MUNDIE
STEVEN SUKUP
RUSSELL TEIG

Committee

JERRY CORNELIUS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Jerry Cornelius, begs leave to submit the following Memorial:

Jerry Cornelius was born March 28, 1935 in Davenport, Iowa. He graduated from Andrew High School in 1952 and from Iowa State University in 1956 with a bachelor of science degree in animal science. He married Wanda L. Burmahl on June 1, 1958 in Andrew and they had three children. He was a lifelong farmer and lived on a century farm. He was president and co-owner of Cornelius Seed Corn Co. and co-owner of Cornelius Land & Cattle farming operation.

Mr. Cornelius served on the board of directors of the Iowa Seed Association; the Andrew Community School District; Swiss Valley Ag Service; Maquoketa State Bank; Jackson County Farm Bureau and the Jackson County Fair. He was an

active member of the Salem Lutheran Church in Andrew, where he was a choir member, organist and a church council member. He was the church treasurer for six years. He received numerous awards, including the Jaycee Outstanding Young Farmer Award in 1970, Iowa Master Farmer Award in 1991, Maquoketa Rotary Outstanding Agribusinessman in 1993 and the Jackson County Farm Bureau Distinguished Service Award in 1995.

Mr. Cornelius was a member of the Republican Party and represented all of Jackson County and five townships in southern Dubuque County as 34th District State Representative. He served as Vice Chairman of the Natural Resources Committee and was a member of the Education and Economic Development Committee.

Mr. Cornelius died of cancer December 14, 1995 at Finley Hospital in Dubuque. He is survived by his wife, Wanda; three children, Charles (and Chris) of rural Bellevue, Nancy (and Lester) Johnson of rural Bellevue and Julie (and Jay) Jacobi of Bloomington, Illinois; five grandchildren; his mother, Alice Cornelius of Andrew; and a brother, Paul, of Lexington, Kentucky.

A Gerald E. Cornelius Agricultural Scholarship Fund has been established at Iowa State University in honor of his dedication to agriculture and education.

Now Therefore, Be it Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Jerry Cornelius, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

Dan Boddicker
Robert Osterhaus
Jerry Welter

Committee

FRANK CRABB

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Frank Crabb begs leave to submit the following Memorial:

Frank Crabb was born on May 23, 1903 in Decatur, Illinois. He graduated from Litchfield High School in 1922, and attended DePauw University, where he played football against the "four horsemen" of Notre Dame, and the University of Chicago. He married Dorothy Ward in 1931 and they had one daughter. Mr. Crabb worked in the meatpacking industry from 1924 until his retirement in 1968. He worked at Swift & Co. in Chicago for 25 years and was an executive at Farmland Foods Co. in Denison for five years.

Mr. Crabb was a member of many organizations, including the Presbyterian Church, serving as Elder and a member of the Board of Trustees, Rotary Club (a Paul Harris Fellow, President and Founder of the Denison Club), National Republican Task Force, Masons in Australia, Shriners, Jesters, Denison Country Club and Crawford County Farm Bureau. He was past director and vice-president of the western division, and chairman, pork committee for National Independent Meat Packers' Committee and subcommittee to develop better hog production, was an Honorary Master Pork Producer of Iowa and belonged to the American Meat Institute. He was also elected to the "Older Iowa Legislature" in 1983, serving two years as Speaker, appointed to the National Legislative Committee for Iowa AARP (three years as director), a director of Norwest Bank, Denison, advisor to the Boy Scouts, President of Crawford County Industrial Development and was especially proud of receiving the AARP National Community Volunteer Award and the Crawford County Outstanding Senior Citizen Award in 1984.

Mr. Crabb was a member of the Republican party and represented Crawford County during the Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra General Assemblies. He played a key role in passage of one of Iowa's better-known laws; the can and bottle redemption law, and in one of Iowa's least-known laws, the abolition of pay toilets. Mr. Crabb was appointed State Vehicle Dispatcher from 1970-1972. By nature Mr. Crabb was a "people person" with a genuine zest for life. He was known with fondness as a "peacemaker" in the Iowa House of Representatives and both members and staff eagerly awaited his stories which always encouraged positive thinking.

After retiring, Mr. Crabb and his wife moved to New Jersey, in 1989, to be near their daughter and her family. He is survived by his wife, Dorothy, of Lakewood, New Jersey; a daughter Susan Johnson of Chatham, New Jersey; one sister, Jeanne Steven of Santa Cruz, California; two granddaughters and one grandson.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Frank A. Crabb, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DONNA BARRY
JACK DRAKE
DONALD GRIES

Committee

FRED "LEE" GALLUP

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Fred "Lee" Gallup begs leave to submit the following Memorial:

Fred "Lee" Gallup was born on August 25, 1896, in Liberty Township, Jefferson County, Iowa. He was a graduate of Birmingham High School and attended Iowa State College. He married Helen Pearson in 1918, Jessie Hoffman in 1925, Larue Frieberg in 1983, all of whom preceeded him in death. Mr. Gallup has two daughters and one son.

He was a lifetime resident of Jefferson County where he was engaged in farming. He was well known for his favorite hobby carpentry. He served as Farm Bureau Secretary, Libertyville Township Trustee, school director, and Libertyville town mayor. He was also a member of the Methodist Church and K. of P. Mr. Gallup served as a State Representative from Jefferson County for three terms.

Mr. Gallup was a member of the Republican Party, and represented Jefferson County during the Fifty-third, Fifty-fourth, and Fifty-fifth General Assemblies.

He died on October 7, 1995, at the Parkview Care Center, Fairfield, Iowa. He is survived by his daughters Helen Fulton, Fairfield, Iowa; Norma Boslough, Broomfield, Colorado; his son Elden Gallup, Ottumwa, Iowa; seven grandchildren; ten great-grandchildren; and one great-great-grandchild. He was preceded in death by his parents, William Kinney and Stella Gallup and his brother Howard.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Frank "Lee" Gallup, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

SANDRA GREINER
DAVID HEATON
REBECCA REYNOLDS-KNIGHT

Committee

WARREN JOHNSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Warren Johnson, begs leave to submit the following Memorial:

Warren Johnson was born June 11, 1922, in Huron, South Dakota. He graduated from Central High School in Sioux City, Iowa, in 1940. He attended Morningside College and Grinnell College, and served in the United States Army during World War II. Upon returning to Sioux City he was employed with his father in the Johnson Furniture Store. He was married in 1947 to Mariellen Rifebark in Sioux City and later moved to a farm in Sloan. They had three sons and two daughters.

Mr. Johnson was a member of Attica Lodge 502 AF & AM in Sloan, and was also a member of the High Twelve. He served as president of the Sioux City

Jaycees, the Woodbury County Farm Bureau, the Woodbury Extension Council and the Pork Producers. He was secretary of the Iowa Pork Producers. He was a member of the State Extension Advisory Council and was president of Sloan Consolidated, Westwood Community and Woodbury County Schools. He served as chairman of AEA 12. He was a member of the Congregational Church of Sloan where he was a former deacon and moderator.

He served as a member of the Republican Party during the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra and the Sixty-ninth Second Extra General Assemblies from 1978-1982.

Mr. Warren Johnson passed away on May 16, 1996, at his residence in Sloan, Iowa. He is survived by his wife Mariellen of Sioux City, three sons, Warren "Gus" of Bend, Oregon; David Richard of Biloxi, Mississippi; Thomas C. of Canton, Ohio; two daughters, Helen Ruth Kelly of Scammon, Kansas; and Georgianne Opitz of Harrisburg, South Dakota. He is preceded in death by a sister, Janet Mohle.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Warren Johnson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DONALD GRIES
CHRISTOPHER RANTS
STEVE WARNSTADT

Committee

LUVERN W. KEHE

Mr. Speaker: Your committee appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Luvern W. "L. W." Kehe, begs leave to submit the following Memorial:

Luvern W. Kehe was born on December 2, 1909 in Waterloo, Iowa. He graduated from Waverly High School in 1926, and then attended the University of Iowa in Iowa City where he graduated with a B.S. degree in Civil Engineering. He worked as an engineer and land surveyor in Iowa and later as a civilian engineer with the Corps of Engineers with the U.S. Army. He was united in marriage to Dorothy Stoneburner on November 3, 1937, and they had two sons.

L. W. Kehe served on active duty with the U.S. Army during World War II attaining the rank of Colonel. He participated in the armed forces build-up in Washington, D.C., and was then assigned to the Alaskan Highway and Canol Projects in Canada, involved in road construction and the oil pipeline. He finished his military career at the Manhattan Project in Oak Ridge, Tennessee where the atomic bomb was developed. He and his family then returned to Waverly, Iowa

where he established his own construction and engineering firm, Kehe Construction Company and Cedar Valley Engineering Company which are still in existence today. His wife, Dorothy, died on March 23, 1978. He continued to live in Waverly, and was later united in marriage to Anna M. Bauman.

Mr. Kehe was a member of the Republican party, and represented Bremer County in the Iowa State Legislature in 1968 and was re-elected in 1970 serving in the Sixty-third and Sixty-fourth General Assemblies. He served as Chairman of the Environmental Preservation Committee, as well as serving on the Cities and Town Committee, the Judiciary Committee and the Transportation Committee. He was a long time member of the Elks Club in Waterloo, the Rotary Club in Waverly, served as Chairman of the Republican Party for Bremer County, a life member of AMVETS in Waverly and past member of the V.F.W., and American Legion. He also served as president of the Associated General Contractors of Iowa in 1957 and was an Honorary Life member of the Iowa Professional Engineers Society.

He died on July 28, 1995 at the age of 85. He is survived by his wife, Anna, of Waverly, Iowa; two sons, L. William "Butch" and his wife, and David and his wife, of Waverly. He has four step children; a brother, Henry J.; three grandchildren and two step grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Luvern W. Kehe, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BOB BRUNKHORST
BILL DIX.
KEITH WEIGEL

Committee

RUHL MAULSBY

Mr. Speaker: Your committee appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Ruhl Maulsby submits the following Memorial.

The son of Irvin and Eva Maulsby, Mr. Maulsby was born October 18, 1923 in Rockwell City, Iowa, married Mary Ellen Bawden in 1944 and was the father of 2 daughters and 2 sons.

Ruhl Maulsby attended Garfield Township grade schools and was a 1940 graduate of Rockwell City High School. Following graduation, Mr. Maulsby was engaged in farming and was the owner-operator of a livestock farm since 1948. He was a member of the Rockwell City United Methodist Church, Iowa Property Taxpayers Association, Cattlemen's Association, Soybeans Association, Iowa Corn

Growers, People United for Rural Education and the Lions Club. He was a Master Pork Producer in 1965, was past president and voting delegate of the county Farm Bureau, a former member of the Rockwell City School Board, Rockwell City Exposition Board and the Calhoun County Compensation Board.

Mr. Maulsby, a Calhoun County Republican, was elected to the Iowa House of Representatives in 1979 and served in the Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, Seventy-second, Seventy-third and Seventy-fourth General Assemblies, and was especially interested in education and Regents bonding.

Mr. Maulsby, a lifelong resident of rural Calhoun County, passed away on February 24, 1996 and is survived by his wife, Mary Ellen, two sons, Noel and Mark, both of Rockwell City; and two daughters, Jean Barker of Marshall, Minnesota and Jane Spencer of Rockwell City. Also surviving are 12 grandchildren and 4 great-grandchildren; and one brother, George of Omaha, Nebraska.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the honorable Ruhl Maulsby, the State has lost an honored citizen and a faithful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RUSSELL EDDIE
JIM MEYER
NORMAN MUNDIE

Committee

WENDELL C. PELLETT

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Wendell C. Pellett, begs leave to submit the following Memorial:

Wendell C. Pellett was born on March 15, 1917 in Cass County, remained in the area during his childhood, graduated from Atlantic High School, and attended Iowa State University. He married Haleen Judd in 1943, and they lived on a farm in Cass County where they raised one son and one daughter.

He had a successful farming career in the Atlantic area, serving on a great many boards and associations. He was a past member of the Atlantic School Board, and served on the Atlantic Methodist Church Board. He was an outstanding member of the Lions Club, serving as former district governor of Lions International, and five years as trustee of the Iowa Lions Sight Conservation Foundation. His farming expertise awarded him the honor of Iowa Master Farmer in 1961, and he then served as commissioner of the Cass County Soil Conservation and at one time was the director of the Iowa Association of Soil Conservation District Commissioners. He served on the State Conservation Committee for eight years. In 1967, he was awarded the honor of outstanding Iowa State University Alumni for Cass County.

State Representative Wendell Pellett, a member of the Republican party, served as Chairman of the House Agriculture Committee for many years. He represented the Atlantic area in the House for twenty years from 1971-1990. During a study of members' attendance records in 1979 and 1980, it was found that Mr. Pellett had the best record of any representative. He missed only five of 1,200 roll call votes in two years, which was typical of his dedication to his position. His constituents always felt that he did an excellent job of representing Cass County.

Mr. Pellett passed away on January 9, 1996 at the age of 78. His wife, Haleen of Atlantic survives him, along with a daughter Karen Stewart of Martelle; a son Rick of Atlantic; two brothers, Bruce and Ted, both of Atlantic; and five grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Wendell C. Pellett, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JOHN CONNORS
HAROLD VAN MAANEN
DICK WEIDMAN

Committee

J. NEAL PIERCE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable J. Neal Pierce begs leave to submit the following Memorial:

J. Neal Pierce was born on June 18, 1914 in Lucas County, Iowa. He graduated from Russell High School in 1932. He was married to Hazel Price, and they had three children. He was engaged in a farming operation until his election to the House in 1957.

He was a member of Russell School Board, served on the Russell City Council and was Mayor of Russell for several years.

He was a member of the Republican Party, and represented Lucas County from 1958 to 1965. He then served as Deputy Secretary of State for two years.

He died on June 21, 1995. He is survived by his three children, Mary Ann LeMar of Norwalk; Roger Pierce of Russell; and Steve Pierce of West Des Moines; one sister, Inez DeBok of Chariton; one brother, Everett Pierce of Chariton; five grandchildren and five great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable J. Neal

Pierce, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICHARD ARNOLD
CECIL DOLECHECK
DAVID SCHRADER

Committee

WILLIAM SALTON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable William Robert Salton, begs leave to submit the following Memorial:

William Salton was born May 4, 1935 in rural Ayrshire, Iowa. He graduated from Gillett Grove High School. He married Darlene Stukey on March 18, 1956 at the Bethany Lutheran Church in Spencer and following their marriage, they farmed in the Gillett Grove and Ayrshire area. He was an active member of the Assembly of God Church in Spencer, holding many leadership positions.

Bill served on the executive board of the Iowa Cattlemen's Association, and the private Land and Environmental Committee of the National Cattlemen's Association. He was President of the Iowa Forage and Grassland Council, served on the Board of Directors of the Iowa Lakes Controlled Grazing Council, was Superintendent of the Beef Division of the Clay County Fair, and was Chairman of the Clay County Extension Council. He served on the Board of Directors of the Farm Bureau as well as the Board of Directors of the Farmers Home Administration. He was a member of the Farm Advisory Council of Iowa Lakes Community College.

Bill Salton's many honors include Iowa's Top Commercial Cow/Calf Producer, State SCS Conservation Award, IFGC Top Producer Award, Kiwanis Farmer of the Year, Iowa Peace Maker Award from the Iowa Peace Institute, Clay County Cattleman of the Year, and IFGC Merit Award for Leadership.

Throughout his career, Bill and his family hosted 4-H and FFA Clubs judging contests, grassland and soil contests, cow/calf extension programs, and pasture management and soil conservation field days. At his farm home, he hosted countless farm tours, including the Spencer Business persons farm tour and the Spencer bankers breakfast tour. He was a well-known speaker at grass management and soil conservation meetings statewide.

Before domestic abuse shelters were established, Bill and Darlene's home was a "safe house" for abused women and children. They have taken eleven foster children into their home, and one has remained a part of their family circle; and also hosted a German foreign exchange student for a year. The Saltons established Salton Park on Silver Lake.

Bill Salton was a Republican who represented Palo Alto and Clay Counties in the Legislature for one two-year term, serving 1995 and 1996. Here, as wherever he went, Bill was recognized as a man of God and a man of conscience. Every member of the Assembly counted him as a friend.

William Salton passed away at his home in rural Ruthven on February 2, 1997, at the age of 61. He is survived by his wife, Darlene, two sons and their wives: William E. and Lisa, and Russell and Sue, all of Aryshire. Four daughters: Janet and husband, Steve Crisman of Austin, Texas; Carol and husband, Rick Ayres of Spirit Lake; Donna Robey and her fiancée, Tom Musel of Emmetsburg; and Shirley and husband, Sam Henkelvig of Emmetsburg. Two brothers: Kenneth and wife, Lois of Ruthven; and Sandy and wife, Natalie of Ayrshire; one sister, Doris and husband, Virgil Treimer of Hartley; 15 grandchildren; many other relatives, and countless friends.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable William Robert Salton, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

MARCELLA FREVERT
JOHN GREIG
RALPH KLEMME

Committee

CLARENCE F. SCHMARJE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Clarence F. Schmarje begs leave to submit the following Memorial:

Clarence F. Schmarje was born on July 30, 1911 in Muscatine, Iowa. He graduated from Muscatine High School and the University of Iowa with a bachelor of science, a master of science and a doctorate in mechanical engineering. He married Doris DeCamp on June 15, 1933 and they had two sons and a daughter. Mr. Schmarje founded Schmarje Tool Company in 1942, initially to make tools for the pearl button industry. Along with his father he founded the Ronda Button Co. During 1950 thru 1960 they exported clams to Japan for similar industry. Mr. Schmarje was a member of many organizations and he was active in local and state Masonic orders. He was a member of the Methodist Church, Elks, and a member of American Society of Mechanical Engineers.

Mr. Schmarje and his wife were tireless workers in Republican politics on a local, state and national level. He was twice elected state representative for Muscatine and Louisa counties. He served many years on the Muscatine County Republican Central Committee, and was a frequent delegate to state conventions.

Mr. Schmarje represented Muscatine and Louisa counties during the 1967-68 General Assemblies. As a legislator he introduced the bill making the Geode the "State Rock of Iowa". He also was one of a group of legislators who pushed legislation enabling Muscatine to get the new bridge across the Mississippi River.

He died on September 1, 1995, in Muscatine. He is survived by his two sons, Ron of Muscatine, David of Lompoc, California; and daughter Diane Wood of Lubbock, Texas as well as six grandchildren. Mr. Schmarje was preceded in death by his wife Doris on August 24, 1994.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Clarence F. Schmarje, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BARRY BRAUNS
JAMES HAHN
RICHARD MYERS

Committee

HUGO A. SCHNEKLOTH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Hugo A. Schnekloth, begs leave to submit the following Memorial:

Hugo A. Schnekloth was born on April 24, 1923 in Eldridge, Iowa. He graduated from Davenport High School in 1940. He was married to Mildred Blunk in Davenport on February 8, 1947, and they had one son and one daughter.

Mr. Schnekloth farmed all his life on land in Lincoln Township (Scott County) that was purchased by the Schnekloth family in 1864, later to be called Sunny View Farm. After the purchase of more land, he established Schnekloth Farms, Inc. in 1979. He served as president of Schnekloth Farms, Inc. until 1994, and then as treasurer. Mr. Schnekloth was past president of the Scott County Farm Bureau. He was a former member of the Iowa Farm Bureau's Resolutions Committee, and served as the Iowa Farm Bureau's representative on the American Farm Bureau's Beef Cattle Committee. Mr. Schnekloth was an Agricultural Stabilization and Conservation Service committeeman, vice president of the Scott County Livestock Feeders Association, and secretary of the Scott County Beef Producers Association.

He was a lifetime member of St. Paul Luthern Church in Davenport, and a member of the church council for twelve years. He served in the usher corps, and was both a chairman and a treasurer of the church's Finance Committee. Mr. Schnekloth was also a member of the board of Scott County Lutheran Social

Services. He was past president of the Davenport Kiwanis Club, a director of the Central Scott Telephone Company, and served as township clerk of Lincoln Township. Mr. Schnekloth served on the Citizens Advisory Committee that guided the formation of the North Scott School District. He loved the land and farming, and enjoyed reading, traveling and involvement with his family.

Mr. Schnekloth was a member of the Republican Party, and represented Scott County during 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. He was well-versed on tax issues, and served as chairman of the House Committee on Ways and Means during the Sixty-ninth General Assembly. Mr. Schnekloth's legacy to the citizens of Iowa through his legislative service includes: staggered registrations for vehicle licenses to avoid long lines, one-time filing for homestead tax credits, and repeal of the sales tax on machinery and equipment.

Mr. Schnekloth died on June 21, 1996, in Davenport, Iowa. He is survived by his wife, Mildred, and one son, John, of Eldridge; one daughter, Doris Dittmer, of Carmel, Indiana; one sister, Celia Schafer, of Davenport, Iowa; and five grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Hugo A. Schnekloth, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

POLLY BUKTA
DAVID MILLAGE
HAROLD VAN MAANEN

Committee

THOMAS M. DOUGHERTY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Thomas M. Dougherty begs leave to submit the following Memorial:

Thomas M. Dougherty was born on February 2, 1910 in Monroe County, Iowa. he was married to Lucille Mottet in October, 1955, and they had one daughter, Theresa Anne.

Mr. Dougherty was a member of St. Mary's Catholic Church and the Knights of Columbus, 4th Degree. He was a farmer and past director and state president of Iowa Rural Young People's Assembly; past ex-officio director Iowa Farm Bureau; state level plowing champion 1950; three consecutive years county contour plow-

ing champion; participated in two national plowing matches; judged many county, district and state plowing matches; conservation award 1953; Iowa Plowman's Hall of Fame 1966; Emerald Clover Award for 25 years 4-H Club leadership.

He was also a member of the Eagles Association, a director of the Albia Area Chamber of Commerce; vice-president of the 4-H FFA fair board; a member of the Governor's Commission on Aging; a member of the President's White House hearing committee on aging; and a Monroe County Agriculture Hall of Fame award winner.

Mr. Dougherty was a member of the Democratic party, and represented Monroe, Lucas and Marion counties, and served in the Sixtieth Extra, Sixty-first, Sixty-third and Sixty-fourth General Assemblies.

He died September 5, 1996 at Oakwood Estates in Albia. He is survived by his wife, Lucille; a daughter, Theresa Dougherty of St. Louis, Missouri; a brother John of Albia; and two sisters, Genevieve Minoli of Albuquerque, New Mexico and Mary McNally of Rock Island, Illinois.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Thomas M. Dougherty, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICHARD ARNOLD
MINNETTE DODERER
KEITH KREIMAN

Committee

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 Filed from the floor—257, 348, 394, 406, 407, 419-420, 437, 447, 611, 623-624, 647, 648-649, 659, 693-694, 721-723, 740-743, 751, 752, 753, 753-754, 817, 840, 844-845, 846, 850, 853-854, 860, 883-884, 893, 894, 894-895, 895, 896, 905-906, 907, 928, 932-933, 935, 936, 936-937, 939, 939-940, 941, 944, 944-945, 950, 1002, 1047, 1051, 1059, 1065, 1081-1084, 1110, 1113, 1120, 1121, 1122-1123, 1123, 1128, 1129, 1131, 1148, 1169-1170, 1175, 1211, 1232, 1236-1239, 1239, 1239-1240, 1240, 1240-1241, 1241-1242, 1242-1243, 1245, 1245-1246, 1246, 1247, 1248, 1249, 1252, 1285, 1286, 1305, 1318-1319, 1319, 1320-1321, 1321-1322, 1322-1323, 1323, 1326-1327, 1327-1328, 1328-1329, 1330, 1331, 1332, 1333, 1333-1334, 1335, 1336, 1337, 1338, 1339-1340, 1340, 1379, 1379-1380, 1382-1384, 1385, 1386, 1393-1395, 1421, 1424, 1424-1425, 1425, 1426-1428, 1428, 1429, 1444-1445, 1445-1446, 1447-1449, 1450, 1450-1451, 1453, 1472, 1483-1484, 1484-1485, 1485, 1488, 1488-1489, 1489, 1489-1490, 1490, 1493-1495, 1496, 1497-1499, 1499, 1502, 1502-1503, 1503, 1504-1505, 1505-1506, 1506, 1506-1507, 1508, 1508-1509, 1543-1544, 1548, 1558, 1558-1559, 1559, 1559-1561, 1562, 1568-1569, 1570-1571, 1572, 1573-1574, 1580, 1581, 1581-1582, 1584, 1584-1585, 1585, 1586, 1610, 1611, 1620, 1623, 1631, 1634, 1642, 1644, 1645, 1645-1646, 1649-1650, 1671, 1674, 1675, 1680, 1747, 1757-1761, 1761-1762, 1769

Lines of amendments out of order—907, 1249

Senate amendments considered—745, 1108, 1252, 1261, 1268, 1274, 1309, 1313, 1348, 1353, 1371, 1373, 1388, 1390, 1404, 1408, 1423, 1436, 1461, 1474, 1481, 1524, 1532, 1545, 1599, 1609, 1610, 1627, 1636, 1639, 1648, 1681, 1718, 1750, 1754

Senate amendments filed—823, 1089, 1090, 1141, 1216, 1217, 1225, 1255, 1256, 1344, 1345, 1400, 1520, 1594, 1680, 1769

Withdrawn—232, 255, 285, 394, 405, 406, 420, 437, 449, 508, 550, 585, 621, 624, 641, 647, 650, 666, 667, 668, 688, 689, 692, 709, 727, 765, 769, 770, 777, 848, 849, 858, 861, 862, 885, 886, 911, 944, 950, 951, 970, 978, 1000, 1002, 1020, 1041, 1042, 1060, 1065, 1067, 1070, 1081, 1099, 1104, 1107, 1113, 1131, 1133, 1167, 1175, 1181, 1183, 1208, 1211, 1230, 1231, 1236, 1240, 1242, 1246, 1247, 1248, 1249, 1257, 1278, 1283, 1284, 1285, 1286, 1287, 1288, 1294, 1302, 1305, 1311, 1316, 1319, 1326, 1351, 1387, 1421, 1429, 1485, 1502, 1503, 1505, 1507, 1511, 1512, 1548, 1562, 1563, 1572, 1585, 1586, 1588, 1625, 1757

APPOINTMENTS—See INTERIM APPOINTMENTS

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Amendments filed—1188, 1298, 1520, 1674

Amendments offered—1228, 1325, 1549, 1630, 1674

Appointed—19

Bills introduced—220, 266, 311, 547, 602, 702, 712, 872, 1324, 1346, 1420

Recommendations—217, 262-263, 308-309, 340, 398, 495, 592-593, 700, 869, 1188, 1298, 1343-1344, 1458, 1519, 1593-1594

Subcommittee assignments—78, 84, 136, 144, 228, 355, 356, 369, 453, 454, 493, 539, 554, 572, 671, 672, 730, 822, 900, 1343, 1673

APPROPRIATIONS SUBCOMMITTEES—

Appointments to—21-22

ARNOLD, RICHARD—Representative Appanoose-Clarke-Lucas-Wayne

Counties

- Amendments filed—673, 759, 824, 958, 1141, 1344
- Amendments offered—999, 1478
- Bills introduced—50, 79, 86, 139, 156, 220, 221, 222, 223, 230, 248, 249, 282, 284, 298, 299, 311, 350, 388, 389, 415, 458, 459, 562, 564, 601
- Committee appointments—21, 705, 902
- Petitions presented—530
- Resolutions offered—71, 224, 1399-1400
- Subcommittee assignments—61, 144, 151, 214, 245, 269, 306, 307, 355, 422, 454, 573, 758, 1007

ASSISTANT MAJORITY LEADERS—

- Donna Barry—Representative **Harrison County**
(See BARRY, DONNA M.—Representative **Harrison County**, Assistant Majority Leader)
- Gary Blodgett—Representative **Cerro Gordo County**
(See BLODGETT, GARY—Representative **Cerro Gordo County**, Assistant Majority Leader)
- Danny Carroll—Representative **Jasper-Mahaska-Marshall-Poweshiek Counties**
(See CARROLL, DANNY—Representative **Jasper-Mahaska-Marshall-Poweshiek Counties**, Assistant Majority Leader)
- Christopher C. Rants—Representative **Woodbury County**
(See RANTS, CHRISTOPHER C.—Representative **Woodbury County**, Assistant Majority Leader)

ASSISTANT MINORITY LEADERS—

- John H. Connors—Representative **Polk County**
(See CONNORS, JOHN H.—Representative **Polk County**, Assistant Minority Leader)
- Pam Jochum—Representative **Dubuque County**
(See JOCHUM, PAM—Representative **Dubuque County**, Assistant Minority Leader)
- Michael J. Moreland—Representative **Wapello County**
(See MORELAND, MICHAEL J.—Representative **Wapello County**, Assistant Minority Leader)
- Richard E. Myers—Representative **Johnson County**
(See MYERS, RICHARD E.—Representative **Johnson County**, Assistant Minority Leader)
- Don Shultz—Representative **Black Hawk County**
(See SHOULTZ, DON—Representative **Black Hawk County**, Assistant Minority Leader)

AWARDS AND GIFTS—

- Certificates of excellence to House Pages—466, 1747
- Representative John H. Connors presented with his House chair—89

BARRY, DONNA M.—Representative **Harrison County**, Assistant Majority Leader

- Amendments filed—870, 988, 1298, 1459, 1558-1559, 1572
- Amendments offered—612, 1000, 1066, 1558
- Amendments withdrawn—1000, 1572

Bills introduced—79, 139, 220, 221, 222, 223, 226, 298, 299, 344, 378, 387, 458, 461, 531, 532
 Bills rereferred to committees (acting Speaker)—728
 Committee appointments—19, 20, 468
 Petitions presented—458
 Presentation of visitors (acting Speaker)—728-729
 Presided at sessions of the House—73, 723, 837, 888
 Resolutions offered—71, 224, 467
 Subcommittee assignments—151, 260, 277, 383, 396, 492, 510, 553, 573, 730, 956, 986, 1007, 1519

BELL, PAUL A.—Representative Jasper County

Amendments filed—309, 341, 385, 399, 475, 700-701, 760, 871, 937, 1090, 1298, 1332, 1336, 1379-1380
 Amendments offered—405, 406, 937, 1057, 1336
 Amendment withdrawn—405
 Appointed to the Board of Trustees for the Statewide Fire and Police Retirement System—42
 Bills introduced—74, 79, 87, 157, 221, 303, 387, 402, 501, 546
 Committee appointments—20, 21
 Presented to the House "Varbena" the Bandura Trio from Cherkasy, Oblast, Ukraine—571
 Resolutions offered—426, 529, 673, 1399-1400, 1680
 Subcommittee assignments—83, 136, 152, 235, 306, 383, 409, 493, 553, 758, 956, 1007

BERNAU, WM. (BILL)—Representative Story County

Amendments filed—94, 399, 475, 700-701, 759, 761, 901, 939, 1091, 1249, 1379-1380, 1497-1499
 Amendments offered—483, 618, 929, 939, 1136, 1249
 Bills introduced—79, 221, 342, 344, 373, 402, 403
 Committee appointments—14, 20-21
 Leave of absence—233, 297, 378
 Petitions presented—579
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 Reports—37-39, 70, 243, 1295
 Resolutions offered—224-225, 340, 426, 529, 1399-1400
 Subcommittee assignments—83, 84, 92, 144, 152, 214, 276, 291, 306, 355, 383, 474, 492, 511, 573, 758

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 Approved, vetoed or item vetoed subsequent to adjournment—2151-2162
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- 1376, 1401, 1421, 1460, 1523, 1543, 1598
 Consideration of resolutions—75, 1452
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 Deferred, retained on calendar—471, 611, 645, 647, 691, 714; 1224, 1231, 1278, 1476, 1479, 1605, 1609
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 Resolutions adopted, not otherwise printed in journal—2121-2150
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 Resolution withdrawn—836
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 Sent to secretary of state—243, 552
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 Veto messages—1592-1593
 Veto message after session—2163-2164
 Withdrawn—290, 302, 345, 416, 472, 482, 570, 571, 586, 610, 642, 646, 737, 738, 745, 755, 767, 769, 773, 776, 780, 816, 819, 832, 836, 908, 913, 927, 976, 980, 1003, 1004, 1015, 1018, 1020, 1025, 1108, 1192, 1295, 1388, 1422, 1436, 1523, 1530, 1532, 1539

BILLS SENT TO GOVERNOR—

(See BILLS, subheading, Sent to Governor)

BLODGETT, GARY—Representative Cerro Gordo County, Assistant Majority Leader

- Amendments filed—385, 391, 413, 543, 631, 824, 901, 918, 958, 988, 989, 1010, 1029, 1090, 1091, 1131, 1141, 1298, 1344, 1421, 1483-1484
 Amendments offered—507, 508, 1034, 1413, 1421, 1483
 Amendments withdrawn—394, 1131, 1421
 Bills introduced—50, 74, 79, 85, 95, 156, 220, 221, 222, 265; 266, 272, 298, 299, 378, 389, 532, 544
 Committee appointments—19, 20, 21
 Leave of absence—254, 722
 Resolutions offered—71, 224, 598, 1399-1400, 1680
 Subcommittee assignments—70, 83, 84, 92, 136, 144, 152, 260, 269, 291, 355, 383, 510, 730, 917

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS FROM, subheading Reports)

and/or INDIVIDUAL HEADINGS)

- BODDICKER, DANIEL**—Representative Cedar-Clinton-Jones Counties
 Amendments filed—426, 543, 631, 673, 731, 759, 760, 823, 824, 825, 850, 918, 1141, 1345, 1459, 1562
 Amendments offered—686, 687, 689, 848, 849, 850, 855, 858, 863, 914, 968, 1368, 1470
 Amendments withdrawn—689, 848, 849, 862, 970, 1167, 1240
 Bills introduced—50, 79, 86, 139, 147, 220, 221, 226, 264, 299, 310, 343, 344, 378, 502, 546
 Committee appointments—20, 467, 1504
 Leave of absence—254, 566, 1191, 1373
 Petitions presented—95, 762
 Presented to the House, students who have signed a group resolution, "True Love Waits"—301
 Presided at sessions of the House—1011
 Report—1611-1619
 Resolutions offered—224-225, 988, 1399-1400
 Subcommittee assignments—70, 151, 152, 158, 214, 235, 236, 260, 277, 306, 383, 409, 492, 511, 539, 553, 730, 956, 986
- BOGGESS, EFFIE LEE**—Representative Adams-Page-Taylor Counties
 Amendment filed—701
 Bills introduced—50, 74, 79, 86, 139, 220, 222, 223, 298, 344, 459, 460, 601
 Committee appointments—19, 20
 Presided at sessions of the House—937, 1000, 1057, 1064, 1107
 Resolutions offered—71, 1399
 Rulings made (acting Speaker)—938, 1113, 1114
 Subcommittee assignments—244, 269, 306, 354, 383, 409, 492, 493, 525, 526, 554, 591, 956
- BRADLEY, CLYDE**—Representative Clinton-Scott Counties
 Amendments filed—631, 760, 825, 870, 870-871, 918, 1298, 1558-1559, 1562
 Amendments offered—642, 934
 Bills introduced—50, 63, 79, 85, 86, 139, 141, 148, 220, 221, 222, 241, 242, 283, 284, 298, 299, 350, 378, 401, 479, 504, 524, 544
 Committee appointments—14, 19, 20, 21, 1543
 Explanation of vote—1296
 Reports—37-39, 70, 243, 1295
 Resolutions offered—71, 138, 598, 700, 1399
 Subcommittee assignments—135, 144, 236, 260, 307, 354, 390, 474, 492, 511, 554, 758
- BRAND, WILLIAM J.**—Representative Benton-Black Hawk-Tama Counties
 Amendments filed—359, 391, 399, 413, 475, 598, 674, 958, 959, 989, 1089, 1090, 1122-1123, 1256, 1285, 1305, 1379-1380, 1459, 1520, 1558-1559, 1562, 1680
 Amendments offered—417, 695, 970, 1045, 1112, 1113, 1129, 1284, 1305, 1562
 Amendments withdrawn—1042, 1287
 Bills introduced—74, 79, 221, 284, 342, 344, 373, 402, 403, 461, 502, 561
 Committee appointments—19, 20, 1504
 Leave of absence—607
 Petition presented—458

Resolutions offered—224, 529, 1399, 1680

Subcommittee assignments—78, 236, 396, 539, 572, 672, 730, 986, 1007, 1673

BRANSTAD, GOVERNOR TERRY E.—

(See GOVERNOR BRANSTAD, TERRY E.)

BRAUNS, BARRY D.—Representative Johnson-Louisa-Muscatine Counties

Amendments filed—309, 674, 701, 759, 1010, 1488

Amendments offered—805, 1488

Amendment withdrawn—1302

Bills introduced—50, 63, 79, 220, 222, 223, 298, 299, 304, 344, 350, 401

Committee appointments—19, 21, 706, 1543

Explanation of vote—157, 669, 1186

Leave of absence—142, 607

Petition presented—607

Report—1744-1745

Resolutions offered—71, 224-225, 1399-1400

Subcommittee assignments—144, 214, 236, 260, 269, 307, 355, 369, 383, 396, 410, 453, 573, 758, 822, 1007

BRUNKHORST, BOB—Representative Black Hawk-Bremer Counties

Amendments filed—673, 674, 701, 759, 918, 988, 1029, 1090, 1141, 1217, 1298, 1385, 1400, 1424, 1459, 1581, 1581-1582, 1594, 1595, 1634, 1680

Amendments offered—331, 783, 1106, 1176, 1181, 1228, 1231, 1424, 1492, 1570, 1631, 1634

Amendments withdrawn—1104, 1581, 1757

Bills introduced—18, 49, 50, 79, 139, 148, 220, 221, 222, 298, 342, 343, 344, 350, 458, 461, 500

Bills rereferred to committees (acting Speaker)—552

Committee appointments—19, 20, 705, 1543

Explanation of vote—899

Petition presented—544

Presentation of visitors (acting Speaker)—553

Presided at sessions of the House—310, 551, 996

Reports—1591, 1607-1608

Resolutions offered—224, 1399-1400

Subcommittee assignments—78, 135, 152, 158, 291, 355, 356, 389, 396, 422, 492, 525, 539, 572, 672, 730, 822, 868

BUDGET MESSAGE—

(See STATE OF THE STATE AND BUDGET MESSAGES)

BUKTA, POLLY—Representative Clinton County

Amendments filed—358, 372, 475, 700, 824, 825, 1089, 1141, 1379-1380, 1497-1499, 1521

Bills introduced—79, 221, 231, 298, 299, 344, 350, 378, 401, 402, 461, 582

Committee appointments—20, 21, 63, 704

Resolutions offered—224, 426, 529, 700, 1399

Subcommittee assignments—92, 236, 277, 355, 356, 383, 409, 510, 572

BURNETT, CECELIA—Representative Story County

Amendments filed—385, 413, 475, 598, 631, 673, 674, 759, 760, 823, 824, 825, 871,

918, 958, 1029, 1256, 1285, 1379-1380, 1497-1499

Amendment offered—862

Appointed to the Child Support Advisory Committee—42

Bills introduced—79, 221, 230, 231, 299, 303, 342, 344, 373, 402, 403, 460, 461

Committee appointments—20, 21, 1504

Resolutions offered—224-225, 340, 529, 988

Subcommittee assignments—91, 135, 144, 306, 338, 383, 492, 510, 511, 554, 986

CARROLL, DANNY C.—Representative Jasper-Mahaska-Marshall-Poweshiek Counties, Assistant Majority Leader

Amendments filed—385, 760, 825, 871, 958, 989, 1090, 1256, 1286, 1298, 1458, 1558-1559, 1747

Amendments offered—608, 886, 906, 1099, 1278, 1281, 1286, 1303, 1386, 1523

Appointed to the Administrative Rules Review Committee—83

Bills introduced—62, 79, 157, 220, 221, 222, 223, 297, 299, 344, 351, 389, 402, 458, 459, 461, 478, 499, 504, 544, 993

Committee appointments—19, 20, 21

Explanation of vote—1005

Leave of absence—703

Petitions presented—282, 417, 993

Presented to the House students and teachers from Zhelnevosdk, Russia—1676

Presided at sessions of the House—134, 417, 619, 746, 807, 827, 839, 1048, 1062, 1144, 1183, 1197, 1377, 1449, 1630

Presentation of visitors (acting Speaker)—187, 1456

Resolutions offered—988, 1399-1400

Rulings made (acting Speaker)—843, 1165, 1450

Subcommittee assignments—71, 78, 214, 269, 306, 307, 355, 369, 396, 410, 454, 510, 511, 986, 987, 1007

CATALDO, MICHAEL J.—Representative Polk County

Amendments filed—475, 498, 759, 761, 918, 959, 1217, 1379-1380

Amendments offered—976, 977, 1228

Amendment withdrawn—508

Bills introduced—18, 79, 222, 230, 402, 461, 545

Committee appointments—19, 21, 1543

Explanation of vote—157, 867, 1567, 1590

Leave of absence—765, 1284, 1300

Resolutions offered—71, 529

Subcommittee assignments—144, 152, 235, 390, 422, 474, 917

CERTIFICATES OF RECOGNITION—

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CHAPLAINS—

Resolutions relating to:

House Resolution 2—13-14 adopted

Senate Concurrent Resolution 1—S.J. 54, 69, 70 adopted, 76 msgd., 1544 - H.J.

75, 78, 1705-1718 as amended, adopted & msgd.

CHAPMAN, KAY—Representative **Linn County**

Amendments filed—94, 240, 476, 631, 901, 936, 1217, 1298, 1379-1380, 1521

Amendments offered—274, 936, 948, 1289

Bills introduced—50, 79, 95, 222, 231, 303, 387, 402, 461

Committee appointments—2, 19, 20, 21

Report—2-4

Resolutions offered—529, 598, 1399-1400

Subcommittee assignments—78, 91, 136, 141, 214, 235, 260, 390, 573, 671, 672, 956

CHIEF CLERK OF THE HOUSE, Elizabeth A. Isaacson

Acknowledgments—4, 34

Administered oath of office to temporary Speaker—1

Communications received and on file—33-34, 43-47, 76-77, 80-82, 89-90, 142-143, 150-151, 157, 213, 234-235, 244, 268, 271, 276, 290, 353-354, 395, 473, 490, 538, 698, 756-757, 900, 953, 955, 1006, 1087, 1593, 1677, 1776

Elected acting Chief Clerk—1

Elected permanent Chief Clerk—9

Reports:

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Conference committee report filed—1591

Enrolled bills—243, 453, 509, 552, 603, 756, 821, 900, 1187, 1254, 1296, 1396, 1676, 1767, 1775-1776

Resolutions relating to:

House Resolution 1—13 adopted

House Resolution 13—730, 1301 adopted

Senate Concurrent Resolution 1—S.J. 54, 69, 70 adopted, 76 msgd., 1544 - H.J. 75, 78, 1705-1718 as amended, adopted & msgd.

Took oath of office—1

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A. McGiverin

(See SUPREME COURT OF IOWA)

CHIDO, FRANK J.—Representative **Polk County**

Amendments filed—475-476, 498, 631, 701, 759, 761, 1232, 1256, 1299, 1321-1322, 1379-1380, 1769

Amendments offered—507, 770, 771, 1016, 1316, 1319, 1321

Amendments withdrawn—508, 770, 1319

Bills introduced—79, 221, 222, 230, 231, 351, 402, 403, 404, 461, 545, 562
 Committee appointments—19, 21
 Presented to the House, Mac John Daggy, heavyweight wrestler, Dowling High School—760
 Presided at sessions of the House—536, 667
 Recorded as voting on House File 612—1473
 Resolutions offered—224, 529
 Subcommittee assignments—144, 151, 260, 355, 390, 396, 454, 539, 553, 554, 758, 986

CHURCHILL, STEVEN W.—Representative Dallas-Polk Counties

Amendments filed—701, 731, 759, 760-761, 918, 1424, 1444-1445, 1520, 1558
 Amendments offered—722, 765
 Amendments withdrawn—765, 769, 951
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 Leave of absence—902, 1346
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 Presided at sessions of the House—79
 Recorded as voting on House File 612—1473
 Resolutions offered—71, 224, 1399-1400
 Subcommittee assignments—78, 92, 235, 244, 259, 260, 306, 307, 356, 396, 409, 474, 492, 493, 511, 526, 553, 554, 573, 758, 956

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 Amendments offered—709, 1113, 1487
 Appointed to the Legislative Council—226-227
 Bills introduced—79, 221, 222, 230, 284, 303, 342, 362, 373, 402, 415, 461, 504
 Committee appointments—20, 21, 548, 1543
 Resolutions offered—224, 426, 529, 598, 1399
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Amendments filed—372, 426, 1010

Amendments offered—393, 566, 1176

Appointed—19

Bills introduced—299, 344, 392, 515, 531, 546, 547, 562, 579, 581, 600, 601, 633, 677, 678

Recommendations—294, 340, 370, 390-391, 412, 424, 495, 541-542, 575-576, 593, 987, 1008

Subcommittee assignments—135, 151, 152, 235, 236, 260, 291, 354, 389, 390, 396, 410, 422, 492, 572, 573, 868

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(See STATE OF THE STATE and BUDGET MESSAGES)

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Appointed—1504

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Senate File 391—1744

Senate File 529—1607

Reports adopted:

House File 612—1619

Senate File 391—1745

Senate File 529—1608

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative Polk County, Assistant Minority Leader

Amendments filed—94, 359, 372, 385, 399, 413, 475-476, 598, 674, 693-694, 760, 823, 825, 1089, 1217, 1320-1321, 1335, 1379-1380, 1453, 1503

Amendments offered—448, 449, 693, 696, 858, 1200

Amendments withdrawn—449, 858, 1503

Appointed to the Legislative Council—226-227

Bills introduced—18, 79, 221, 231, 266, 350, 387, 401, 402, 416, 461, 545, 565

Committee appointments—12, 19, 20, 21, 705, 963, 1780

Leave of absence—1143

Presented to the House the family of Billie Walling, former House Finance Clerk—1532

Presented to the House the Honorable Floyd Millen, former member and Speaker of the House—350

Presented with his chair for his years of legislative service—89

Recorded as voting on House File 612—1473

Resolutions offered—529, 901, 988, 1399-1400

Subcommittee assignments—61, 70, 92, 244, 269, 474, 553, 554, 573, 868

CORBETT, RON J.—Representative **Linn County**
(See **SPEAKER OF THE HOUSE**—Ron J. Corbett, Representative **Linn County**)

CORMACK, MIKE—Representative **Webster County**

Amendments filed—312, 759, 901, 958, 989, 1065

Amendments offered—405, 1065, 1095, 1478

Bills introduced—50, 79, 88, 140, 157, 221, 226, 248, 264, 298, 299, 310, 311, 378, 458, 678, 993

Committee appointments—19, 21

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Subcommittee assignments—91, 92, 152, 228, 236, 260, 355, 383, 410, 539, 1007

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Appointed—1-2

Report—2

Report adopted—4

DINKLA, DWIGHT—Representative **Adair-Guthrie-Madison Counties**

Amendments filed—731, 740-743, 760, 825, 901, 939-940, 1217, 1502-1503, 1520, 1558

Amendments offered—739, 740, 833, 939, 1502, 1558

Bills introduced—18, 62, 63, 79, 139, 157, 222, 230, 344, 415

Committee appointments—19, 20, 21, 64

Leave of absence—1191

Resolutions offered—71, 224

Subcommittee assignments—78, 91, 151, 152, 214, 259, 260, 291, 354, 383, 410, 573, 730, 956, 1679

DIX, BILL—Representative **Butler-Grundy Counties**

Amendments filed—358, 674, 731, 761, 988, 989, 1089, 1385, 1400, 1747, 1769

Amendments offered—362, 792, 1147

Bills introduced—50, 79, 139, 220, 248, 284, 344, 378, 388, 415, 458

Committee appointments—19, 20, 21, 64, 705

Resolutions offered—71, 224-225, 1399-1400

Subcommittee assignments—70, 78, 83, 84, 136, 141, 151, 152, 235, 236, 291, 410, 554, 572, 573, 671, 729, 758, 822, 868, 956, 1007, 1457

DODERER, MINNETTE—Representative **Johnson County**

Amendments filed—94, 413, 514, 598, 605, 674, 759, 760, 817, 825, 918, 1089, 1189, 1211, 1231, 1245-1246, 1249, 1252, 1255, 1256, 1285, 1344, 1379-1380, 1453, 1488-1489, 1502, 1502-1503

Amendments offered—469, 695, 816, 817, 840, 841, 968, 1210, 1245, 1252, 1277, 1284, 1452, 1453, 1502
 Amendments withdrawn—650, 1231, 1249, 1285, 1502, 1503
 Bills introduced—50, 62, 79, 95, 147, 164, 221, 226, 230, 248, 249, 265, 266, 342, 344, 360, 373, 387, 400, 401, 402, 403, 428, 460, 461, 504, 522, 561, 565, 581, 697
 Committee appointments—19, 20, 21, 902
 Resolutions offered—224, 529, 598, 1216
 Subcommittee assignments—91, 135, 136, 152, 214, 235, 260, 291, 354, 383, 474, 553, 572, 956, 1007

DOLECHECK, CECIL—Representative Decatur-Ringgold-Taylor-Union Counties

Amendments filed—631, 1030, 1298, 1344
 Amendments offered—641, 1371
 Amendment withdrawn—641
 Bills introduced—50, 79, 86, 139, 141, 220, 222, 226, 248, 298, 344, 350, 458, 459, 460, 479, 601
 Committee appointments—9, 20, 21, 705
 Resolutions offered—71, 1399
 Subcommittee assignments—83, 92, 214, 236, 277, 291, 383, 422, 493, 539, 572, 956

DOTZLER, BILL—Representative Black Hawk County

Amendments filed—247, 358, 385, 386, 399, 413, 674, 700, 701, 988, 1090, 1110, 1379-1380, 1521, 1580, 1680
 Amendments offered—256, 438, 439, 443, 626, 1110, 1580
 Appointed to the Iowa Workforce Development Board—42
 Bills introduced—79, 148, 221, 222, 226, 231, 342, 344, 373, 402, 403, 461, 524, 564
 Committee appointments—20, 21
 Resolutions offered—340, 426, 529, 1399
 Subcommittee assignments—151, 235, 277, 410, 492, 868, 986

DRAKE, JACK—Representative Audubon-Pottawattamie-Shelby Counties

Amendments filed—701, 988, 1298, 1319
 Amendments offered—1223, 1319
 Amendment withdrawn—1485
 Bills introduced—50, 79, 139, 220, 221, 222, 223, 226, 298, 299, 344, 458, 459, 531, 601
 Committee appointments—20, 21, 468
 Explanation of vote—489
 Presented to the House Cary Cochran, Iowa's all time leading basketball scorer. Neola, Tri-Center School—728
 Resolutions offered—71, 598, 1399
 Subcommittee assignments—83, 91, 92, 136, 144, 276, 291, 306, 338, 383, 492, 511, 525, 526, 554, 671, 672, 822, 917, 986, 1457

DREES, JIM—Representative Carroll-Greene Counties

Amendments filed—475-476, 700, 759, 761, 823, 871, 1029, 1089, 1379-1380
 Amendments withdrawn—1065, 1512
 Bills introduced—74, 79, 221, 222, 226, 231, 310, 388, 401, 402, 427
 Committee appointments—19, 21
 Leave of absence—414, 1191

Resolutions offered—426, 529, 1399

Subcommittee assignments—70, 144, 245, 306, 307, 383, 409, 422, 511, 573, 758

ECONOMIC DEVELOPMENT, COMMITTEE ON—

Appointed—20

Bills introduced—311, 343, 418, 602, 603

Recommendations—279, 309, 398, 527, 593, 957

Subcommittee assignments—383, 492

EDDIE, RUSSELL J.—Representative Buena Vista-Clay-Pocahontas Counties

Amendments filed—988, 1030, 1141, 1562, 1747, 1769

Amendments offered—375, 404, 1058, 1174

Amendment withdrawn—1060

Bills introduced—50, 63, 79, 140, 220, 222, 223, 226, 230, 242, 248, 265, 284, 298,

343, 344, 378, 458, 459, 478, 501, 565

Committee appointments—19, 21, 703

Explanation of vote—670

Petitions presented—418, 499, 702, 1190

Resolutions offered—71, 224, 1399

Subcommittee assignments—144, 152, 157, 236, 245, 306, 307, 354, 369, 409, 422,

454, 492, 510, 511, 758, 823, 956, 1007

EDUCATION, COMMITTEE ON—

Amendments filed—281, 514, 543, 560, 631

Amendments offered—331, 1001

Amendment withdrawn—641

Appointed—20

Bills introduced—387, 389, 461, 524, 533, 579, 580, 583

Recommendations—217, 280, 385, 424, 456, 513, 528, 542, 557-558, 593, 628

Resolution offered—463

Subcommittee assignments—78, 92, 144, 152, 158, 214, 236, 245, 277, 291, 355,

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Amendment filed—958

Amendment offered—1223

Appointed—20

Bills introduced—299, 374, 602, 633, 634, 677

Recommendations—294, 371, 424, 593-594, 605, 957

Subcommittee assignments—144, 306, 307, 383, 492, 525, 526, 554

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- Resolutions offered—280, 281
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- House File 371—Representative Eddie—670
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FALCK, STEVE—Representative Buchanan-Fayette Counties

Amendments filed—385, 475-476, 700, 701, 760, 823, 1141, 1339-1340, 1379-
 1380, 1400, 1488-1489, 1509, 1521, 1680
 Amendments offered—1182, 1488, 1509, 1739
 Amendments withdrawn—1505
 Bills introduced—79, 148, 221, 344, 402, 461, 544, 564, 583
 Committee appointments—9, 20, 963
 Leave of absence—414
 Petitions presented—427, 515
 Resolutions offered—426, 529, 1399
 Subcommittee assignments—92, 152, 422, 554, 730, 868

FALLON, ED—Representative Polk County

Amendments filed—94, 358, 372, 399, 475, 606, 674, 701, 721-722, 759, 760, 823.

824, 824, 871, 958, 988, 1029, 1089, 1217, 1232, 1321-1322, 1328-1329, 1330, 1379-1380, 1458, 1459, 1484-1485, 1543-1544, 1645, 1769
 Amendments offered—134, 436, 441, 694, 719, 721, 880, 1078, 1201, 1232, 1267, 1477, 1484, 1543, 1645
 Amendments withdrawn—624, 1211, 1284
 Bills introduced—18, 79, 219, 221, 231, 266, 342, 344, 350, 361, 373, 403, 418, 461, 479, 505, 545, 561, 581, 602, 919
 Committee appointments—20, 21
 Explanation of vote—1590
 Recorded as voting on House File 612—1473
 Resolutions offered—340, 529, 577, 988, 1594
 Subcommittee assignments—214, 307, 510, 573, 730, 1007

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FOEGE, RO—Representative Johnson-Linn Counties

Amendments filed—475-476, 674, 752, 759, 1089, 1141, 1298, 1379-1380, 1458, 1497-1499, 1520
 Amendment offered—752
 Bills introduced—74, 79, 95, 221, 222, 230, 231, 282, 284, 299, 342, 344, 373, 388, 401, 402, 403, 461, 502, 522
 Committee appointments—20, 1144
 Leave of absence—1191
 Resolutions offered—224, 529, 598, 1399
 Subcommittee assignments—151, 307, 369, 383, 396, 492

FORD, WAYNE W.—Representative Polk County

Amendments filed—475-476, 674, 760, 823, 895, 896, 918, 1090, 1091, 1122-1123, 1240-1241, 1242-1243, 1248, 1256, 1285, 1323, 1328-1329, 1330, 1333, 1335, 1379-1381, 1488, 1520
 Amendments offered—896, 1045, 1122, 1132, 1133, 1240, 1248, 1323, 1328, 1330, 1333, 1488
 Amendments withdrawn—895, 1133, 1283, 1586
 Bills introduced—79, 221, 350, 402, 461, 500, 501, 505, 522, 545, 633
 Committee appointments—20, 21
 Explanation of vote—867, 985, 1213
 Leave of absence—960, 1522
 Recorded as voting on House File 612—1473
 Resolutions offered—224, 529, 598, 730
 Subcommittee assignments—71, 157, 276, 306, 369, 383, 454, 510, 539, 730, 917, 987

FREVERT, MARCELLA R.—Representative Clay-Kossuth-Palo Alto Counties

Amendments filed—229, 475-476, 871, 958, 1075-1077, 1175, 1217, 1379-1380, 1497-1499, 1521, 1558-1559
 Amendments offered—1071, 1075
 Amendment withdrawn—1511
 Bills introduced—74, 79, 219, 221, 222, 226, 230, 231, 344, 401, 402, 461, 500, 532, 599
 Committee appointments—9, 19, 21, 704

Explanation of vote—1342
 Petitions presented—310, 414, 458, 477, 515
 Presented to the House the Honorable Dan Fogarty, former member of the House and his wife Gertrude—417
 Presented to the House, Irish dancers—670
 Presented to the House, Colm Hilliard, T.D., member of the Irish Parliament—670
 Resolutions offered—224-225, 529, 1399
 Requested her name be added as a sponsor of House Resolution 16—1186
 Subcommittee assignments—91, 136, 244, 269, 291, 493, 525, 554, 555, 591, 729, 822, 1679

GARMAN, TERESA—Representative Marshall-Story Counties

Amendments filed—372, 611, 631, 760, 958, 959, 989, 1089, 1141-1142, 1232, 1299, 1386, 1459, 1484-1485, 1548
 Amendments offered—379, 611, 1064, 1111, 1325, 1339, 1386
 Amendments withdrawn—1326, 1548
 Bills introduced—17, 18, 49, 50, 63, 73, 79, 139, 147, 157, 220, 221, 222, 242, 266, 284, 299, 343, 373, 388, 415, 478, 479, 562
 Committee appointments—2, 12, 19, 20, 1780
 Explanation of vote—1254
 Presented to the House Mr. Harry Cannon and his wife Madalene—1700
 Report—2-4
 Resolution offered—673
 Subcommittee assignments—152, 214, 228, 277, 356, 474, 492, 493, 572, 672

GENERAL ASSEMBLY—HOUSE—

(See also ADMINISTRATION AND RULES COMMITTEE in the GENERAL INDEX and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Resolutions relating to:

House Concurrent Resolution 1, condition of the state and budget message—10 adopted & msgd. - S.J. 15-16 adopted. 43 msgd. - H.J. 51
 House Concurrent Resolution 2, condition of the judicial department message—10 adopted & msgd. - S.J. 16 adopted, 43 msgd. - H.J. 51
 House Concurrent Resolution 5, joint rules—93, 94, 121-135 adopted & msgd. - S.J. 134, 148, 156, 162, 163, 192, 226, 227, 228 adopted, 229 msgd. - H.J. 250
 House Concurrent Resolution 7, recognize women state legislators—224-225, 351 adopted & msgd. - S.J. 314-315, 318, 334, 382, 459, 460 adopted, 461 msgd. - H.J. 482
 House Concurrent Resolution 8, retain the existing national ambient air quality standards for ozone—280, 307
 House Concurrent Resolution 10, biennial memorial session—371, 468-469 adopted, 473 msgd. - S.J. 441, 457, 469, 531, 547 adopted, 548 msgd. - H.J. 547
 House Concurrent Resolution 11, pioneer lawmakers—371, 413, 469-470 as amended, adopted, 473 msgd. - S.J. 441, 457, 469, 531, 547-548 adopted, 548 msgd. - H.J. 547
 House Concurrent Resolution 12, establish a research farm site as part of the National Swine Research Center at ISU—372, 410, 527, 529
 House Concurrent Resolution 13, designate March 1997, Iowa Women's His-

- tory Month—391
- House Concurrent Resolution 14, economic development programs & recommendations, committee study—426
- House Concurrent Resolution 15, school finance & recommendations for revised school aid formula, committee study—463-464, 706 adopted, 712 msgd. - S.J. 718, 726, 854
- House Concurrent Resolution 18, recognize 150th anniversary of the founding of the University of Iowa— 598, 1273 adopted, 1275 msgd. - S.J. 1223, 1231
- House Concurrent Resolution 19, congratulate Clinton Community College, fifty years of service—700, 1371 adopted, 1373 msgd. - S.J. 1319, 1317
- House Concurrent Resolution 20, proclaim the creation of the Veteran's Foundation—730, 961 adopted, 962 msgd. - S.J. 942, 949, 963, 964, 989 adopted, 991 msgd. - H.J. 1031, (Comp to SCR 9)
- House Concurrent Resolution 21, recommendations concerning urban planning, growth management of cities and protection of farmland—988, 1086, 1217, 1267-1268, as amended, adopted, 1272 msgd. - S.J. 1223, 1231, 1279, 1319, 1512 adopted, 1514 msgd. - H.J. 1638
- House Concurrent Resolution 22, system of state and local taxation and requiring reporting by certain dates—1089, 1189, 1501-1503, as amended, adopted & msgd. - S.J. 1403, 1414, 1437, 1480, 1496, 1504, as amended, adopted, 1509 msgd., 1538 - H.J. 1638, 1680, 1700-1701 adopted & msgd.
- House Resolution 1, appointment of clerks, secretaries and pages—13 adopted
- House Resolution 6, permanent rules of the House—94, 96-121 adopted
- House Resolution 8, code of ethics—280, 314-327 adopted
- House Resolution 9, amend rules governing lobbyists—281, 314-327 adopted
- House Resolution 13, annual budget for daily operations of the House—730, 1301 adopted

GIFTS—

(See AWARDS AND GIFTS)

GIPP, CHUCK—Representative Allamakee-Winneshiek Counties, Assistant Majority Leader

- Amendments filed—391, 514
- Appointed to the Legislative Council—226-227
- Bills introduced—50, 73, 79, 220, 222, 223, 248, 344, 458, 530
- Committee appointments—19, 20, 21
- Leave of absence—872
- Presided at sessions of the House—416, 417, 441, 599, 850, 1235, 1243, 1283, 1316, 1328, 1480, 1506, 1644
- Presentation of visitors (acting Speaker)—421, 867, 1342-1343, 1676
- Resolutions offered—71, 224-225, 1216, 1399-1400
- Rulings made (acting Speaker)—1645
- Subcommittee assignments—92, 144, 245, 307, 356, 422, 474, 492, 493, 511, 526, 553, 554, 672, 986, 1343, 1673

GOVERNOR BRANSTAD, TERRY E.—

- Addressed joint convention—53-59
- Bills signed by—267-268, 353, 489, 537-538, 590, 670, 728, 915-916, 1005, 1187, 1213-1214, 1396-1398, 1591-1592, 1767
- Closing message—1780-1781
- Committees to notify and escort—9, 13, 52, 53, 60, 1780

Communication from—1780-1781
 Delivered the condition of the State and Budget Message—53-59
 Item veto messages—1455-1456
 Item veto messages after session—2165-2174
 Resolution relating to the condition of the State Message and Budget Message,
 HCR 1—10 adopted & msgd. - S.J. 15-16 adopted, 43 msgd. - H.J. 51
 Veto messages—1592-1593
 Veto message after session—2163-2164

GREIG, JOHN M.—Representative Dickinson-Emmet-Palo Alto Counties
 Amendments filed—760, 958, 988, 1141, 1344, 1379, 1747, 1761-1762, 1769
 Amendments offered—347, 782, 1059, 1378, 1379
 Amendment withdrawn—1060
 Bills introduced—50, 79, 80, 139, 221, 222, 226, 248, 298, 310, 344, 350, 504,
 521, 581
 Committee appointments—19, 21, 704
 Explanation of vote—820
 Resolutions offered—71, 1399
 Subcommittee assignments—83, 91, 136, 153, 214, 244, 259, 260, 269, 354, 383,
 409, 422, 492, 493, 525, 539, 554, 555, 591, 671, 672, 730

GREINER, SANDRA H.—Representative Keokuk-Mahaska-Wapello-Washing-
 ton Counties
 Amendments filed—760, 988, 1030, 1141, 1459, 1558-1559
 Amendment offered—1490
 Bills introduced—50, 79, 220, 222, 226, 230, 298, 304, 429, 459, 460
 Committee appointments—19, 20, 468
 Presented to the House the Honorable George Swearingen, former member
 of the House—1517
 Resolutions offered—71, 1399
 Subcommittee assignments—152, 235, 260, 306, 355, 410, 422, 492, 493, 554,
 758

GRIES, DON—Representative Crawford-Monona-Woodbury Counties
 Amendments filed—631, 988, 1385
 Amendments offered—708, 1001, 1385
 Bills introduced—50, 79, 139, 220, 221, 222, 299, 344, 387, 458, 993
 Committee appointments—20, 21, 468
 Petition presented—313
 Resolution offered—1399-1400
 Subcommittee assignments—144, 214, 236, 277, 356, 369, 525, 539

GRUNDBERG, BETTY—Representative Polk County
 Amendments filed—358, 359, 413, 598, 630, 631, 674, 701, 760, 761, 958, 1113,
 1255, 1256, 1285, 1385, 1559-1561, 1584-1585, 1586
 Amendments offered—777, 788, 1282, 1285, 1549, 1559, 1584, 1586
 Amendments withdrawn—668, 777, 1113, 1278, 1286
 Appointed to the Legislative Council—226-227
 Bills introduced—18, 79, 85, 86, 95, 141, 147, 222, 223, 248, 249, 264, 299, 304,
 361, 388, 403, 415, 418, 429, 500, 522, 523, 530, 532, 545
 Committee appointments—19, 20
 Presented to the House winners of "Write Women Back Into History" essay

contest—588-590

Recorded as voting on House File 612—1473

Resolutions offered—71, 224, 391, 514, 598, 988, 1399-1400

Subcommittee assignments—78, 84, 136, 144, 214, 236, 277, 410, 474, 539, 957, 1007

HAHN, JAMES F.—Representative Muscatine-Scott Counties

Amendments filed—514, 701, 988, 1029

Amendment withdrawn—550

Bills introduced—50, 63, 79, 139, 148, 220, 221, 222, 223, 226, 230, 298, 458, 562

Committee appointments—19, 20, 21, 706

Presented to the House the Honorable Don Hanson, former member of the House—509

Resolutions offered—71, 224, 1399

Subcommittee assignments—84, 152, 260, 383, 492, 525, 555, 573, 591, 956

HANSEN, BRAD L.—Representative Pottawattamie County

Amendments filed—605, 824, 871, 918, 988, 1090, 1091, 1298, 1459, 1558-1559

Amendments offered—650, 879, 1131, 1492, 1530

Bills introduced—79, 219, 223, 298, 299

Committee appointments—9, 19, 21

Resolutions offered—71, 224-225, 598, 1399-1400

Subcommittee assignments—91, 136, 151, 235, 236, 291, 338, 390, 396, 422, 474, 554, 573, 822, 868

HEATON, DAVID E.—Representative Des Moines-Henry-Washington Counties

Amendments filed—630, 631, 760, 824, 853-854, 989, 1090, 1240, 1488-1489, 1558-1559

Amendments offered—807, 851, 853, 1066, 1097, 1240

Amendments withdrawn—647, 666, 667

Bills introduced—50, 79, 85, 86, 139, 156, 157, 220, 221, 222, 223, 242, 248, 267, 284, 298, 299, 304, 311, 343, 344, 350, 387, 388, 458, 459, 581, 601, 732

Bills rereferred to committees (acting Speaker)—389

Committee appointments—9, 19, 20, 21, 468

Petition presented—458

Presided at sessions of the House—139, 219, 387

Remarks by—6-7

Requested to be added as a sponsor of House Concurrent Resolution 4—75

Resolutions offered—224-225, 673, 1399

Seconded the nomination of Ron J. Corbett for Speaker of the House—6

Subcommittee assignments—60, 245, 409, 422, 454, 510, 511, 555, 758

HOLMES, DANNY J.—Representative Scott County

Amendments filed—871, 1169-1170, 1217, 1298, 1562

Amendments offered—1168, 1169, 1224

Bills introduced—63, 79, 85, 139, 148, 219, 220, 283, 298, 310, 344, 350, 458, 479, 544

Committee appointments—20, 21, 63, 963, 1543

Reports—1591, 1607-1608

Resolutions offered—138, 1399-1400

Subcommittee assignments—70, 91, 135, 260, 277, 493, 526, 555, 901, 986, 1457, 1679

HOLVECK, JR., JACK K.—Representative Polk County

Amendments filed—760, 823, 825, 870, 871, 918, 1089, 1110, 1249, 1256, 1298,
1379-1380, 1472

Amendments offered—910, 1249, 1472

Amendment withdrawn—911

Appointed to the Commission on the Status of Women—42

Bills introduced—17, 18, 79, 95, 221, 402, 461, 533, 545, 563, 565

Committee appointments—19, 20

Leave of absence—251, 682, 1011, 1143

Petition presented—1769

Resolutions offered—224-225, 391, 529, 598, 901

Subcommittee assignments—135, 354, 390, 474, 554

HOUSE COMMITTEE ASSIGNMENTS—23-33

HOUSE CONCURRED—

House Concurrent Resolution 22, H-1961—1700

House File 92, H-1586—1261

House File 121, H-1691, as amended—1252

House File 142, H-1774—1610

House File 236, H-1327—1227

House File 266, H-1957—1741

House File 331, H-1776—1310

House File 335, H-1647, as amended—1351

House File 388, H-1274—747

House File 405, H-1584, as amended—1372

House File 416, H-1648—1266

House File 453, H-1824—1409

House File 514, H-1864—1475

House File 515, H-1801—1423

House File 540, H-1950—1628

House File 542, H-1671—1262

House File 544, H-1906—1535

House File 553, H-1794—1373

House File 557, H-1905—1547

House File 579, H-1646, as amended—1264

House File 597, H-1693, as amended—1395

House File 611, H-1793—1313

House File 612, H-1865—1473

House File 613, H-1869—1528

House File 635, H-1904—1533

House File 636, H-1955—1636

House File 642, H-1962—1698

House File 644, H-1726—1269

House File 645, H-1585—1225

House File 655, H-1611, as amended—1110

House File 662, H-1775, as amended—1602

House File 674, H-1913—1536

House File 692, H-1645—1268

House File 693, H-1815—1406

House File 694, H-1772—1411

House File 698, H-1796, as amended—1370

House File 702, H-1902, as amended—1650
 House File 707, H-1692, as amended—1446
 House File 708, H-1716—1274
 House File 710, H-1718—1276
 House File 715, H-1813—1389
 House File 722, H-1958—1647
 House File 724, H-1945, as amended—1625
 House File 726, H-1940—1606
 House File 730, H-1946—1642
 House File 733, H-1942—1672
 House File 734, H-1991—1756
 Senate File 177, H-1907—1527
 Senate File 236, H-1717—1271
 Senate File 515, H-1903—1525
 Senate File 533, H-1876—1482
 Senate File 549, H-1989—1753

HOUSE INSISTS—

House File 612—1504

HOUSE RECEDES—

Senate File 163—1480

HOUSE REFUSED TO CONCUR—

House File 391, H-1701—1540-1541

House File 529, H-1897—1503-1504

HUSER, HUBERT M.—Representative Fremont-Mills-Pottawattamie Counties

Amendments filed—959, 988, 989, 1090, 1091, 1121, 1459, 1595, 1649-1650

Amendments offered—285, 973, 1116, 1121, 1649

Bills introduced—18, 50, 79, 86, 139, 220, 221, 222, 223, 226, 298, 299, 310, 344,
 389, 415, 458

Committee appointments—19, 20, 21

Resolutions offered—71, 1399

Subcommittee assignments—61, 91, 135, 245, 383, 454, 493, 510, 511, 526, 553,
 555, 758, 917, 1007

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—341, 871, 1680

Amendments offered—686, 1034, 1702

Appointed—20

Bills introduced—300, 392, 428, 523, 533, 545, 546, 564, 581, 599, 634, 676, 677

Recommendations—294, 340, 371, 398-399, 412, 495-496, 542, 558, 594, 673, 869,
 957, 1008-1009, 1679

Subcommittee assignments—151, 260, 276, 277, 306, 383, 396, 454, 492, 510, 511,
 553, 730, 917, 986, 987, 1007, 1519

HUSEMAN, DANIEL A.—Representative Buena Vista-Cherokee-O'Brien- Plymouth Counties

Amendments filed—385, 399, 674, 701, 901, 1493-1495, 1747, 1769

Amendments offered—775, 831

Bills introduced—50, 79, 220, 221, 222, 223, 226, 231, 248, 298, 344, 378, 459, 676
 Committee appointments—19, 21
 Explanation of vote—275, 1187
 Petitions presented—400, 418, 477
 Resolutions offered—71, 1399
 Subcommittee assignments—83, 136, 152, 214, 306, 307, 355, 356, 396, 422, 493, 510, 553, 554, 555, 573, 591, 956, 1007

HUSER, GERI—Representative Polk County

Amendments filed—94, 229, 358, 372, 399, 475-476, 529, 701, 760, 824, 825, 883-884, 901, 936-937, 958, 1090, 1320-1321, 1321-1322, 1323, 1379-1380, 1489, 1499, 1520, 1521
 Amendments offered—232, 450, 568, 883, 930, 936, 1112, 1136, 1320, 1323, 1489, 1499
 Bills introduced—79, 86, 148, 219, 221, 222, 241, 272, 401, 402, 403, 461, 505, 545
 Committee appointments—19, 21
 Petitions presented—427, 530
 Requested her name be added as a sponsor of House Concurrent Resolution 21—1086
 Resolutions offered—224, 529, 1399-1400
 Subcommittee assignments—144, 355, 356, 396, 510, 573, 822

INTERIM APPOINTMENTS—

Child Support Advisory Committee:
 Cecelia Burnett—42
 Elder Affairs, Commission of:
 Todd Taylor—42
 Innovation Zone Board:
 Mary Mascher—42
 Judicial Compensation Commission:
 Michael J. Lane—42
 Personal Assistance and Family Support Services Council:
 Valerie Findley—42
 Cristina Mathis—42
 Statewide Fire and Police Retirement System, Board of Trustees:
 Paul Bell—42
 Status of Women, Commission On the:
 Jack Holveck—42

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Appointments to—42

Resolutions relating to:

House Concurrent Resolution 14, economic development programs and recommendations, committee study—426
 House Concurrent Resolution 15, school finance & recommendations for revised school aid formula, committee study—463-464, 706 adopted, 712 msgd. - S.J. 718, 726, 854
 House Concurrent Resolution 16, campaign finance, form commn., study—526, 529
 House Concurrent Resolution 17, urban planning, growth management of

- cities, protection of farmland and natural resources—573, 577-578
 House Concurrent Resolution 21, recommendations concerning urban planning, growth management of cities and protection of farmland, commn. to study—988, 1086, 1217, 1267-1268 as amended, adopted, 1272 msgd. - S.J. 1223, 1231, 1279, 1319, 1512 adopted, 1514 msgd. - H.J. 1638
 House Concurrent Resolution 22, Iowa's system of state and local taxation and requiring reporting by certain dates—1089, 1189, 1501-1503 as amended, adopted & msgd. - S.J. 1403, 1444, 1437, 1480, 1496, 1504 as amended, adopted, 1509 msgd., 1538 - H.J. 1638, 1680, 1700-1701 adopted & msgd.
 House Concurrent Resolution 25, anatomical gift referral—1679, 1754 adopted & msgd.
 House Concurrent Resolution 26, evaluate the creation of a caregiver recruitment and retention pilot program—1680

JACOBS, LIBBY—Representative Polk County

- Amendments filed—413, 514, 598, 674, 701, 759, 761, 824, 871, 918, 1120, 1255, 1256, 1285, 1504-1505, 1506, 1508, 1508-1509, 1595, 1631, 1761-1762
 Amendments offered—393, 769, 770, 772, 909, 1120, 1504, 1506, 1508, 1630, 1631
 Amendments withdrawn—692, 978
 Appointed to the Legislative Council—226-227
 Bills introduced—18, 62, 79, 139, 156, 222, 230, 299, 342, 378, 458, 479, 501, 545, 601
 Committee appointments—2, 19, 21
 Leave of absence—250
 Recorded as voting on House File 612—1473
 Report—2-4
 Resolutions offered—71, 224-225, 1399-1400
 Subcommittee assignments—135, 235, 236, 244, 260, 390, 492, 493, 511, 526, 553, 554, 572, 901, 917

JENKINS, G. WILLARD—Representative Black Hawk County

- Amendments filed—918, 950, 1298, 1318-1319, 1319, 1624, 1625
 Amendments offered—949, 950, 1318, 1624, 1625
 Amendment withdrawn—950
 Bills introduced—50, 63, 79, 220, 222, 223, 458, 678
 Committee appointments—20, 21, 51
 Explanation of vote—290
 Leave of absence—264
 Resolutions offered—71, 224-225, 598, 1399-1400
 Subcommittee assignments—91, 92, 136, 152, 307, 492, 672, 730, 1399, 1679

JOCHUM, PAM—Representative Dubuque County, Assistant Minority Leader

- Amendments filed—229, 247, 413, 475-476, 598, 630, 759-760, 760, 823, 824, 840, 844-845, 845-846, 846, 918, 928, 935, 944, 1090, 1128, 1141, 1256, 1285, 1299, 1338, 1379-1380, 1400, 1447-1449, 1497-1499
 Amendments offered—254, 769, 839, 840, 845, 846, 927, 928, 935, 1124, 1128, 1164, 1338, 1447-1449
 Amendments withdrawn—255, 944
 Appointed to the Legislative Council—226-227
 Bills introduced—17, 79, 221, 222, 230, 282, 283, 299, 342, 388, 402, 461, 465, 502, 504, 522, 563, 601, 919
 Committee appointments—19, 21, 60

Resolution offered—529

Subcommittee assignments—83, 91, 136, 152, 260, 291, 474, 493, 511, 526, 672, 1457

JOINT CONVENTIONS—

Condition of the Judicial Department Message—65-70

Condition of the State Message and Budget Message—53-59

Joint Memorial Services—990-992

Resolutions relating to:

House Concurrent Resolution 1, condition of the state and budget message—
10 adopted & msgd. - S.J. 15-16 adopted, 43 msgd. - H.J. 51

House Concurrent Resolution 2, condition of the judicial department—10
adopted & msgd. - S.J. 16 adopted, 43 msgd. - H.J. 51

House Concurrent Resolution 11, pioneer lawmakers—371, 413, 469-470, as
amended, adopted, 473 msgd. - S.J. 441, 457, 469, 531, 547-548 adopted, 548
msgd. - H.J. 547

James P. Flansburg, retired Des Moines Register columnist, addressed joint
convention of Pioneer Lawmakers—964

To honor Pioneer Lawmakers—963-967

JOINT RULES—

Resolutions relating to:

House Concurrent Resolution 5—93, 94, 121-135 adopted & msgd. - S.J. 134,
148, 156, 162, 163, 192, 226, 227, 228 adopted, 229 msgd. - H.J. 250

Senate Concurrent Resolution 7—S.J. 716, 717, 718 adopted, 719 - H.J. 714,
716, adopted & msgd.

JUDICIARY, COMMITTEE ON—

Amendments filed—281, 1029

Amendments offered—333, 1156, 1235, 1288, 1306, 1402

Appointed—20

Bills introduced—164, 272, 297, 298, 299, 343, 374, 419, 429, 502, 531, 545, 546,
580, 582, 583, 599, 600, 601, 607, 632, 633, 634, 677, 697

Recommendations—161, 271, 295, 312, 371, 424-425, 496, 528, 558, 576, 594-595,
628-629, 1026-1028

Subcommittee assignments—77, 78, 92, 136, 152, 214, 235, 259, 260, 277, 306,
307, 354, 355, 356, 382, 383, 409, 410, 474, 526, 539, 553, 554, 604, 758, 956, 957,
1007

KINZER, RON—Representative Scott County

Amendments filed—240, 385, 475-476, 700, 760, 1379-1380, 1562, 1680

Amendment withdrawn—255

Bills introduced—79, 85, 221, 231, 299, 342, 344, 350, 373, 402, 403, 461, 500, 633

Committee appointments—20

Explanation of vote—1342

Resolutions offered—340, 426, 529, 1399, 1680

Subcommittee assignments—144, 356

KLEMME, RALPH—Representative Plymouth-Woodbury Counties

Amendments filed—385, 399, 514, 823, 988, 1400, 1493-1495, 1520

Amendments offered—1192, 1221

Bills introduced—50, 79, 86, 139, 157, 219, 220, 221, 222, 223, 226, 231, 248, 298,

299, 310, 311, 344, 387, 458, 459
 Committee appointments—19, 20, 21, 548, 704, 1543
 Remarks by—11
 Reports—159, 1607-1608
 Resolutions offered—71, 224-225, 1399
 Seconded the nomination of the Honorable Harold G. Van Maanen as Speaker
 Pro Tempore—11
 Subcommittee assignments—151, 214, 244, 245, 269, 306, 355, 396, 554, 591, 822,
 868, 956, 1007

KOENIGS, DEO A.—Representative Floyd-Mitchell Counties

Amendments filed—475-476, 760, 824, 825, 870; 871, 918, 989, 1010, 1029, 1089,
 1141, 1141-1142, 1175, 1379-1380, 1459, 1497-1499
 Amendments offered—566, 1052, 1060, 1061, 1068, 1070, 1079, 1112, 1172, 1175,
 1489, 1513
 Amendment withdrawn—1081
 Bills introduced—74, 79, 219, 221, 222, 231, 297, 298, 344, 361, 387, 388, 401, 402,
 415, 459, 461
 Committee appointments—19
 Leave of absence—816, 1321
 Petitions presented—85, 414
 Requested his name be withdrawn as a sponsor of House File 389—866
 Resolutions offered—224, 529, 1399
 Subcommittee assignments—84, 214, 236, 291, 306, 354, 369, 389, 409, 493, 956

**KREIMAN, KEITH A.—Representative Appanoose-Davis-Monroe-Van Buren
 Counties**

Amendments filed—281, 348, 358, 399, 475-476, 498, 543, 598, 751-752, 759, 759-
 760, 760, 761, 823, 824, 860, 918, 936, 937, 958, 989, 1141, 1142, 1148, 1188,
 1217, 1239-1240, 1241-1242, 1242-1243, 1245, 1246, 1247, 1249, 1379-1380,
 1400, 1444-1445, 1497-1499, 1675
 Amendments offered—285, 333, 348, 419, 444, 751, 777, 788, 815, 860, 861, 936,
 1098, 1148, 1165, 1241, 1242, 1243, 1245, 1247, 1675
 Amendments withdrawn—285, 420, 508, 937, 1041, 1070, 1242, 1246, 1247, 1248,
 1249, 1351, 1507
 Bills introduced—49, 79, 87, 88, 219, 221, 242, 265, 266, 283, 311, 388, 401, 402,
 415, 505, 532
 Committee appointments—19, 20, 902
 Leave of absence—73, 1191
 Petition presented—676
 Resolutions offered—529, 598, 1399
 Subcommittee assignments—77, 92, 244, 260, 269, 306, 307, 355, 356, 410, 526,
 553, 572, 591, 604, 758, 957, 1007

**KREMER, JOSEPH M.—Representative Black Hawk-Buchanan-Delaware
 Counties**

Amendments filed—514, 598, 659, 701, 824
 Amendments offered—652, 1039, 1702
 Amendments withdrawn—659, 666
 Bills introduced—18, 49, 50, 73, 79, 139, 148, 220, 221, 223, 230, 267, 298, 299, 304,
 344, 350, 378, 387, 392, 458, 478, 523
 Committee appointments—20

Nominated the Honorable Harold G. Van Maanen as candidate for Speaker Pro Tempore—10
 Petitions presented—400, 427, 515, 530, 561
 Presented to the House members of the Iowa State Federation of Square Dance and Round Dance Clubs—525
 Remarks by—10-11
 Resolutions offered—71, 224, 730
 Subcommittee assignments—70, 77, 136, 151, 214, 235, 259, 277, 539, 868, 1007, 1519

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Amendments filed—560
 Amendment offered—612
 Amendment withdrawn—1000
 Appointed—20
 Bills introduced—163, 303, 366, 419, 460, 546, 600
 Recommendations—161, 295, 358, 425, 456, 496, 528, 542, 558, 595, 958, 1009
 Subcommittee assignments—70, 92, 151, 235, 236, 277, 306, 554, 573, 868, 956, 986, 1007, 1399

LAMBERTI, JEFFREY M.—Representative Polk County

Amendments filed—426, 498, 560, 731, 760, 853-854, 871, 901, 918, 932-933, 958, 1089, 1141, 1142, 1217, 1256, 1298, 1444-1445, 1520, 1558, 1558-1559, 1674
 Amendments offered—549, 584, 585, 834, 925, 929, 931, 932, 942, 943, 1152, 1156, 1164, 1288, 1444, 1674
 Amendments withdrawn—585, 1288, 1294
 Bills introduced—18, 79, 86, 139, 156, 220, 221, 222, 242, 243, 266, 299, 378, 402, 403, 460, 505, 522, 545
 Committee appointments—20, 21, 64, 1504
 Leave of absence—534
 Report—1611-1619
 Resolutions offered—263, 730, 1399-1400
 Subcommittee assignments—91, 136, 152, 214, 235, 260, 277, 291, 306, 307, 354, 355, 356, 382, 383, 474, 526, 539, 553, 604, 671, 758, 956, 957, 1215, 1399

LARKIN, RICK—Representative Des Moines-Lee Counties

Amendments filed—385, 475-476, 760, 823, 988, 1089, 1329, 1332, 1335, 1336, 1340, 1379-1380, 1520
 Amendment offered—1329
 Bills introduced—79, 157, 221, 222, 230, 284, 299, 303, 373, 402, 500, 505, 521, 522
 Committee appointments—21
 Leave of absence—73
 Petitions presented—230, 264, 272
 Resolutions offered—224, 529, 673
 Subcommittee assignments—60, 136, 144, 152, 245, 260, 307, 383, 454, 493, 510, 917, 986

LARSON, CHUCK—Representative Linn County

Amendments filed—630, 673, 988, 1236-1239, 1239, 1239-1240, 1298, 1444-1445, 1520, 1680

Amendments offered—884, 1235, 1236, 1239, 1402, 1703
 Amendments withdrawn—1236, 1311, 1563
 Bills introduced—50, 79, 95, 139, 157, 163, 219, 220, 221, 222, 230, 283, 299,
 342, 344, 350, 378, 461, 501, 532, 582
 Committee appointments—19, 20, 21, 1144
 Presided at sessions of the House—936, 1115
 Resolutions offered—598, 1399-1400
 Subcommittee assignments—78, 91, 136, 141, 152, 214, 259, 260, 277, 291, 306,
 355, 356, 382, 383, 492, 553, 554, 671, 672, 730, 758, 822, 956, 957, 1007, 1679

LEAVE OF ABSENCE—

73, 142, 147, 231, 233, 250, 251, 254, 258, 264, 297, 313, 314, 346, 362, 374, 378,
 392, 414, 466, 479, 499, 505, 518, 525, 534, 566, 607, 682, 703, 712, 722, 765, 816,
 848, 872, 874, 902, 960, 1011, 1114, 1143, 1182, 1191, 1257, 1284, 1300, 1321, 1346,
 1373, 1511, 1522, 1598

LEGISLATIVE COUNCIL—

Appointments to—226-227

Resolutions relating to:

House Concurrent Resolution 14—426

House Concurrent Resolution 15—463-464, 706 adopted, 712 msgd. - S.J. 718,
 726, 854

House Concurrent Resolution 16—526, 529

House Concurrent Resolution 17—573, 577-578

House Concurrent Resolution 21—988, 1086, 1217, 1267-1268 as amended,
 adopted, 1272 msgd. - S.J. 1223, 1231, 1279, 1319, 1512 adopted, 1514 msgd.
 - H.J. 1638

House Concurrent Resolution 22—1089, 1189, 1501-1503 as amended, adopted
 & msgd. - S.J. 1403, 1414, 1437, 1480, 1496, 1504 as amended, adopted, 1509
 msgd., 1538 - H.J. 1638, 1680, 1700-1701 adopted & msgd.

House Concurrent Resolution 25—1679, 1754 adopted & msgd.

House Concurrent Resolution 26—1680

House Resolution 7—263, 307, 594

House Resolution 10—514

LEGISLATIVE COUNCIL COMMITTEES—

Appointments to—226-227

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LOBBYISTS—

(See ETHICS, COMMITTEE ON)

LOCAL GOVERNMENT, COMMITTEE ON—

Amendments filed—162, 498, 598, 630, 989, 1029

Amendments offered—285, 608, 1203

Amendment withdrawn—1257

Appointed—20

Bills introduced—304, 314, 419, 428, 531, 546, 564, 581, 582, 583, 600, 601, 603,
 634, 676, 678

Recommendations—161, 224, 295, 312, 391, 425, 497, 528-529, 559, 576-577, 595-

596, 629-630, 673, 987, 1028

Subcommittee assignments—61, 78, 151, 214, 236, 269, 307, 355, 396, 410, 422, 510, 553, 554, 572, 573, 758, 822, 956, 1007

LORD, DAVID G.—Representative Dallas-Madison Counties

Amendments filed—918, 1217, 1458-1459

Amendments offered—1264, 1351

Bills introduced—50, 79, 80, 139, 220, 221, 222, 223, 248, 298, 299, 387, 458, 500, 993

Committee appointments—20, 21

Leave of absence—392

Resolution offered—1399

Subcommittee assignments—91, 92, 136, 151, 214, 245, 276, 277, 291, 369, 410, 422, 492, 539, 554, 671, 729, 917, 987, 1007, 1215

MAJORITY LEADER, Brent Siegrist—Representative Pottawattamie County
(See **SIEGRIST, BRENT**—Representative Pottawattamie County, Majority Leader)

MANAGEMENT, DEPARTMENT OF—

Claims filed & approved—174-213

Communication from—174

MARTIN, MONA—Representative Scott County

Amendments filed—413, 598, 674, 958, 988, 1090, 1256, 1285, 1344, 1562

Amendments offered—690, 921, 1104, 1106, 1203, 1375

Amendment withdrawn—1107

Bills introduced—63, 73, 79, 85, 139, 148, 223, 249, 283, 350, 361, 458, 478, 479, 500, 501, 524, 544, 601

Committee appointments—9, 20, 21

Explanation of vote—267

Leave of absence—258

Presented to the House the name of the Honorable Ron J. Corbett as candidate for Speaker—6

Remarks by—6

Resolutions offered—71, 138, 224, 598, 1399-1400

Subcommittee assignments—61, 83, 236, 260, 396, 474, 510, 511, 758, 986

MASCHER, MARY—Representative Johnson County

Amendments filed—358, 359, 385, 413, 475-476, 598, 674, 700-701, 751, 752, 753, 753-754, 759-760, 760, 823-824, 824, 825, 871, 1141, 1231, 1256, 1285, 1379-1380, 1459, 1488-1489, 1497-1499, 1520, 1558-1559, 1573-1574, 1585

Amendments offered—751, 752, 753, 1024, 1181, 1284, 1538, 1561, 1564, 1566, 1573

Amendments withdrawn—1321, 1585

Appointed to the Innovation Zone Board—42

Bills introduced—79, 221, 230, 231, 299, 303, 342, 344, 373, 388, 401, 402, 403, 418, 461, 478, 502, 544, 563, 565, 919

Committee appointments—20

Resolutions offered—224-225, 340, 426, 529, 598, 988, 1216, 1399-1400

Subcommittee assignments—245, 277, 307, 396, 554

MAY, DENNIS—Representative Cerro Gordo-Mitchell-Worth Counties
 Amendments filed—475-476, 498, 871, 918, 1029, 1089, 1090, 1298, 1379-1380,
 1520
 Amendments offered—536, 875, 876
 Bills introduced—74, 79, 220, 221, 222, 226, 230, 231, 402, 458, 459
 Committee appointments—19, 20, 21
 Requested his name be withdrawn as a sponsor of House File 389—954
 Resolutions offered—224, 529, 1399
 Subcommittee assignments—245, 269, 410, 454, 492, 511, 554, 555, 868

MEMORIALS—

Committees appointed—467, 468, 703, 704, 705, 706, 902
 In Memoriam List—991-992, 2175
 Joint Memorial Service—990-992
 Memorial Services Committee appointed—548
 Memorials—990-991, 2176-2188
 Resolution relating to, HCR 10 - 311, 468-469 adopted, 473 msgd. - S.J. 441, 457,
 469, 531, 547 adopted, 548 msgd. - H.J. 547
 Resolutions relating to—467-468, 703, 704, 705, 706, 902

MERTZ, DOLORES M.

—Representative Humboldt-Kossuth Counties

Amendments filed—475-476, 700-701, 894-895, 901, 918, 988, 1029, 1030, 1089,
 1090, 1189, 1217, 1298, 1379-1380, 1671
 Amendments offered—984, 1056, 1067, 1512, 1513, 1671
 Amendment withdrawn—1067
 Bills introduced—74, 79, 220, 221, 222, 226, 298, 310, 311, 344, 378, 392, 402, 415,
 459, 461, 522, 531, 580
 Committee appointments—19, 21, 548
 Explanation of vote—1187, 1191, 1213
 Leave of absence—1182
 Petitions presented—477, 499, 561
 Presentation of visitors (acting Speaker)—572
 Presided at session of the House—566
 Remarks by—11
 Requested her name be withdrawn as a sponsor of House File 389—866
 Resolutions offered—71, 224-225, 426, 529, 1399
 Seconded the nomination of the Honorable Harold G. Van Maanen as Speaker
 Pro Tempore—11
 Subcommittee assignments—61, 236, 260, 306, 355, 383, 410, 422, 539, 553, 554,
 591, 823, 1007

MESSAGES—

(See also COMMUNICATIONS)

From Senate—50-51, 74-75, 80, 95-96, 164, 223, 243, 250, 284-285, 300, 314, 362,
 389, 402-403, 428, 430, 462, 482-483, 488-489, 516, 533-534, 547-548, 635-636,
 652, 681, 691, 714, 732, 762-763, 826-827, 839, 847, 866, 873, 898, 908, 920, 952-
 953, 972, 993-994, 994-995, 1025-1026, 1031-1032, 1085-1086, 1093, 1101, 1115-
 1116, 1137-1138, 1185-1186, 1190, 1198, 1218-1219, 1250-1251, 1272, 1272-
 1273, 1300-1301, 1312-1313, 1314, 1315, 1342, 1346-1348, 1352-1353, 1377-
 1378, 1401, 1420-1421, 1453-1454, 1460, 1479-1480, 1480, 1500-1501, 1514-
 1517, 1522, 1541-1542, 1589-1590, 1596-1598, 1609, 1620, 1626-1627, 1637-
 1638, 1638-1639, 1681, 1742, 1744, 1749-1750, 1769-1770

From Governor—1780-1781

Immediate messages—10, 75, 135, 150, 234, 259, 274, 275, 290, 302, 303, 333, 337, 350, 351, 353, 364, 366, 367, 376, 380, 382, 395, 421, 453, 473, 482, 488, 507, 521, 535, 537, 550, 552, 570, 571, 586, 588, 609, 611, 616, 617, 621, 627, 639, 640, 642, 645, 651, 668, 669, 686, 698, 712, 716, 725, 728, 734, 738, 745, 748, 769, 774, 776, 780, 781, 786, 791, 806, 815, 827, 830, 836, 839, 847, 866, 878, 886, 888, 899, 908, 913, 915, 922, 923, 924, 926, 927, 952, 962, 971, 979, 983, 985, 997, 998, 1000, 1001, 1003, 1004, 1016, 1020, 1025, 1038, 1049, 1050, 1085, 1095, 1100, 1111, 1115, 1137, 1147, 1149, 1153, 1156, 1168, 1172, 1185, 1194, 1196, 1197, 1199, 1202, 1208, 1213, 1221, 1224, 1228, 1233, 1251, 1253, 1262, 1265, 1267, 1272, 1275, 1277, 1287, 1295, 1309, 1311, 1312, 1314, 1325, 1342, 1353, 1373, 1377, 1388, 1396, 1402, 1408, 1410, 1412, 1413, 1422, 1424, 1430, 1436, 1447, 1452, 1474, 1481, 1483, 1486, 1487, 1501, 1503, 1504, 1511, 1514, 1526, 1530, 1537, 1540, 1541, 1545, 1548, 1549, 1589, 1599, 1603, 1607, 1609, 1620, 1626, 1629, 1635, 1637, 1643, 1648, 1651, 1673, 1676, 1700, 1701, 1705, 1718, 1744, 1746, 1747, 1749, 1754, 1757, 1763

Item veto messages—1455-1456

Item veto message after session—2165-2174

Senate messages considered—96, 249, 267, 300, 313, 345, 366, 393, 404, 462, 465, 503, 516, 534, 566, 678, 702, 764, 782, 827, 837, 873, 899, 902, 919, 920, 960, 961, 984, 995, 1033, 1092, 1100, 1143, 1257, 1301, 1352, 1420, 1479, 1486, 1522, 1542, 1590, 1598, 1648

Veto messages—1592-1593

Veto message after session—2163-2164

METCALF, JANET—Representative Polk County

Amendments filed—358, 359, 413, 598, 631, 674, 871, 1091, 1252, 1256, 1285

Amendments offered—889, 1102

Amendment withdrawn—647

Bills introduced—18, 50, 79, 222, 265, 299, 418, 479, 545, 601

Committee appointments—19, 20

Explanation of vote—1766

Presided at sessions of the House—458

Recorded as voting on House File 612—1473

Resolutions offered—71, 224, 1399-1400

Subcommittee assignments—135, 144, 151, 236, 260, 277, 291, 306, 354, 356, 389, 390, 410, 572, 868

MEYER, JIM—Representative Ida-Sac-Woodbury Counties

Amendments filed—759, 988, 1030, 1059, 1141, 1175, 1344, 1450, 1520, 1747, 1769

Amendments offered—1056, 1059, 1450, 1587

Amendments withdrawn—1387, 1588

Bills introduced—50, 79, 139, 220, 221, 222, 223, 226, 298, 373, 378, 458, 459, 462, 562

Committee appointments—19, 20, 703

Petitions presented—387, 400, 427, 477, 1031

Presided at sessions of the House—437

Resolutions offered—71, 372, 1399

Subcommittee assignments—84, 136, 144, 306, 355, 383, 409, 410, 453, 493, 672, 1343

MILEAGE, COMMITTEE ON—

Appointments to—14

Report—37

Supplemental report—70, 243, 1295

Supplemental reports adopted—88, 301, 1308

MILLAGE, DAVID A.—Representative **Scott** County

Amendments filed—218; 543, 674, 701, 731, 760, 824, 825, 870, 871, 918, 1047, 1089, 1141, 1188, 1426-1428, 1445-1446, 1459, 1562, 1586, 1594, 1595, 1757-1761, 1761-1762

Amendments offered—727, 855, 881, 882, 980, 1047, 1166, 1183, 1426, 1445, 1490, 1601, 1757, 1761

Amendments withdrawn—232, 727, 885, 1181, 1183, 1562, 1586

Appointed to the Legislative Council—226-227

Bills introduced—17, 63, 74, 79, 85, 139, 148, 220, 221, 222, 231, 283, 297, 304, 343, 378, 479, 532

Committee appointments—19, 20, 704, 1504

Leave of absence—499

Report—1611-1619

Resolutions offered—138, 598, 1399-1400

Subcommittee assignments—78, 84, 92, 235, 260, 306, 307, 356, 369, 454, 493, 539, 554, 572, 671, 672, 900

MINORITY LEADER, David Schrader—Representative **Marion**-Warren Counties
(See **SCHRADER, DAVID**—Representative **Marion**-Warren Counties, Minority Leader)

MORELAND, MICHAEL J.—Representative **Wapello** County, Assistant Minority Leader

Amendments filed—94, 257, 399, 475-476, 674, 759-760, 760, 823, 824, 825, 870, 871, 884, 885, 901, 933, 941, 944-945, 1029, 1327-1328, 1344, 1379-1380, 1444-1445, 1490, 1558-1559

Amendments offered—446, 447, 689, 854, 933, 941, 944, 945, 950, 1053, 1054, 1062, 1327, 1490

Amendments withdrawn—688, 689

Bills introduced—79, 148, 220, 221, 222, 231, 284, 303, 342, 344, 373, 402, 403, 461

Committee appointments—19, 20, 21

Explanation of vote—395, 553, 821, 1254, 1517, 1590

Leave of absence—313, 346, 362, 374, 505, 518, 534

Presented to the House guests from Ireland—1005

Resolutions offered—340, 529, 598, 1399-1400

Subcommittee assignments—78, 259, 277, 355, 382, 383, 554, 672, 956

MOTIONS TO RECONSIDER—

Filed:

House File 142—408

House File 551—669

House File 597—756

House File 685—819

House File 686—756

Senate File 184—1213

Senate File 472—1186

Senate File 542—1676

Withdrawn:

House File 142—479

House File 551—827

House File 597—773

House File 685—908

House File 686—847

Senate File 472—1746, 1747

Prevailed:

Senate File 184—1374-1375

Senate File 542—1757

Ruled out of order:

Senate File 184—1375

Motions to reconsider (filed from the floor):

House File 733, H-1877—1499

Lost:

House File 733, H-1877—1499

Received unanimous consent, reconsidered vote:

Senate File 79, H-1839—1484

Senate File 184, H-1563—1375

Senate File 519, H-1640—1183

Senate File 542, H-1937—1632

Senate File 542, H-1930—1757

MUNDIE, NORMAN—Representative Boone-Calhoun-Hamilton-Webster Counties

Amendments filed—94, 475-476, 823, 871, 918, 988, 1141-1142, 1379-1380

Amendment offered—1038

Bills introduced—74, 79, 85, 220, 221, 222, 226, 248, 298, 310, 344, 402, 459, 461, 503, 533, 563, 582

Committee appointments—19, 21, 467, 703

Petitions presented—400, 414, 427, 458, 993

Requested to be added as a sponsor of House File 35—76

Requested to be withdrawn as a sponsor of House File 389 and House File 693, H-1481—955

Resolutions offered—71, 529, 1399

Subcommittee assignments—61, 83, 136, 152, 214, 236, 306, 354, 355, 356, 553, 554, 555, 591, 758, 822, 956

MURPHY, PATRICK J.—Representative Dubuque County

Amendments filed—247, 341, 372, 385, 475-476, 578, 701, 731, 760, 823-824, 824; 918, 958, 959, 1010, 1090, 1345, 1379-1380, 1425, 1458-1459, 1497-1499, 1506-1507, 1520, 1558, 1562, 1584, 1634, 1680

Amendments offered—255, 430, 626, 712, 904, 1035, 1042, 1111, 1126, 1127, 1135, 1425, 1506, 1634

Amendments withdrawn—1020

Appointed to the Legislative Council—226-227

Bills introduced—79, 219, 221, 231, 266, 360, 373, 387, 402, 403, 461, 524, 562

Committee appointments—19, 20, 1780

Leave of absence—147

Resolution offered—529

Subcommittee assignments—84, 151, 236, 260, 356, 511, 539, 554, 672, 1519

MYERS, RICHARD E.—Representative **Johnson County**, Assistant Minority Leader
 Amendments filed—94, 358, 372, 475, 731, 760, 823, 988, 1029, 1332, 1335, 1379-1380, 1520, 1558
 Amendments offered—134, 377, 1043, 1208, 1335
 Bills introduced—62, 79, 157, 221, 222, 231, 283, 299, 311, 350, 388, 402, 418, 461, 547, 601
 Committee appointments—19, 21, 706
 Explanation of vote—1254
 Leave of absence—1257
 Presented to the House, U of I wrestling coach Dan Gable—1219
 Presented to the House Mary Sue Coleman, President of the University of Iowa—285
 Resolutions offered—224-225, 529, 598, 673, 988, 1216, 1399, 1680
 Subcommittee assignments—78, 136, 153, 291, 355, 672, 729, 730, 822, 1007

NATURAL RESOURCES, COMMITTEE ON—

Amendments filed—296, 312, 958, 1089
 Amendments offered—375, 404, 1221
 Appointed—21, 60
 Bills introduced—503, 545, 580, 582, 634
 Recommendations—295, 312, 425, 497, 542-543, 577, 596, 869, 958, 1009, 1088-1089
 Subcommittee assignments—83, 84, 136, 152, 214, 236, 260, 306, 307, 355, 356, 383, 410, 492, 493, 525, 539, 573, 956, 1007

NELSON, BEVERLY J.—Representative **Marshall County**

Amendments filed—399, 413, 514, 598, 674, 701, 824, 989, 1089, 1256, 1285, 1558-1559, 1562
 Amendments offered—446, 1042, 1098
 Appointed to the Iowa Workforce Development Board—42
 Bills introduced—50, 63, 79, 139, 140, 230, 266, 344, 389, 403, 458, 504, 580
 Committee appointments—19, 21, 63
 Explanation of vote—1767
 Presented to the House Jan Mitchell, Marshalltown, Iowa, 1997 Iowa Teacher of the Year—1092
 Report—63
 Resolutions offered—71, 224, 598, 1399-1400
 Subcommittee assignments—144, 244, 355, 356, 369, 410, 454, 493, 510, 511, 526, 553, 554, 672, 730

NOMINATIONS—

For Acting Chief Clerk—1
 For Permanent Chief Clerk—9
 For Speaker of the House—6
 For Speaker Pro Tempore—10
 For Temporary Speaker—1

OATH OF OFFICE—

By Acting Chief Clerk, Elizabeth A. Isaacson—1
 By members—4-5
 By Speaker of the House, Ron Corbett—7

By Speaker Pro Tempore, Harold G. Van Maanen—12
 By Temporary Speaker—1

OBJECTIONS—

Raised—349, 407, 485, 508, 626, 715, 843, 844, 935, 948, 1052, 1055, 1066, 1069, 1077, 1080, 1081, 1174, 1209, 1479, 1557, 1565, 1568, 1569, 1580

O'BRIEN, MICHAEL J.—Representative Boone-Greene Counties

Amendments filed—94, 385, 399, 475-476, 543, 700, 918, 1089, 1217, 1379-1380
 Amendments offered—440, 447
 Bills introduced—74, 79, 220, 221, 222, 310, 344, 350, 361, 387, 402, 415, 418, 458, 461
 Committee appointments—20, 21
 Leave of absence—231
 Petitions presented—427, 458
 Resolutions offered—71, 426, 529, 1399
 Subcommittee assignments—84, 151, 152, 383, 492, 1007

OFFICERS AND EMPLOYEES—

Elected Elizabeth A. Isaacson, Acting Chief Clerk—1
 Elected Elizabeth A. Isaacson, Permanent Chief Clerk—9
 Elected the Honorable Phil Tyrrell, Temporary Speaker—1
 Elected the Honorable Ron J. Corbett, Speaker of the House—6
 Elected the Honorable Harold G. Van Maanen, Speaker Pro Tempore—10
 Employees of the House—34-36, 1770-1775
 House employees classification, grades and steps—40-41, 408, 1295-1296, 1770
 Pages (groups I & II)—35-36
 Resignations—41
 Resolutions relating to:
 House Resolution 1—13 adopted
 House Resolution 13—730, 1301 adopted
 House Resolution 15—901, 1532 adopted
 Senate Concurrent Resolution 1—S.J. 54, 69, 70 adopted, 76 msgd. 1544 - H.J. 75, 78, 1705-1708 as amended, adopted & msgd.
 Special presentation to House Pages—466, 1747
 Took oath of office—1, 4-5

OSTERHAUS, ROBERT J.—Representative Dubuque-Jackson Counties

Amendments filed—94, 372, 394, 399, 475-476, 760, 823, 1002, 1010, 1089, 1090, 1299, 1379-1380, 1382-1384, 1645-1646, 1769
 Amendments offered—1184, 1645
 Amendments withdrawn—394, 1002
 Bills introduced—74, 79, 163, 220, 221, 231, 299, 303, 342, 344, 373, 374, 402, 461, 563, 565
 Committee appointments—19, 21, 467
 Leave of absence—534
 Petitions presented—418, 632
 Presented to the House, Mr. & Mrs. John Ware, Pharmaceutical Society, Melbourne, Australia and Mr. Lee Ping Koh, Healthcare Services, Adelaide, Australia—588
 Removed from the Natural Resources Committee—60
 Resolutions offered—224, 529, 1399-1400

Subcommittee assignments—91, 259, 355, 422, 492, 1215, 1679

PAGES—

Appointment of—35-36

Resolutions relating to:

House Resolution 1—13 adopted

Senate Concurrent Resolution 1—54, 69, 70 adopted, 76 msgd., 1544 - H.J. 75,
78, 1705-1718 as amended, adopted & msgd.

Special presentation to—466, 1747

PERMANENT RULES—

House Resolution 6—94, 96-121 adopted

PERSONNEL COMMITTEE

(See ADMINISTRATION AND RULES, COMMITTEE ON)

PETITIONS—

(See also INDIVIDUAL HEADINGS)

Filed—85, 95, 230, 264, 272, 282, 310, 313, 387, 400, 414, 417-418, 427, 458, 477-
478, 499, 515, 530, 544, 561, 579, 607, 632, 676, 702, 762, 919, 993, 1031, 1190,
1769

PIONEER LAWMAKERS ASSOCIATION OF IOWA—

Address by James P. Flansburg, retired Des Moines Register columnist—964

Resolution relating to HCR 11—371, 413, 469-470 as amended, adopted, 473
msgd. - S.J. 441, 457, 469, 531, 547-548 adopted, 548 msgd. - H.J. 547

PLEDGE OF ALLEGIANCE—

1, 83, 142, 226, 264, 313, 392, 465, 530, 607, 732, 902, 1011, 1190, 1346, 1596

POINTS OF ORDER RAISED—

House File 266, H-1969—Representative Drake—1739

House File 266, H-1971—Representative Bernau—1740

House File 299, H-1096—Representative Sukup—437

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 House Concurrent Resolution 4, balanced budget amendment—71, 75 adopted & msgd. - S.J. 76-77, 77, 78 adopted & msgd., 88 - H.J. 80
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 House Concurrent Resolution 9, propose constitutional amendment for ratification by the states which specify the people of the U.S. have a right to a clean & healthful environment—340, 383
 House Concurrent Resolution 12, establish a research farm site as part of the National Swine Research Center at ISU—372, 410, 527, 529

- House Concurrent Resolution 23, maintain and renew its commitment to America's corn growers and the nation's ethanol industry, support tax exemptions—1399-1400 - (SCR 14 Comp.) - 1486-1487 adopted & msgd. - S.J. 1403, 1558 adopted & substituted for SCR 14 , 1565 msgd. - H.J. 1749
- House Concurrent Resolution 24, express opposition to repressive policies of the People's Republic of China toward the people and culture of Tibet and to the persecution of Mr. Ngawang Choephel—1594

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RANTS, CHRISTOPHER C.—Representative Woodbury County, Assistant Majority Leader

Amendments filed—399, 543, 701, 1010, 1091, 1141, 1298, 1459, 1520, 1680, 1718

Amendments offered—416, 548, 709, 1121, 1183, 1718, 1740

Amendment withdrawn—709

Appointed to the Administrative Rules Review Committee—83

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RAYHONS, HENRY—Representative Hancock-Winnebago-Wright Counties

Amendments filed—514, 674, 1189, 1298

Amendment offered—622

Amendment withdrawn—621

Bills introduced—50, 79, 139, 220, 221, 222, 223, 226, 248, 284, 298, 299, 344, 401, 415, 418, 458, 459, 564, 582

Committee appointments—19, 20, 21, 52, 1543

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House Concurrent Resolution 8—280
House Concurrent Resolution 9—340
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House Concurrent Resolution 11—371
House Concurrent Resolution 12—372
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House Concurrent Resolution 16—529
House Concurrent Resolution 17—577
House Concurrent Resolution 18—598
House Concurrent Resolution 19—700
House Concurrent Resolution 20—730
House Concurrent Resolution 21—988
House Concurrent Resolution 22—1089
House Concurrent Resolution 23—1399
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House Resolution 14—730
House Resolution 15—901

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 House Resolution 17—1140
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 Senate Concurrent Resolution 3—225
 Senate Concurrent Resolution 5—514
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House Concurrent Resolution 12—372
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Amendments filed—94, 263, 475-476, 674, 700-701, 760, 823, 988, 1299, 1326-1327, 1339-1340, 1379-1380
 Amendments offered—713, 1326, 1339
 Amendment withdrawn—285
 Bills introduced—79, 87, 221, 231, 241, 344, 350, 402, 563, 565, 580, 582, 601
 Committee appointments—19, 21, 51, 468
 Resolutions offered—224, 426, 529, 577, 1399
 Subcommittee assignments—228, 245, 307, 396, 454, 492, 572, 672, 900, 956, 1343

RICHARDSON, STEVE—Representative Warren County

Amendments filed—94, 385, 399, 457, 475-476, 543, 605, 631, 647, 760, 823, 871, 901, 905, 1029, 1217, 1256, 1331, 1332, 1340, 1379, 1450-1451, 1497-1499, 1520, 1610, 1645, 1769
 Amendments offered—621, 665, 905-906, 906, 1183, 1321, 1331, 1332, 1340, 1379, 1450, 1610, 1645
 Amendments withdrawn—668, 886
 Bills introduced—79, 140, 141, 157, 221, 222, 226, 231, 265, 272, 283, 299, 350, 401, 402, 416, 459, 460, 461, 500, 562, 919
 Committee appointments—20, 21, 64
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 Resolutions offered—224-225, 529, 598, 673
 Subcommittee assignments—92, 136, 151, 236, 260, 277, 306, 410, 510, 671, 729, 758

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Prevailed:

House File 580, H-1297—880

House File 693, H-1481—935

House File 731, H-1834—1428

House File 732, H-1846—1450

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SCHERRMAN, PAUL—Representative Delaware-Dubuque Counties

Amendments filed—281, 385, 475-476, 700, 823, 871, 1089, 1379-1380, 1568-1569
 Amendments offered—1023, 1024, 1568
 Bills introduced—74, 79, 221, 231, 342, 373, 401, 402, 403, 458, 461, 564
 Committee appointments—19, 20, 21
 Resolutions offered—224, 340, 426, 529, 1399
 Subcommittee assignments—236, 306, 369, 492, 511, 591, 758, 956

SCHRADER, DAVID F.—Representative Marion-Warren Counties. Minority Leader

Amendments filed—426, 437, 449, 475-476, 918, 1029, 1051, 1141, 1217, 1379-1380, 1559
 Amendments offered—437, 1051, 1170, 1418
 Amendment withdrawn—437
 Appointed to the Legislative Council—226-227
 Bills introduced—79, 87, 221, 231, 284, 303, 342, 373, 402, 403, 418, 427, 428, 461, 515, 516, 563
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 Remarks by—7, 14-15, 1763-1764
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SHOULTZ, DON—Representative **Black Hawk** County, Assistant Minority
Leader

Amendments filed—217, 229, 257, 385, 407, 560, 701, 824, 825, 937, 1029, 1089,
1090, 1123, 1335, 1344, 1379-1380, 1520
Amendments offered—257, 570, 717, 937, 1123, 1134, 1434
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545, 633
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1215, 1399, 1457

SIEGRIST, BRENT—Representative **Pottawattamie** County, Majority Leader

Amendments filed—426, 447, 988
Amendment offered—447
Appointed to the Legislative Council—226-227
Bills introduced—79, 139, 219, 220, 221, 267, 272, 458, 459, 602, 762, 1325
Committee appointments—19
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Presented to the House the Honorable Charles E. Grassley, United States Sena-
tor—1
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House—1315
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Bills signed by—243, 453, 509, 552, 603, 756, 821, 900, 1187, 1254, 1296, 1396,
1676, 1767, 1775-1776
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Committee appointments—19, 60
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sembly, House Concurrent Resolution 27—1766 adopted - S.J. 1572, 1574
adopted - H.J. 1770

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House Concurrent Resolution 10—371, 468-469 adopted, 473 msgd. - S.J. 441, 457, 469, 531, 547-548 adopted, 548 msgd. - H.J. 547

House Concurrent Resolution 11—371, 413, 469-470 as amended adopted, 473 msgd. - S.J. 441, 457, 469, 531, 547-548 adopted, 548 msgd. - H.J. 547

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- Representative Frevert presented to the House the Honorable Dan Fogarty former member of the House and his wife Gertrude—417
- Representative Churchill presented to the House the Honorable Wan Baorui, Vice Minister of Agriculture from the People's Republic of China—499
- Representative Hahn presented to the House the Honorable Don Hanson, former member of the House—509
- Representative Kremer introduced to the House, members of the Iowa State Federation of Square Dance and Round Dance Clubs—525
- Representative Bell presented to the House "Varbena", the Bandura Trio from Cherkasy, Oblast, Ukraine—571
- Representative Osterhaus presented to the House, Mr. & Mrs. John Ware from Melbourne, Australia and Mr. Lee Ping Koh, Adelaide, Australia—588
- Representative Grundberg presented to the House, winners of "Write Women Back Into History" essay contest—588-590
- Representative Frevert presented to the House Irish dancers—670
- Representative Frevert presented to the House, Colm Hilliard, T.D., member of the Irish Parliament—670
- Representative Chiodo presented to the House, Mac John Daggy, heavyweight wrestler, Dowling High School—670
- Representative Drake presented to the House Cary Cochran, Iowa's all time leading basketball scorer—728
- Representative Schrader presented to the House, Congressman Richard Gephardt—776
- Representative Moreland presented guests from Ireland—1005
- Representative Nelson presented to the House Jan Mitchell, Marshalltown, Iowa, 1997 Iowa Teacher of the Year—1092
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- Representative Siegrist presented to the House the Honorable Dan Peterson, former member of the House—1315
- Representative Greiner presented to the House, the Honorable George Swearingen, former member of the House—1517
- Representative Connors presented to the House the family of Billie Walling, former House Finance Clerk—1532
- Representative Teig presented to the House Tatsuya Go, D.V.M., Tokyo, Japan—1593
- Representative Carroll presented to the House, students and teachers from Zhelnevosdk, Russia—1676
- Representative Myers presented to the House, Dan Gable, coach of the U of I Hawkeye Wrestling Team—1219
- Representative Garman presented to the House, Mr. Harry Cannon and his wife Madalene—1700
- Speaker Corbett invited the Pages to the Speaker's station for a special presentation—1747

SPONSOR—

Added:

- House Concurrent Resolution 4—Representative Heaton—75
- House Concurrent Resolution 21—Representatives Huser & Richardson—1086
- House File 7—Representative Rayhons—60
- House File 35—Representative Mundie—76

House Resolution 16—Representative Frevert—1186

Withdrawn:

House File 142—Representative Richardson—1611
 House File 389—Representatives Koenigs & Mertz—866
 House File 389—Representative Thomas—915
 House File 389—Representative May—954
 House File 389—Representative Mundie—955
 House File 389—Representative Heaton—1342
 House File 693, H-1481—Representative Mundie—955

STANDING COMMITTEES—

Appointed—19, 20, 21, 60
 Appropriations subcommittees—21-22
 Chairmen appointed—19-33
 Committee assignments—23-33

STATE APPEAL BOARD—

(Richard D. Johnson, Chairman)
 Claims approved—174-213
 Claims filed & disapproved—165-174, 953-954
 Communications from, stating claims filed with—165, 953

STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—598, 918, 1010
 Amendments offered—921, 1168, 1224
 Appointed—21
 Bills introduced—299, 503, 545, 563, 564, 600, 603, 677
 Recommendations—137-138, 271, 425-426, 497, 529, 559, 596-597, 823, 918, 1010
 Subcommittee assignments—83, 91, 92, 135, 144, 244, 245, 276, 338, 422, 474, 492, 493, 510, 511, 526, 553, 554, 555, 758, 868, 901, 917, 986

STATE OF THE STATE AND BUDGET MESSAGES—

Delivered by Governor Terry E. Branstad—53-59
 Resolution relating to, HCR 1—10 adopted & msgd. - S.J. 15-16 adopted, 43 msgd.
 - H.J. 51

STATUS OF WOMEN, COMMISSION ON THE—

Appointment to—42
 Resolution relating to, HCR 7—224-225, 351 adopted & msgd. - S.J. 314-315, 318, 334, 382, 459, 460 adopted, 461 msgd. - H.J. 482

STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—357, 370, 423, 526
 Appropriations—93, 154, 160, 238, 239, 262, 397, 455
 Commerce-Regulation—160, 224, 239, 240, 247, 270, 271, 278, 294, 308, 390, 397, 398, 412, 455, 475, 512, 574
 Economic Development—155, 160, 161, 339, 370, 527, 540
 Education—159, 215, 240, 279, 340, 411, 454, 455
 Environmental Protection—146, 216, 217, 261, 527, 574
 Ethics—262, 270
 Human Resources—158, 159, 216, 239, 240, 293, 339, 384, 454, 463, 540, 574
 Judiciary—145, 158, 159, 229, 247, 270, 279, 294, 339, 370, 454, 475, 512, 540, 556

Labor and Industrial Relations—71, 137, 145, 159, 223, 238, 239, 247, 494, 512
 Local Government—137, 145, 216, 238, 239, 261, 262, 271, 278, 294, 308, 339, 384,
 390, 397, 411, 455, 475, 494, 526, 527, 540, 556
 Natural Resources—145, 216, 411, 512
 State Government—92, 154, 155, 215, 216, 246, 261, 270, 278, 339, 423, 512, 556
 Transportation—155, 215, 308, 357, 397, 411, 412, 494, 512, 540
 Ways and Means—48, 92, 154, 262, 279, 308, 370, 384, 412, 475, 512, 513, 556, 574,
 627, 730, 823, 1088, 1140, 1298, 1458

STUDY BILLS SUBCOMMITTEE ASSIGNMENTS—

78, 84, 137, 153-154, 158, 214-215, 223, 228-229, 236-237, 245-246, 261, 269-270,
 277-278, 292-293, 307-308, 338-339, 356-357, 369, 384, 396-397, 410-411, 422-
 423, 454, 474-475, 493-494, 511-512, 526, 539-540, 555, 573-574, 591-592, 604,
 673, 758, 1007, 1140, 1215, 1343, 1519

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 14—426

House Concurrent Resolution 15—463-464, 706 adopted, 712 msgd. - S.J. 718,
 726, 854

House Concurrent Resolution 16—526, 529

House Concurrent Resolution 17—573, 577-578

House Concurrent Resolution 21—988, 1086, 1217, 1267-1268 as amended,
 adopted, 1275 msgd. - S.J. 1223, 1231, 1279, 1319, 1512 adopted, 1514 msgd.
 - H.J. 1638

House Concurrent Resolution 22—1089, 1189, 1501-1503 as amended, adopted
 & msgd. - S.J. 1403, 1414, 1437, 1480, 1496, 1504 as amended, adopted, 1509
 msgd., 1538. - H.J. 1638, 1680, 1700-1701 adopted & msgd.

House Concurrent Resolution 25—1679, 1754 adopted & msgd.

House Resolution 7—263, 307, 594

House Resolution 10—514

House Resolution 11—577

House Resolution 14—730

SUBCOMMITTEE ASSIGNMENTS—

Assigned—60, 61, 70, 71, 77, 78, 83, 84, 91-92, 135-136, 141, 144, 151-153, 157-
 158, 214, 228, 235-236, 244-245, 259-260, 269, 276-277, 291, 306-307, 338, 354-
 356, 369, 382-383, 389-390, 396, 409-410, 422, 453-454, 474, 492-493, 510, 511,
 525, 526, 539, 553-555, 572-573, 591, 604, 671-672, 729-730, 758, 822-823, 868,
 900-901, 917, 956-957, 986-987, 1007, 1215, 1343, 1399, 1457, 1519, 1673, 1679
 Reassigned—269, 474, 572, 730, 758, 822, 1007

SUKUP, STEVEN E.—Representative Franklin-Hardin Counties

Amendments filed—247, 399, 413, 498, 701, 760, 918, 958, 1010, 1029, 1090, 1141,
 1232, 1298, 1459, 1484-1485, 1496, 1675

Amendments offered—255, 442, 445, 446, 448, 518, 786, 1021, 1306, 1496

Amendment withdrawn—1175

Bills introduced—50, 74, 79, 139, 220, 221, 222, 248, 266, 284, 298, 344, 350, 361,
 378, 388, 415, 458, 530, 564, 579

Committee appointments—19, 20, 51, 467

Explanation of vote—353

Leave of absence—607, 1114, 1321

Resolutions offered—71, 224-225

Subcommittee assignments—78, 84, 92, 136, 151, 235, 236, 260, 354, 356, 369, 383, 390, 454, 493, 539, 553, 554, 572, 604, 671, 672, 758, 822, 900, 956, 1399, 1673

SUPREME COURT OF IOWA—

(Chief Justice Arthur A. McGiverin)

Delivered the Condition of the Judicial Departments' Message—65-70

Resolution relating to, HCR 2—10 adopted & msgd. - S.J. 16 adopted, 43 msgd. - H.J. 51

TAYLOR, TODD—Representative Linn County

Amendments filed—94, 240, 247, 341, 385, 399, 700-701, 958, 1379-1380, 1489-1490, 1520, 1680

Amendments offered—251, 252, 258, 445, 446, 625, 1489, 1740

Appointed to the Commission of Elder Affairs—42

Bills introduced—79, 95, 221, 230, 231, 267, 342, 401, 402, 403, 461, 583

Committee appointments—19, 20, 21, 52, 1144, 1543

Explanation of vote—537

Leave of absence—466, 479

Resolutions offered—224-225, 426, 529

Subcommittee assignments—70, 277, 422, 453, 511, 553, 554, 822, 901, 956, 1007, 1399

TEIG, RUSSELL W.—Representative Franklin-Hamilton-Hardin-Wright Counties

Amendments filed—1010, 1141, 1400, 1459

Amendments offered—1065, 1433, 1476

Bills introduced—50, 73, 79, 139, 140, 220, 221, 222, 226, 230, 248, 249, 284, 298, 299, 344, 401, 415, 428, 458, 459, 532, 564, 601

Committee appointments—19, 20, 21, 467

Leave of absence—722

Presented to the House, Tatsuya Go, D.V.M., Tokyo, Japan—1593

Resolutions offered—224, 467, 1399

Subcommittee assignments—83, 84, 91, 136, 153, 260, 277, 306, 354, 355, 356, 422, 492, 525, 554, 555, 591, 671, 672, 730, 823, 956, 1215

TEMPORARY OFFICERS—

Elected—1

Took oath of office—1

TEMPORARY RULES—

Adopted—14

THOMAS, ROGER—Representative Allamakee-Clayton-Fayette Counties

Amendments filed—475-476, 988, 1089, 1339-1340, 1379-1380, 1493-1495, 1497-1499, 1558-1559, 1570-1571, 1747

Amendment offered—1570

Bills introduced—74, 79, 221, 231, 242, 401, 402, 458, 459, 461, 564, 599

Committee appointments—20, 64

Petitions presented—427, 477, 478

Requested his name be withdrawn as a sponsor of House File 389—915

Resolutions offered—529, 1399

Subcommittee assignments—260, 356, 492, 493, 525, 553

THOMSON, ROSEMARY—Representative Linn County

Amendments filed—514, 701, 1141, 1247, 1298, 1393-1395

Amendments offered—748, 1201, 1247, 1393

Bills introduced—79, 95, 139, 230, 265, 298, 299, 344, 351, 387, 403, 416, 479, 502, 993

Committee appointments—7, 20, 52

Leave of absence—712

Resolutions offered—71, 1399-1400

Subcommittee assignments—78, 144, 152, 236, 260, 276, 356, 369, 383, 510, 554

TRANSPORTATION, COMMITTEE ON—

Amendments filed—760, 989

Amendments offered—1095, 1096, 1303

Appointed—21

Bills introduced—429, 461, 478, 502, 547, 600, 633, 634, 635, 676, 678, 712

Recommendations—155, 426, 456, 497, 543, 559, 597, 605, 759, 987-988

Subcommittee assignments—60, 70, 71, 91, 92, 144, 157, 214, 236, 245, 269, 307, 355, 369, 383, 409, 410, 422, 454, 510, 511, 539, 758, 868

TYRRELL, PHIL—Representative Benton-Iowa Counties

Amendments filed—759, 823, 1298

Amendment offered—864

Amendment withdrawn—861

Bills introduced—79, 86, 95, 139, 147, 157, 220, 221, 222, 223, 226, 241, 265, 298, 299, 344, 351, 378, 415, 458, 459, 565

Committee appointments—14, 20, 21, 963

Elected Temporary Speaker—1

Presided at sessions of the House—1

Reports—37-39, 70, 243, 1295

Resolutions offered—71, 1399-1400

Subcommittee assignments—84, 144, 383, 410, 422, 492, 525, 554, 986

UNFINISHED BUSINESS CALENDAR—

377, 880, 887, 1004-1005, 1144-1145

VAN FOSSEN, JAMES—Representative Scott County

Amendments filed—824, 870, 1090, 1298, 1424, 1459, 1562, 1584, 1680

Amendments offered—1040, 1047, 1584

Amendments withdrawn—1562

Bills introduced—50, 63, 79, 85, 88, 139, 148, 163, 219, 220, 221, 222, 226, 242, 283, 297, 298, 310, 378, 429, 458, 479, 532, 544, 601

Committee appointments—2, 19, 20, 21

Presided at sessions of the House—1115, 1471, 1476

Report—2-4

Resolutions offered—71, 138, 224, 1399-1400

Subcommittee assignments—135, 136, 144, 152, 244, 260, 276, 291, 390, 474, 492, 493, 510, 672, 868, 986, 1007, 1399, 1457

- VAN MAANEN, HAROLD G.**—Representative Mahaska-Marion Counties,
Speaker Pro Tempore
Amendments filed—824, 1458-1459
Announcement of appointments (acting Speaker)—83
Appointed to the Legislative Council—226
Bills introduced—17, 18, 19, 50, 79, 139, 164, 220, 221, 222, 226, 298, 310, 344, 387,
530
Bills passed on file (acting Speaker)—755
Bills rereferred to committees (acting Speaker)—63, 142, 164, 165, 473, 588, 755,
820, 1396
Committee appointments—19, 20, 21, 704, 705, 1780
Election of—10
Leave of absence—414, 1511
Memorial committees appointed (acting Speaker)—467, 468, 703, 704, 705, 706
Presentation of visitors (acting Speaker)—142, 353, 509, 525, 590, 756, 821, 1139,
1398, 1517-1518
Presented to the House Jeanna Redman, Queen of the 1997 Pella Tulip Festi-
val—1092
Presided at sessions of the House—49, 62, 83, 142, 163, 226, 230, 231, 248, 285,
303, 313, 314, 342, 350, 360, 366, 392, 393, 465, 477, 487, 499, 503, 515, 521, 579,
607, 632, 645, 652, 668, 702, 712, 748, 764, 781, 816, 885, 903, 919, 929, 960, 961,
968, 993, 1037, 1065, 1092, 1126, 1168, 1179, 1190, 1199, 1219, 1272, 1300, 1301,
1315, 1323, 1386, 1422, 1491, 1605, 1609, 1638, 1744
Resolutions offered—71, 1399-1400
Rulings made (acting Speaker)—711, 784, 1066, 1201, 1305
Special presentation to House pages—466
Subcommittee assignments—236, 291, 307, 355, 356, 383, 410, 510, 525, 526, 572,
822
- VANDE HOEF, RICHARD**—Representative Lyon-O'Brien-Osceola-Sioux
Counties
Amendments filed—281, 631, 648-649, 674, 759, 958, 1189, 1385, 1558-1559,
1747, 1769
Amendments offered—287, 647, 648, 683, 1013, 1257, 1385
Amendment withdrawn—1257
Bills introduced—18, 50, 63, 79, 139, 157, 220, 221, 222, 223, 226, 298, 310, 361,
389, 401, 458, 544, 599
Committee appointments—20, 21, 548
Explanation of vote—899, 1254
Petition presented—499
Presided at sessions of the House—1311
Resolutions offered—71, 371, 469, 673, 988, 1399-1400
Subcommittee assignments—60, 61, 91, 92, 151, 269, 355, 454, 510, 758, 822, 1007
- VEENSTRA, KEN**—Representative Sioux County
Amendments filed—701, 918, 1458-1459, 1520
Amendment withdrawn—1562
Announcements (acting Speaker)—1429
Bills introduced—50, 79, 140, 220, 221, 222, 298, 299, 310, 387, 504
Committee appointments—20
Presided at sessions of the House—689, 1195, 1267, 1428, 1526, 1702
Resolutions offered—71, 1399-1400

Rulings made (acting Speaker)—1428, 1429, 1740

Subcommittee assignments—77, 92, 136, 144, 152, 235, 245, 277, 355, 356, 369, 396, 410, 492, 493, 554, 730, 957, 986

VISITORS—

Presentation of—42-43, 142, 301, 353, 382, 421, 490, 509, 525, 553, 572, 590, 670-671, 698, 728-729, 756, 821, 867, 900, 985-986, 1005-1006, 1086-1087, 1139, 1187, 1214, 1254-1255, 1297, 1342-1343, 1398, 1456, 1517-1518, 1593, 1676, 1768

VOTES—

Non-record—134, 257, 417, 623, 626, 665, 666, 695, 709, 751, 769, 840, 850, 855, 880, 881, 894, 929, 935, 940, 948, 1024, 1047, 1054, 1060, 1066, 1067, 1084, 1112, 1113, 1128, 1174, 1183, 1227, 1232, 1252, 1284, 1286, 1316, 1317, 1318, 1321, 1323, 1329, 1330, 1351, 1374, 1419, 1428, 1450, 1472, 1479, 1489, 1490, 1499, 1509, 1557, 1563, 1568, 1584, 1608, 1610, 1645, 1704, 1757

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Quorum call—148, 231, 285, 314, 351, 366, 378, 393, 404, 483, 505, 691, 717, 734, 781, 837, 839, 921, 924, 996, 998, 1102, 1197, 1272, 1315, 1480, 1543, 1638, 1742

Vote recorded—1473

WARNSTADT, STEVE—Representative Woodbury County

Amendments filed—94, 399, 475-476, 578, 598, 606, 623-624, 674, 700, 701, 824, 870, 871, 1090, 1333, 1337, 1379-1380, 1497-1499, 1520, 1521, 1558, 1642

Amendments offered—442, 623, 723, 726, 754, 896, 1333, 1337, 1586, 1642

Bills introduced—74, 79, 141, 219, 221, 230, 264, 311, 360, 387, 401, 402, 501, 516, 531, 564, 599

Committee appointments—19, 20, 468, 1543

Report—1744-1745

Resolutions offered—426, 529, 1399-1400

Subcommittee assignments—144, 158, 291, 355, 493, 526

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—598, 1344, 1680

Amendments offered—1476, 1530, 1703

Appointed—21

Bills introduced—220, 283, 343, 374, 389, 414, 415, 430, 523, 524, 872, 1041, 1143, 1185, 1198, 1212, 1250, 1325, 1596, 1648

Recommendations—217, 280, 309, 358, 371, 385, 413, 456, 497-498, 577, 597-598, 870, 1029, 1140, 1216, 1344, 1458, 1594, 1679-1680,

Resolution offered—1089

Subcommittee assignments—83, 84, 91, 92, 136, 141, 152, 153, 259, 260, 277, 291, 355, 356, 573, 671, 672, 729, 730, 822, 1007, 1215, 1399, 1457, 1679

WEIDMAN, DICK—Representative Cass-Montgomery-Pottawattamie Counties

Amendments filed—701, 988, 1089, 1189, 1256
 Amendment offered—1305
 Amendment withdrawn—1305
 Bills introduced—50, 79, 85, 86, 139, 157, 220, 221, 222, 223, 226, 230, 298, 344, 458
 Committee appointments—21, 705, 963
 Petitions presented—85, 400, 414, 418, 478, 561, 919
 Resolutions offered—71, 1399-1400
 Subcommittee assignments—70, 83, 136, 152, 157, 236, 355, 356, 369, 410, 422, 454, 492, 510, 572, 573, 758, 822, 868

WEIGEL, KEITH—Representative Chickasaw-Howard-Winneshiek Counties
 Amendments filed—419-420, 475-476, 630, 631, 701, 731, 760, 823, 824, 871, 874, 959, 988, 1029, 1089, 1090, 1129, 1141, 1256, 1298, 1299, 1322-1323, 1323, 1379-1380, 1386, 1400, 1428, 1429, 1502, 1505-1506, 1585, 1623, 1624-1625, 1625, 1644
 Amendments offered—419, 659, 664, 722, 1046, 1054, 1129, 1316, 1317, 1322, 1386, 1428, 1429, 1431, 1432, 1434, 1502, 1505, 1511, 1623, 1624, 1625, 1644
 Amendments withdrawn—666, 1316, 1323, 1429, 1505, 1585, 1625
 Bills introduced—62, 74, 79, 221, 231, 344, 388, 402, 403, 523, 532
 Committee appointments—19, 20, 21, 705
 Leave of absence—297, 848
 Resolutions offered—71, 529, 598, 1399
 Subcommittee assignments—83, 84, 135, 136, 236, 259, 260, 291, 356, 410, 492, 672, 730, 822, 868

WELTER, JERRY J.—Representative Jones-Linn Counties
 Amendments filed—543, 674, 760, 824, 871, 918, 1029, 1298
 Amendments offered—551, 876, 1096, 1303
 Amendment withdrawn—1099
 Bills introduced—49, 50, 63, 74, 79, 85, 95, 139, 157, 163, 220, 221, 222, 223, 226, 298, 299, 344, 350, 387, 400, 458, 561
 Committee appointments—19, 21, 467
 Resolutions offered—467, 673, 988, 1399
 Subcommittee assignments—214, 245, 269, 422, 492, 492, 510, 511, 539, 555, 573, 758, 868

WHITEAD, WESLEY—Representative Woodbury County
 Amendments filed—385, 475-476, 598, 700, 870, 871, 1090, 1333, 1379-1380, 1520, 1680
 Bills introduced—79, 219, 221, 230, 299, 342, 344, 350, 360, 373, 378, 402, 403, 461, 501
 Committee appointments—20, 21
 Resolutions offered—224-225, 340, 426, 529, 1399-1400
 Subcommittee assignments—244, 269, 307, 492, 493, 510, 511, 526, 553, 572

WISE, PHILIP—Representative Henry-Lee Counties
 Amendments filed—399, 406, 475, 475-476, 631, 674, 701, 871, 893, 894, 1029, 1089, 1090, 1141, 1217, 1379-1380, 1382-1384, 1425, 1497-1499, 1520
 Amendments offered—405, 406, 893, 894, 1123, 1179, 1229, 1382, 1497, 1574, 1577
 Amendments withdrawn—406, 1230

Bills introduced—74, 79, 221, 222, 230, 241, 248, 284, 299, 303, 401, 402, 461, 500, 521, 524, 601

Committee appointments—19, 20

Leave of absence—314

Petitions presented—230, 264, 272, 427, 579

Resolutions offered—224, 529, 598, 1399-1400

Subcommittee assignments—78, 136, 144, 214, 236, 277, 291, 369, 390, 396, 410, 493, 525, 539, 671, 672, 868

WITT, WILLIAM G.—Representative Black Hawk County

Amendments filed—385, 475, 701, 759-760, 825, 870, 1081-1084, 1090, 1379-1380, 1424, 1493-1495, 1521

Amendments offered—961, 1424, 1493

Bills introduced—79, 221, 222, 226, 231, 342, 344, 350, 373, 401, 403, 416, 429, 461, 533, 563, 580

Committee appointments—20

Resolutions offered—71, 340, 426, 529, 988, 1399-1400

Subcommittee assignments—260, 307, 383, 454, 492